



## USFWS COMPLIANCE DETERMINATION

October 24, 2014

**Tower Holdings, LLC  
199 Brickyard Road  
Farmington, Connecticut 06032**

**APT Project No.: CT323100**

**Re: Proposed Farmington Facility  
199 Brickyard Road  
Farmington, Connecticut**

On behalf of Tower Holdings, LLC, All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to possible federally-listed, threatened or endangered species in order to determine if the proposed referenced communications facility would result in a potential adverse effect to federally-listed species. This consultation was completed in accordance with FCC rules implementing the National Environmental Policy Act ("NEPA") and section 7 of the Endangered Species Act through the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC")<sup>1</sup> for a proposed telecommunications facility at the referenced subject property.

No federally-listed endangered or threatened species or federal critical habitats are known to occur in the vicinity of the subject property and as such the proposed Tower Holdings development will not result in an effect to any known population of federally-listed endangered or threatened species. A copy of the IPaC report is enclosed.

An evaluation of the proposed tower's potential impact to migratory birds<sup>2</sup> reveals this tower to be compliant with the USFWS recommendations published in Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommissioning for the Migratory Bird Treaty Act ("MBTA"): this tower would be less than 200 feet tall; no guy wires or lighting are required; and, the tower would accommodate future carriers.

In addition, APT has also consulted with the Connecticut Department of Energy and Environmental Protection's ("DEEP") Natural Diversity Data Base regarding Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife<sup>3</sup>. NDDDB staff responded in an October 25, 2013 letter that "Their records indicate many state-listed sand barren-obligate plant and invertebrate species occur at this site." However, per review of the materials submitted by APT specifying the entirety of the construction activities being located within an existing graveled lot, NDDDB staff concluded that "it is unlikely that this project will impact the remaining sand barren habitat that exists on-site."

Due to the project's location within an existing developed gravel storage yard and surrounding development, the proposed construction activities are not anticipated to result in significant disturbance to breeding birds protected

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<sup>1</sup> IPaC Consultation Tracking Number: 05E1NE00-2015-SLI-0066, dated October 24, 2014

<sup>2</sup> APT. *Avian Resources Evaluation* report. October 23, 2014.

<sup>3</sup> DEEP NDDDB letter, October 25, 2013, NDDDB #201303913

by the MBTA during the peak nesting period of April 15 through July 15<sup>4</sup> since no vegetation will be disturbed by the proposed project.

Therefore, it is unlikely that the proposed Tower Holdings development would impact any potential threatened or endangered species, designated critical habitats, or migratory bird species protected under the MBTA.

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<sup>4</sup> USFWS identifies the peak avian nesting season as April 15 through July 15 and recommends clearing activities be performed before this period in order to comply with the Migratory Bird Treaty Act, personal communication with Maria Tur, USFWS New England Field Office, February 27, 2014.

# USFWS IPaC Threatened and Endangered Species Report

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 COMMERCIAL STREET, SUITE 300  
CONCORD, NH 3301  
PHONE: (603)223-2541 FAX: (603)223-0104  
URL: [www.fws.gov/newengland](http://www.fws.gov/newengland)

Consultation Tracking Number: 05E1NE00-2015-SLI-0066  
Project Name: Tower Holdings, LLC Farmington CT

October 24, 2014

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Tower Holdings, LLC Farmington CT

