

May 1, 2017

*Via Electronic Mail*

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: **Docket No. 471 – Application of Cellco Partnership d/b/a Verizon Wireless for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a Wireless Telecommunications Facility Located at 208 Kirk Road, Hamden, Connecticut**

Dear Ms. Bachman:

In advance of the evidentiary hearing tomorrow, I wanted to submit electronic copies of two new exhibits that Cellco Partnership d/b/a Verizon Wireless (“Cellco”) will seek to have admitted into the record in Docket No. 471.

First, Dean Gustafson with All-Points Technology Corporation has received the attached April 27, 2017 response letter from the Connecticut Department of Energy and Environmental Protection, Natural Diversity Data Base regarding species that may occur on the subject site. Second, in response to some of the concerns raised by Patricia Sorrentino, Cellco’s project engineers have investigated an alternative means of access from Country Club Road to the proposed cell site. This alternative would allow Cellco to retain the significant existing vegetated buffer between the cell site and the properties immediately to the south of the subject parcel. Cellco’s witnesses will be prepared to discuss both of these alternatives at the evidentiary hearing tomorrow.

# Robinson+Cole

Melanie A. Bachman, Esq.  
May 1, 2017  
Page 2

Please feel free to contact me if you have any questions. Thank you in advance for your assistance and cooperation.

Sincerely,



Kenneth C. Baldwin

KCB/kmd  
Enclosure  
Copy to:

Parties and Intervenors of Record



Connecticut Department of

**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

April 27, 2017

Dean Gustafson  
All-Points Technology Corporation  
30 Bogg Lane  
Lebanon, CT 06249  
[dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com)

Project: New Wireless Telecommunications Facility, "HAMDEN 8 CT", 208 Kirk Road in Hamden, Connecticut  
NDDB Determination No.: 201703459

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 Wireless Telecommunications Facility, "HAMDEN 8 CT" Located at 208 Kirk Road in Hamden, Connecticut. According to our records we have known extant populations of State Special Concern *Terrapene carolina* (eastern box turtle) in the vicinity of the project site.

**Eastern Box Turtle:** Eastern box turtles inhabit old fields and deciduous forests, 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. Reducing the frequency that motorized vehicles enter box turtle habitat would be beneficial in minimizing direct mortality of adults.

**Recommended Protection Strategies for Turtles:**

Work should occur when these turtles are active (April 1st to September 30<sup>th</sup>). Conducting land clearing while the turtle is active will allow the animal to move out of harm's way and minimize mortality to hibernating individuals. I recommend the additional following protection strategies in order to protect these turtles:

- Hiring a qualified herpetologist to be on site to ensure these protection guidelines remain in effect and prevent turtles from being run over when moving heavy equipment. This is especially important in the month of June when turtles are selecting nesting sites.
- Exclusionary practices will be required to prevent any turtle access into construction areas. These measures will need to be installed at the limits of disturbance.
- Exclusionary fencing must be at least 20 in tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through. Do not use plastic or netted silt-fence.

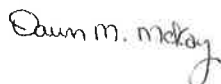
- All staging and storage areas, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed to remove individuals and exclude them from re-entry.
- All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species, and instructed to relocate turtles found inside work areas or notify the appropriate authorities to relocate individuals.
- Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and fencing should be inspected to identify and remove access point.
- In areas where silt fence is used for exclusion, it shall be removed as soon as the area is stable to allow for reptile and amphibian passage to resume.
- No heavy machinery or vehicles may be parked in any turtle habitat.
- Special precautions must be taken to avoid degradation of wetland habitats including any wet meadows and seasonal pools.
- The Contractor and consulting herpetologist must search the work area each morning prior to any work being done.
- Avoid and limit any equipment use within 50 feet of streams and brooks.
- Any confirmed sightings of box, wood or spotted turtles should be reported and documented with the NDDDB ([nddbrequestdep@ct.gov](mailto:nddbrequestdep@ct.gov)) on the appropriate special animal form found at ([http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&depNav\\_GID=1641](http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&depNav_GID=1641))

If these protection strategies are followed then the proposed activities will lessen the impact on these two state-listed species. 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 April 27, 2019.

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](mailto: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

# WILDLIFE IN CONNECTICUT

## STATE SPECIES OF SPECIAL CONCERN

### Eastern Box Turtle

*Terrapene carolina carolina*

#### Description

The eastern box turtle is probably the most familiar of the 8 species of turtles found in Connecticut's landscape. It is known for its high-domed carapace (top shell). The carapace has irregular yellow or orange blotches on a brown to black background that mimic sunlight dappling on the forest floor. The plastron (under shell) may be brown or black and may have an irregular pattern of cream or yellow. The length of the carapace usually ranges from 4.5 to 6.5 inches, but can measure up to 8 inches long. The shell is made up of a combination of scales and bones, and it includes the ribs and much of the backbone.

Each individual turtle has distinctive head markings. Males usually have red eyes and a concave plastron, while females have brown eyes and a flat plastron. Box turtles also have a horny beak, stout limbs, and feet that are webbed at the base. This turtle gets its name from its ability to completely withdraw into its shell, closing itself in with a hinged plastron. Box turtles are the only Connecticut turtle with this ability.

