



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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March 2, 2016

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

RE: **PETITION NO. 1112** - Cellco Partnership d/b/a Verizon Wireless declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed replacement and extension of an existing telecommunications facility located off of St. Andrews Road, Bloomfield, Connecticut. **D&M Plan Revision.**

Dear Attorney Baldwin:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated March 1, 2016 regarding the revision to the Development and Management (D&M) Plan for the above-referenced site that was approved by the Council on September 4, 2014.

Pursuant to Regulations of Connecticut State Agencies §16-50j-77(b), your request to modify the seasonal vernal pool restrictive period through the use of the "Proposed Protocol for Limited Construction Activity During Seasonal Restriction Period" is hereby approved.

This approval applies only to the D&M Plan revision dated March 1, 2016. Any significant changes to the D&M Plan require advance Council notification and approval. Furthermore, the project developer is responsible for reporting requirements pursuant to Regulations of Connecticut State Agencies Section 16-50j-77.

Thank you for your attention and cooperation.

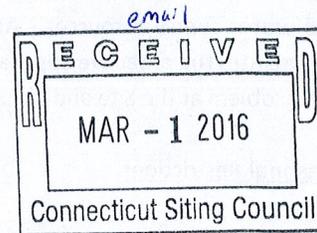
Very truly yours,

Melanie A. Bachman
Acting Executive Director

MB/RM

c: Council Members

The Honorable Joan Gamble, Mayor, Town of Bloomfield
Philip K. Schenck, Jr., Town Manager, Town of Bloomfield
Jose Giner, Director of Planning, Town of Bloomfield
The Honorable Lisa L. Heavner, First Selectman, Town of Simsbury
Michael Glidden, Assistant Town Planner, Town of Simsbury
John Morissette, Eversource
Dean Gustafson, APT



March 1, 2016

**Melanie A. Bachman
Acting Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051**

APT Project No.: CT1412210

**Re: Petition No. 1112
Tariffville Relo Facility
Request for Minor Modification
St. Andrews Road, Bloomfield, CT**

Dear Ms. Bachman,

On behalf of Celco Partnership, d/b/a. Verizon Wireless, All-Points Technology Corporation, P.C. ("APT") is pleased to provide a status update on construction activities and compliance monitoring for the referenced Tariffville Relo Facility off St. Andrews Road in Bloomfield, Connecticut (the "Site").

Per the Connecticut Siting Council's ("Council") declaratory ruling on September 4, 2014 for Petition No. 1112, one of the conditions requires "No construction is to be done between March 1st and May 15th to protect vernal pool species". In addition, the Council approved the Development and Management Plan on January 9, 2015 that included a Turtle Protection Program for eastern box turtle and wood turtle. APT met with Verizon Wireless' Construction Manager (the "CM") and the Site contractor on February 9, 2016 to inspect the site, conduct the contractor environmental awareness training and install turtle and vernal pool caution signs. At the time of the referenced inspection by APT, the site was under construction, the replacement tower fully stacked and antenna and equipment installation work on the new tower was underway. A copy of the APT Environmental Monitoring Report (No. 1) is provided in Attachment 1.

Site Construction Activity

APT was made aware that construction mobilization activities at the Site started on July 31, 2015. Erosion controls were installed on August 3 and 4, 2015, site grading/prep work was completed on November 13, 2015 new foundation was completed on December 4, 2015 and stacking of the new tower was completed on January 14, 2016. Speaking with the CM and Site contractor there was apparently some confusion about when the turtle protection program needed to be implemented at the Site. It was the CM's interpretation that provided work was not being performed during the March 1st to May 15th seasonal restrictive period, there was no need to implement the turtle protection program. The need for implementing the turtle protection program during the turtle's active period (April 1 to November 15) was clarified with the CM and the Site contractor. Several steps were taken to immediately remedy this inadvertent mistake including the previously referenced inspection and contractor environmental awareness training. In addition, APT has worked with Verizon Wireless' management team with assistance from their counsel, Attorney Kenneth C. Baldwin, to develop internal protocols to ensure that environmental protection measures are properly followed for the remainder of the construction period at the Site and on all future construction projects. The Council is well aware of Verizon Wireless' long proven history of properly implementing protection measures on

its numerous construction projects in Connecticut, whether it be for rare species, vernal pool species, or wetland and water supply resources. APT considers the confusion on the Tariffville Relo project to be an anomaly and appreciates the proactive approach Verizon Wireless has taken to implement additional internal safeguards to avoid this problem at the Site and at future construction projects.

