

ATTACHMENT 9



Department of Economic and
Community Development

State Historic Preservation Office

May 17, 2022

Mr. Brian Gaudet
All-Points Technology Corp., PC
567 Vauxhall Street Extension, Suite 311
Waterford, CT 06385

Subject: Preliminary Archaeological Assessment
Wireless Communications Facility
60 Vale Road
Brookfield, Connecticut
Homeland Towers, LLC
ENV-22-0741

Dear Mr. Gaudet:

The State Historic Preservation Office (SHPO) has reviewed the preliminary archaeological assessment prepared by Heritage Consultants, LLC (Heritage), dated November 3, 2021, as part of the larger submittal for a proposed telecommunications facility. The proposed activities are subject to review by this office pursuant to the National Historic Preservation Act and in accordance with Federal Communications Commission regulations. SHPO understands that the proposed undertaking includes the installation of a 165 foot tall monopole, to be located within a 45 foot by 70 foot chain-link equipment compound, located in the northern portion of the Subject Property. Outside the compound is proposed to be a transformer, multimeter center, and equipment cabinet. Access is to be through an existing paved drive, originating from Vale Road.

One previously recorded archaeological site is located within 0.5 miles of the project area; however, it will not be impacted by the proposed undertaking. No properties listed or formally determined to be eligible for listing on either the National Register of Historic Places (NR) or State Register of Historic Places (SR) are located within 0.5 miles of the project area.

The preliminary assessment included review of soil maps, GIS data, historical mapping, aerial photos, and pedestrian survey of the project area. Soil profiles are identified as Udorthents-Pits Complex, characterized by intense disturbance due to excavation of sand and/or gravel, and resulting cutting and filling using heavy machinery. Site history indicates that the property was undeveloped as an agricultural field until at least 1951. Aerial images from 2019 reveal a

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significant change, confirmed by a pedestrian survey, which confirmed ground disturbing activities, including grading, trash dumping and filling.. These characteristics indicate that the Project Area has a low potential to contain significant, intact archaeological deposits.

As a result of the information submitted, SHPO concurs with the findings of the report that additional archeological investigation of the project area is not warranted and that no historic properties will be affected by the proposed activities. However, please be advised that if construction plans change to include previously uninvestigated/undisturbed areas, this office should be contacted for additional consultation.

This office appreciates the opportunity to review and comment upon this project. For additional information, please contact Marena Wisniewski, Environmental Reviewer, at (860) 500-2357 or marena.wisniewski@ct.gov.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Kinney". The signature is written in a cursive style with a long, sweeping underline.

Jonathan Kinney
State Historic Preservation Officer

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USFWS & NDDB COMPLIANCE

March 2, 2022

Homeland Towers, LLC
9 Harmony Street, 2nd Floor
Danbury, CT 06810

Re: CT076 Brookfield South Facility: 60 Vale Road, Brookfield, Connecticut
APT Job No: CT2831040

On behalf of Homeland Towers, LLC ("Homeland"), All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to possible federally- and state-listed, threatened, endangered or special concern species in order to determine if the proposed referenced telecommunications facility ("Facility") would result in a potential adverse effect to listed species.

APT understands that Homeland proposes the construction of a telecommunication facility with a ± 165 -foot-tall monopole tower within a ± 45 -foot by ± 80 -foot lease area that includes a ± 45 -foot by ± 70 -foot gravel based fenced equipment compound. An access drive and underground electrical and telephone service will extend from Vale Road to property at 60 Vale Road in Brookfield, Connecticut ("Subject Property").

USFWS

The federal consultation was completed in accordance with Section 7 of the Endangered Species Act through the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC"). Based on the results of the IPaC review, one federally-listed¹ threatened species is known to occur in the vicinity of the Subject Property documented as the northern long-eared bat ("NLEB"; *Myotis septentrionalis*). As a result of this preliminary finding, APT performed an evaluation to determine if the proposed referenced Facility would result in a likely adverse effect to NLEB.

The proposed Facility would be located within an existing cleared area associated with the industrial development that occupies the Subject Property. Limited tree clearing is anticipated for the proposed Facility and utility interconnection (trees provide potential NLEB habitat). A review of the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division Natural Diversity Data Base ("NDDB") NLEB habitat map² revealed that the proposed Facility is not within 150 feet of a known occupied NLEB maternity roost tree and is not within 0.25 mile of a known NLEB hibernaculum. The nearest NLEB habitat resource to the proposed Facility is located ± 8.6 miles to the northeast in Bridgewater, Connecticut.