#### Range

Eastern box turtles are found throughout Connecticut, except at the highest elevations. They range from southeastern Maine to southeastern New York, west to central Illinois, and south to northern Florida.

#### Habitat and Diet

In Connecticut, this terrestrial turtle inhabits a variety of habitats, including woodlands, field edges, thickets, marshes, bogs, and stream banks. Typically, however, box turtles are found in well-drained forest bottomlands and open deciduous forests. They will use wetland areas at various times during the season. During the hottest part of a summer day, they will wander to find springs and seepages where they can burrow into the moist soil. Activity is restricted to mornings and evenings during summer, with little to no nighttime activity, except for egg-



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laying females. Box turtles have a limited home range where they spend their entire life, ranging from 0.5 to 10 acres (usually less than 2 acres).

Box turtles are omnivorous and will feed on a variety of food items, including earthworms, slugs, snails, insects, frogs, toads, small snakes, carrion, leaves, grass, berries, fruits, and fungi.

#### Life History

From October to April, box turtles hibernate by burrowing into loose soil, decaying vegetation, and mud. They tend to hibernate in woodlands, on the edge of woodlands, and sometimes near closed canopy wetlands in the forest. Box turtles may return to the same place to hibernate year after year. As soon as they come out of hibernation, box turtles begin feeding and searching for mates.

The breeding season begins in April and may continue through fall. Box turtles usually do not breed until they are about 10 years old. This late maturity is a result of their long lifespan, which can range up to 50 to even over 100 years of age. The females do not have to mate every year to lay eggs as they can store sperm for up

to 4 years. In mid-May to late June, the females will travel from a few feet to more than a mile within their home range to find a location to dig a nest and lay their eggs. The 3 to 8 eggs are covered with dirt and left to be warmed by the sun. During this vulnerable time, skunks, foxes, snakes, crows, and raccoons often raid nests. Sometimes, entire nests are destroyed. If the eggs survive, they will hatch in late summer to early fall (about 2 months after being laid). If they hatch in the fall, the young turtles may spend the winter in the nest and come out the following spring.

As soon as the young turtles hatch, they are on their own and receive no care from the adults. This is a dangerous time for young box turtles because they do not develop the hinge for closing into their shell until they are about 4 to 5 years old. Until then, they cannot entirely retreat into their shells. Raccoons, skunks, foxes, dogs, and some birds will prey on young turtles.

### ***Conservation Concerns***

The eastern box turtle was once common throughout the state, mostly in the central Connecticut lowlands. However, its distribution is now spotty, although where found, turtles may be locally abundant. Because of the population decline in Connecticut, the box turtle was added to the state's List of Endangered, Threatened, and Special Concern Species when it was revised in 1998. It is currently listed as a species of special concern. The box turtle also is protected from international trade by the 1994 CITES treaty. It is of conservation concern in all the states where it occurs at its northeastern range limit, which includes southern New England and southeastern New York.

Many states have laws that protect box turtles and prohibit their collection. In Connecticut, eastern box turtles **cannot** be collected from the wild (DEP regulations 26-66-14A). Another regulation (DEP regulations 26-55-3D) "grandfathers" those who have a **box turtle collected before 1998**. This regulation limits possession to a single turtle collected before 1998. These

regulations provide some protection for the turtles, but not enough to combat some of the even bigger threats these animals face. The main threats in Connecticut (and other states) are loss and fragmentation of habitat due to deforestation and spreading suburban development; vehicle strikes on the busy roads that bisect the landscape; and indiscriminate (and now illegal) collection of individuals for pets.

Loss of habitat is probably the greatest threat to turtles. 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.

Adult box turtles are relatively free from predators due to their unique shells. The shell of a box turtle is extremely hard. However, the shell is not hard enough to survive being run over by a vehicle. Roads bisecting turtle habitat can seriously deplete the local population. Most vehicle fatalities are pregnant females searching for a nest site.

### ***How You Can Help***

- *Leave turtles in the wild. They should never be kept as pets. Whether collected singly or for the pet trade, turtles that are removed from the wild are no longer able to be a reproducing member of a population. Every turtle removed reduces the ability of the population to maintain itself.*
- *Never release a captive turtle into the wild. It probably would not survive, may not be native to the area, and could introduce diseases to wild populations.*
- *Do not disturb turtles nesting in yards or gardens.*
- *As you drive, watch out for turtles crossing the road. Turtles found crossing roads in June and July are often pregnant females and they should be helped on their way and not collected. Without creating a traffic hazard or compromising safety, drivers are encouraged to avoid running over turtles that are crossing roads. Also, still keeping safety precautions in mind, you may elect to pick up turtles from the road and move them onto the side they are headed. Never relocate a turtle to another area that is far from where you found it.*
- *Learn more about turtles and their conservation concerns. Spread the word to others on how they can help Connecticut's box turtle population.*



State of Connecticut  
Department of Environmental Protection  
Bureau of Natural Resources  
Wildlife Division  
[www.ct.gov/dep](http://www.ct.gov/dep)



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