

# ATTACHMENT 9



January 24, 2014

**Ms. Elaine Hinsch**  
**Department of Energy & Environmental Protection**  
**79 Elm Street**  
**Hartford, Connecticut 06106-5127**  
**Elaine.hinsch@ct.gov**

**APT Project No.: CT1931081**

**Re: NDDB #2013303516**  
**AT&T Monroe Facility**  
**30 Cobblers Hill Court**  
**Monroe, Connecticut**

Dear Ms. Hinsch,

All-Points Technology Corporation, P.C. ("APT") is pleased to respond to your letter of September 11, 2013 (enclosed) regarding Natural Diversity Data Base ("NDDB") records indicating the following extant populations of eastern box turtle (*Terrapene carolina Carolina*) within the vicinity of the referenced proposed AT&T site.

The enclosed protective measures, which will be incorporated into the construction drawings (Development and Management Plans) should the project receive approval by the Connecticut Siting Council, would avoid unintentional mortality to eastern box turtle as a result of proposed construction activities for the AT&T facility. The proposed eastern box turtle protection program, which follows recommendations contained in your September 11<sup>th</sup> letter, consists of several components: isolation of the project perimeter; periodic inspection and maintenance of isolation structures; turtle sweeps; education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; and, reporting. An example of the poster material that would be posted at the construction site as part of the contractor education component is also enclosed. With adherence to this eastern box turtle protection program, the proposed development at this property would not have an adverse effect on this state-listed species.

#### **Eastern Box Turtle Observation**

No eastern box turtle were observed on June 22, 2013 and July 3, 2013 during APT's delineation of wetland resource areas on the subject property. On September 10, 2013, a public balloon float was performed by APT from 1 pm to 7 pm for the purposes of a public meeting. During that balloon float, APT's Environmental Scientist Phil Rydel identified as an eastern box turtle on the subject property<sup>1</sup>. The turtle was found on the subject property in an old field habitat at the edge of an open quarry area that forms a transition into mature forest habitat. Mr. Rydel did not handle the turtle and only one photo of the top of the carapace was taken. As a result, the sex and condition of the turtle was not determined. The turtle was observed to be moving from the open quarry heading northwest into the forest habitat. A NDDB Special Animal Survey Form, a map depicting the observed location and a photograph are enclosed documenting observation of eastern box turtle.

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<sup>1</sup> Dean Gustafson confirmed the turtle species on September 11, 2013 with review of a photograph taken by Phil Rydel

It is our continuing pleasure to work with you regarding the protection of Connecticut's rare species. We thank you for your time and look forward to your response. Please feel free to contact me by telephone at (860) 984-9515 or via email [dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com) with any questions or if additional information is required.

Sincerely,

A handwritten signature in blue ink that reads "Dean Gustafson". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Dean Gustafson  
Senior Environmental Scientist

Enclosures

# September 11, 2013 NDDB Letter

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Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

Bureau of Natural Resources  
Wildlife Division  
Natural History Survey – Natural Diversity Data Base

September 11, 2013

Mr. Dean Gustafson  
All-Points Technology Corporation, P.C. (APT)  
3 Saddlebrook Drive  
Killingworth, CT 06419  
dgustafson@allpointstech.com

Regarding: AT&T Monroe – Site No. S1200 – 30 Cobblers Hill Court, Monroe -  
telecommunications tower – New Cingular Wireless  
Natural Diversity Data Base 201303516

Dear Mr. Gustafson:

In response to your request for a Natural Diversity Data Base (NDDDB) Review of State Listed Species for AT&T Monroe – Site No. S1200, our records for this site indicate the following extant populations of species within the vicinity of the site:

**Eastern box turtle** (*Terrapene carolina Carolina*) Protection Status: Species of Special Concern

Eastern box turtles require old field and deciduous forest habitats, which can include power lines and logged woodlands. They are often found near small streams and ponds. The adults are completely terrestrial but the young may be semiaquatic, and hibernate on land by digging down in the soil from October to April. They have an extremely small home range and can usually be found in the same area year after year. Eastern box turtles have been negatively impacted by the loss of suitable habitat. Some turtles may be killed directly by construction activities, but many more are lost when important habitat areas for shelter, feeding, hibernation, or nesting are destroyed. As remaining habitat is fragmented into smaller pieces, turtle populations can become small and isolated.