APT submitted the effects determination using the NLEB key within the IPaC system for the proposed Facility (the "Action"). This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the USFWS's January 5, 2016, intra-Service Programmatic Biological Opinion ("PBO") on the Final 4(d) Rule for the NLEB for Section 7(a)(2) compliance.

¹ Listing under the federal Endangered Species Act

² *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance* map. February 1, 2016.

Based upon the IPaC submission, the Action is consistent with activities analyzed in the PBO; please refer to the enclosed February 16, 2022, USFWS letter. The Action may affect NLEB; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). If the USFWS does not respond within 30 days from the date of the letter (March 18, 2022), one may presume that the IPaC-assisted determination was correct and that the PBO satisfies and concludes Homeland's responsibilities for this Action under ESA Section 7(a)(2) with respect to NLEB.

In addition, Homeland would consider the following additional recommended voluntary measures for NLEB conservation, as encouraged in the April 29, 2016, FCC Public Notice³, as the project schedule allows.

- Conduct tree removal activities outside of the NLEB pup season (June 1-July 31) and active season (April 1-October 31) to minimize impacts to pups at roosts not yet identified.
- Avoid clearing suitable spring staging and fall swarming habitat within a five-mile radius of known or assumed NLEB hibernacula during the staging and swarming seasons (April 1-May 15 and August 15-November 14, respectively). *Not applicable: site is located > 5 miles from the nearest hibernacula.*
- Maintain dead trees (snags) and large trees when possible.
- Use herbicides and pesticides only if unavoidable. If necessary, spot treatment is preferred over aerial application.
- Minimize exterior lighting, opting for down-shielded, motion-sensor security lights instead of constant illumination.

NDDB

No known areas of state-listed species are currently depicted on the most recent CTDEEP NDDB Maps in the location of the proposed Facility or Subject Property. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer ±0.17 mile northwest of the Subject Property. Since the Subject Property is not located within a NDDB buffer area, consultation with DEEP is not required in accordance with their review policy⁴.

Therefore, the proposed Facility is not anticipated to adversely impact any federal or state threatened, endangered or special concern species.

Sincerely,
All-Points Technology Corporation, P.C.



Dean Gustafson
Senior Biologist

Enclosures

³ Federal Communications Commission. *Tower Construction Guidance for Protection of Northern Long-Eared Bat Under the Endangered Species Act*. Public Notice DA 16-476. April 29, 2016.

⁴ DEEP Requests for NDDB State Listed Species Reviews.

http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323466&deepNav_GID=1628%20

USFWS NLEB Letter



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>

In Reply Refer To:
Project code: 2022-0004252
Project Name: Homeland Brookfield South

February 16, 2022

Subject: Consistency letter for the 'Homeland Brookfield South' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear Deborah Gustafson:

The U.S. Fish and Wildlife Service (Service) received on February 16, 2022 your effects determination for the 'Homeland Brookfield South' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause “take”^[1] of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action’s effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

The IPaC-assisted determination for the northern long-eared bat **does not** apply to the following ESA-protected species that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Homeland Brookfield South

2. Description

The following description was provided for the project 'Homeland Brookfield South':

Homeland Towers is proposing a +/-165-foot AGL Monopole within a 45-foot X 70-foot fenced gravel compound area within a proposed 45-foot X 80-foot lease area.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.43450285,-73.3997548365441,14z>



Determination Key Result

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on **May 15, 2017**. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.

If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.

Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

No

2. Will your activity purposefully **Take** northern long-eared bats?

No

3. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

6. Will the action involve Tree Removal?

Yes

7. Will the action only remove hazardous trees for the protection of human life or property?

No

8. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

9. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0.2

2. If known, estimated acres of forest conversion from April 1 to October 31

0.2

3. If known, estimated acres of forest conversion from June 1 to July 31

0.2

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

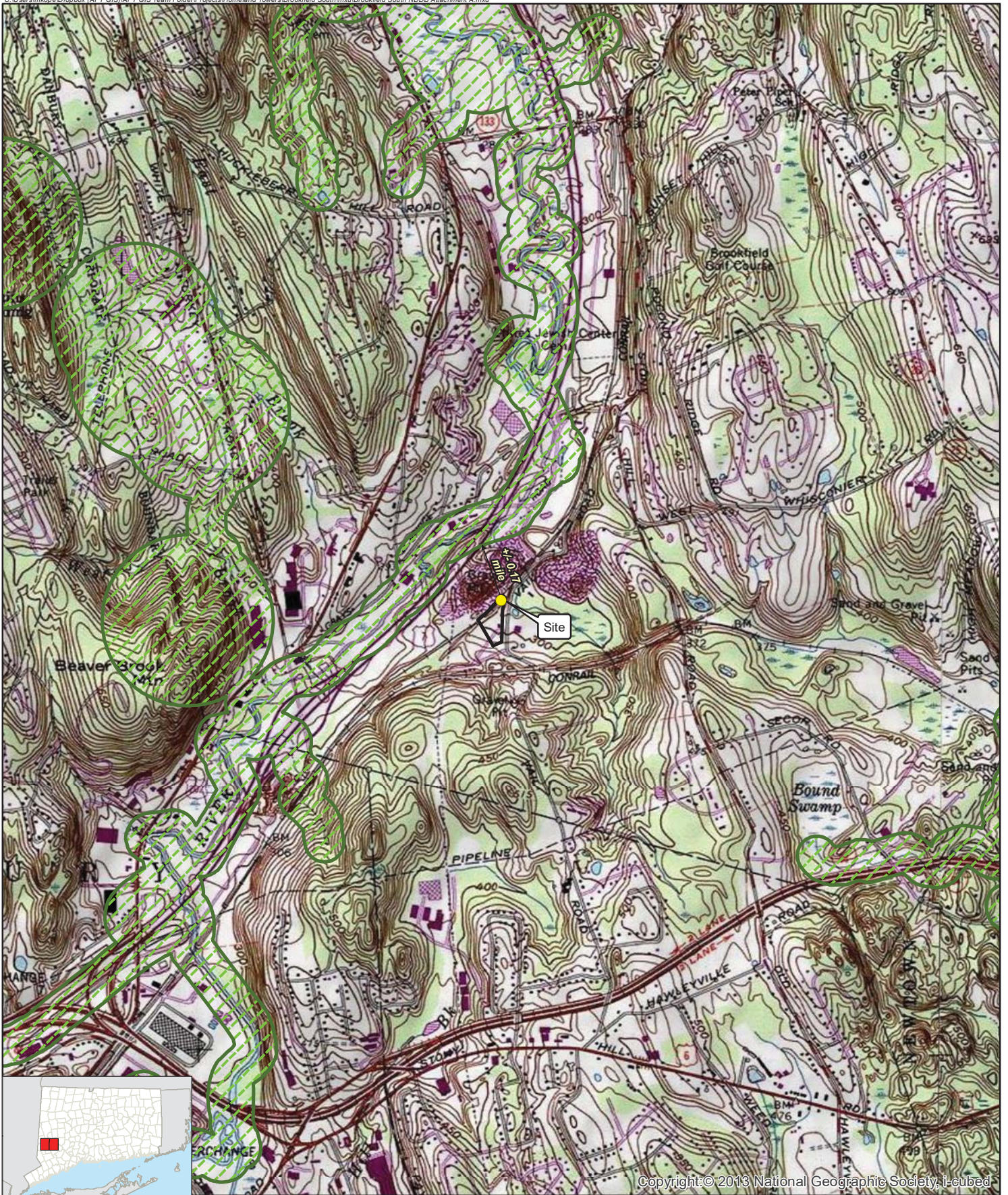
10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

IPaC User Contact Information

Name: Deborah Gustafson
Address: 567 Vauxhall Street Extension
City: Waterford
State: CT
Zip: 06235
Email: dleonardo@allpointstech.com
Phone: 8609849514

NDDDB Map

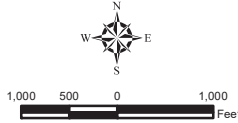


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NDDB Map

- Legend**
-  Proposed Tower
 -  Subject Property
 -  Natural Diversity Database (updated Dec 2021)

Map Notes:
 Base Map Source: USGS 7.5 Minute Topographic
 Quadrangle Maps, Danbury, CT (1984) and Newtown, CT (1984)
 Map Scale: 1:24,000
 Map Date: February 2022



Proposed Wireless
 Telecommunications Facility
 Brookfield South
 60 Vale Road
 Brookfield, Connecticut

