



## USFWS & NDDB COMPLIANCE

June 20, 2023

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 ("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 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 listed<sup>1</sup> threatened species is known to occur in the vicinity of the Property documented as the northern long-eared bat ("NLEB"; *Myotis septentrionalis*<sup>2</sup>); please refer to the attached list of threatened and endangered species dated June 20, 2023. 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 potentially provide NLEB habitat. A review of the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division Natural Diversity Data Base

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<sup>1</sup> Listing under the federal Endangered Species Act

<sup>2</sup> 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.

("NDDDB") NLEB habitat map<sup>3</sup> 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 ±11.9 miles to the southwest in Greenwich.

Effective March 31, 2023, NLEB has been reclassified as endangered under the ESA. The reclassification eliminates use of the previous 4(d) rule for NLEB; 4(d) rules may only be applied to threatened species. A NLEB Interim Consultation Framework has been developed by USFWS for projects that are reasonably certain to occur before April 1, 2024 (date on which the NLEB Interim Consultation Framework expires) to facilitate transition from the 4(d) rule to typical ESA consultation procedures for endangered species. APT submitted the effects determination using the current NLEB Determination Key ("DKey") within the IPaC system for this Facility and determined there would be "No Effect" to NLEB. Please refer to the enclosed USFWS June 20, 2023 letter confirming the NLEB No Effect determination and ESA compliance for the Facility.

In APT's previous August 31, 2022 USFWS & NDDDB Compliance document, the following additional USFWS voluntary conservation measures, as encouraged in the April 29, 2016 FCC Public Notice<sup>4</sup>, were proposed to reduce potential impacts to 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 Property, avoiding constant illumination lighting.

However, through the updated NLEB DKey consultation it was revealed in the enclosed USFWS June 20, 2023 letter that "[T]he proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key." The new NLEB DKey now contains occupancy modeling data that support these not likely to occur in NLEB habitat conclusions. Therefore, since NLEB is unlikely to occur at the Property the voluntary time of year tree clearing restrictions and conservation measures noted above would not be required for this Facility.

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

<sup>4</sup> 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  $\pm 0.93$ -mile north of the Property. Since the proposed Facility and 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.



Dean Gustafson  
Senior Biologist

Enclosures

# USFWS Species List

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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 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

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

June 20, 2023

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

To Whom It May Concern:

*Updated 4/12/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.*

### **About Official Species Lists**

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. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

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 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. 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 by returning to an existing project's page in IPaC.

### **Endangered Species Act Project Review**

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

**\*NOTE\*** Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

**Northern Long-eared Bat - (Updated 4/12/2023)** The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, 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. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at [newengland@fws.gov](mailto:newengland@fws.gov) to see if reinitiation is necessary.

#### *Additional Info About Section 7 of the Act*

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines 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 Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. 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:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) 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. Please contact NEFO if you would like more information.

**Candidate species** that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

### **Migratory Birds**

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at [newengland@fws.gov](mailto:newengland@fws.gov) with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

Attachment(s):

- Official Species List

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

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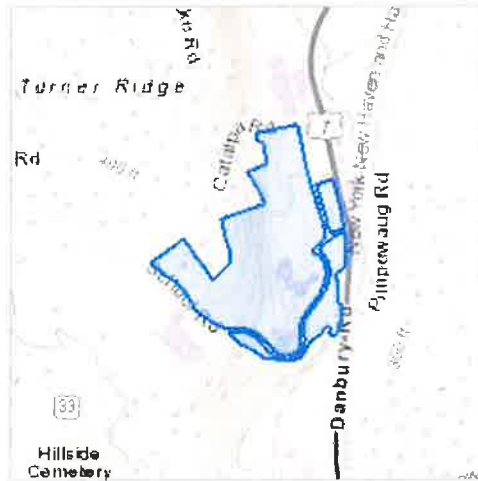


## PROJECT SUMMARY

Project Code: 2022-0062662  
Project Name: (VZW) Wilton South CT  
Project Type: Communication Tower New Construction  
Project Description: 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.

### Project Location:

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



Counties: Fairfield County, Connecticut

## ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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# USFWS NLEB Letter

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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 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

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

June 20, 2023

Federal Nexus: yes  
Federal Action Agency (if applicable):

**Subject:** Record of project representative's no effect determination for '(VZW) Wilton South CT'

Dear Deborah Gustafson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on June 20, 2023, for '(VZW) Wilton South CT' (here forward, Project). This project has been assigned Project Code 2022-0062662 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may

include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat 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 affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2022-0062662 associated with this Project.

**Action Description**

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

**1. Name**

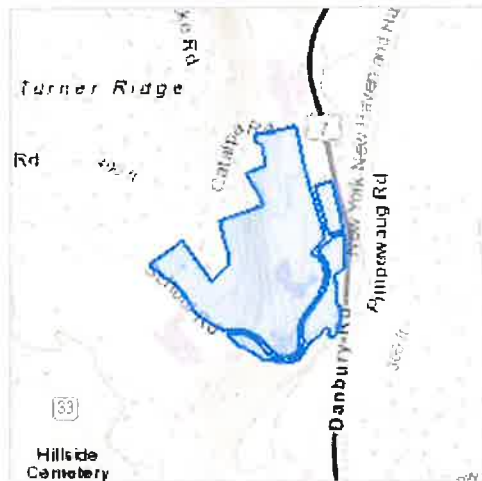
(VZW) Wilton South CT

**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.

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



## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats are likely to be present in the action area, answer "NO" and continue through the key.

