

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

RECEIVED
MAY 28 2009

In Re:

APPLICATION OF SBA TOWERS II, LLC ("SBA") FOR A
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT ONE OF TWO
ALTERNATE SITES AT RABBIT HILL ROAD IN
WARREN, CONNECTICUT

CONNECTICUT
SITING COUNCIL

DOCKET: 378

May 26, 2009

HEARING INFORMATION

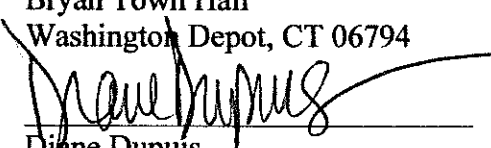
The Washington Conservation Commission party in the above-named docket, submits the following additional hearing information to the State of Connecticut Siting Council in this proceeding:

- A. List of Additional Witnesses John Mc Neely, Ornithologist.
- B. Supplemental Exhibits to be Offered and pre-filed testimony of Diane Dupuis and Elizabeth Corrigan

List of Exhibits the Washington Conservation Commission presently intends to present at the public hearing on Docket No. 378 were pre-filed on May 21, 2009 and supplemented on May 26, 2009.

- C. Motion to Dismiss and Requests for Costs
- D. Copy of Certificate of Service from May 21, 2009

Respectfully Submitted,
By:
Diane Dupuis
Washington Conservation Commission
Town of Washington
Bryan Town Hall
Washington Depot, CT 06794


Diane Dupuis

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing Washington Conservation Commission Hearing Information was served on the Connecticut Siting Council by first class mail and copy of same was sent postage prepaid to:

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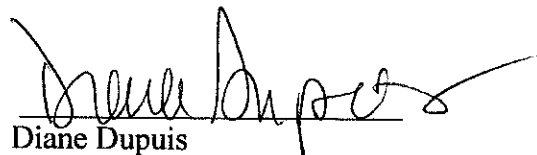
Hon. Jack Travers, First Selectman
Warren Town Hall, 7 Sackett Hill Road, Warren, CT 06754

Ray and Mary Ellen Furse, 26 Jack Corner Road
Warren, CT 06777

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Diane Dupuis



PRE-FILE TESTIMONY
DIANE DUPUIS, WASHINGTON CONSERVATION COMMISSIONER:
CHAIR, CELL TOWER COMMITTEE, PARTY TO DOC
KET 378

Personal Background of Diane Dupuis

1. I reside at 15 Rabbit Hill Road, Washington, CT where my daughter and I have lived since 1998. I have been coming to the Warren/Washington Lake Waramaug area with generations of my family since 1960.
2. I am a Portrait and Landscape Painter, and Art Educator. I have taught portrait painting privately and in NYC since 1994, at the Washington Art Association since 2003 and in 2007 I became the Art Teacher at Cornwall Consolidated School, in West Cornwall CT. My paintings are in collections around the world.
3. I have over twenty acres of property in Washington, much of it on the glorious wetlands and uplands of Meeker Swamp.
 - a. On a daily basis I am privileged to observe some of the planet's most magnificent creatures. Families of bobcats, which fewer than one in 18,000 people have ever observed, live in the ledges above me. In the west woods are nesting families of wood ducks, screech owls and pileated woodpeckers. In the swamp, orioles, loons, brown thrashers, kingfishers, whip-poor-wills, black ducks, great blue heron, woodcock and many warblers and other migratory birds nest, raise their young, stopover or feed.
 - b. We are on a migratory path. In Spring and Fall flocks of hundreds stop over, sometimes thousands fly through the woods. Many raptors make their home here, Coopers, Sharp Shinned, Goshawks and Red tails. Bald eagles hang in the branches and feed in Meeker Swamp every Spring, this Spring a Golden Eagle was sited.
 - c. It was only in 2002 when ATT first made its application for a tower on Rabbit Hill (less than 400 ft away from site A) that my research led me to discover that many of our regular avian visitors were on endangered, threatened or special concern lists from the DEP, Audubon and Partners in Flight.
 - d. That pending application caused me to research the Town of Washington's Plan of Conservation and Development and the Natural Resource Inventory. I found that the tower would sit on the edge of a Critical Habitat and that the town plan for open space included in the top three highest priorities for individual natural resources: No. 2 our surface and subsurface water resources including wetlands and stream belts, and No. 3 our wildlife habitat - critical or threatened.
 - e. In the 1980's I was employed as a Reinsurance Broker specializing in multinational petrochemical risks. Unforeseen and random accidents happen at even the most protected facilities, that is why we have insurance. History has taught us that once an accident takes place you can throw all the money in the world at the problem, but you will never get back your pristine environment. To site a tower, with its attendant hazardous chemical battery array, on steep terrain over the headwaters to Bee Brook and our largest aquifer, is irresponsible.

4. In 2003 I became a member of the Washington Conservation Commission.

- a. As Cell Tower Committee Chair, my responsibilities are: to review applications that come into our First Selectman's offices, to keep current with recent scientific studies on Towers and RF issues, to monitor applicable legislation, to keep track of applications in neighboring towns that may affect the town of Washington, and to advise the Conservation Commission and our First Selectman of my findings.

5. The Application from SBA contains numerous misstatements, some follow:

- a. Page 6. There is no gap in coverage for Verizon subscribers along Rt 202 from the tower at 6 Mountain Rd to the tower in Litchfield behind the 1291 Bantam Road. I have been a Verizon subscriber since the late 1990's. Since Verizon collocated on the first Washington tower, I have had cell service in my home on Rabbit Hill, and can drive from the first tower in Washington to the Tower in Bantam with anywhere from 2 to 4 bars the entire distance. No dropped calls happen on this stretch, the service is reliable as driven a number of times recently and negates the assertion that there is a gap in coverage.
- b. Page 9. There is no minimization of environmental impact from either tower, both sites would sit in migratory paths and stopovers, in critical habitats, in scenic view sheds.
- c. Page 15. Both sites would loom over the tree line by at least one hundred feet and be clearly visible from Washington's historic homes, scenic roads, recreation destination spots and many other sites in the area. See exhibit 3 Natural Resource Inventory and exhibit 25 photos taken by myself during the first balloon float in November.
- d. Both sites sit between two mountains and have little or no backdrop besides sky. See photos exhibit 25
- e. Page 14, 15. There are a number of homes which will have year round views of the towers including but not limited to nos. 128, 138, 139, 148, 158 Litchfield Tpk. which is under consideration for State Scenic Designation, and from nos. 47, 55, 81, and 170 Rabbit Hill Rd and from 51 and 55 Whittlesey Road, both roads are declared Scenic by the Town of Washington. I did personally view the balloons from these properties.
- f. Page 17. RF is a pollutant and may have significant impact at these sites which are located in densely populated areas for our town, and home to state listed species within half a mile from DEP NDDDB circles. Studies such as the Balmori studies on Amphibians (Cr exhibit 19) and White Storks (CR exhibit 22), show the results of RF on systems and breeding colonies. This area is personally known to me to have numerous state listed species of birds, amphibians and reptiles.
- g. The town of Warren has a plan of conservation and development.
- h. Page 18. Clear visibility from multiple scenic roads and historic homes makes for a great impact by these towers. Screening the compound will not lessen the impact from these towers as they crest the ridgelines and blight the viewscapes.
- i. Both sites are within half a mile of the DEP NDDDB shaded areas.
- j. Page 14. Visual simulations do not accurately reflect visibility of the towers, vegetation will not minimize these towers as the tree line sits at 60 feet and the towers at 150 and 160 feet before any height additions already mentioned in the application.
- k. Exhibit J, Site Search. SBA did not contact two of the property owners on Rabbit Hill Road listed as approached during the site search. An Affidavit from Mr. Abdella

(#29) and a letter from Mrs. Tracy (#47) forthcoming to the Council attest to that fact. See exhibit 7.

- l. Page 11. Site A is proposed to be situated on 422a farmland on which the development rights have been sold to the State of Connecticut. The Conservation Commission believes this to be an illegal siting per our correspondence with the Department of Agriculture and to Optasite/SBA. exhibit 8
- m. Page 11. We believe the noise from the generators which will have to be utilized when power outages occur on Rabbit Hill, which have been numerous in the decade I have lived on the road, will not comply with relevant noise regulations.
- n. Page 21. There are seasonal wetlands in the area of Site A. Those were present on the site walk on May 26th, a survey done in December does not take the place of a seasonal review.
- o. Maps in SBA's exhibit A and B incorrectly identify landowners.
- p. Exhibit F. Route 202 does not enter the Warren boundary, it is in Washington.
- q. Exhibit H. Though ATT was a party to the last tower application in Washington, Docket 332, they have yet to become operational as a colocator. We do not have a clear idea of the coverage that will be gained when those transponders are activated. These maps are computer generated and we would like an actual case scenario before commenting on ATT's coverage at this location.
- r. Exhibit L. The Montessori School is missing from the Map provided.
- s. Exhibit N. The Tanner Farm/Nutmeg acres is a 240 year old farm with the potential to be listed on the National Register of Historic Places.
- t. Exhibit N. Kleinfelder Environmental Assessment C. Both towers are less than half a mile upstream from shaded areas. See exhibits WCC 28, 29, 30
- u. Exhibit N. This area is feeding grounds for the Bald eagle. See exhibit WCC 58 Eagles soar on Lake Waramaug and Resolution of the Washington Conservation Commission exhibit photo of Bald Eagles feeding on Meeker Swamp.
- v. Exhibit O. Kleinfelder letter Impact Assessment. "pond located south east of Site B has the potential to support amphibian life" No study was done of amphibians in the area.

6. Photographs taken on the date of the first balloon flight in November of 2008 show that the balloons are very evident from many places and refute the simulations provided by SBA. I did personally take these photographs from multiple sites in Washington and Warren and invite their comparison to the photos provided in the application. Exhibit WCC 25

7. The Town of Washington Plan of Conservation and Development 2003 and Natural Resource Inventory Report and Recommendations, 2000. Exhibit WCC 3 and 4

- a. The POCD calls for protection of Important Natural Resources, Protecting scenic assets, and historical assets, both towers on Rabbit Hill would severely impact all of these.
- b. The NRI delineates geology, ridgelines, steep slopes and water courses, are all important features. These towers are proposed on an important ridgeline on steep slopes which are uplands to important birding areas and water courses, including the town of Washington's largest aquifer.

- c. Biodiversity is at the core of our existence and we must preserve our habitats. This is an environmentally sensitive area and we must protect these natural resources.
 - d. Scenic roads, areas and vistas. Scenic roads surround these sites both Local and State Sites (under consideration) both towers are visible and omnipresent.
 - e. Maps slopes, water resources, habitats and cultural features are explained in detail supporting the previously mentioned arguments against siting a tower in this area.
- 8. I have kept Nature Journals of my observations from Rabbit Hill and Meeker Swamp from 1998 to present they chronicle life in these great woods.**
- a. The entire journal from 2003-2006 is presented as evidence in Exhibit WCC 18. These journals were made from observations of wildlife and climate and seasons on Rabbit Hill. Journal entries show many state listed species and Federal listed species use these migratory stopovers and rich habitats to feed, to raise their young. These are sacred woods and undisturbed critical habitats that must not be broken by towers whose harm is not yet known but is being documented in studies out side of the US. My interest in the area is from observing wildlife and wishing to protect our resources.

9. Exhibit 53 Commentary by the American Ornithologists' Union.

"...Hazard of Communication Towers to Nocturnal Migrants.." 2008.

Page 490 paragraph 5. "These studies provide evidence that placement of communication towers along ridgelines may result in higher bird mortality than at other locations. Birds can be killed at a tower whenever large numbers are flying near it at the same elevation at the tower. This can occur because the tower is tall or because it is place topographically where bird are concentrated close to the ground. "

A tower in this migratory path and flyway would cause great harm and more so at these elevations and ridgeline sitings.

10. WCC 9 US FISH AND WILDLIFE GUIDELINES FOR COMMUNICATIONS TOWER SITING:

NO. 4: Towers should not be sited in or near wetlands, other known bird concentration areas, 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.

In addition to the fact that these locations are in flyways and habitats and near wetlands, this is an area frequently socked in with dense fog.

I have lived on Rabbit Hill Road since 1998. Dense fog from the combination of 1200 ft elevations, multiple streams and wetlands in the area of Rabbit Hill, Tanner Farm, Tanner Road and Jack Corner Roads causes frequent White Out Fog conditions.

11. In summation:

The exhibits and reasons delineated above clearly demonstrate that Docket 378 for a tower on Rabbit Hill Road Warren must to be denied by the Siting Council. Both proposed facilities will have substantial adverse environmental effects on the environmentally sensitive Rabbit Hill area. Both sites will negatively impact an important historic, scenic and environmentally sensitive biotic corridor.

As attested to by artists, environmentalists and government officials, the siting of towers on Rabbit Hill will cause irreparable damage to important view sheds, migratory birds, and other flora and fauna which depend on our protecting their environment. We ask that the Siting Council deny this application on Rabbit Hill and do their duty to protect this important area.

Meeker Swamp) near deer kill in on his land out of curiosity to see what "comes in". (If carefully viewed, the ridgeline is visible in the background, indicating location.) (This species is regularly observed at Lake Waramaug in the spring.)