**Recommendation:** Precautions should be taken to protect Eastern box turtles. The following guidelines should be met:

- ✚ Silt fencing should be installed around the work area prior to activity;
- ✚ After silt fencing is installed and prior to work being conducted, a sweep of the work area should be conducted to look for turtles;
- ✚ Workers should be apprised of the possible presence of turtles, and provided a description of the species  
([http://www.ct.gov/dep/cwp/view.asp?a=2723&q=473472&depNav\\_GID=1655](http://www.ct.gov/dep/cwp/view.asp?a=2723&q=473472&depNav_GID=1655));

- ✚ Any turtles that are discovered should be moved, unharmed, to an area immediately outside of the fenced area, and position in the same direction that it was walking;
- ✚ Work conducted during early morning and evening hours should occur with special care not to harm basking or foraging individuals; and
- ✚ All silt fencing should be removed after work is completed and soils are stable so that reptile and amphibian movement between uplands and wetlands is not restricted.

The Natural Diversity Data Base includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substituted for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available. If the project is not implemented within 12 months, then another Natural Diversity Data Base review should be requested for up-to-date information.

Please be advised a more detailed review may be conducted as part of any subsequent environmental permit applications submitted to the Department of Energy and Environmental Protection for the proposed site. Should state involvement occur in some other manner, specific restrictions or conditions relating to the species discussed above may apply.

Thank you for consulting the Natural Diversity Data Base. If you have further questions, I can be reached by email at [Elaine.hinsch@ct.gov](mailto:Elaine.hinsch@ct.gov) or by phone at (860) 424-3011.

Sincerely,

/s/

Elaine Hinsch  
Program Specialist II  
Wildlife Division

cc: DEEP Office of Planning and Program Development

# Eastern Box Turtle Protection Plan

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## ENVIRONMENTAL NOTES

### Eastern Box Turtle Protection Program

Eastern Box Turtle, a State Special Concern species afforded protection under the Connecticut Endangered Species Act, is known to occur on or within the vicinity of the site. The following protective measures shall be followed to help avoid unintentional mortality to Eastern Box Turtle as a result of construction activities for the site improvements proposed. These protective measures satisfy recommendations from the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division as specified in a September 11, 2013 letter. This protection plan is valid until September 11, 2014, at which point if construction has not been initiated, a new Natural Diversity Data Base review request from CTDEEP is required.

It is of the utmost importance that the Contractor complies with the requirement for the installation of protective measures and the education of its employees and subcontractors performing work on the project site if work will occur during the Eastern Box Turtle's active period (April 1 to November 15). All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that Eastern Box Turtle protection measures are implemented properly and will provide an education session on Eastern Box Turtle prior to the start of construction activities. The Contractor shall contact Dean Gustafson, Senior Environmental Scientist at APT, at least 5 business days prior to the pre-construction meeting. Mr. Gustafson can be reached by phone at (860) 984-9515 or via email at dgustafson@allpointstech.com.

The proposed Eastern Box Turtle species protection program consists of several components: isolation of the project perimeter; periodic inspection and maintenance of isolation structures; education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; and, reporting.

#### 1. Isolation Measures

- a. Plastic netting used in a variety of erosion control products (i.e., erosion control blankets, fiber rolls [wattles], reinforced silt fence) has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. No permanent erosion control products or reinforced silt fence will be used on the project. Temporary Erosion control products will use either erosion control blankets and fiber rolls composed of processed fibers mechanically bound together to form a continuous matrix (net less) or netting composed of planar woven natural biodegradable fiber to avoid/minimize wildlife entanglement.
- b. Installation of conventional silt fencing, which will also serve as an isolation of the work zone from surrounding areas and required for erosion control compliance, shall be performed by the Contractor prior to any earthwork. APT will inspect the work zone area prior to and following barrier installation to ensure the area is free of Eastern Box Turtles prior to start of construction activities.
- c. The fencing will consist of conventional erosion control woven fabric, installed approximately six inches below surface grade and staked at seven to ten-foot intervals using four-foot oak stakes or approved equivalent. In addition to required daily inspection by the Contractor, the fencing will be



inspected for tears or breaches in the fabric following installation and at either on a weekly or biweekly inspection frequency by APT. If inspections are performed on a biweekly basis, such inspections will also include inspections following storm events of 0.25 inch or greater. Inspections will be conducted by APT throughout the course of the construction project.

