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June 20, 2017

BY EMAIL & OVERNIGHT DELIVERY

Chairman Robert Stein and
Members of the Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Development and Management Plan ("D&M Plan")
Connecticut Siting Council Docket No. 463A
2 Arbor Crossing, East Lyme, Connecticut

Dear Chairman Stein and Members of the Connecticut Siting Council:

As per correspondence with staff our office followed up with AT&T's consultants regarding the Council's Decision and Order number 2 for the captioned Certificate decision. Please note that while no tree clearing restrictions were imposed for the *federal* species of concern, the Department of Energy and Environmental Protection ("DEEP") did recommend that tree cutting and other land-clearing activities be conducted only between November 1 and March 30 which is the hibernation period of *Lasiurus borealis* (red bat) a *state* species of concern. Specifically, DEEP recommended this tree cutting restriction to ensure that bats are safely situated in their hibernacula. AT&T will abide by this restriction as part of its construction activities as per Mr. Libertine's testimony in the Docket. *See*, 11-1-17 Evidentiary Hearing Tr., p. 29 (stating that AT&T "would have to adhere to a similar restriction for tree clearing in terms of a seasonal restriction.") *See also*, original recommendation letter from DEEP.

Further, please also note that hours of construction are anticipated to be between 7:00 a.m. and 6:00 p.m. Monday through Friday.

Thank you for your consideration of the enclosed.

Very truly yours,


Daniel M. Laub

cc: Attached Service List
AT&T
American Tower Corporation
Dan Bilezikian, SAI
Christopher B. Fisher, Esq.



CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and 15 copies of the foregoing was sent electronically and by overnight delivery to the Connecticut Siting Council with copy to:

Owner Representatives

Robert Ziegler, Esq.
58 East Main Street
Plainville, Connecticut 06062

Orchards at East Lyme Inc.
P.O. Box 55071
Boston MA 02205-5071

Docket Service List

The Town of East Lyme
First Selectman Mark C. Nickerson
P.O. Box 519
108 Pennsylvania Avenue
Niantic, Connecticut 06357

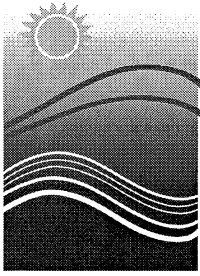
Tracy M. Collins, Esq.
Waller, Smith & Palmer, P.C.
52 Eugene O'Neill Drive
New London, CT 06320

BHSO Community Conservancy
Craig Tooker
342 Boston Post Road
East Lyme, CT 06333

Dated: June 20, 2017

A handwritten signature in black ink, appearing to read 'Daniel M. Laub', is written over a horizontal line. The signature is fluid and cursive.

Daniel M. Laub, Esq.



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

July 26, 2016

Mr. Dean Gustafson
All-Points Technology Corporation, P.C.
30 Bogg Lane
Lebanon, CT 06249
dgustafson@allpointstech.com

Project: New Telecommunications Facility, East Lyme Relo. -The Orchards (Candidate X) at 2 Arbor Crossing in East Lyme, Connecticut
NDDDB Determination No.: 201608676

Dear Dean,

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided for the proposed New Telecommunications Facility, East Lyme Relo. -The Orchards (Candidate X) at 2 Arbor Crossing in East Lyme, Connecticut. According to our information there are State Special Concern *Lasiurus borealis* (red bat) known from this area of East Lyme.

Given the known concentrated seasonal use of this area by bats, we recommend that tree cutting and other land-clearing activities be conducted during the hibernation period of these animals. Tree cutting should be conducted from November 1 through March 30 to ensure that bats are safely situated in their hibernacula. Retaining larger diameter trees (12-inch DBH and larger) wherever possible on-site, may additionally minimize the potential for negative impacts to bats. Trees with loose, rough bark such as maples, hickories, and oaks are more desirable than other tree species due to the increased cover that the loose bark provides. Large trees with cavities are also utilized by different bat species. I also recommend the placement of bat houses if possible to mitigate for tree loss. If these protection strategies are followed then the proposed activities will lessen the impact on the bats. This determination is good for two years. Please re-submit an NDDDB Request for Review if the scope of work changes or if work has not begun on this project by July 26, 2018.

Natural Diversity Data Base information 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 substitutes 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.

Please contact me if you have further questions at (860) 424-3592, or dawn.mckay@ct.gov. Thank you for consulting the Natural Diversity Data Base. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Sincerely,

Dawn M. McKay
Environmental Analyst 3