- b.) **bobcat**- this species was frequently observed feeding on deer kill (remote sensing camera photos).
- c.) **wood turtle**- state-listed; asked by resident asked to help verify photographs.
- d.) **otter**- tracks (direct personal observation).
- e.) **insects**- including state-listed species observed and recorded by Peary Stafford.
- f.) **brown thrasher**- I observed this species at Meeker Swamp years ago (~ 1998) but was unable to document it due to lack of recording equipment (for song) and adequate camera gear (for visual proof).
- g.) **whip-poor-will**- I heard this species at Meeker Swamp calling from the base of the ridge at dusk during a full moon (end of May, ~1998) from an area with early successional growth. Again, due to lack of necessary equipment, I was unable to document.

ec 7 6. The brief species list presented above is but a glimpse of what I know to be or have been present at Meeker Swamp and its environs, thus illustrating the biological diversity and unique nature of this ecosystem. **The Meeker Swamp ecosystem has the potential to support additional rare and/or state-listed species as its natural communities and habitats have not been fully explored.**

ec 8 7. Presence of the species listed above in No. 5 indicate that the Meeker Swamp ecosystem is *capable* of supporting these species permanently as residents, is used by transients, and/or indicates that the species are present in the general area because necessary conditions (food, shelter, etc.) are present.

I ask that the Siting Council deny the application for certificate for both sites for the following reason:

Biological surveys conducted by the applicant are not thorough enough or were conducted too early in the season to adequately address the potential for certain species that can be present. This makes the assessment of the ecological integrity of the cell tower sites and its environs incomplete.

- a.) For example, the potential for spring salamander (state-listed as Threatened) is overlooked in the applicant's survey, eventhough there are adjacent watercourses that may support the taxon such as clean, cold, springs, seeps and brooks.
- b.) The potential for songbird nesting sites is also inadequately explored. The applicant's bird survey was limited to sight and sound and was conducted early in the spring before most migrants returned. Appropriate protocols for breeding bird surveys like the use of mist netting to capture and identify birds that may potentially nest in the vicinity, for example, were not employed. Field surveying

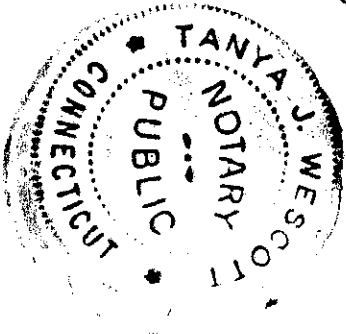
for nests is another technique, usually performed during leaf-out when birds are nesting, not in early spring.

Respectfully submitted,

Elizabeth E. Corrigan

Elizabeth E. Corrigan,
Biologist

Tanya Prescott 5/26/09
Notary Public
com exp 5/31/14





May 21, 2009

**Connecticut Siting Council
Docket No. 378**

**WASHINGTON CONSERVATION COMMISSION
HEARING EXHIBITS**

The following is a list of the exhibits The Town of Washington Conservation Commission presently intends to present at the public hearing on Docket No. 378.

- WCC 1** Affidavit by Artist Polly Roberts
- WCC 2** Affidavit by Artist Ed DeVoe
- WCC 3** Town of Washington Plan of Conservation and Development 2003
- WCC 4** Excerpt, Washington, Connecticut Natural Resource Inventory Report and Recommendations, Town of Washington Ad Hoc Conservation Committee, November 2000, Section II. Natural Resource Inventory; III. Recommendations; V. Conclusions; Resource Maps Series: Slopes, December 1999; Water Resources; Critical Habitat and Listed Species; Cultural Features (including Historic Buildings, Archeological Sites, Industrial Sites and Historic Districts).
- WCC 5** Conservation and Development, Policies Plan for Connecticut, 1998-2003, Office of Policy and Management, Policy Development and Planning Division, pages 113-114, 121, 126-128
- WCC 6** A: Preservation Areas: Conservation Priority 2: State Action Strategy Definitional Criteria.
- WCC 7** Affidavit of Joseph Abdella, 29 Rabbit Hill Road, New Preston
- WCC 8** Correspondence to Optasite/SBA
- WCC 9** Guideline Number 4: U.S. Fish and Wildlife Service
- WCC 10** Town of Washington Scenic Road Designations for Rabbit Hill, Couch Road, Whittlesey Road
- WCC 11** State Designation of Route 202 as Scenic, Pending application in

Support.

- WCC 12** Pre-filed Testimony: Susan Payne, Chairman, Washington Conservation Commission, former Board Member Steep Rock Association
- WCC 13** Description of Macricostas Preserve by the Steep Rock Association from http://steeprocksassoc.org/pdf/map_macricostas.pdf
- WCC 14** Steep Rock Land Trust Macricostas Preserve Interpretive Trail Guide from http://steeprocksassoc.org/pdf/macricostas_interpretive_trail.pdf Produced by the Washington Garden Club Conservation Committee, 2008
- WCC 15** Steep Rock Association Spring 2007 Newsletter [4 pages] from http://steeprocksassoc.org/pdf/vista_spring_2007.pdf ,Fall 2006, Reporting CLCC Award for Land Acquisitions of Substantial Size for Land Conservation Protection; documenting nesting pairs of Goshawks [p.2] and Hooded Mergansers [p.4] and Spring 2009
- WCC 16** Steep Rock Association publication: Hidden Valley Reservation guide from http://steeprocksassoc.org/pdf/map_hidden_valley.pdf
- WCC 17** Reserved for Pre-filed Testimony: Diane Dupuis, Cell Tower Committee Chair, Town of Washington; Town of Washington Conservation Comm.
- WCC 18** Nature Journal by Diane Dupuis 2003-2006
- WCC 19** DEP Letter Response to Washington Conservation Commission, Regarding NDDB map: desirability of EIS
- WCC 20** Washington Conservation Commission Request for DEP Study
- WCC 21** CROWW Pre-Hearing Conference Request for Consultations
- WCC 22** Connecticut Siting Council Denials in Decision Memo
- WCC 23** Council on Environmental Quality: April 2009 Meeting Minutes
- WCC 24** Council on Environmental Quality Statement

- WCC 25** Photos for Comparison with Application Photos: Photos by Diane Dupuis
- WCC 26** Reserved for Pre-Filed Testimony of Elizabeth Corrigan: Field Biologist, Conservation Commission Member
- WCC 27** Elizabeth Corrigan Curriculum Vitae
- WCC 28** Map – NDDDB Rare Species and Critical Habitats, Prepared by E. E. Corrigan, March 2009
- WCC 29** Map – Watercourses Map Prepared by E Corrigan, March 2009
- WCC 30** Map – Composite NDDDB and Watercourses Map Prepared by E. Corrigan, March 2009
- WCC 31** Macricostas Preserve Management Plan Sec.6.6.3 Vernal Pool Inventory
- WCC 32** Macricostas/ Yale Study 6.7.3 Calcareous Wetlands, 6.8.2 Archeological Studies
- WCC 33** A Management Plan for the Steep Rock Association's Macricostas Preserve Yale University School of Forestry and Environmental Studies January 30, 2003; Executive Summary, Background, Goals, Ecological Context 4.7-4.8, table 2
- WCC 34** Macricostas/Yale Study Appendix F: Wildlife
- WCC 35** Macricostas/Yale Study Appendix C Master Species Lists
- WCC 36** *Steep Rock Bird Checklist* May 2009
- WCC 37** List of State Listed Species found in Diane Dupuis' Nature Journal 2003-2006
- WCC 38** Sharp Shinned Hawk <http://www.ct.gov/dep>
- WCC 39** Bronze Copper <http://www.butterfliesandmoths.org>
- WCC 40** Sedge Skipper <http://www.nartica.com>, www.peabody.yale.edu/collections
- WCC 41** Jefferson Salamander (*Ambystoma Jeffersonian* complex) <http://www.ct.gov/dep>

- WCC 42 Spotted salamander (Ambystoma maculatum)
<http://ct.gov/dep>
- WCC 43 Green Frog (Rana clamitans)
<http://ct.gov/dep>
- WCC 44 Wood frog (Rana sylvatica)
<http://ct.gov/dep>
- WCC 45 Marbled salamander (Ambystoma opacum)
 UNEP-WCMC Species Database listing for Marbled salamander (Ambystoma opacum) from
<http://www.iucnredlist.org/details/59065>
- WCC 46 Wood Turtle (Glyptemys insculpta)
<http://ct.gov/dep>
- WCC 47 Leopard Frog (Rana Pipiens)
<http://ct.gov/dep>
- WCC 48 DEP List of Endangered, Threatened and State Listed Species in Litchfield County
- WCC 49 Migratory Bird Treaty Checklist by Diane Dupuis with summation
- WCC 50 Migratory Bird Treaty Checklist by Maggie Condon
- WCC 51 Connecticut Department of Environmental Protection State and Federal Listed Species and Significant Natural Communities Washington
- WCC 52 **Excerpts from:** Connecticut Department of Environmental Protection, A County Report of Connecticut's Endangered, Threatened and Special Concern Species List for Litchfield County, Marked indicating: Confirmed or Probable Nesting Areas, From: The Atlas of Breeding Birds Edited by Louis R. Bevier, Sponsored by the National Audubon Society and The Audubon Council of Connecticut, State Geological and Natural History Survey of Connecticut, Bulletin 113, 1994 **Nesting Areas for Threatened Birds In Area of Site A and Site B**
- WCC 53 Longcore, Travis, et al., "Height Guy Wires, and Steady-Burning Lights Increase Hazard of Communication Towers to Nocturnal Migrants: A Review and Meta-Analysis," The Auk (The American Ornithologists' Union, Vol. 125, Number 2, pages 486-493.

- WCC 54** Washington Environmental Council letter to the Siting Council
- WCC 55** **The Habitat** A Newsletter of the Connecticut Association of Conservation and Inland Wetlands Commission, Inc. Fall 2008 Volume 20 Number 4 Land Use Applications Before the Connecticut Siting Council: Effective Involvement by Municipal conservation and Inland Wetlands Commissions by S. Derek Phelps
- Supplimental Exhibit List**
- WCC 56** Prefiled Testimony of John McNeely, resume and his list of Birds Protected byThe Migratory Bird Treaty Act.
- WCC 57** Affidavit by artist Thomas Yost
- WCC 58** The New Milford Spectrum, Friday March 27th, 2009. Spring soaring, a young bald eagle flying over Lake Waramaug.
- WCC 59** Afidavit of Christopher Herrmann and Joseph Lorino

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing Pre-Filed Testimony of Diane Dupuis and Elizabeth Corrigan, and supplemental exhibits were served on the Connecticut Siting Council by first class mail and copy of same was sent postage prepaid to:

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Diane Dupuis

May 26, 2009

Prefiled testimony of John McNeely regarding Docket 378



1. My name is John McNeely and I have been a 30 year resident of White Hollow in Sharon, CT.
2. I am a graduate of the School of Natural Resources at Ohio University with a specialization in interpretative work.
3. In 1980 the film The Hawk and John McNeely was the winner of the CINE golden eagle, the highest award a non theatrical film can win. I was the first person to fly with a hawk.
4. In 1983-1986 I was a production associate for On The Wing, a NASA film.
5. In 1987 I was a member of the California Condor Team
6. In 2005 I was a member of the Auburn University team to discover the Ivory Billed Woodpecker.
7. Rabbit Hill is an important migratory corridor. Any of the neo-tropical birds going up the east coast once they pass the eastern most portion (ie New York) they head north into breeding grounds to the north and north east.
8. There is a strong concentration of birds here.
9. This area has the best of everything the birds need to refuel. They can forage in the wetlands and feed on caterpillars in the canopy, they need both to complete their migration and arrive in condition to breed. Some breed here and some continue up to Canada.
10. I have spent a lot of time hiking in this area and observing birds from the Pinnacle. Any ornithologist who has eve been here during the migration knows this is an important area.
11. There are at least 16 warbles, 4 vireos, both tanagers and 4-5 flycatchers and sharp shinned hawks present here.
12. I have prepared a list of birds protected by the migratory bird treaty act.

M

BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT

Species Protected by Each Migratory Bird Convention

The United States has entered into four international migratory bird conventions (with Canada, Mexico, Japan, and Russia). Each of these conventions provides protection to a select group of species. The Canadian convention identifies protected groups by Family or species group names (for example, Anatidae, Rallidae, loons, warblers, and so forth). The Mexican convention identifies protected groups by Family names. The Japanese and Russian conventions identify protected species in Appendices to the conventions.

The following list identifies those species protected by each of the conventions.