- d. Biweekly inspection reports (brief narrative and applicable photos) will be submitted to the Connecticut Siting Council for compliance verification. Any observations of Eastern Box Turtle will be reported to CTDEEP Wildlife Division.
- e. The extent of the barrier fencing will be as shown on the site plans. The Contractor shall have additional barrier fencing should field conditions warrant extending the fencing as directed by APT.
- f. No equipment, vehicles or construction materials shall be stored outside of barrier fencing.
- g. All silt fencing shall be removed within 30 days of completion of work and permanent stabilization of site soils so that reptile and amphibian movement between uplands and wetlands is not restricted.

## **2. Contractor Education:**

- a. Prior to work on site, the Contractor shall attend an educational session at the pre-construction meeting with APT. This orientation and educational session will consist of an introductory meeting with APT providing photos of Eastern Box Turtles and emphasizing the non-aggressive nature of Eastern Box Turtles, the absence of need to destroy animals that might be encountered and the need to follow Protective Measures as described in Section 3 below. Workers will also be provided information regarding the identification of other turtle species that could be encountered.
- b. The education session will also focus on means to discriminate between the species of concern and other native species to avoid unnecessary "false alarms". Encounters with any species of turtles will be documented.
- c. The Contractor will be provided with cell phone and email contacts for APT personnel to immediately report any encounters with Eastern Box Turtle or other turtle species. Educational poster materials will be provided by APT and displayed on the job site to maintain worker awareness as the project progresses.

## **3. Protective Measures**

- a. Prior to the start of construction each day, the Contractor shall search the entire work area for Eastern Box Turtle.
- b. If a turtle is found, it shall be immediately moved, unharmed, by carefully grasped in both hands, one on each side of the shell, between the turtle's forelimbs and the hind limbs, and placed just outside of the isolation

barrier in the approximate direction it was walking.

- c. Special care shall be taken by the Contractor during early morning and evening hours so that possible basking or foraging turtles are not harmed by construction activities.

#### **4. Reporting**

- a. Following completion of the construction project, APT will provide a summary report to CTDEEP documenting the monitoring and maintenance of the barrier fence.
- b. Any observations of Eastern Box Turtle will be reported to CTDEEP by APT, with photo-documentation (if possible) and with specific information on the location and disposition of the animal.

The Eastern Box Turtle protection program detailed above will adequately protect this Special Concern species in the event that this species is encountered in the project area during construction activities. With adherence to these protective measures, New Cingular Wireless PCS, LLC ("AT&T") proposed development at this property will not have an adverse effect on Eastern Box Turtle.

# Eastern Box Turtle Poster

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# CAUTION

## EASTERN BOX TURTLES ARE KNOWN TO INHABIT THIS AREA



**Identification:** Eastern Box Turtles (*Terrapene c. carolina*) are small, terrestrial turtles ranging from 4.5 to 6.6 inches in length. The shell (carapace) is readily distinguished by its high domed shaped. The color of the shell is brown or black with numerous irregular yellow, orange or reddish markings. The belly (plastron) typically has a light and dark variable pattern, but may be completely tan, brown or black. The head, neck and legs also vary in color but are generally dark with orange or yellow mottling. Box turtles are terrestrial and inhabit many types of habitats including deciduous forests, brushy fields, thickets, streams, ponds and wetlands.

**What to do if you find a box turtle:** Box turtles are protected by Connecticut's threatened and endangered species legislation and **cannot** be injured, killed, or retained as a pet. If you find a box turtle move the turtle to a safe location away from any construction activity in the direction that the turtle was heading. Carefully pick up the turtle by its shell (carapace) between the front and hind legs with both hands. Be sure to hold the turtle closer to their hind legs as they may reach over and bite if your hands are too close to the head. The turtle may hiss and should retract into its shell.

