



USFWS & NDDB COMPLIANCE

August 31, 2022

Verizon Wireless
20 Alexander Drive
Wallingford, Connecticut 06492

Re: Proposed Verizon Wireless Wilton South Telecommunications Facility
180 School Road, Wilton, Connecticut
APT Job No: CT14113400

On behalf of Verizon Wireless ("Verizon"), All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to possible federally- and state-listed, Endangered, Threatened, or Special Concern species in order to determine if the proposed referenced telecommunication facility ("Facility") would result in a potential adverse effect to listed species.

APT understands that Verizon proposes to construct a wireless telecommunications facility with associated electrical equipment and underground conduit northeast of an existing developed paved bus storage lot located at 180 School Road, Wilton, Connecticut ("host Property"). The location of the proposed Facility and underground utilities consists of disturbed edge forest abutting the already developed areas. Minor tree clearing would be required to accommodate the proposed Facility.

USFWS

The federal rare species consultation was completed in accordance with Federal Communications Commission ("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"). Based on the results of the IPaC review, one federally listed¹ threatened species is known to occur in the vicinity of the host Property documented as the northern long-eared bat ("NLEB"; *Myotis septentrionalis*²). 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.

Northern Long-eared Bat

The proposed Facility and access drive would be located within a disturbed forest edge area requiring minor tree clearing (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 map³ revealed that the proposed Facility is not within 150 feet of a known occupied

¹ Listing under the federal Endangered Species Act

² The U.S. Fish and Wildlife Service announced a proposal to reclassify the northern long-eared bat as endangered under the Endangered Species Act on March 22, 2022.

³ *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance map*. March 6, 2019.

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 ±11.9 miles to the southwest in Greenwich.

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.

Based upon the IPaC submission, the Action is consistent with activities analyzed in the PBO; please refer to the enclosed August 31, 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 (September 30, 2022), one may presume that the IPaC-assisted determination was correct and that the PBO satisfies and concludes Verizon's responsibilities for this Action under ESA Section 7(a)(2) with respect to NLEB. Provided no response is received from USFWS, the Action complies with ESA Section 7(a)(2) with respect to NLEB. Should a response be received from USFWS within the 30-day response time, APT will provide notice to Verizon.

On March 23, 2022, the USFWS published a proposal to reclassify the NLEB as Endangered under the ESA. The U.S. District Court for the District of Columbia has ordered the USFWS to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The NLEB, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome ("WNS"), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). This project could result in an incidental take of NLEB and after the new listing goes into effect an updated consultation with USFWS may be required.

In addition, Verizon would consider the following additional USFWS voluntary conservation measures, where appropriate and as the project schedule allows, as encouraged in the April 29, 2016 FCC Public Notice⁴, to reduce the potential impacts of activities in NLEB.

- 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.*
- 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 night lighting, opting for down-shielded, motion-sensor security lights to keep light within the boundaries of the host Property, avoiding constant illumination lighting.

⁴ 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

NDDB

No known areas of state-listed species are currently depicted on the most recent CTDEEP NDDB Maps in the location of the proposed Verizon Facility. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer ± 0.93 -mile north of the host Property. Since the proposed Facility and host Property are not located within a NDDB buffer area, consultation with DEEP is not required in accordance with their review policy.

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

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

A handwritten signature in blue ink that reads "Dean Gustafson". The signature is written in a cursive style.

Dean Gustafson
Senior Biologist

Enclosures

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



In Reply Refer To:
Project code: 2022-0062662
Project Name: (VZW) Wilton South CT

August 31, 2022

Subject: Consistency letter for the '(VZW) Wilton South CT' 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 August 31, 2022 your effects determination for the '(VZW) Wilton South CT' (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

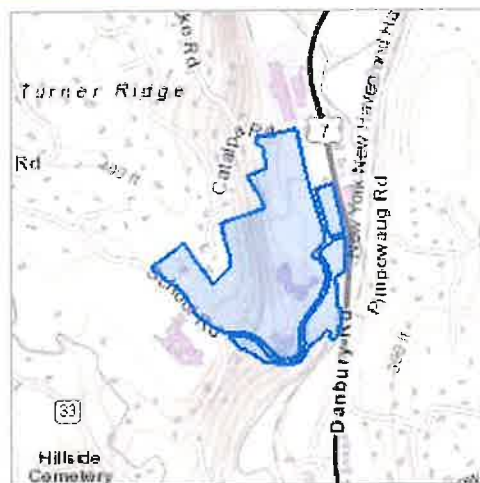
(VZW) Wilton South CT

2. Description

The following description was provided for the project '(VZW) Wilton South CT':

All-Points Technology Corp., P.C. ("APT") understands that Verizon Wireless proposes to install a monopole telecommunications tower with associated electrical equipment and underground conduit northeast of an existing developed bus storage lot. The location of the proposed facility and underground utilities consists of disturbed edge forest abutting the already developed areas.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.20570105,-73.43387293925204,14z>



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 exempted 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/media/nleb-roost-tree-and-hibernacula-state-specific-data-links-0.