## Official Species List

### Provided by:

New England Ecological Services Field Office

70 COMMERCIAL STREET, SUITE 300

CONCORD, NH 3301

(603) 223-2541

<http://www.fws.gov/newengland>

**Consultation Tracking Number:** 05E1NE00-2015-SLI-0066

**Project Type:** Communications Tower

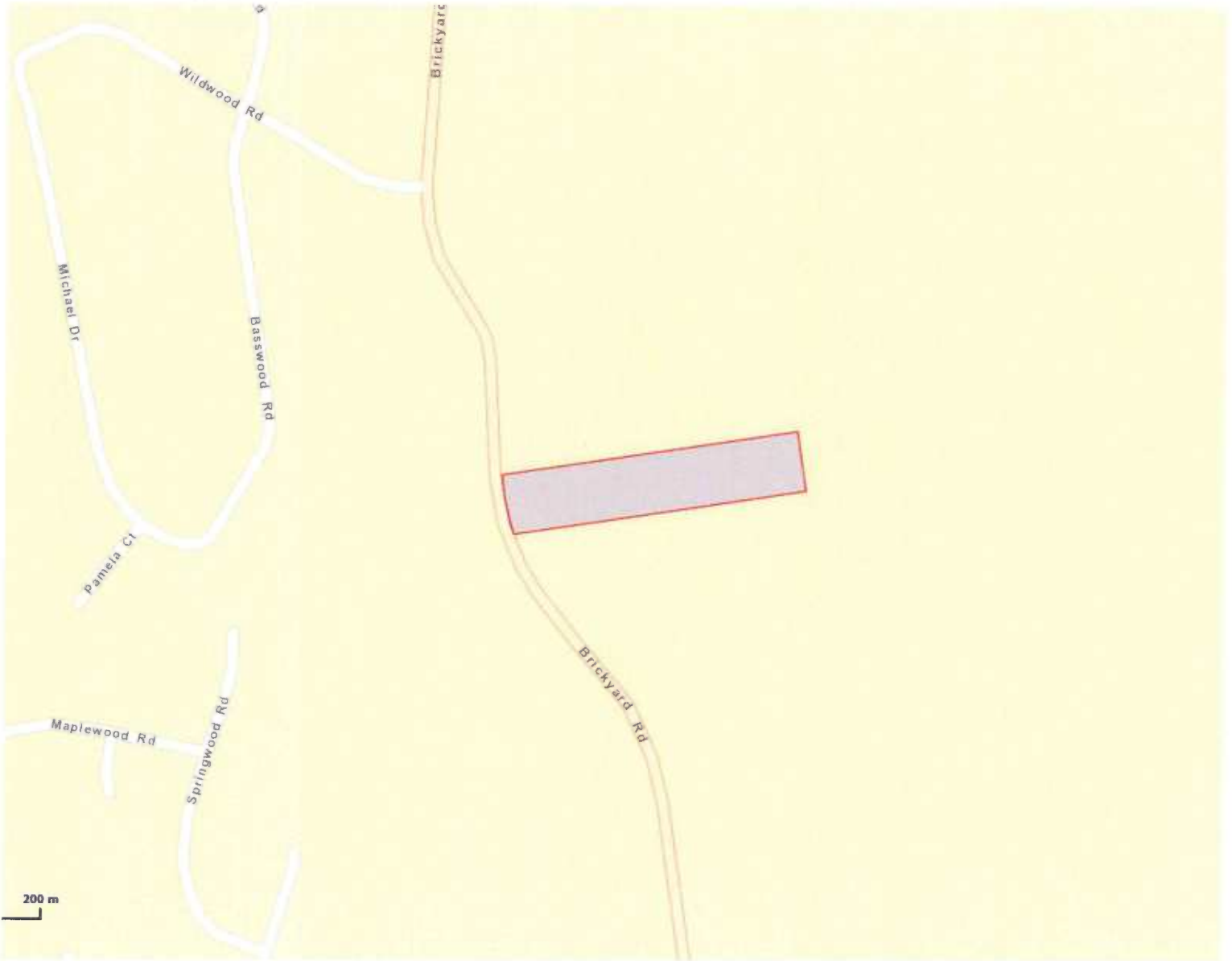
**Project Description:** Site Address: 199 Brickyard Road, Farmington, CT. A new 180' tall self-supporting lattice telecommunications facility with 60' by 60' compound is proposed in an existing gravel storage yard with existing access.



United States Department of Interior  
Fish and Wildlife Service

Project name: Tower Holdings, LLC Farmington CT

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-72.8568395 41.7538786, -72.8541774 41.7541725, -72.8540982 41.7537746, -72.856731 41.7534815, -72.8568395 41.7538786)))



United States Department of Interior  
Fish and Wildlife Service

Project name: Tower Holdings, LLC Farmington CT

**Project Counties:** Hartford, CT





United States Department of Interior  
Fish and Wildlife Service

Project name: Tower Holdings, LLC Farmington CT

## Endangered Species Act Species List

There are a total of 0 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

There are no listed species identified for the vicinity of your project.



United States Department of Interior  
Fish and Wildlife Service

Project name: Tower Holdings, LLC Farmington CT

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.