Column headings:

- C = Canadian
- M = Mexican
- J = Japanese
- R = Russian

Symbols:

- O = Family (or Subfamily) listed in convention (Canada and Mexico only)
- s = occurs regularly in both countries (Canada and Mexico only);
- + = occurs regularly in the U.S. but not Canada or Mexico (Canada and Mexico only);
- ? = status in U.S. is uncertain, and eligibility for continued protection is under review (Mexico only)
- X = listed in Appendix to convention (Japan and Russia only);
- o = belongs to same Family as species listed in Appendix to convention and occurs regularly in the U.S. (Russia only)

<u>English Name</u>	<u>C</u>	<u>M</u>	<u>J</u>	<u>R</u>
GAVIIDAE (Loons)	O	O		
Red-throated Loon ✓	s	s	X	X
Arctic Loon	s	+	X	X
Pacific (=Arctic) Loon	s			X
Common Loon ✓	s	s		O
Yellow-billed Loon	s	s	X	X
PODICIPEDIDAE (Grebes)	O	O		
Least Grebe	+	s		O
Pied-billed Grebe ✓	s	s		O
Horned Grebe ✓	s	s	X	X
Red-necked Grebe	s	+	X	X
Eared Grebe	s	s		O

Western Grebe	S	S		O
Clark's (=Western) Grebe	S	S		O
DIOMEDEIDAE (Albatrosses)				
Short-tailed Albatross		S	X	X
Black-footed Albatross		S	X	X
Laysan Albatross		S	X	X
Yellow-nosed Albatross		+		O
PROCELLARIIDAE (Shearwaters and Petrels)				
Northern Fulmar	S	S	X	X
Black-capped Petrel	S	+		O
Dark-rumped Petrel	+	S		O
Juan Fernandez (=White-necked) Petrel	+	S		O
White-necked Petrel	+	+		O
Mottled Petrel	S	+		X
Murphy's Petrel	+	+		O
Kermadec Petrel	+	S		O
Herald Petrel	+	S		O
Cook's Petrel	+	S		O
Bonin Petrel	+	+	X	X
Bulwer's Petrel	+	+	X	O
Cory's Shearwater	S	S		O
Pink-footed Shearwater	S	S		O
Flesh-footed Shearwater	S	S	X	X
Greater Shearwater	S	S		O
Wedge-tailed Shearwater	+	S	X	O
Buller's Shearwater	S	S		X
Sooty Shearwater	S	S	X	X
Short-tailed Shearwater	S	S	X	X
Christmas Shearwater	+	S	X	O
Manx Shearwater	S	+		O
Black-vented Shearwater	S	S		O
Townsend's Shearwater	+	S		O
Little Shearwater	S	+		O
Audubon's Shearwater	S	S		O
HYDROBATIDAE (Storm-Petrels)				
Wilson's Storm-Petrel	S	+	X	O
White-faced Storm-Petrel	+	+		O
Fork-tailed Storm-Petrel	S	+	X	X
Leach's Storm-Petrel	S	S	X	X
Ashy Storm-Petrel	+	S		O
Band-rumped Storm-Petrel	S	S	X	X
Wedge-rumped Storm-Petrel	+	S		O
Black Storm-Petrel	+	S		O
Tristram's (=Sooty) Storm-Petrel	+	+	X	O
Least Storm-Petrel	+	S		O

PHAETHONTIDAE (Tropicbirds)	O			
White-tailed Tropicbird	s	X		
Red-billed Tropicbird	s			
Red-tailed Tropicbird	s	X		
SULIDAE (Boobies and Gannets)	O	O		
Masked Booby	+	s	X	
Blue-footed Booby	+	s		
Brown Booby	+	s	X	
Red-footed Booby	+	s	X	
Northern Gannet (=Gannet)	s	+		
PELECANIDAE (Pelicans)	O			
American White Pelican	s			
Brown Pelican	s			
PHALACROCORACIDAE (Cormorants)	O			
Great Cormorant	+			O
Double-crested Cormorant ✓	s			O
Neotropic (=Olivaceous) Cormorant	s			O
Brandt's Cormorant	s			O
Pelagic Cormorant	s	X		X
Red-faced Cormorant	+	X		X
ANHINGIDAE (Anhingas)	O			
Anhinga	s			
FREGATIDAE (Frigatebirds)	O			
Great Frigatebird	s	X		
Magnificent Frigatebird	s			
Lesser Frigatebird	+	X		
ARDEIDAE (Bitterns and Herons)	O	O		
American Bittern ✓	s	s		O
Least Bittern ✓	s	s		O
Yellow (=Chinese) Bittern			X	X
Schrenk's Bittern			X	X
Great Blue Heron ✓	s	s		O
Great Egret ✓	s	s		O
Intermediate (=Plumed) Egret			X	X
Chinese Egret				X
Pacific Reef Heron			X	
Snowy Egret ✓	s	s		O
Little Blue Heron ✓	s	s		O
Tricolored Heron	s	s		O
Reddish Egret	s	s		O
Cattle Egret ✓	s	s	X	O
Green (=Green-backed) Heron ✓	s	s		O
Black-crowned Night-Heron ✓	s	s		O
Malay Night-Heron			X	O

Japanese Night-Heron			X	O
Yellow-crowned Night-Heron ✓	s	s		O
Family THRESKIORNITHIDAE (Ibises and Spoonbills)			O	
White Ibis		s		
Scarlet Ibis		?		
Glossy Ibis		s		
White-faced Ibis		s		
Roseate Spoonbill		s		
Family CICONIIDAE (Storks)			O	
Jabiru		s		
Wood Stork		s		
Family PHOENICOPTERIDAE (Flamingos)			O	
Greater Flamingo		s		
Family ANATIDAE (Swans, Geese, and Ducks)	O	O		
Fulvous Whistling-Duck	s	s		O
Black-bellied Whistling-Duck	s	s		O
West Indian Whistling-Duck	+	+		O
Tundra Swan ✓	s	s		X
Whooper Swan	+	+	X	X
Trumpeter Swan	s	s		O
Bean Goose	s	+	X	X
Greater White-fronted Goose	s	s	X	X
Snow Goose ✓	s	s	X	X
Ross' Goose	s	s		O
Emperor Goose	s	+	X	X
Brant	s	s	X	X
Barnacle Goose	s	+		O
Canada Goose ✓	s	s	X	X
Hawaiian Goose	+	+		O
Wood Duck ✓	s	s		O
Green-winged Teal ✓	s	s	X	X
Baikal Teal	s	+	X	X
Falcated Teal	s	+	X	X
American Black Duck ✓	s	+		O
Mottled Duck	+	s		O
Mallard ✓	s	s	X	X
Hawaiian Duck	+	+		O
Laysan Duck	+	+		O
White-cheeked Pintail	+	+		O
Northern Pintail ✓	s	s	X	X
Garganey	s	+	X	X
Blue-winged Teal ✓	s	s		O
Cinnamon Teal ✓	s	s		O
Northern Shoveler ✓	s	s	X	X

Gadwall ✓	S	S	X	O
Eurasian Wigeon ✓	S	S	X	X
American Wigeon ✓	S	S	X	X
Common Pochard	+	+	X	X
Canvasback ✓	S	S	X	O
Redhead ✓	S	S		O
Baer's Pochard			X	
Ring-necked Duck ✓	S	S		O
Tufted Duck	S	+	X	X
Greater Scaup	S	S		X
Lesser Scaup ✓	S	S		O
Common Eider ✓	S	+		X
King Eider ✓	S	+		X
Spectacled Eider	S	+		X
Steller's Eider	S	+	X	X
Harlequin Duck	S	S	X	X
Oldsquaw	S	S	X	X
Black Scoter	S	S	X	X
Surf Scoter	S	S		X
White-winged Scoter	S	S	X	O
Common Goldeneye ✓	S	S	X	X
Barrow's Goldeneye	S	+		O
Bufflehead	S	S	X	X
Smew	S	+	X	X
Hooded Merganser ✓	S	S		O
Common Merganser ✓	S	S	X	X
Red-breasted Merganser ✓	S	S	X	X
Ruddy Duck ✓	S	S		O
Masked Duck	+	S		O

CATHARTIDAE (American Vultures)	O			
Black Vulture ✓	S			
Turkey Vulture ✓	S			
California Condor	S			

ACCIPITRIDAE (Kites, Eagles, Hawks, and Allies)	O			
Osprey ✓	S	X		X
Hook-billed Kite	S			O
Swallow-tailed (=American Swallow-tailed) Kite	S			O
White-tailed (=Black-shouldered) Kite	S			O
Snail Kite	S			O
Mississippi Kite	S			O
Black Kite ✓		X		X
Bald Eagle	S			X
White-tailed Eagle	+	X		X
Steller's Sea-Eagle	+	X		X
Northern Harrier ✓	S			X
Asiatic Sparrow Hawk		X		X

Sharp-shinned Hawk ✓	S		O
Cooper's Hawk ✓	S		O
Northern Goshawk ✓	S		O
Common Black-Hawk ✓	S		O
Harris' Hawk	S		O
Gray Hawk	S		O
Red-shouldered Hawk ✓	S		O
Broad-winged Hawk ✓	S		O
Short-tailed Hawk	S		O
Swainson's Hawk	S		O
White-tailed Hawk	S		O
Zone-tailed Hawk	S		O
Hawaiian Hawk	+		O
Red-tailed Hawk ✓	S		O
Ferruginous Hawk	S		O
Rough-legged Hawk	S	X	X
Golden Eagle ✓	S		X

FALCONIDAE (Caracaras and Falcons)

Crested Caracara	S		O
Eurasian Kestrel	+		O
American Kestrel ✓	S		O
Merlin ✓	S		X
Aplomado Falcon	S		O
Peregrine Falcon ✓	S	X	X
Gyr Falcon	+	X	X
Prairie Falcon	S		O

RALLIDAE (Rails, Gallinules, and Coots)

Yellow Rail ✓	S	S	O
Black Rail ✓	+	S	O
Corn Crake	S	+	O
Clapper Rail ✓	S	S	O
King Rail ✓	S	S	O
Virginia Rail ✓	S	S	O
Sora ✓	S	S	O
Yellow-breasted Crake	+	S	O
Purple Gallinule	S	S	O
Common Moorhen ✓	S	S	X
Eurasian Coot	S	+	X
Hawaiian (=American) Coot	+	+	O
American Coot	S	S	O
Caribbean Coot	+	+	O

ARAMIDAE (Limpkins)

Limpkin	S		
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GRUIDAE (Cranes)

Sandhill Crane	O	O	
	S	S	X
			X

Common Crane				X
Whooping Crane	S	S		O
CHARADRIIDAE (Plovers and Lapwings)				
Northern Lapwing	S	+		O
Black-bellied Plover ✓	S	S		X
American (=Lesser) Golden-Plover ✓	S	S	X	X
Pacific (=Lesser) Golden-Plover	S	S		O
Mongolian Plover	S	+	X	X
Great Sand Plover			X	O
Snowy Plover	S	S	X	O
Wilson's Plover	S	S		O
Common Ringed Plover	S	+	X	O
Semipalmated Plover ✓	S	S		X
Piping Plover ✓	S	S		O
Little Ringed Plover			X	X
Killdeer ✓	S	S		O
Mountain Plover	S	S		O
Eurasian Dotterel	+	+	X	X
HAEMATOPODIDAE (Oystercatchers)				
American Oystercatcher	S	S		
Black Oystercatcher	S	S		
RECURVIROSTRIDAE (Stilts and Avocets)				
Black-necked Stilt	S	S		
American Avocet	S	S		
JACANIDAE (Jacanas)				
Northern Jacana		S		
SCOLOPACIDAE (Sandpipers, Phalaropes, and Allies)				
Common Greenshank	S	+	X	X
Greater Yellowlegs ✓	S	S	X	O
Lesser Yellowlegs ✓	S	S		O
Marsh Sandpiper				X
Spotted Redshank	S	+	X	X
Wood Sandpiper	+	+	X	X
Solitary Sandpiper ✓	S	S		O
Willet	S	S		O
Wandering Tattler	S	S	X	X
Gray-tailed Tattler	+	+	X	X
Common Sandpiper	+	+	X	X
Spotted Sandpiper ✓	S	S		O
Terek Sandpiper	+	+		X
Upland Sandpiper	S	S		O
Little (=Least) Curlew			X	
Eskimo Curlew	S	S	X	O

Whimbrel	s	s	X	X
Bristle-thighed Curlew	s	+	X	O
Far Eastern Curlew	s	+	X	X
Long-billed Curlew	s	s		O
Black-tailed Godwit	s	+		X
Hudsonian Godwit ✓	s	s		O
Bar-tailed Godwit	s	+	X	X
Marbled Godwit	s	s		O
Ruddy Turnstone ✓	s	s	X	X
Black Turnstone	s	s		O
Surfbird	s	s		O
Great Knot	+	+	X	X
Red Knot	s	s	X	X
Sanderling	s	s	X	X
Semipalmated Sandpiper	s	s		O
Western Sandpiper	s	s		X
Red-necked (=Rufous-necked) Stint	s	+	X	X
Little Stint	s	+		O
Temminck's Stint	s	+	X	X
Long-toed Stint	+	+	X	X
Least Sandpiper	s	s	X	O
White-rumped Sandpiper	s	s		O
Baird's Sandpiper	s	s	X	X
Pectoral Sandpiper	s	s	X	X
Sharp-tailed Sandpiper	s	+	X	X
Purple Sandpiper	s	+		O
Rock Sandpiper	s	+		X
Dunlin	s	s	X	X
Curlew Sandpiper	s	+	X	X
Stilt Sandpiper	s	s		O
Spoonbill Sandpiper	s	+	X	X
Broad-billed Sandpiper	s	+	X	X
Buff-breasted Sandpiper	s	s	X	X
Ruff	s	+	X	X
Short-billed Dowitcher	s	s		O
Long-billed Dowitcher	s	s	X	X
Jack Snipe			X	X
Common Snipe	s	s	X	X
Pin-tailed Snipe				X
Swinhoe's Snipe			X	X
Eurasian Woodcock	s	+		O
American Woodcock ✓	s	s		O
Wilson's Phalarope	s	s		X
Red-necked Phalarope	s	s	X	X
Red Phalarope	s	s	X	X
LARIDAE (Skuas, Gulls, Terns, and Skimmers)	O	O		
Pomarine Jaeger	s	s	X	X
Parasitic Jaeger	s	s	X	X

Long-tailed Jaeger	s	s	X	X
Great Skua	s	+	X	o
South Polar Skua	s	s		o
Laughing Gull	s	s		o
Franklin's Gull	s	s		o
Little Gull	s	s		o
Black-headed (=Common Black-headed) Gull	s	s	X	X
Bonaparte's Gull	s	s		o
Heermann's Gull	s	s		o
Mew Gull	s	s		X
Ring-billed Gull	s	s		o
California Gull	s	s		o
Herring Gull	s	s	X	X
Thayer's Gull	s	s		o
Iceland Gull	s	+		o
Lesser Black-backed Gull	s	s		o
Slaty-backed Gull	s	+	X	X
Yellow-footed Gull	+	s		o
Western Gull	s	s		o
Glaucous-winged Gull	s	s	X	X
Glaucous Gull	s	s	X	X
Great Black-backed Gull	s	+		o
Black-legged Kittiwake	s	s	X	X
Red-legged Kittiwake	+	+		X
Ross' Gull	s	+		X
Sabine's Gull	s	s	X	X
Ivory Gull	s	+	X	X
Gull-billed Tern	s	s		o
Caspian Tern	s	s		o
Royal Tern	s	s		o
Elegant Tern	s	s		o
Sandwich Tern	s	s		o
Roseate Tern	s	s		o
Common Tern	s	s	X	X
Arctic Tern	s	s		X
Aleutian Tern	+	+	X	X
Forster's Tern	s	s		o
Least Tern .	s	s		o
Little Tern			X	
Black-naped Tern			X	o
Gray-backed Tern	+	+	X	o
Bridled Tern	s	s	X	o
Sooty Tern	s	s	X	o
White-winged Tern	s	+	X	X
Black Tern	s	s		o
Brown Noddy	+	s	X	o
Black Noddy	+	s		o
Lesser Noddy			X	
Blue-gray Noddy	+	+	X	o