Seasonal Restrictions

APT has received confirmation from the CM that construction activities have been suspended as of February 29th in observance of the March 1st to May 15th vernal pool seasonal restrictive period, with the majority of the work associated with antenna and equipment installation on the new (replacement) tower having been completed. Major work items that will remain will include the following: the “cut over” of ground connections between the existing and new equipment and new antennas on the replacement tower; final grading of the west compound slope, construction of a stormwater swale and level spreader; loam and seed exposed soil areas for permanent stabilization; install west fence of compound; and, the dismantling and removal of the old tower. The cut-over of the tower connections mentioned above, will be performed, primarily by cell site technicians working within the existing compound and/or equipment shelters with some support by tower climbers who may assist in testing of the antenna/equipment connections and performance. With the exception of the cut-over work, the remaining elements of construction at the Site will require the mobilization of heavy equipment (e.g., trucks, excavator, crane, dumpsters, etc.).

The March 1st to May 15th seasonal restriction condition imposed by the Council is associated with the timing of large movement events in the late winter and early spring by vernal pool breeding amphibians. The conservation implications of this seasonal restriction is aimed at minimizing mortality to migrating amphibians, particularly along the long paved access road that provides access to the site for the sole purpose of Verizon Wireless’ Tariffville Relo project. No seasonal restriction is associated with access on this road for the purposes of maintaining the Eversource Energy electrical transmission line right-of-ways that run parallel and cross this existing paved access.

The March 1st to May 15th is considered a conservative seasonal restrictive period with respect to avoiding mortality to migrating amphibians. It is understood that a large percentage of the total amphibian migratory movements occurs over several short discrete windows of time where certain conditions are met. However, depending upon thermal and precipitation conditions which play a pivotal role in the timing of these migratory events, those few movements could be compressed into a week’s time or over a month.

Breeding migrations for spotted salamander are known to generally occur at night in response to warm rains. Depending upon thermal and precipitation conditions, the breeding period for spotted salamander are often highly synchronized, resulting in as few as two or three nights of intensive mating (Talentino & Landre 1991). Klemens (1993) reported that spotted salamanders, considered fossorial with surface activity limited to wet nights, migrate *en masse* to their breeding pools during their March-April breeding season (Klemens 1993). Wood frogs breed as soon as the ice in vernal pools starts to melt with highly synchronized breeding over a relatively short time period during evening showers (Colburn 2004). Klemens (1993) reported that wood frogs breed explosively, completing mating and egg laying activities in a work or two. Colburn (2004) also reported that adult wood frogs remain in the vernal pools for only a few days, usually no longer than two weeks, completing their breeding activities rapidly and then returning to the surrounding forest. Jefferson and blue-spotted salamanders typically migrate on rainy nights when the air temperature is at least 1.7°C (Jackson 1990). They also will migrate under the following conditions: after daytime rain if conditions remain wet into the night; during periods without rain but with significant snow melting; and under dry spring conditions with very warm temperatures (13°C) (Jackson 1990). Blue spotted salamander, a record of which exists in Bloomfield near the project site, is fossorial with surface activity limited to wet nights most frequently in March and April, which coincides with their breeding season (Klemens 1993). Spring migrations are triggered by a combination of rising air temperatures and high humidity provided by rain, rapid snow melt, or fog (Blanchard 1930, Baldauf 1952, Klemens 1993).

