

ATTACHMENT 6



June 6, 2023

Mr. David R. George
Heritage Consultants
PO Box 310249
Newington, CT 06131

Subject: Phase IB Cultural Resources Reconnaissance Survey
Proposed Wireless Telecommunications Facility
3 Marchant Road
Redding, CT
MCM Holdings, LLC
ENV-23-0899

Dear Mr. George:

The State Historic Preservation Office (SHPO) has reviewed the Cultural Resources Reconnaissance Survey prepared by Heritage Consultants, LLC (Heritage), dated December 2016, 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 150 foot tall monopole within an approximate 4,480 square foot chain-link equipment compound, located in the northern portion of the Subject Property. The compound is to contain an equipment pad and shelter, generator on concrete pad, gas storage tank, and lease spaces. Access is to be through a new gravel access road, originating from Marchant Road.

Four previously identified archaeological sites are located within 0.5 miles of the project area; however, none will be impacted by the proposed undertaking. One property listed on the State Register of Historic Places, the Joel Barlow Stone House (c. 1790), located at 12 Merchant Road, is located within 0.5 miles of the project area; it has not been evaluated for eligibility for listing on the National Register of Historic Places. However, intervening topography and tree cover will prevent the installation from being seen from the house the majority of the time, and will not adversely impact the resource. Two properties identified within Preservation Connecticut's Creative Places survey, the Charles Ives House, located at 240 Umpawaug Road (1913) and the Orson Marchant House, located at 51 Marchant Road (1825), are located within 0.5 miles of the project areas. Neither have been evaluated for eligibility on the National Register of Historic Places; however, intervening topography and tree cover will prevent the installation from being

State Historic Preservation Office

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visible from both properties the majority of the time, and they will not be adversely impacted by the proposed undertaking.

Phase IB of the reconnaissance survey consisted of subsurface testing of areas deemed to have moderate to high archaeological sensitivity, and that would be subject to ground disturbing impacts as part of the proposed undertaking. A total of 10 of 10 planned shovel tests were excavated successfully throughout the proposed work area. A single chert secondary thinning flake was identified, with four subsequent delineation shovel test pits completed. No additional prehistoric or historic period cultural artifacts or features were identified during the survey.

As a result of the information submitted, SHPO concurs with the findings of the report that additional archeological investigations of the project area are not warranted. Based on the information provided, the proposed undertaking will have no adverse effect to sites listed on or eligible for listing on the National Register of Historic Places, with the following conditions:

1. The monopole, generator, fencing, and utilities will be designed and installed to be as non-visible as possible, and
2. if not in use for six consecutive months, the telecommunications equipment shall be removed by the telecommunications facility owner. This removal shall occur within 90 days of the end of such six-month period.

The State Historic Preservation Office appreciates the opportunity to review and comment upon this project. These comments are provided in accordance with the Connecticut Environmental Policy Act and Section 106 of the National Historic Preservation Act. For further 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, flowing style.

Jonathan Kinney
State Historic Preservation Officer



AVIAN RESOURCES EVALUATION

February 23, 2023

MCM Holdings, LLC
40 Woodland Street
Hartford, Connecticut 06105

Re: BSA Camp Hoyt Redding CT Facility
3 Marchant Road, Redding, Connecticut
APT Job No: CT524100

MCM Holdings, LLC ("MCM") proposes to construct a new wireless telecommunications facility at 3 Marchant Road in Redding, Connecticut (the "host Property"). The host Property consists of a ±174-acre primarily undeveloped forested parcel with outbuildings and cabins throughout the property associated with the Boy Scout Camp Hoyt usage of the property. The area proposed for the facility is located in the northern portion of the host Property bordering a gravel parking lot in an area that is comprised of mid successional upland forest. MCM proposes to install a 150-foot tall monopole tower and ground equipment enclosure within an irregular shaped lease area encompassing 6,800 square feet consisting of a gravel compound area surrounded with an 8-foot tall chain link fence (the "Facility"). Access to the compound will extend from an existing parking area and require a 20-foot wide access and utility easement less than 100 feet to the compound from existing utility service located by the parking area.

The purpose of this evaluation is to document the proposed Facility's proximity to avian resource areas and its compliance with recommended guidelines of the United States Fish and Wildlife Service ("USFWS") for minimizing the potential for telecommunications towers to impact bird species. It is not definitively understood why direct and indirect bird mortality occurs around towers, but evidence suggests that night-migrating songbirds are either attracted to or disoriented by tower obstruction warning lighting systems, especially during overcast (i.e., low cloud ceiling), foggy, or other low visibility conditions. Additionally, birds moving across the landscape at night can collide with guy wires from lighted towers when they are placed in high bird movement areas. Tower height also appears to have a relationship to bird collisions with towers greater than 199 feet above ground level that can intercept the average bird flight height resulting in greater potential for collisions. Towers less than 200 feet provide sufficient airspace between the top of the tower and average bird flight height, even in weather conditions with reduced cloud ceiling, significantly lessening the potential for bird collisions. The proposed Facility consists of a 150-foot tall monopole, is unlit and does not contain guy wires, all design considerations that limit bird collisions.