White Tern	+	s	X	o
Black Skimmer	s	s		o
ALCIDAE (Auks, Murres, and Puffins)				
Dovekie	s	+		o
Common Murre	s	s	X	X
Thick-billed Murre	s	+	X	X
Razorbill	s	+		o
Black Guillemot	s	+		X
Pigeon Guillemot	s	s	X	X
Marbled Murrelet	s	+		X
Kittlitz's Murrelet	+	+		X
Xantus' Murrelet	s	s		o
Craveri's Murrelet	+	s		o
Ancient Murrelet	s	s	X	X
Cassin's Auklet	s	s		o
Paraket Auklet	s	+	X	X
Least Auklet	s	+	X	X
Whiskered Auklet	+	+	X	X
Crested Auklet	s	s	X	X
Rhinoceros Auklet	s	s	X	o
Tufted Puffin	s	+	X	X
Atlantic Puffin	s	+		o
Horned Puffin	s	+	X	X
COLUMBIDAE (Pigeons and Doves)				
Scaly-naped Pigeon	+	o		
White-crowned Pigeon	+	s		
Red-billed Pigeon	+	s		
Plain Pigeon	+	+		
Band-tailed Pigeon	s	s		
White-winged Dove	+	s		
Zenaida Dove	+	s		
Mourning Dove ✓	s	s		
Inca Dove	+	s		
Common Ground-Dove	+	s		
Ruddy Ground-Dove	s	s		
White-tipped Dove	+	s		
Key West Quail-Dove	+	+		
Bridled Quail-Dove	+	+		
Ruddy Quail-Dove	+	s		
CUCULIDAE (Cuckoos, Roadrunners, and Allies)				
Common Cuckoo	+	+	X	X
Oriental Cuckoo	+	+	X	X
Hodgson's Hawk-Cuckoo			X	X
Black-billed Cuckoo	s	s		o
Yellow-billed Cuckoo	s	s		o
Mangrove Cuckoo	+	s		o

Greater Roadrunner	+	S		O
Puerto Rican Lizard-Cuckoo	+	+		O
Smooth-billed Ani	+	+		O
Groove-billed Ani	S	S		O

TYTONIDAE (Barn-Owls)				
Barn Owl (=Common Barn-Owl) ✓			O	
			S	

STRIGIDAE (Typical Owls)				
Flammulated Owl			O	
			S	O
Eastern Screech-Owl ✓			S	O
Western Screech-Owl			S	O
Whiskered Screech-Owl			S	O
Puerto Rican Screech-Owl			+	O
Great Horned Owl ✓			S	O
Snowy Owl ✓			+	X
Hawk Owl (=Northern Hawk-Owl) ✓			+	X
Northern Pygmy-Owl ✓			S	O
Ferruginous Pygmy-Owl			S	O
Elf Owl			S	O
Burrowing Owl			S	O
Spotted Owl			S	O
Barred Owl ✓			S	O
Great Gray Owl			+	O
Long-eared Owl			S	O
Short-eared owl			S	X
Boreal Owl			+	X
Northern Saw-whet Owl ✓			S	O

CAPRIMULGIDAE (Goatsuckers)				
Lesser Nighthawk			S	S
Common Nighthawk ✓			S	S
Antillean Nighthawk			+	+
Pauraque (=Common Pauraque)			+	S
Common Poorwill			S	S
Chuck-will's-widow			S	S
Buff-collared Nightjar			+	S
Whip-poor-will ✓			S	S
Puerto Rican Nightjar			+	+
Jungle Nightjar				X

APODIDAE (Swifts)				
Black Swift			S	S
White-collared Swift				?
Chimney Swift ✓			S	S
Vaux's Swift			S	S
White-throated Needletail				X
Common Swift				X
Fork-tailed Swift				X
White-throated Swift			S	S
				X
				O

Antillean Palm Swift	+	+		o
TROCHILIDAE (Hummingbirds)				
Green Violet-ear	+	s		
Antillean Mango	+	+		
Green Mango	+	+		
Green-throated Carib	+	+		
Antillean Crested Hummingbird	+	+		
Puerto Rican Emerald	+	+		
Broad-billed Hummingbird	+	s		
White-eared Hummingbird	+	s		
Berylline Hummingbird	+	s		
Buff-bellied Hummingbird	+	s		
Violet-crowned Hummingbird	+	s		
Blue-throated Hummingbird	+	s		
Magnificent Hummingbird	+	s		
Plain-capped Starthroat	+	s		
Bahama Woodstar	+	+		
Lucifer Hummingbird	+	s		
Ruby-throated Hummingbird ✓	s	s		
Black-chinned Hummingbird	s	s		
Anna's Hummingbird	s	s		
Costa's Hummingbird	s	s		
Calliope Hummingbird	s	s		
Broad-tailed Hummingbird	+	s		
Rufous Hummingbird	s	s		
Allen's Hummingbird	+	s		
TROGONIDAE (Trogon)				
Elegant Trogon				s
Eared Trogon				s
UPUPIDAE (Hoopoes)				
Hoopoe				x
ALCEDINIDAE (Kingfishers)				
Ringed Kingfisher				s
Belted Kingfisher ✓				s
Green Kingfisher				s
PICIDAE (Woodpeckers and Allies)				
Eurasian Wryneck			x	x
Lewis' Woodpecker	s	s		o
Red-headed Woodpecker ✓	s	+		o
Acorn Woodpecker	+	s		o
Gila Woodpecker	+	s		o
Golden-fronted Woodpecker	+	s		o
Red-bellied Woodpecker ✓	s	+		o
Puerto Rican Woodpecker	+	+		o
Yellow-bellied Sapsucker ✓	s	s		o

Red-naped (=Yellow-bellied) Sapsucker ✓	S	S	O
Red-breasted Sapsucker	S	S	O
Williamson's Sapsucker	S	S	O
Ladder-backed Woodpecker	+	S	O
Nuttall's Woodpecker	S	S	O
Downy Woodpecker ✓	S	S	O
Hairy Woodpecker ✓	S	S	O
Strickland's Woodpecker	+	S	O
Red-cockaded Woodpecker	+	+	O
White-headed Woodpecker	S	+	O
Three-toed Woodpecker ✓	S	+	O
Black-backed Woodpecker	S	+	O
Northern Flicker ✓	S	S	O
Gilded (=Northern Flicker)	+	S	O
Pileated Woodpecker ✓	S	+	O
Ivory-billed Woodpecker	+	+	O

TYRANNIDAE (Tyrant Flycatchers)	O	O	
Caribbean Elaenia	+	S	
Northern Beardless-Tyrannulet	+	S	
Olive-sided Flycatcher ✓	S	S	
Greater Pewee ✓	+	S	
Western Wood-Pewee	S	S	
Eastern Wood-Pewee ✓	S	S	
Lesser Antillean Pewee	+	+	
Yellow-bellied Flycatcher	S	S	
Acadian Flycatcher ✓	S	S	
Alder Flycatcher ✓	S	S	
Willow Flycatcher ✓	S	S	
Least Flycatcher ✓	S	S	
Hammond's Flycatcher	S	S	
Dusky Flycatcher	S	S	
Gray Flycatcher	S	S	
Pacific-slope (=Western) Flycatcher	S	S	
Cordilleran (=Western) Flycatcher	S	S	
Buff-breasted Flycatcher	+	S	
Black Phoebe	S	S	
Eastern Phoebe ✓	S	S	
Say's Phoebe	S	S	
Vermilion Flycatcher	S	S	
Dusky-capped Flycatcher	+	S	
Ash-throated Flycatcher	S	S	
Nutting's Flycatcher		?	
Great Crested Flycatcher ✓	S	S	
Brown-crested Flycatcher	S	S	
Puerto Rican Flycatcher	+	+	
Great Kiskadee	+	S	
Sulphur-bellied Flycatcher	+	S	
Tropical Kingbird	S	S	
Couch's Kingbird	+	S	

Cassin's Kingbird	S	S		
Thick-billed Kingbird	S	S		
Western Kingbird	S	S		
Eastern Kingbird ✓	S	S		
Gray Kingbird	S	S		
Loggerhead Kingbird	+	+		
Scissor-tailed Flycatcher	S	S		
Fork-tailed Flycatcher	S	S		
Rose-throated Becard	+	S		
ALAUDIDAE (Larks)	O	O		
Sky (=Eurasian) Lark (=Skylark)	+	+	X	X
Horned Lark ✓	S	S		X
HIRUNDINIDAE (Typical Swallows)	O	O		
Purple Martin ✓	S	S		O
Cuban Martin	+	+		O
Caribbean Martin	+	+		O
Gray-breasted Martin	+	S		O
Tree Swallow ✓	S	S		X
Violet-green Swallow	S	S		O
Bahama Swallow	+	+		O
Northern Rough-winged Swallow ✓	S	S		O
Bank Swallow ✓	S	S	X	X
Cliff Swallow ✓	S	S		X
Cave Swallow	S	S		O
Barn Swallow ✓	S	S	X	X
Common House-Martin				X
CORVIDAE (Jays, Magpies, and Crows)	O			
Gray Jay	+			O
Steller's Jay	S			O
Blue Jay ✓	+			O
Green Jay	S			O
Brown Jay	S			O
Florida (=Scrub) Scrub-Jay (=Jay)	+			O
Island (=Scrub) Scrub-Jay (=Jay)	+			O
Western (=Scrub) Scrub-Jay (=Jay)	S			O
Gray-breasted Jay	S			O
Pinyon Jay	S			O
Clark's Nutcracker	S			O
Black-billed Magpie	+			O
Yellow-billed Magpie	+			O
American Crow ✓	S			O
Northwestern Crow	+			O
White-necked Crow	+			O
Mexican Crow	S			O
Fish Crow	+			O
Hawaiian Crow	+			O
Chihuahuan Raven	+			O

Common Raven ✓		s		X
PARIDAE (Titmice)				
Black-capped Chickadee ✓	O	O		
Carolina Chickadee	s	+		
Mexican Chickadee	s	+		
Mountain Chickadee	+	s		
Siberian Tit	s	s		
Boreal Chickadee	s	+		
Chestnut-backed Chickadee	s	+		
Bridled Titmouse	+	s		
Plain Titmouse	+	s		
Tufted Titmouse ✓	s	+		
REMIZIDAE (Verdins)				
Verdin		O		
		s		
AEGITHALIDAE (Bushtits)				
Bushtit	O	O		
	s	s		
SITTIDAE (Nuthatches)				
Red-breasted Nuthatch ✓	O	O		
White-breasted Nuthatch ✓	s	s		
Pygmy Nuthatch	s	s		
Brown-headed Nuthatch	+	+		
CERTHIIDAE (Creepers)				
Brown Creeper ✓	O	O		
	s	s		
TROGLODYTIDAE (Wrens)				
Cactus Wren	O	O		
Rock Wren	+	s		
Canyon Wren	s	s		
Carolina Wren ✓	s	s		
Bewick's Wren	s	s		
House Wren ✓	s	s		
Winter Wren ✓	s	s		
Sedge Wren	s	s		
Marsh Wren	s	s		
CINCLIDAE (Dippers)				
American Dipper	O			
	s			
MUSCICAPIDAE (Kinglets, Gnatcatchers, Thrushes, and Allies)				
Middendorff's Grasshopper-Warbler	O			
	+	+	X	X
Arctic Warbler	+	s	X	X
Willow Warbler				X
Golden-crowned Kinglet ✓	s	s		O
Ruby-crowned Kinglet ✓	s	s		O

Blue-gray Gnatcatcher ✓	s	s		o
Black-tailed Gnatcatcher	+	s		o
California (=Black-tailed) Gnatcatcher	+	s		o
Black-capped Gnatcatcher	+	s		o
Gray-spotted Flycatcher			x	x
Narcissus Flycatcher			x	
Turdinae	o	o		
Siberian Rubythroat	s	+	x	x
Bluethroat	s	+		x
Blue Rock Thrush				x
Northern Wheatear	s	s		x
Eastern Bluebird ✓	s	s		o
Western Bluebird	s	s		o
Mountain Bluebird	s	s		o
Townsend's Solitaire	s	s		o
Kamao (=Hawaiian Thrush)	+	+		o
Olomao (=Hawaiian Thrush)	+	+		o
Omao (=Hawaiian Thrush)	+	+		o
Puaiohi (=Small Hawaiian Thrush)	+	+		o
Veery ✓	s	s		o
Gray-cheeked Thrush ✓	s	s		x
Bicknell's (=Gray-cheeked) Thrush ✓	s	+		o
Swainson's Thrush ✓	s	s		x
Hermit Thrush ✓	s	s		o
Wood Thrush ✓	s	s		o
Red-legged Thrush	+	+		o
Eyebrowed (=Eye-browed) Thrush	+	+	x	x
Dusky Thrush	+	+		o
Fieldfare				x
Clay-colored Robin	+	s		o
Rufous-backed Robin	+	s		o
American Robin ✓	s	s		o
Varied Thrush	s	s		o
Aztec Thrush	+	s		o
MIMIDAE (Mockingbirds, Thrashers, and Allies)	o	o		
Gray Catbird ✓	s	s		
Northern Mockingbird ✓	s	s		
Sage Thrasher	s	s		
Brown Thrasher ✓	s	s		
Long-billed Thrasher	+	s		
Bendire's Thrasher	+	s		
California Thrasher	+	s		
Crissal Thrasher	+	s		
Le Conte's Thrasher	+	s		
Pearly-eyed Thrasher	+	+		
PRUNELLIDAE (Accentors)				
Siberian Accentor			x	x