Proposed Protocol for Limited Construction Activity During Seasonal Restriction Period

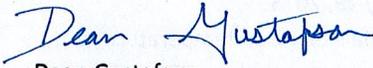
A review of these scientific references reveals that most of the vernal pool dependent herpetofauna, will have completed their late winter-early spring breeding migration after three (3) movements. Those breeding migration movements, which largely occur during the night, are dependent on temperature and wet/damp surface conditions. In addition, the literature referenced supports that a similar correlation exists to the emigration of adults from pools post breeding activity. To allow for additional flexibility in the construction schedule while preserving the intent of the March 1st to May 15th restrictive period (to minimize mortality to migrating amphibians during the breeding migration period), the following protocols and additional protective measures are proposed:

1. All construction activities shall cease at the end of the work day on February 29, 2015.
2. Wetland scientists from APT experienced in vernal pool investigations shall monitor temperature and precipitation conditions to predict when the first migratory movements by vernal pool dependent amphibians might occur and follow up with a field inspection to document migratory movements have occurred. Evidence of migratory movements would include observation of egg masses, spermatophores and adult amphibians within the vernal pool habitats located proximate to the tower project.
3. Vernal pool monitoring would continue until three (3) separate breeding migration movements into the vernal pools have been documented.
4. To allow for adult emigration from the pool after completing breeding activities, a minimum of a week-long extension to the restriction window would extend following the third breeding migration movement documented. This week-long emigration period shall be deemed to have been satisfied once the temperature and moisture conditions for optimal migration have occurred during such period. The emigration period would extend beyond 1 week until such time the temperature and moisture conditions have occurred, as documented by APT.
5. Following the third documented vernal pool breeding migration movement and the week-long emigration period, APT will submit to the Council a summary report documenting the results of monitoring of the vernal pool breeding migration movements.
6. Following submission of this summary report, limited construction activities, limited to cut-over and antenna and equipment installation work, would be allowed to recommence. APT will provide notice to the Council prior to work recommencing at the Site.
7. Prior to remobilization at the Site for limited construction activities, APT would hold an environmental awareness training session at the entrance gate to the access road to review the vernal pool protection plan with emphasis on making sure the road is clear of any amphibians.
8. Since vernal pool amphibians largely perform breeding migration movements during the night, all construction activities, including access into and leaving the site shall only be performed during the daytime hours.
9. No nighttime access shall be allowed during the March 1st to May 15th seasonal restriction period, except in the case of an emergency.
10. Limited construction activities would consist of access only by cell technicians and support personnel utilizing SUV and pickup truck type vehicles.
11. No heavy equipment access, site construction activities or tower dismantling shall occur until after May 15th.
12. If site stabilization activities or repair of erosion controls requires equipment support, such work will only be allowed to occur with assistance from APT to provide a spotter to walk necessary equipment up the access road to ensure the protection of vernal pool amphibians.

It is our opinion, as supported by the referenced scientific literature, that this proposed modified seasonal vernal pool restrictive period is equally protective to vernal pool amphibians while preserving the intent of the March 1st to May 15th period conditioned by the Council. Provided the Siting Council authorizes this modification to this specific condition, APT will work with Verizon Wireless to implement the modified vernal pool protection program and coordinate with the contractor to ensure proper implementation of the proposed protocols.

We respectfully request that this matter be placed on the next available Siting Council agenda for consideration. Thank you for your time and if you have any questions or require further information, please contact me by telephone at (860) 663-1697 ext. 201 or via email at dgustafson@allpointstech.com.

Sincerely,



Dean Gustafson
Senior Wetland Scientist

Enclosure

cc: Robert Hesselbach, Verizon Wireless
Brian Paul, Construction Manager, Verizon Wireless
Kenneth C. Baldwin, Robinson & Cole LLP

Attachment 1
Compliance Monitoring
Report No. 1



ENVIRONMENTAL MONITORING
DAILY SITE OBSERVATION FORM

Report No. 1

Project: Verizon Wireless Tariffville Relo Facility
 Address: St. Andrews Road, Bloomfield, Connecticut

APT Project #: CT1412210

Date of Inspection: 2/9/2016	Weather: cloudy, mid 20's; ±8" snow on ground
Time of Inspection: 11:00 AM	Latest Precipitation Event > ¼" (NOAA): 6.4" snow on 2/6/2016
Compliance Monitor:	Matthew Gustafson, Wetland Scientist and Dean Gustafson Senior Wetland Scientist