All-Points Technology Corporation, P.C. ("APT") reviewed several publicly-available sources of avian data for the state of Connecticut to provide the following information with respect to potential impacts on migratory birds associated with the proposed development. This evaluation did not include collection of field data at the Site or surveys for avian species. The desktop analysis and attached graphics identify avian resources and their proximities to the host Property as a means of evaluating the Site's relationship

to potential areas of bird concentrations. Information within an approximate 3-mile radius of the host Property is graphically depicted on the attached Avian Resources Map. Some of the avian data referenced herein are not located in proximity to the host Property and are therefore not visible on the referenced map due to its scale that focuses on the study area. However, in those cases the distances separating the host Property from the resources are identified in the discussions below.

Proximity to Important Bird Areas

The National Audubon Society has identified 28 Important Bird Areas (“IBAs”) in the state of Connecticut. IBAs are sites that provide essential habitat for breeding, wintering, and/or migrating birds. To achieve this designation, an IBA must support species of conservation concern, restricted-range species, species vulnerable due to concentration in one general habitat type or biome, or species vulnerable due to their occurrence at high densities as a result of their congregatory behavior¹. The closest IBA to the host Property is The Nature Conservancy’s Devil’s Den Preserve in Weston and Redding located ±3 miles to the southeast. This preserve is The Nature Conservancy’s largest contiguous preserve in Connecticut, and is part of the largest tract of protected land in densely developed Fairfield County. Devil’s Den supports large populations of all of Connecticut’s forest interior nesting bird species.

Due to its distance from the host Property, this IBA would not experience an adverse impact resulting from the proposed development of the Facility.

Supporting Migratory Bird Data

Beyond Audubon’s IBAs, the following analysis and attached graphics also identify several additional avian resources and their proximities to the host Property were analyzed, as depicted on the attached Avian Resources and Waterfowl Focus Area maps. Although these data sources may not represent habitat indicative of important bird areas, they may indicate possible bird concentrations² or migratory pathways.

Critical Habitat

Connecticut Critical Habitats depict the classification and distribution of 25 rare and specialized wildlife habitats in the state. It represents a compilation of ecological information collected over many years by state agencies, conservation organizations and individuals. Critical habitats range in size from areas less than one acre to areas that are tens of acres in extent. The Connecticut Critical Habitats information can serve to highlight ecologically significant areas and to target areas of species diversity for land conservation and protection but may not necessarily be indicative of habitat for bird species. The nearest Critical Habitat to the proposed Facility is a palustrine non-forested floodplain forest - subtype alluvial marsh area associated with Huckleberry Swamp located ±0.93 mile to the south. Based on the distance separating this resource from the proposed Facility, no adverse impacts are anticipated.

1 http://web4.audubon.org/bird/iba/iba_intro.html

2 “bird concentrations” is related to the USFWS Revised Voluntary Guidelines for communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning (September 27, 2013) analysis provided at the end of this document

Avian Survey Routes and Points

Breeding Bird Survey Route

The North American Breeding Bird Survey is a cooperative effort between various agencies and volunteer groups to monitor the status and trends of North American bird populations.³ Routes are randomly located to sample habitats that are representative of an entire region and do not necessarily represent concentrations of avifauna or identification of critical avian habitats. Each year during the height of the avian breeding season (June for most of the United States) participants skilled in avian identification collect bird population data along roadside survey routes. Each survey route is ± 24.5 miles long and contains 50 stops located at 0.5-mile intervals. At each stop, a three-minute count is conducted. During each count, every bird seen or heard within a 0.25-mile radius is recorded. The resulting data is used by conservation managers, scientists, and the general public to estimate population trends and relative abundances and to assess bird conservation priorities. The nearest survey route to the host Property is the Danbury Breeding Bird Survey Route (Route #18011) located ± 5 miles to the northwest. This ± 23 -mile long bird survey route begins on Ridgebury Road in Ridgebury and generally winds its way north through Danbury before terminating in New Fairfield on the west bank of Candlewood Lake. Since bird survey routes represent randomly selected data collection areas, they do not necessarily represent a potential restriction to development projects, including the proposed Facility.