MOTACILLIDAE (Wagtails and Pipits)	O	O		
Yellow Wagtail	s	+	X	X
Gray Wagtail	s	+	X	X
White Wagtail	s	s	X	X
Black-backed Wagtail	s	+		O
Olive-backed (=Olive) Pipit (=Tree-	+	+	X	X
Pipit)				
Pechora Pipit	+	+		X
Red-throated Pipit	s	+	X	X
American (=Water) Pipit	s	s	X	X
Sprague"s Pipit	s	s		O
BOMBYCILLIDAE (Waxwings)	O	O		
Bohemian Waxwing ✓	s	+		
Cedar Waxwing ✓	s	s		
PTILOGONATIDAE (Silky-flycatchers)		O		
Phainopepla		s		
LANIIDAE (Shrikes)	O	O		
Northern Shrike ✓	s	+		X
Loggerhead Shrike	s	s		O
STURNIDAE (Starlings)				
Violet-backed Starling			X	
Ashy Starling			X	
VIREONIDAE (Vireos)	O	O		
White-eyed Vireo ✓	s	s		
Puerto Rican Vireo	+	+		
Bell's Vireo	s	s		
Black-capped Vireo	+	s		
Gray Vireo	+	s		
Solitary Vireo ✓	s	s		
Yellow-throated Vireo ✓	s	s		
Hutton's Vireo	s	s		
Warbling Vireo ✓	s	s		
Philadelphia Vireo ✓	s	s		
Red-eyed Vireo ✓	s	s		
Yellow-green (=Red-eyed) Vireo	+	s		
Black-whiskered Vireo	+	s		
EMBERIZIDAE (Emberizids)				
PARULINAE (Wood-Warblers)	O	O		
Bachman's Warbler	+	+		O
Blue-winged Warbler ✓	s	s		O
Golden-winged Warbler ✓	s	s		O
Tennessee Warbler ✓	s	s		O
Orange-crowned Warbler ✓	s	s		O

Nashville Warbler ✓	S	S	O
Virginia's Warbler ✓	S	S	O
Colima Warbler ✓	+	S	O
Lucy's Warbler ✓	+	S	O
Northern Parula ✓	S	S	O
Tropical Parula ✓	+	S	O
Yellow Warbler ✓	S	S	O
Chestnut-sided Warbler ✓	S	S	O
Magnolia Warbler ✓	S	S	O
Cape May Warbler ✓	S	S	O
Black-throated Blue Warbler ✓	S	S	O
Yellow-rumped Warbler ✓	S	S	X
Black-throated Gray Warbler ✓	S	S	O
Townsend's Warbler ✓	S	S	O
Hermit Warbler ✓	S	S	O
Black-throated Green Warbler ✓	S	S	O
Golden-cheeked Warbler ✓	+	S	O
Blackburnian Warbler ✓	S	S	O
Yellow-throated Warbler ✓	S	S	O
Grace's Warbler ✓	+	S	O
Adelaide's Warbler ✓	+	+	O
Pine Warbler ✓	S	S	O
Kirtland's Warbler ✓	S	+	O
Prairie Warbler ✓	S	S	O
Palm Warbler ✓	S	S	O
Bay-breasted Warbler ✓	S	S	O
Blackpoll Warbler ✓	S	S	O
Cerulean Warbler ✓	S	S	O
Elfin Woods Warbler ✓	+	+	O
Black-and-white Warbler ✓	S	S	O
American Redstart ✓	S	S	O
Prothonotary Warbler ✓	S	S	O
Worm-eating Warbler ✓	S	S	O
Swainson's Warbler ✓	S	S	O
Ovenbird ✓	S	S	O
Northern Waterthrush ✓	S	S	X
Louisiana Waterthrush ✓	S	S	O
Kentucky Warbler ✓	S	S	O
Connecticut Warbler ✓	S	+	O
Mourning Warbler ✓	S	S	O
MacGillivray's Warbler ✓	S	S	O
Common Yellowthroat ✓	S	S	O
Gray-crowned Yellowthroat ✓	+	S	O
Hooded Warbler ✓	S	S	O
Wilson's Warbler ✓	S	S	O
Canada Warbler ✓	S	S	O
Red-faced Warbler ✓	+	S	O
Painted Redstart ✓	S	S	O
Slate-throated Redstart ✓	S	?	O
Golden-crowned Warbler ✓	+	S	O

Rufous-capped Warbler	+	s	o
Yellow-breasted Chat ✓	s	s	o
Olive Warbler	+	s	o
THRAUPINAE (Tanagers)	o	o	
Stripe-headed Tanager	+	s	
Puerto Rican Tanager	+	+	
Hepatic Tanager	+	s	
Summer Tanager ✓	s	s	
Scarlet Tanager ✓	s	s	
Western Tanager	s	s	
Antillean Euphonia	+	+	
CARDINALINAE (Cardinals, Grosbeaks, and Allies)	o	o	
Crimson-collared Grosbeak	+	s	
Northern Cardinal ✓	s	s	
Pyrrhuloxia	+	s	
Yellow Grosbeak	+	s	
Rose-breasted Grosbeak ✓	s	s	
Black-headed Grosbeak	s	s	
Blue Grosbeak	s	s	
Lazuli Bunting	s	s	
Indigo Bunting ✓	s	s	
Varied Bunting	+	s	
Painted Bunting	s	s	
Dickcissel	s	s	
EMBERIZINAE (Sparrows and Allies)	o	o	
Olive Sparrow	+	s	o
Green-tailed Towhee ✓	s	s	o
Eastern (=Rufous-sided) Towhee ✓	s	+	o
Spotted (=Rufous-sided) Towhee	s	s	o
Canyon (=Brown) Towhee	+	s	o
California (=Brown) Towhee	+	s	o
Abert's Towhee	+	s	o
White-collared Seedeater	+	s	o
Yellow-faced Grassquit	+	s	o
Black-faced Grassquit	+	+	o
Puerto Rican Bullfinch	+	+	o
Bachman's Sparrow	s	+	o
Botteri's Sparrow	+	s	o
Cassin's Sparrow	s	s	o
Rufous-winged Sparrow	+	s	o
Rufous-crowned Sparrow ✓	+	s	o
American Tree Sparrow ✓	s	+	o
Chipping Sparrow ✓	s	s	o
Clay-colored Sparrow ✓	s	s	o
Brewer's Sparrow ✓	s	s	o
Field Sparrow ✓	s	s	o
Worthen's Sparrow	+	s	o
Black-chinned Sparrow	+	s	o
Vesper Sparrow ✓	s	s	o

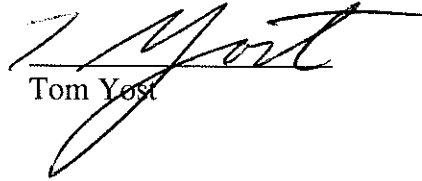
Lark Sparrow	S	S		O
Black-throated Sparrow	S	S		O
Sage Sparrow	S	S		O
Five-striped Sparrow	+	S		O
Lark Bunting	S	S		O
Savannah Sparrow ✓	S	S		X
Baird's Sparrow ✓	S	S		O
Grasshopper Sparrow	S	S		O
Henslow's Sparrow	S	+		O
Le Conte's Sparrow	S	S		O
Saltmarsh Sharp-tailed (=Sharp-tailed) Sparrow	S	+		O
Nelson's Sharp-tailed (=Sharp-tailed) Sparrow	S	S		O
Seaside Sparrow	S	S		O
Fox Sparrow ✓	S	S	X	X
Song Sparrow ✓	S	S		O
Lincoln's Sparrow	S	S		O
Swamp Sparrow ✓	S	S		O
White-throated Sparrow ✓	S	S		O
Golden-crowned Sparrow	S	S	X	O
White-crowned Sparrow ✓	S	S	X	O
Harris' Sparrow	S	+		O
Dark-eyed Junco ✓	S	S		X
Yellow-eyed Junco	+	S		O
Rustic Bunting	S	+	X	X
Pallas' Bunting (=Reed-Bunting)				X
Reed (=Common) Bunting (=Reed-Bunting)	+	+		O
McCown's Longspur	S	S		O
Lapland Longspur	S	S		X
Smith's Longspur	S	+		O
Chestnut-collared Longspur	S	S		O
Snow Bunting ✓	S	+		X
McKay's Bunting	S	+		O
ICTERIDAE (Blackbirds and Allies)	O	O		
Boblink ✓	S	S		
Red-winged Blackbird ✓		S		
Tricolored Blackbird		S		
Tawny-shouldered Blackbird		+		
Yellow-shouldered Blackbird		+		
Eastern Meadowlark ✓	S	S		
Western Meadowlark	S	S		
Yellow-headed Blackbird		S		
Rusty Blackbird ✓		S		
Brewer's Blackbird		S		
Great-tailed Grackle ✓		S		
Boat-tailed Grackle ✓		+		
Common Grackle ✓		+		
Greater Antillean Grackle		+		
Shiny Cowbird		+		

Bronzed Cowbird		S		
Brown-headed Cowbird ✓		S		
Black-cowled Oriole	S	S		
Black-vented Oriole		?		
Orchard Oriole ✓	S	S		
Hooded Oriole	+	S		
Streak-backed Oriole	+	S		
Altamira Oriole	+	S		
Audubon's Oriole	+	S		
Baltimore (=Northern) Oriole ✓	S	S		
Bullock's (=Northern) Oriole	S	S		
Scott's Oriole	S	S		
FRINGILLIDAE (Finches)	O	O		
FRINGILLINAE	O	O		
Brambling	S	+	X	X
CARDUELINAE	O	O		
Black (=Rosy) Rosy-Finch (=Finch)	+	+		O
Brown-capped (=Rosy) Rosy-Finch (=Finch)	+	+		O
Gray-crowned (=Rosy) Rosy-Finch (=Finch)	S	+		O
Pine Grosbeak ✓	S	+	X	O
Common Rosefinch	+	+		X
Purple Finch ✓	S	S		O
Cassin's Finch	S	S		O
House Finch ✓	S	S		O
Red Crossbill ✓	S	S		O
White-winged Crossbill ✓	S	+		O
Common Redpoll	S	+	X	X
Hoary Redpoll	S	+	X	X
Pine Siskin ✓	S	S		O
Lesser Goldfinch	S	S		O
Lawrence's Goldfinch	+	S		O
American Goldfinch ✓	S	S		O
Oriental Greenfinch	+	+		O
Eurasian Bullfinch	+	+	X	X
Evening Grosbeak ✓	S	S		O
Hawfinch	+	+	X	X

10. I ask that the Connecticut Siting Council accept these marked exhibits into evidence for consideration under Docket 378, also as material evidence of the current scenic beauty of the place, and as evidence of the product of my chosen profession, which the placement of a tower on the proposed sites would materially injure.

Sworn to before me

This 20th day of May, 2009


Tom Yost

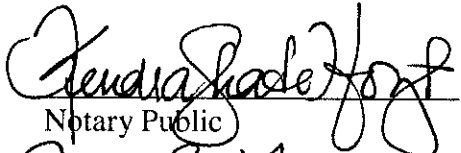
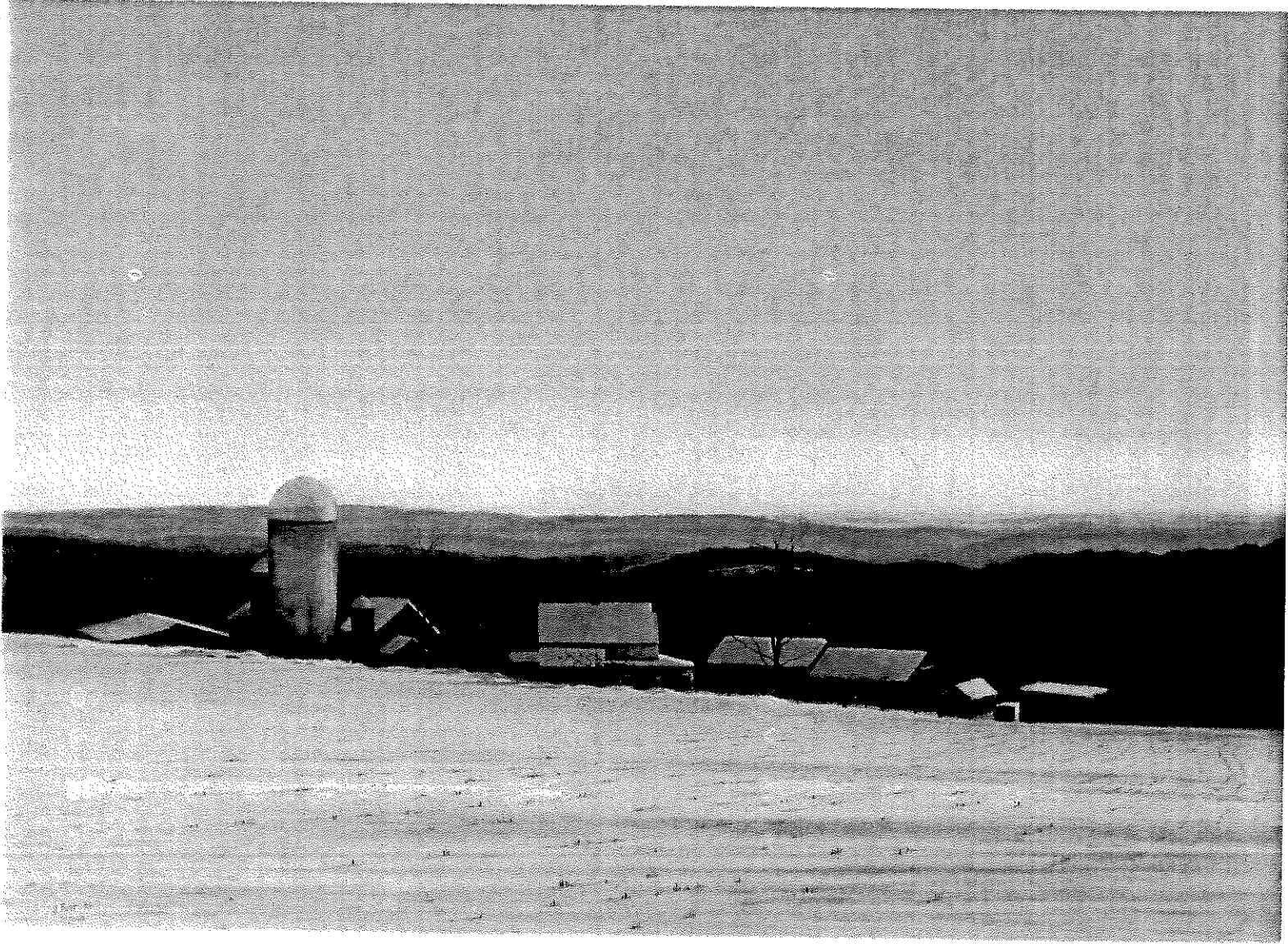