Do you want to make a no effect determination?

No

3. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

4. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

*No*

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

*No*

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA)-or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

*Yes*

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the effects of any activities that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

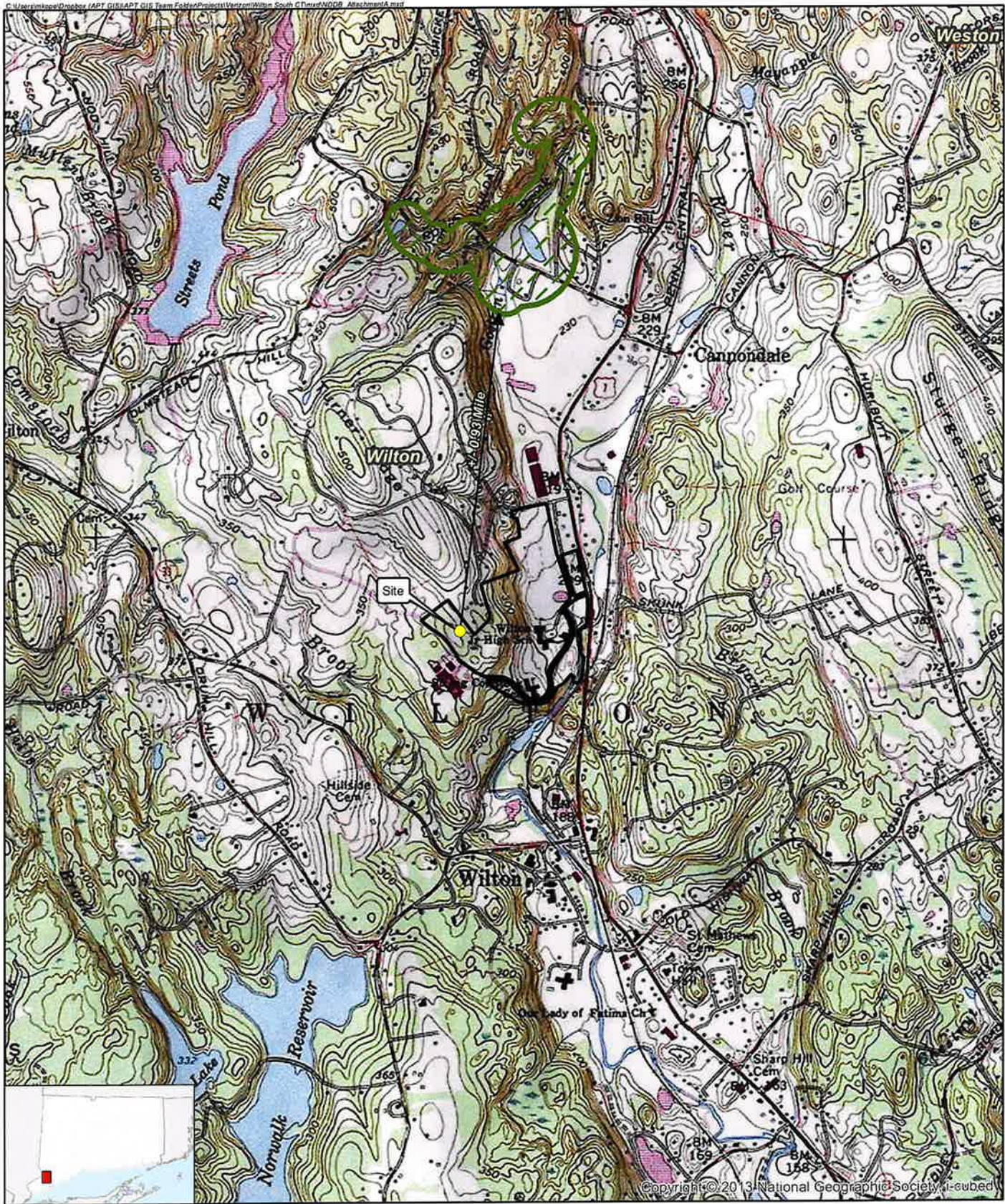
**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of Effects of the Action can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*Yes*



# NDDDB Map

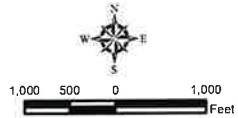
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**Legend**

- Proposed Monopole
- Subject Property
- CTDEEP Natural Diversity Database (updated Dec 2022)
- Municipal Boundary

**Map Notes:**  
 Base Map Source: USGS 7.5 Minute Topographic Quadrangle Map: Norwalk North, CT (1975)  
 Map Scale: 1:24,000  
 Map Date: June 2023



**NDDB Attachment A:  
 Overview Map**

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

