

**Intervenor Statement in Response to Applicant's
Ecological Summary Report**

The Ecological Summary Report (the Report) (Dated 25 August 2021), prepared by GEI Consultants created for and submitted by the Applicant is incomplete and omits important information critical to its wildlife inventory and impact assessment.

The Report appears to focus on disproving the existence of wetlands, watercourses and species which would be facially indicative of those habitats, such as frogs and turtles. Additionally, it fails to provide a full accounting of potential wildlife that may be impacted by the proposed development site, including important prey species.

Of particular note in the Report, is the assertion that the area purportedly provides:

“No suitable habitat characteristics beyond being a narrow strip of wooded wetland was identified that that would support turtle habitat requirements in this area.” (*Ecological Summary Report*; Section 2.2 at 5; GEI Consultants (25 August 2021)).

Further, that:

“The watercourses that were delineated are intermittent in nature and do not have a continual flow that is conducive for supporting aquatic life such as turtles, . . . or frogs.” *Id.*, at 8.

Inexplicably however, as we have repeatedly demonstrated through the attached photographic and video evidence supported by sworn affidavits or lay statements, that turtles and frogs are indeed present in this area with such regularity, that it reasonably calls some of the report's findings into question.

Specifically, we have documented the Grey Tree Frog, Painted and Snapping Turtles on several occasions, and at several locations surrounding the Applicant's proposed development site.

Grey Tree Frog¹: (See Photos and Sworn Affidavits provided by Mr. Richard Delhaie of Cody Circle)

Grey Tree Frogs are found throughout Connecticut. They frequent moist areas and live high in trees and shrubbery near water. They use shrub marshes most often for breeding. The aboreal adults come down to water to breed and lay eggs. Tadpoles live in the water until they reach maturity. Gray Treefrogs are active during the warm season and shelter for the winter in underground burrows, and can survive being frozen.

Common Snapping Turtle²: (See Photos and Sworn Affidavits provided by Mr. Richard Delhaie and Elizabeth Delhaie of Cody Circle)

¹ “*Grey Tree Frog*”; Wildlife of Connecticut; <http://www.wildlifest.com/greytreefrog.html>) (Accessed 16 September 2021).

² “*Common Snapping Turtle Fact Sheet*”²; Conn. Dept. of Environmental Protection (June 2020) (https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/outreach/fact_sheets/snappingturtlepdf.pdf)

Snapping Turtles are almost entirely aquatic and can be found in a wide variety of aquatic habitats, preferably with slow moving water and a soft muddy or sandy bottom. They inhabit almost any permanent or semi-permanent body of water, including marshes, creeks, swamps, bogs pools, lakes, streams, rivers, and impoundments. “*Common Snapping Turtle Fact Sheet*”; Conn. Dept. of Environmental Protection (June 2020), at 1. Snapping turtles rarely leave their aquatic habitat except during the breeding season or to reach new habitat to avoid overcrowding, pollution, and habitat destruction/desiccation. *Id.*, at 2.

Painted Turtle³: (See Video and lay statement provided by Mrs. Amy Costa of Edgewood Drive)

Painted Turtles are primarily aquatic, inhabiting quiet shallow pools, rivers, lake shores, wet meadows, bogs, and slow-moving streams. They prefer pools that have suitable basking sites and a soft muddy bottom that is rich in aquatic vegetation. The turtles are commonly observed basking on rocks and logs. Painted turtles spend the winter hibernating in mud, or decayed vegetation on pond bottoms. “*Eastern Painted Turtle Fact Sheet*”; Conn. Dept. of Environmental Protection (June 2011) at 1.

Other Species of Interest: (See Affidavits, Imagery, and supporting documents regarding Bats, Bald Eagles, Black Bears, and Bobcats).

Mr. Nochisaki’s testimony and written report indicates that there are several species of interest not accounted for in the Applicant’s Ecological Summary. Additionally, we have submitted additional evidence supporting the presence bats and Bald Eagles which are also completely omitted in the Report, despite their known presence, their protected status in the state and the potential impact on them if the topography of the site is permanently altered. Finally, the disruption of regular activity of Black Bears, and Bobcats is also of concern to us.

Conclusion:

In conclusion, the Report is fatally flawed. The photographic and video evidence of aquatic dependent wildlife leads to a greater inference of wetland presence, calling into question the purported scope of potential impact to the area. Additionally, photographic and video evidence supported by sworn affidavits and lay statements demonstrate that the Applicant’s wildlife inventory is incomplete, and their application should be denied, pending a more thorough ecological study by a qualified third-party wildlife biologist, or CT-DEEP Wildlife Division staff.

Thank you for your time and consideration.

Respectfully,

David Mills
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³ “*Eastern Painted Turtle Fact Sheet*”, Conn. Dept. Environmental Protection
(https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/outreach/fact_sheets/paintedturtlepdf.pdf)