Notary Public
Comm. Exp. May 31, 2011

Exhibit B



Tanner Hill Farm . by Tom Yost
oil on canvas, 18x24 inches, 2004

Exhibit C

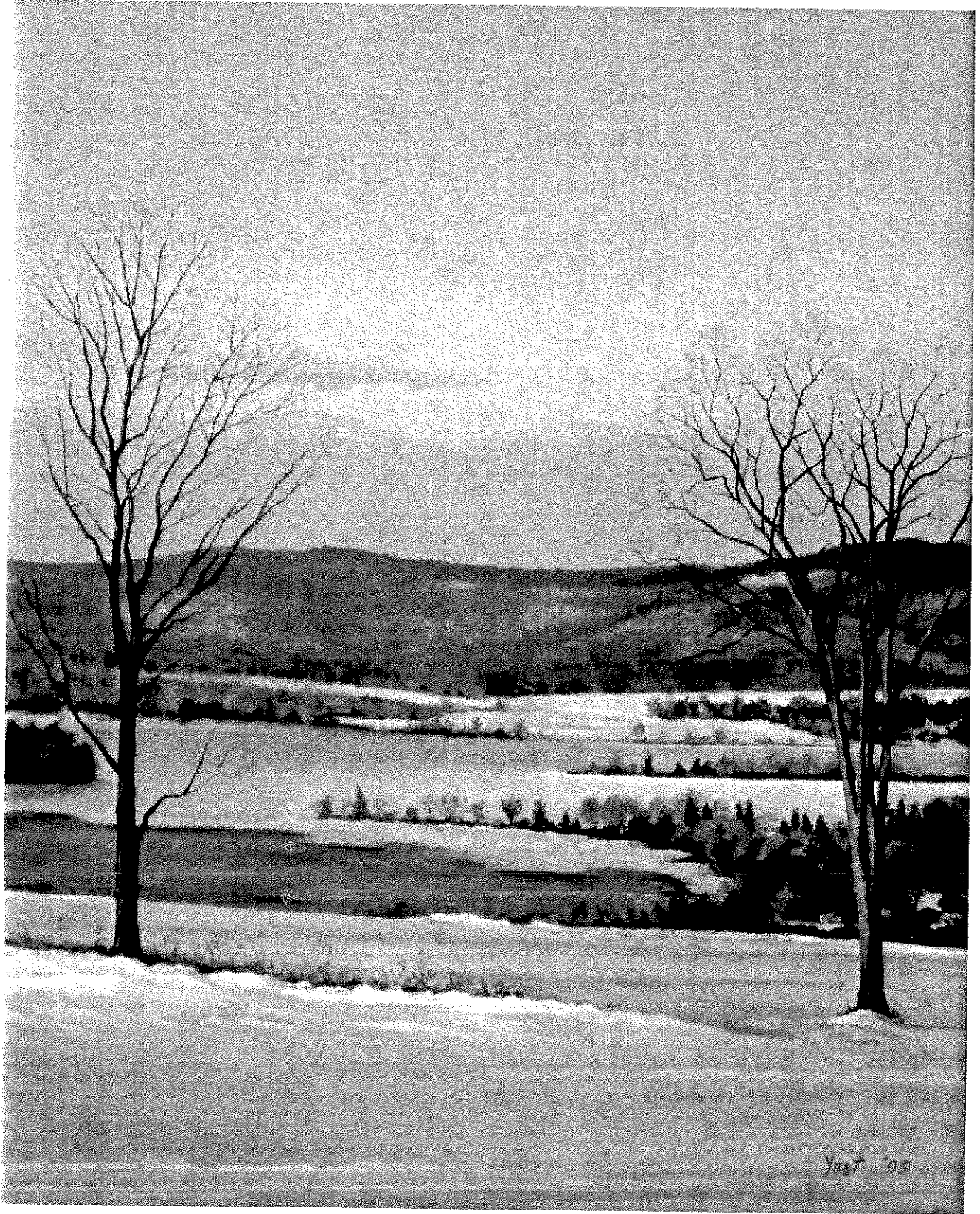
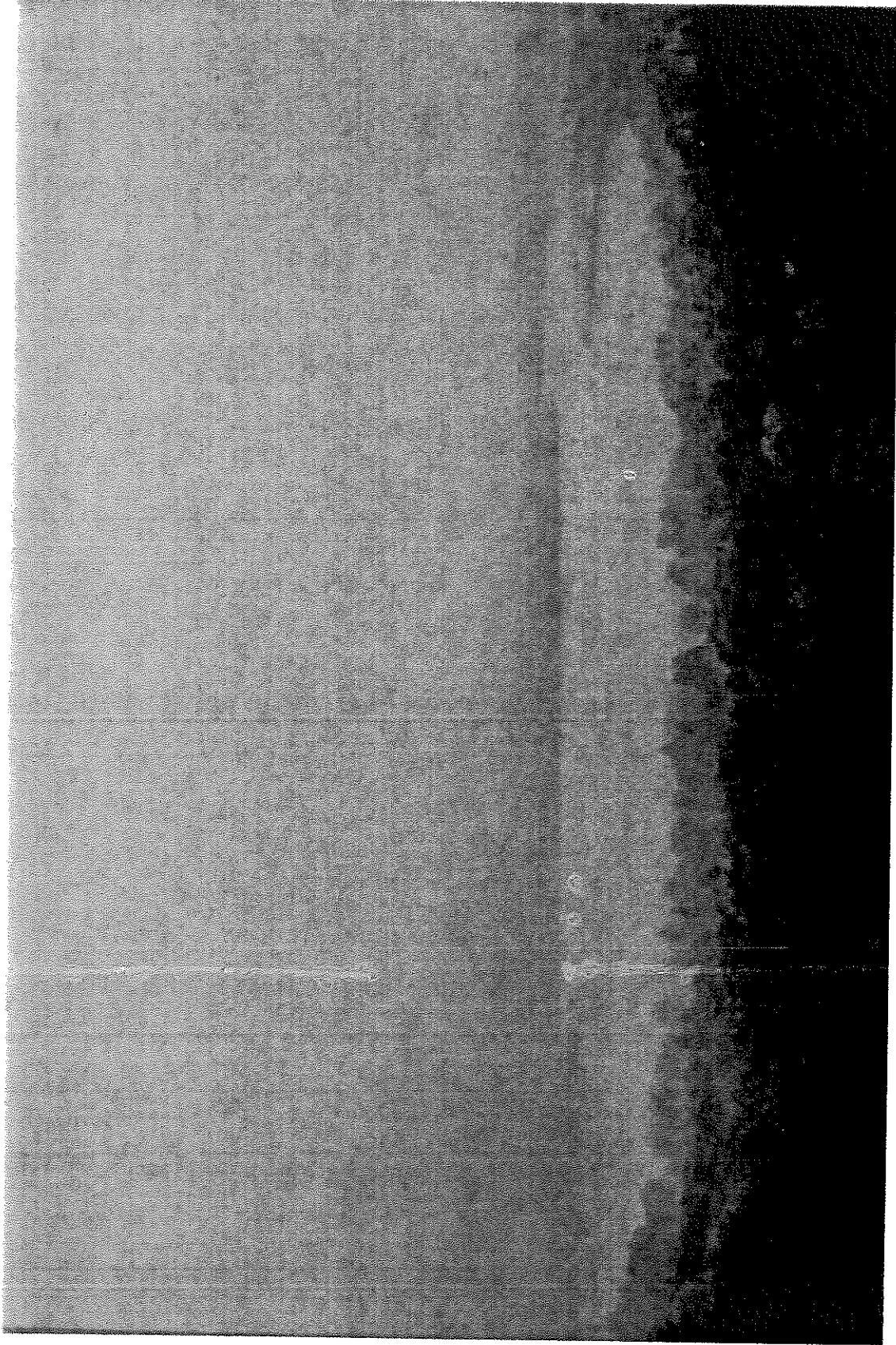


Exhibit D

Tom Yost

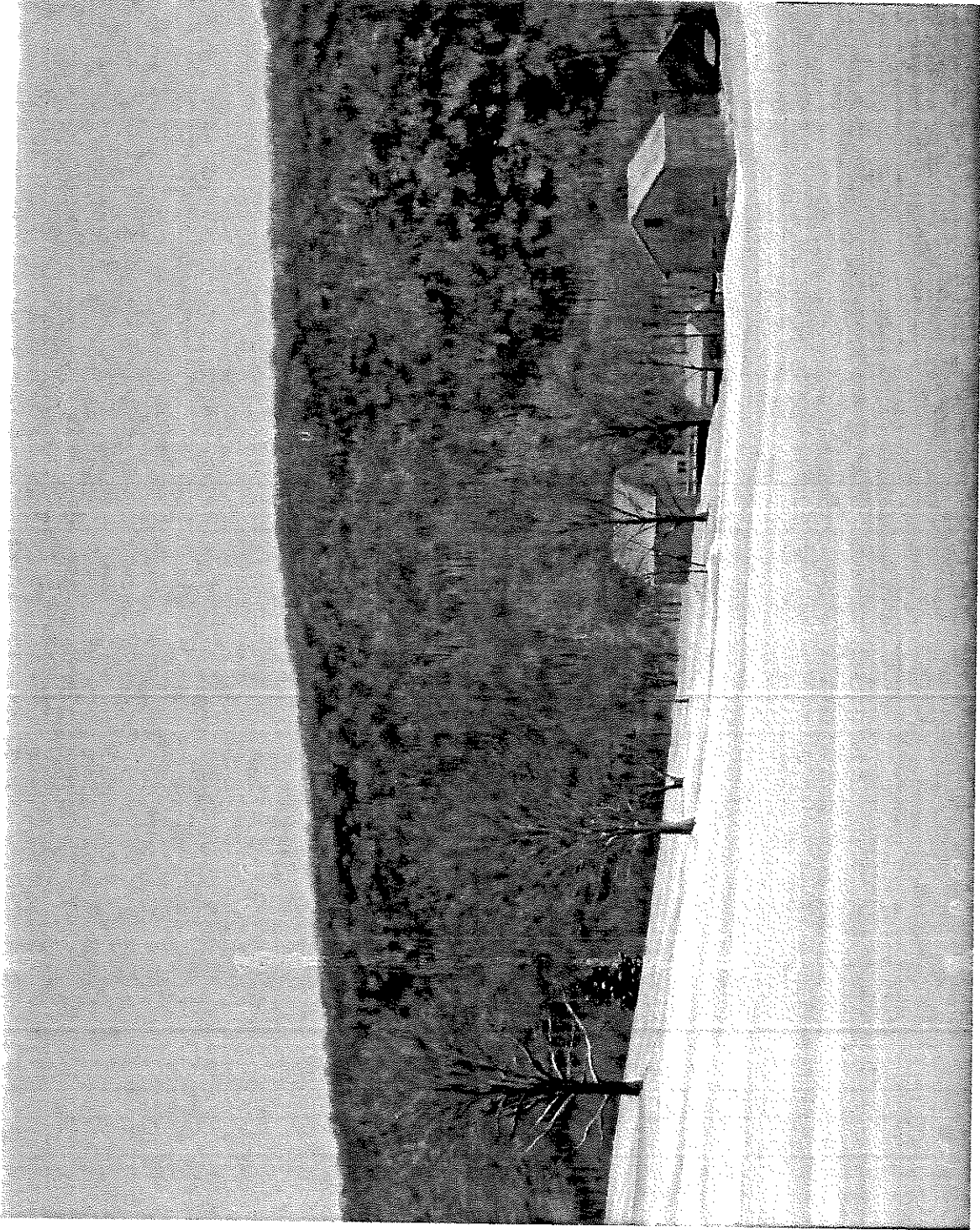
View of Lake Waramaug From Tanner Hill
Warren, CT