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:

.25

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

.25

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

.25

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.

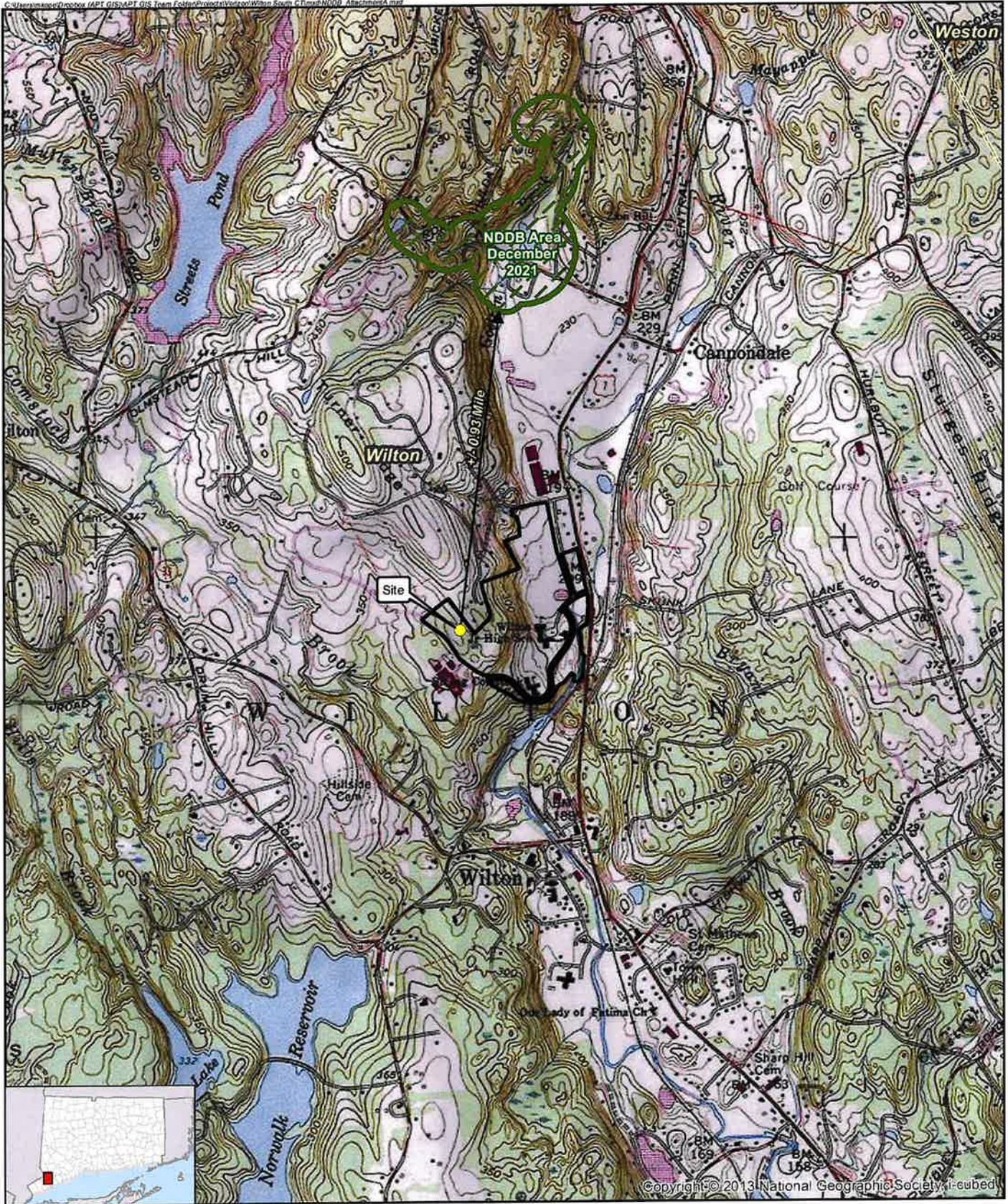
10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0





IPaC User Contact Information

Agency: All-Points Technology Corporation, P.C.
Name: Deborah Gustafson
Address: 567 Vauxhall Street Extension
Address Line 2: Suite 311
City: Waterford
State: CT
Zip: 06235
Email: dleonardo@allpointstech.com
Phone: 8609849514

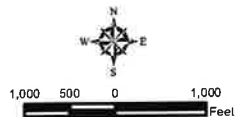
NDDDB Map



Legend

-  Proposed Monopole
-  Subject Property
-  CTDEEP Natural Diversity Database (updated Dec 2021)
-  Municipal Boundary

Map Note:
 Base Map Source: USGS 7.5 Minute
 Topographic Quadrangle Map: Norwalk North, CT (1975)
 Map Scale: 1:24,000
 Map Date: July 2022



**NDDB Attachment A:
 Overview Map**

Proposed Wireless
 Telecommunications Facility
 Wilton South CT
 180 School Road
 Wilton, Connecticut