Regulatory Compliance Permitting Agency & Permit ID:	
ACOE NED <input type="checkbox"/> : CT Siting Council <input checked="" type="checkbox"/> : Petition No.1112; letter dated February 4, 2014 CTDEEP IWRD <input type="checkbox"/> : CTDEEP NDDB <input checked="" type="checkbox"/> : No. 201406958	
Resource Protection Program:	
Rare Species <input checked="" type="checkbox"/>	Species Name: eastern box turtle, wood turtle
Wetland <input type="checkbox"/>	
Vernal Pool <input checked="" type="checkbox"/>	March 1 – May 15 construction restriction period
Workers Environmental Awareness Program Training Completed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Date of Training: 2/9/2016 Signage Installed Date: 2/9/2016	
Compliance Species Observed During Construction: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Species Name: N/A # Species: N/A	
Non-Compliance Species Observed During Construction: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Species Name: N/A # Species: N/A Condition of Species: N/A	
Progress of Construction:	
Pre-Construction	<input type="checkbox"/>
Initial Exclusion Fencing Inspection	<input type="checkbox"/>
Clearing & Grubbing	<input type="checkbox"/>
Intermediate	<input checked="" type="checkbox"/>
Final Inspection	<input type="checkbox"/>

DESCRIPTION OF OBSERVED ACTIVITY	
Compliance Level:	
Communication	<input checked="" type="checkbox"/>
Acceptable	<input checked="" type="checkbox"/>
Problem Area	<input type="checkbox"/>
<input type="checkbox"/> Minor Exclusion Fencing Repair <input type="checkbox"/> Additional Exclusion Fencing Required <input type="checkbox"/> Sediment release into upland habitat without risk of resource impact	
Non-Compliance	<input type="checkbox"/>
<input type="checkbox"/> Sediment release into upland habitat with risk of resource impact <input type="checkbox"/> Sediment release into wetland habitat <input type="checkbox"/> Sediment release into watercourse	
Issues Requiring Corrective Action	Corrective Action Implemented
None	N/A
Project Modification Requested:	
Extra Work Space Requested	<input type="checkbox"/>
Change to Work Area	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>
Description of Modification: Salt should ONLY be spread on steep slopes along access road as needed. Avoid salting road near Vernal Pool 3 area (flat section of road near gated entrance).	

Enclosure: Environmental Training Attendance Sheet & Photo Documentation

ENVIRONMENTAL AWARENESS TRAINING ATTENDANCE SHEET

Project: Tariffville Relo
 Date of Training: February 9, 2016
 Location of Training: St. Andrews Road, Bloomfield, CT
 Trained By: Matthew Gustafson, Wetland Scientist, APT

The undersigned members of Construction Services of Branford, LLC, the General Contractor for Verizon Wireless Tariffville Relo project, and its subcontractors understand the environmentally sensitive nature of the project area. We are familiar with the protection plans and other environmental notes as identified on Sheet C-4 of the Construction Drawings prepared by Centek Engineering latest revision date 01/07/15 and have received environmental training by All-Points Technology Corp., P.C. on February 9, 2015. We understand that NO construction is to be done between March 1st and May 15th to protect vernal pool species. We also understand that we are responsible for any subcontractors and their environmental training.

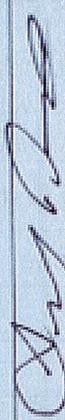
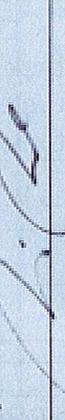
<u>Print Name</u>	<u>Company</u>	<u>Signature</u>
Andrew Paradis	CSB	
Mike Fuller	CSB	
Brian Paul	Verizon	



Photo 1: View of new tower under construction looking west.



Photo 2: Contractor environmental awareness training.



Photo 3: View of graded slope on west side of new tower looking north at proposed stormwater swale and level spreader.



Photo 4: View of perimeter silt fence erosion controls looking east. New tower in background.



Photo 5: View of perimeter silt fence erosion controls looking north.
New tower located beyond right side of photo.



Photo 6: View of eastern box turtle, wood turtle and vernal pool caution signs on utility pole just south of tower facility.