Oil on linen
16 x 24 inches
2003

Exhibit E

Tom Yost
Barns Near Lake Waramaug
Warren, CT



Oil on linen
16 x 20 inches
2003

Blumberg No. 5118
EXHIBIT
WCC58

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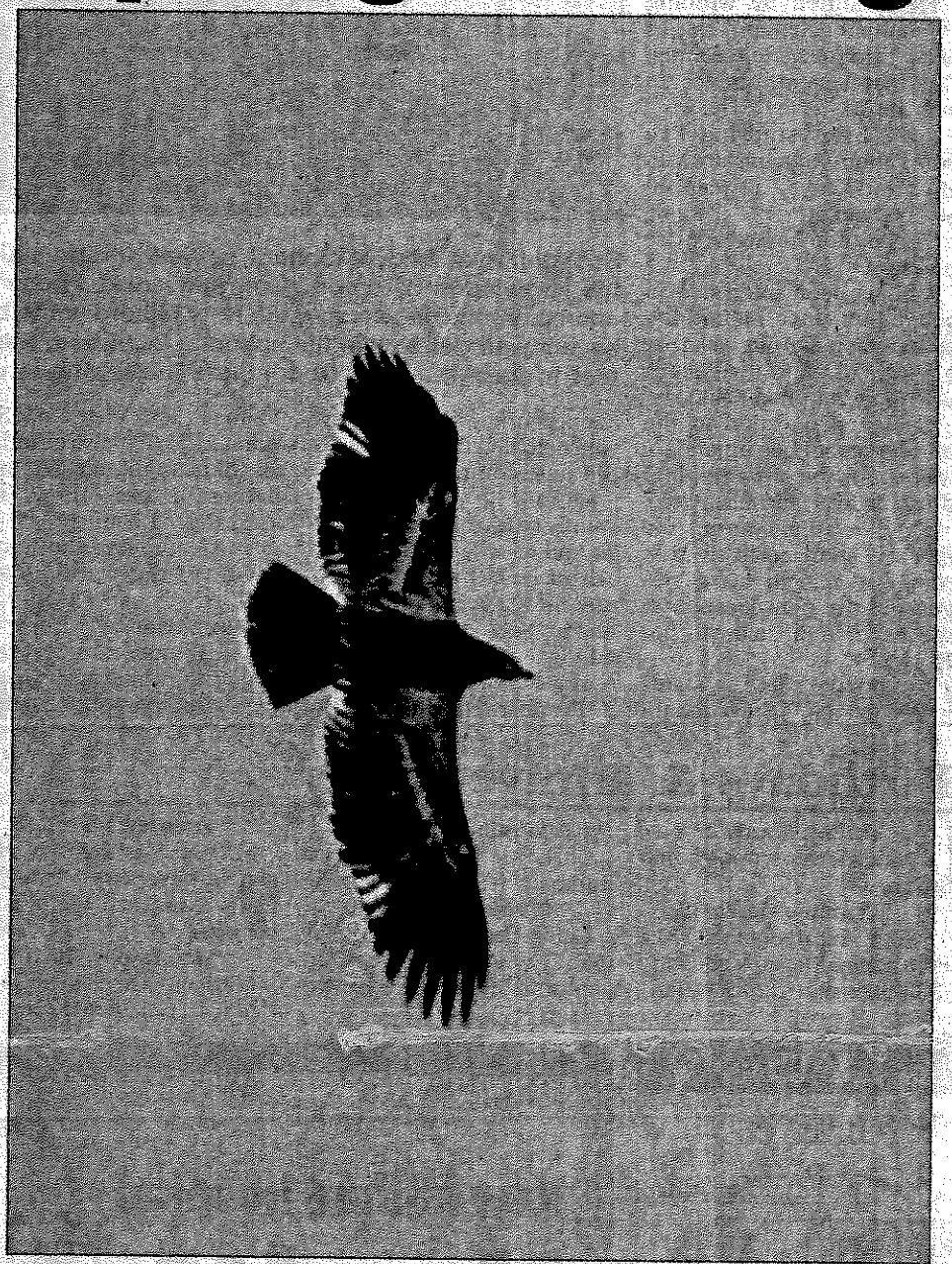
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Spring soaring



A young bald eagle catches a warm spring zephyr over Lake Waramaug in Warren on Tuesday. The birds tend to congregate near water, including the Housatonic and Shepaug rivers and Candlewood Lake, where they can easily fish. Several readers have called The Spectrum this week to mention bald eagle sightings in the area. Seen in flight, especially with a full wing span majestic against a deep blue sky, bald eagles — our national symbol — are breathtaking. The white mottling on the wings of this bird indicate it is "immature" or a juvenile.

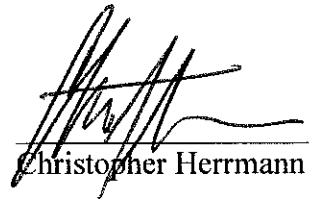
Trish Haldin/For The Spectrum

Preston hosted George Washington several times during the Revolutionary war (as annotated in Washington's personal diaries). This is how the town of Washington got it's name. Elisha Whittlesey was elected to five terms as a U.S. congressman and then went on to serve under presidents Harrison, Taylor and Lincoln. E. Whittlesey was appointed General Agent of the Washington Monument Association, responsible for the fundraising and construction of the Washington Monument in Washington D.C. under President Harding. We are currently in the process of having the house listed on the Connecticut Trust of Historic Places. Please see Attachment number six.


7. We hereby certify that the markings on that list are ours and that the bird sightings represented by the marks are ours as made at Meeker Swamp and Rabbit Hill Road where we live.

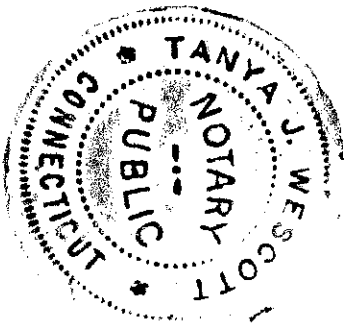
Sworn to before me

This 01 day of May, 2009


Christopher Herrmann


Joseph Lorino


Notary Public
com exp 5/31/14



Mosquito Management and Control

Description

Connecticut's Mosquito Management and Control Program is a comprehensive, intergovernmental program to prevent the transmission of mosquito borne diseases.

Municipal Connection

Most of the responsibility for local mosquito control statutorily lies with the local health departments.

Municipal Responsibility

Municipalities are responsible for implementing the state public health statutes as they pertain to mosquito control.

Statutory Citation

CGS Sections 22a-45b to 22a-45d, inclusive

Discussion

Certain mosquitoes can harbor and transmit pathogens that cause diseases. Typical mosquito-borne diseases found in Connecticut include Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV).

In order to manage mosquitoes to minimize the risk from these diseases, Connecticut has a Mosquito Management Program (CT MMP), which is a multi-agency effort including the CT DEP, the Connecticut Department of Public Health, the Connecticut Agricultural Experiment Station, the Connecticut Department of Agriculture, and the University of Connecticut. During the mosquito season, the CT MMP collects samples of the state's mosquito population (both adults and larvae, which are an immature stage of mosquito development), and tests for the presence of EEE and WNV.

As part of its role in the CT MMP, the CT DEP actively manages mosquitoes using two general approaches: 1) the widespread use of biological controls; and 2) the judicious use of

insecticides. Biological controls involve using the natural predators of mosquitoes and most frequently include water management techniques in mosquito breeding areas. These techniques improve access to the mosquito-breeding sites for fish that consume mosquito larvae and pupae (another sub-adult development stage of mosquitoes). Biological control provides more permanent mosquito management than chemical insecticides; however, when biological controls are inappropriate or insufficient, select insecticides are judiciously applied. Insecticides used for mosquito management are grouped into two categories: 1) larvicides, used to control immature (larval) mosquitoes in aquatic habitats, and 2) adulticides, used to control adult mosquitoes. The insecticides used by the CT DEP are safe for the environment and do not pose any adverse threat when used in accordance with label instructions.

A number of other products on the market claim to have mosquito control capabilities. In most cases, these products have not been rigorously tested and do not perform as advertised. Mechanical traps such as ultraviolet "bug zappers" or devices that repel using ultrasonic sound waves, do not meet advertiser claims. In fact, bug zappers attract few mosquitoes and may actually kill beneficial insect predators so they should not be used for mosquito reduction. Natural predators, such as bats and certain bird species, including purple martins, eat mosquitoes. Although mosquitoes make up only a small portion of these predators' diets, bats and purple martins can reduce the severity of an infestation.

The CT DEP Wetlands Habitat and Mosquito Management Program provides technical assistance to municipalities regarding mosquito habitat and control options using Integrated Pest Management (IPM) alternatives (see the fact sheet on *Landscape and Lawn Care* under Public Works for more on IPM).

Attachment #4


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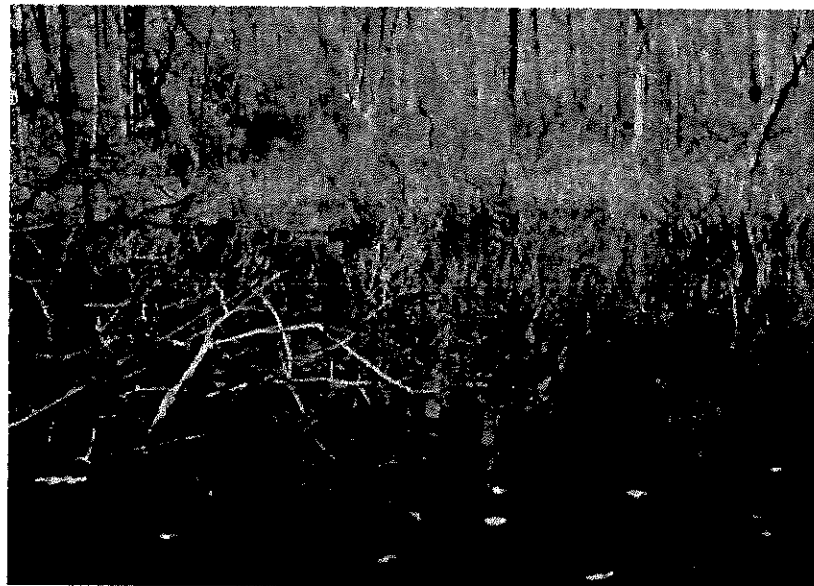
Vernal Pools

The following information on vernal pools is general natural resource information. The information is not intended to describe the regulation of vernal pools and associated aquatic, plant, or animal life pursuant to the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45 of the Connecticut General Statutes or any applicable regulations of a municipal inland wetlands agency.

Overview of Vernal Pools in Connecticut

Connecticut is a state rich in natural resources and vernal pools are an integral part of the states ecosystem. Vernal pools provide habitat that is critical to the survival of certain wildlife species. Amphibians and reptiles such as frogs, toads, salamanders, and turtles use them for mating and breeding.

Because vernal pools are small, isolated, as well as dry much of the year, they can be easily overlooked and inadvertently damaged or destroyed. In 1995 the Connecticut General Assembly passed legislation that gives municipal inland wetlands agencies explicit regulatory authority over vernal and other intermittent watercourses as part of Connecticut's Inland Wetlands and Watercourses Law. Further efforts to protect vernal pools will depend upon improving public awareness of these unique, fragile ecosystems.



What are vernal pools?

Vernal pools are small bodies of standing fresh water found in the spring of the year. Usually temporary, they derive their name from *vernalis*, the Latin word for spring because they result from various combinations of snowmelt, precipitation, and high water tables associated with the spring season. For a vernal pool to exist, there must be a source of water and an enclosed basin that

traps the water for some period of time. The depressions may be natural or of human origin, and they dry out most years. Because of its periodic drying, vernal pools do not support breeding populations of fish.

To meet the definition of a vernal pool, four criteria must be met:

- It contains water for approximately two months during the growing season;
- It occurs within a confined depression or basin that lacks a permanent outlet stream;
- It lacks any fish population;
- It dries out most years, usually by late summer.

Where are vernal pools found?

Vernal pools are found throughout Connecticut's landscape in a wide variety of vegetation types. Although generally isolated, they are sometimes connected to each other by small drainages known as "vernal swales."

What makes vernal pools special?

The vernal pool is a unique microhabitat in which a number of wildlife species prosper. Some species are so well adapted to this environment that they are not able to successfully reproduce elsewhere.

What species are found in vernal pools?

The short flooding duration of vernal pools favors species that can carry out their breeding cycle very quickly. In Connecticut these species include spotted, Jefferson's, and marbled salamanders, wood frogs, eastern spadefoot toads, and fairy shrimp.



- **Spotted and Jefferson's Salamanders**

These salamanders breed in vernal pools and both arrive at pools around the same time as wood frogs, between mid-March and late April. These species are known as "mole" salamanders because of their subterranean lifestyles. Mole salamanders spend most of their lives in underground rodent burrows and tunnels and crevices under rocks and other debris. Adults emerge from their underground homes and migrate to vernal pools during the first warm, rainy evenings of spring. Although their breeding season may last a few weeks, males and females in any given pool complete courtship, mating, and egg-laying in just a few days.

- **Marbled Salamanders**

The marbled salamander lives underground most of the year, but adults breed in the fall, selecting dry beds of autumnal pools to breed and lay eggs. Males leave the sites soon after breeding, while females stay behind to guard and incubate the eggs. When water fills the breeding pools, females leave. The eggs hatch into aquatic larvae, that will remain in the pool until they metamorphose in late fall or early spring.

- **Wood Frogs**

Wood frogs are terrestrial except during the breeding season. They live in woodlands, where they forage for food among leaves and debris on the forest floor. In winter, they hibernate under rocks, moss, leaf litter, or in rotting logs and stumps. Wood frogs are often the first amphibians to emerge in spring, at which time large numbers of males and females migrate to breeding sites during the first warm rains (from late March to late April).

Breeding is completed within a couple of weeks, after which adults return to the woods, leaving clear, jelly-like egg masses behind. Eggs will hatch into tiny tadpoles in about three weeks, depending on water temperature. Tiny wood frog tadpoles grow and eventually metamorphose into juveniles after an average of 67 days. The juveniles, which look like miniature adults, gather in large groups along the shore of the pool before dispersing into surrounding woodlands.

- **Eastern Spadefoot Toads**

Considered an endangered species in Connecticut, the eastern spadefoot toad is rare in Connecticut. The population of spadefoot toads in Connecticut is threatened by the loss of habitat due to development and urbanization. The toads are also susceptible to high mortality when breeding pools dry up before the tadpoles can grow into toads.