**Who to contact:** Please report any finds and relocation of Eastern Box Turtle immediately to **Dean Gustafson of All-Points Technology Corporation, P.C. at (860) 984-9515.**

# Eastern Box Turtle Special Animal Survey Form

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- ❖ CTDEEP NDDB Form
- ❖ Eastern Box Turtle Observation Map
- ❖ Photograph



# Connecticut Department of Environmental Protection

## Natural Diversity Database

### *Special Animal Survey Form*

This form is to be used to report a personal field sighting of an *Endangered*, *Threatened*, or *Special Concern* animal species tracked by the CT Natural Diversity Database ([www.ct.gov/dep/endoringspecies](http://www.ct.gov/dep/endoringspecies)). Please provide a USGS topographic map of the site and a photograph of the animal, if possible, with this form. Only verifiable reports will be added to the database. For migratory species, breeding locations or concentration area records are preferred.

<b>Species Name :</b>	Eastern Box Turtle ( <i>Terrapene carolina carolina</i> )		
Date of Observation	(month/day/year): 09/10/13	Time of Observation:	1145
Name of Observer (s):	Phil Rydel reported observation to Dean Gustafson for confirmation of species		
Affiliation:	All-Points Technology Corp., P.C.		
Address:	3 Saddlebrook Drive, Killingworth, CT 06419		
Telephone:	(860) 984-9515	E-mail	dgustafson@allpointstech.com

**Location Information:** Please attach a photocopy of the appropriate topographic map showing the precise area where the species was observed and draw a detailed sketch of the site in the space provided below. The purpose of the sketch is to show fine details of the site not shown on the topographical map. Attach an additional sheet of paper if necessary.

Town:	Monroe		
Locality Name:	30 Cobblers Hill Court	Approx. Acres of Potential Habitat:	>250
Is the full extent of the population known?	No	Explain:	observation was recorded while performing visibility analysis for proposed tower

**Directions to Site:** Include parking options and best site access points.  
203 Turkey Roost Road, drive into entrance of quarry; need to request access from property owner to enter quarry

Coordinates (Optional)	WGS84, Decimal Degrees		
Lat: N	41°21'19.10"	Long: W	73°13'12.29"
Source of Coords (GPS or other map source):	Google Earth		
Estimated Accuracy:	+/- 30 feet		

**Property Ownership:** If known, please provide landowner name, address, and phone number.  
Quarry Ridge Assoc., LLC, David Bienashski, 203 Turkey Roost Road, Monroe, CT 06468; (203) 556-1976

Detailed Site Sketch:

**Population Information:**

Number of Individuals Observed/Estimated: 1

Nature of Observation:

<input checked="" type="checkbox"/> Sight	<input type="checkbox"/> Capture*/ Release	<input type="checkbox"/> Dead
<input type="checkbox"/> Specimen Collected+	Repository:	
<input checked="" type="checkbox"/> Photograph Taken	<input type="checkbox"/> Other (Specify)	

\*Method of Capture (net, pit-fall trap, hand collected, dip net/seine, trap, etc.): \_\_\_\_\_

+DEP Scientific Collection Permit is needed for capture, marking, salvage, release or disturbance of animals.

Biology/Behavior:

Evidence of Reproduction: none

Feeding none

Other Behavior moving from open quarry to forest

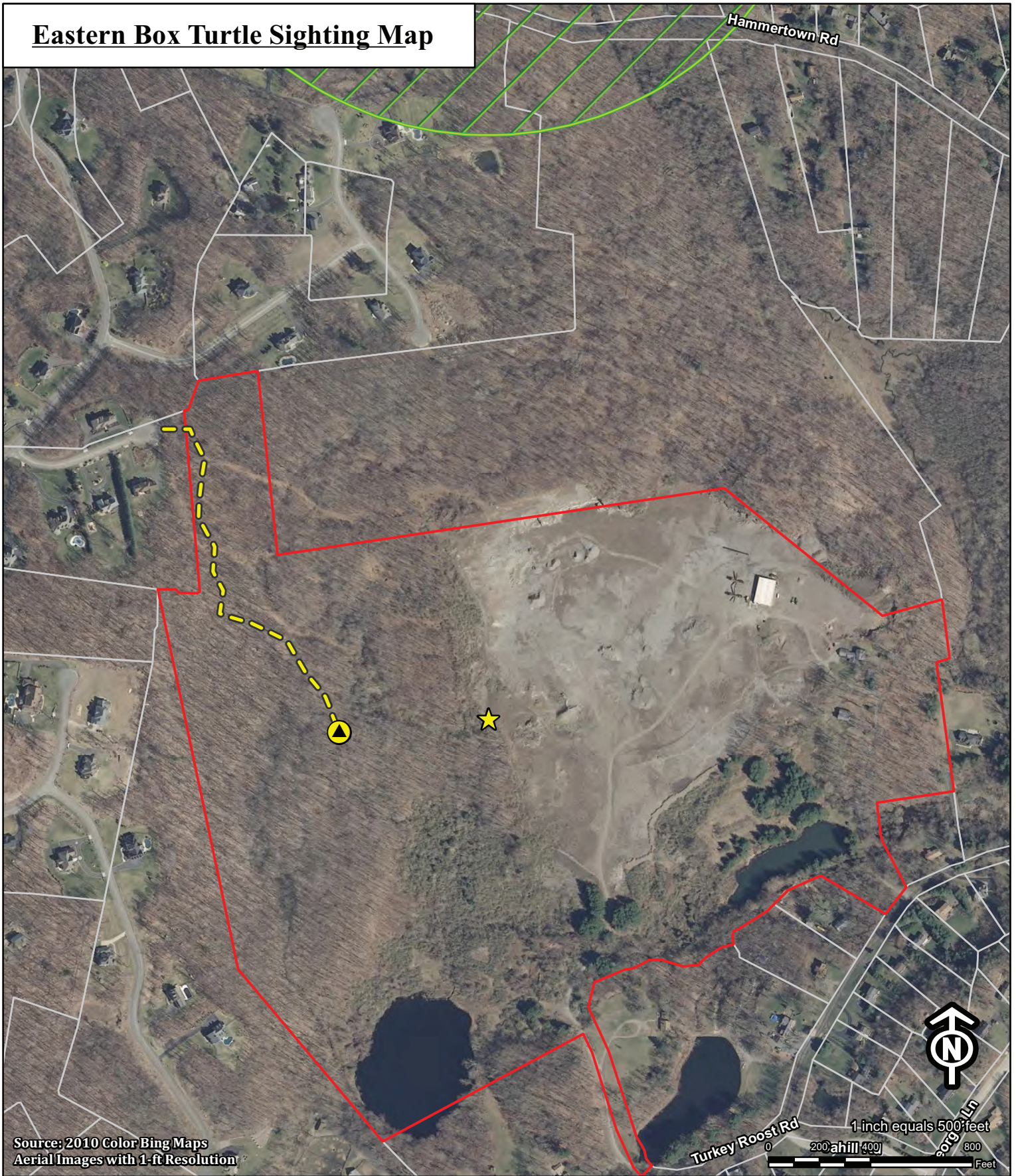
<b>Habitat/Site Description:</b> (topography, plant communities, associated species, current land use)
upland old field habitat transition between quarry with steep cut and upland forest with moderate slope
<b>Disturbance and Threats:</b> (describe any potential threats to the population or habitat)
individual found traveling from the open quarry, however, quarry activity appears limited
<b>Conservation/Management Needs:</b>

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**Please send the completed form to: CT Department of Environmental Protection, Natural Diversity Database-Wildlife Division, 79 Elm Street, 6<sup>th</sup> Floor, Hartford, CT 06106.**

# Eastern Box Turtle Sighting Map



Source: 2010 Color Bing Maps  
Aerial Images with 1-ft Resolution

- Legend**
- Proposed Tower Location
  - Eastern Box Turtle Sighting Location
  - Proposed Access Route
  - Subject Property
  - Natural Diversity Database Area (updated 12/13)
  - CT Parcel

**Proposed AT&T Telecommunications Tower**  
**30 Cobblers Hill Court**  
**Monroe, Connecticut**

**Thursday, January 23, 2014**







Photo 1: View of eastern box turtle.