The eastern spadefoot toad is probably the rarest and most secretive amphibian found in Connecticut. It has been the subject of myths claiming that it remains buried for years underground in shallow burrows before surfacing to breed. Spadefoots remain underground in shallow burrows for weeks during dry periods. Being nocturnal and usually subterranean (underground), this creature is very difficult to find. On damp summer nights, spadefoots often emerge from their burrows. When rainfall is extensive, their call, a short explosive "wank," like the call of the crow, may be heard.

- **Fairy Shrimp**

Many invertebrates also breed in vernal pools. Fairy Shrimp, which are small crustaceans, are the only species that are unique to these habitats in our area. As their name implies, these small creatures look like tiny shrimp. Measuring anywhere from ½ to 1 inch long, they are most easily seen as they swim along just below the water's surface. They swim on their backs, with their legs pointed upwards. As the pools dry up, fairy shrimp lay their eggs in the soil and leaf litter on the bottom of the pool. Adult shrimp die off when the pools dry completely, and the eggs remain dormant until the pools fill again in the following spring.

Why should vernal pools be protected?

Vernal pools should be protected for their habitat value for both **obligate** and **facultative** species. "**Obligat**e" vernal pool species are those who rely on vernal pools for all or portions of their lifecycle and are unable to successfully complete their lifecycle without vernal pools. In New England the easily recognizable obligate species are the fairy shrimp, the mole salamanders and the wood frog.

"Facultative" species are those organisms that can use vernal pools for all or portions of their lifecycle, but are able to successfully complete their lifecycles in other water bodies. Examples of facultative species are spring peepers, American toads and bullfrogs.

Vernal pools are small and often nondescript, and isolated from other wetlands. They are also more sensitive to disturbance than other types of wetlands. Breeding populations of some species may be severely impacted as a result of the destruction of just one pool. In addition, the destruction of a vernal pool can sever an important link in a larger wildlife migration corridor that can have negative consequences on many more animals.

What are the threats to vernal pools?

Land use adjacent to pools affects their value as productive amphibian breeding sites. The loss of surrounding trees results in decreased shading, rising water temperatures, decreased oxygen content, increased evaporation, and shorter flooding cycles. There may also be less debris to provide cover, nutrients, and attachment sites for egg masses. Many of the amphibians and reptiles that use vernal pools spend most of their year in the surrounding habitat, both uplands and wetlands.

Changes to the forest surrounding a vernal pool, such as clearing trees, putting down sod, or building and paving, will have a detrimental impact on the species that use the nearby vernal pool. Roads provide a lethal barrier to many species that must cross it to reach a vernal pool. Heavy traffic on the rainy nights when salamanders and frogs migrate can cause high mortality and impact local populations. Road salt and other chemicals from the road may also have an effect on the water quality in nearby vernal pools. The upland area around the pool is just as important to survival of the species as the vernal pool itself.

What can people do to protect vernal pools?

Do not clean up in and around vernal pools. Leave trees, bushes, and understory vegetation, as well as brush, logs and dead trees alone.

Leave a buffer of natural vegetation around the pool for as great a distance as possible back from the edge of the pool's high-water mark. A buffer of at least 100 feet will help maintain water quality, but will do little to protect amphibians living around the pool. Vernal pool breeders require large areas of natural habitat around their pools in order to survive.

Do not fill in the pool, even when it is dry, by dumping leaves or other debris in it.

Avoid activities that alter the movement of surface water of the upland area that drains into the pool. Digging ditches and similar activities can change runoff into the pool, thereby altering its flooding cycle.

Do not dig into the bottom of the pool, even when it is dry, as this will disturb the non-permeable layer of soil that allows the pool to flood.

For further information on vernal pools contact DEP's Inland Wetlands Division at 860-424-3019.

Sources of information:

An Introduction to the Connecticut Inland Wetlands and Watercourses Act
Prepared by the CT DEP Bureau of Water Management, Inland Water Resources Division, Wetlands Management Section, October 1997.

Google

Address

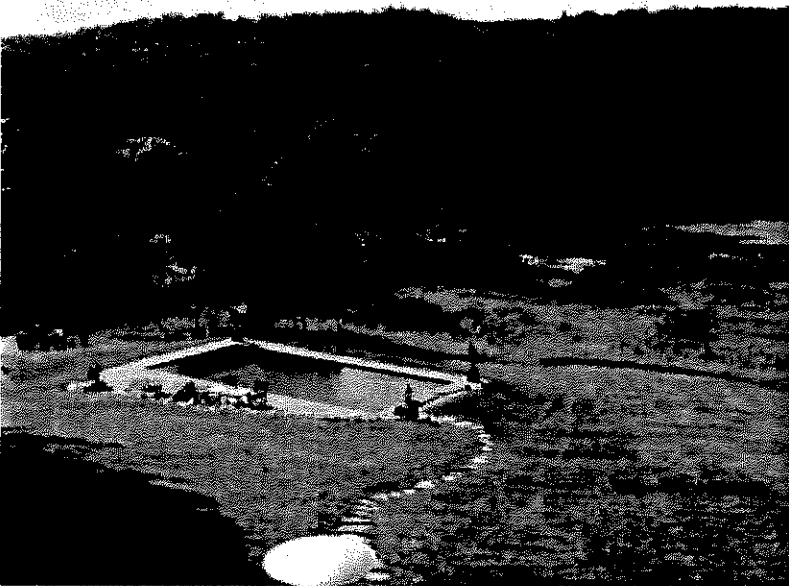
ERROR: ioerror
OFFENDING COMMAND: image

STACK:

6 Attachment

-dictionary-





From: "Vairo, Stacey" <Stacey.Vairo@ct.gov>
Subject: RE: Fwd:
Date: January 29, 2009 12:26:26 PM EST
To: "Chris Herrmann" <chris@mannic.com>

Good Afternoon Chris,

I do apologize for not getting this out to you sooner. I've put a copy of a nomination for the John Betts Jr. House in New Canaan, CT in the mail to you today. The house is a similar type of resource and the nomination was simple yet well done. The form used for the Betts nomination looks different from the one on our website, but the information contained within is the same.

Please take a look at it and the materials on our website again at : <http://www.cultureandtourism.org/cct/cwp/view.asp?a=2127&q=413196> and give me a call. I'll be happy to guide you through the process.

Best Regards,

Stacey Vairo
State and National Register Coordinator
Connecticut Commission on Culture & Tourism
One Constitution Plaza, Second Floor
Hartford, CT 06103
(860) 256-2766

From: Chris Herrmann [<mailto:chris@mannic.com>]
Sent: Thursday, January 29, 2009 11:13 AM
To: Vairo, Stacey; stacey.vairo@ct.gov.org
Subject: Fwd: Fwd:

Dear Stacey,

Hope all is well with you since we last spoke. Here is another copy of the package I sent you last Sept. In our last conversation several weeks ago you mentioned that you needed some essays and that you'd send me samples. Would you please send them so I can get started writing? I'd really like to get this process going and it's getting a bit frustrating. In what I'm sure is a busy schedule for you, I'd very much appreciate your responsiveness.

Sincerely,
Chris Herrmann

Begin forwarded message:

From: Chris Herrmann <chris@mannic.com>
Date: September 8, 2008 5:32:36 PM EDT
To: stacey.vairo@ct.gov.org
Cc: chris@mannic.com, christophe4@juno.com
Subject: Fwd:

Dear Stacey,

It was a pleasure talking with you today, I so appreciate your guidance.

I have included the information you requested. There is a pdf and links below. Included are pictures of the exteriors and interiors, floor plans and outbuildings of our Whittlesey House, 128 Litchfield Turnpike, Washington, CT 06777. I have also included some historical information on Elisha Whittlesey. He was born in our house and lived there until he was a teen, then moved to Salisbury CT. From Salisbury he went to college and law school in Canfield, Ohio.

When we first bought the house we went to the historical society in Washington. We found a map there from the mid 19th century with our house on it with the name Elisha Whittlesey. Subsequently we did further research and found that our house was a Whittlesey house, one of five in the area. The Whittleseys, along with a few other families made the original land purchase of the area before the revolutionary war. Paving the path of this area becoming part of the state of CT.

Elisha Whittlesey was elected to the U.S. Congress for three terms. Whittlesey also served under the administrations of Presidents Taylor, Buchanan and Lincoln. Elisha Whittlesey was the force behind the building of the Washington Monument in Washington, D.C. This is especially interesting because he grew up in Washington, CT. Washington as you may know was named after George Washington. George Washington visited this area in CT which was created by the land purchase of the Whittlesey

From: Chris Herrmann <chris@mannic.com>
Subject: Fwd: Fwd:
Date: September 11, 2008 9:33:17 AM EDT
To: "Vairo, Stacey" <Stacey.Vairo@ct.gov>
9 Attachments, 1.4 MB

Begin forwarded message:

From: Chris Herrmann <chris@mannic.com>
Date: September 8, 2008 5:32:36 PM EDT
To: stacey.vairo@ct.gov
Cc: chris@mannic.com, christophe4@juno.com
Subject: Fwd:

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Best regards,

Christopher Herrmann
128 Litchfield Turnpike
Washington, CT 06777
860 868 1813
917 865 7044

**TOWN OF WASHINGTON CONSERVATION COMMISSION
BRYAN TOWN HALL
WASHINGTON DEPOT, CT 06794**

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

In Re:

APPLICATION OF SBA TOWERS II, LLC ("SBA") FOR A
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT ONE OF TWO
ALTERNATE SITES AT RABBIT HILL ROAD IN
WARREN, CONNECTICUT

DOCKET: 378

May 26, 2009

MOTION TO DISMISS and REQUEST FOR COSTS

The Town of Washington Conservation Commission, Party to the above captioned Docket 378 respectfully requests the Connecticut Siting Council dismiss the application before them on the grounds given in the Department of Agriculture's Motion to Dismiss of May 14, 2009 that the applicant failed to comply with the requirements of Section 47-42d of the General Statutes, the State of Connecticut being the holder of a conservation easement on the Rabbit Hill property. Further, that SBA was aware of the Department of Agriculture's objection to this sitting in September of 2008 and moved forward recklessly over the numerous objections of both Towns of Washington and Warren.

The town of Washington has incurred considerable expenses of time and money attending to this application for a site that was on the record as being objected to in 2003 to ATT's original application. SBA purported to represent ATT in their initial dealings with the town, which has not held to be true.

The Town of Washington asks the Siting Council to provide relief from the costs incurred defending the scenic and environmental qualities of this area for a case that should never have come before the Siting Council. Respectfully submitted,



Diane Dupuis

Conservation Commission

Town of Washington, Bryan Town Hall, Washington Depot, CT 06794

**Washington Conservation Commission
Bryan Memorial Town Hall
Washington Depot, CT 06794**

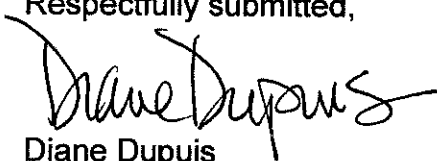
May 21, 2009

The Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

**RE: Docket 378: Application of SBA Towers II, LLC
("SBA") for a Certificate of Environmental
Compatibility and Public Need for the Construction,
Maintenance and Operation of a
Telecommunications Facility at One of Two Alternate
Sites at Rabbit Hill Road in Warren, Connecticut**

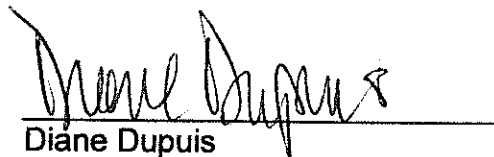
The Washington Conservation Commission, party in this proceeding herewith submits, by hand, an original and 15 copies of our hearing exhibits to date pursuant to the Council's Hearing Notice of April 14, 2009 and the Council's Decisions Regarding Pre-Filed Comments, dated April 28, 2009 (item number 4).

Respectfully submitted,



Diane Dupuis
Chair Cell Tower Committee
Conservation Commission

I hereby certify that a complete copy of this document was served by hand on this date to all parties and intervenors present at the Warren Town Hall on May 21, 2009


Diane Dupuis

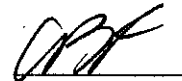
Acknowledgment of Receipt of Hand Delivery
of Washington Conservation Commission Pre-Filed Exhibits
on May 21, 2009
at the Warren Town Hall, Warren, Connecticut

Kindly initial:

Carrie L. Larson, Esq., Pullman & Comley, LLC
90 State House Square, Hartford, CT 06103-3702



Christopher B. Fisher, Esq., Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor, White Plains, NY 10601



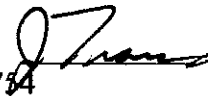
Kenneth Baldwin, Esq., Robinson & Cole LLP
280 Trumbull Street, Hartford, CT 06103-3597



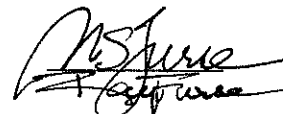
Hon. Mark E. Lyon, First Selectman, Bryan Memorial Town Hall
P.O. Box 383, Washington Depot, CT 06794



Hon. Jack Travers, First Selectman
Warren Town Hall, 7 Sackett Hill Road, Warren, CT 06754



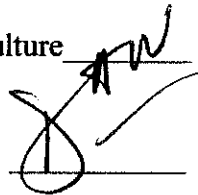
Ray and Mary Ellen Furse, 26 Jack Corner Road
Warren, CT 06777



Gabriel North Seymour, Esq.
200 Route 126, Falls Village, CT 06031



Hon. F. Philip Prelli, Commissioner, Department of Agriculture
165 Capitol Avenue, Hartford, CT 06106



David H. Wrinn, Esq., Assistant Attorney General,
55 Elm Street, P. O. Box 120, Hartford, CT 06141-0120