Hawk Watch Site

The Hawk Migration Association of North America ("HMANA") is a membership-based organization committed to the conservation of raptors through the scientific study, enjoyment and appreciation of raptor migration. HMANA collects hawk count data from almost 200 affiliated raptor monitoring sites throughout the United States, Canada and Mexico, identified as "Hawk Watch Sites." In Connecticut, Hawk Watch Sites are typically situated on prominent hills and mountains that tend to concentrate migrating raptors. The nearest Hawk Watch Site, Huntington State Park, is located in Redding ± 4.2 miles to the northeast of the proposed Facility. Based on the distance separating this possible raptor migratory route from the proposed Facility, no adverse impacts are anticipated.

Most hawks migrate during the day (diurnal) to take advantage of two theorized benefits: (1) diurnal migration allows for the use of updrafts or rising columns of air called thermals to gain lift without flapping thereby reducing energy loss; and, (2) day migrants can search for prey and forage as they migrate. Therefore, no adverse impacts to migrating hawks are anticipated with development of the Facility, based on the ± 4.2 -mile separation distance to the nearest Hawk Watch Site and hawk migration behavior occurring during the daytime under favorable weather conditions when thermals form.

³ Pardieck, K.L., Ziolkowski Jr., D.J., Lutmerding, M., Aponte, V.I., and Hudson, M-A.R., 2020, North American Breeding Bird Survey Dataset 1966 - 2019: U.S. Geological Survey data release, <https://doi.org/10.5066/P9J6QUF6>.

Bald Eagle Survey Route

Bald Eagle Survey Routes consist of locations of midwinter Bald Eagle counts from 1986 to 2005 with an update provided in 2008. This survey was initiated in 1979 by the National Wildlife Federation. This database includes information on statewide, regional and national trends. Survey routes are included in the database only if they were surveyed consistently in at least four years and where at least four eagles were counted in a single year. The nearest Bald Eagle Survey Route is the Aspetuck and Saugatuck Reservoir located in the towns of Easton, Redding and Weston along the Saugatuck River ± 3.1 miles southeast of the host Property.

Bald eagle migration patterns are complex, dependent on age of the individual, climate (particularly during the winter) and availability of food.⁴ Adult birds typically migrate alone and generally as needed when food becomes unavailable, although concentrations of migrants can occur at communal feeding and roost sites. Migration typically occurs during the middle of day as thermals provide for opportunities to soar up with limited energetic expense; Bald Eagle migration altitudes are estimated to average 1,500–3,050 m by ground observers, and multiple stopover points are utilized during migration.⁵ Four adults tracked by fixed-wing aircraft in Montana averaged 98 km/d during spring migration and migrated at 200–600 m above ground (McClelland et al. 1996).⁶

In addition, the USFWS's *National Bald Eagle Management Guidelines* (May 2007) recommends a 660 foot buffer to bald eagle nests if the activity will be visible from the nest with an additional management practice recommendation of retaining mature trees and old growth stands, particularly within 0.5 mile from water. No known bald eagle nests occur in the vicinity of the host Property. A bald eagle site is known to occur on Lake Candlewood located ± 5.5 miles to the northwest.

Therefore, no adverse impacts to migrating Bald Eagle are anticipated with development of the Facility. This conclusion is based on the short (150-foot) height of the Facility, eagle migration patterns during the daytime under favorable weather conditions when thermals form and compliance with USFWS bald eagle management guidelines.

Flyways

The host Property is located in Fairfield County, ± 14.5 miles north of Long Island Sound. The Connecticut coast lies within the Atlantic Flyway, one of four generally recognized regional primary migratory bird flyways (Mississippi, Central and Pacific being the others). This regional flyway is used by migratory birds travelling to and from summering and wintering grounds. The Atlantic Flyway is particularly important for many species of migratory waterfowl and shorebirds, and Connecticut's coast serves as vital stopover habitat. Migratory land birds also stop along coastal habitats before making their way inland. Smaller inland migratory flyways ("secondary flyways") are often concentrated along major riparian areas as birds use these valuable stopover habitats to rest and refuel as they make their

⁴ Wright KR. Count trends for migratory Bald Eagles reveal differences between two populations at a spring site along the Lake Ontario shoreline. PeerJ. 2016

⁵ Mojica, E. K., J. M. Meyers, B. A. Millsap, and K. L. Haley. 2008. Migration of Florida sub-adult bald eagles. *Wilson Journal of Ornithology* 120:304–310.

⁶ McClelland, B. R., P. T. McClelland, R. E. Yates, E. L. Caton, and M. E. McFadden. 1996. Fledging and migration of juvenile Bald Eagles from Glacier National Park, Montana. *J. Raptor Res.* 30:79-89.

way further inland to their preferred breeding habitats. The Connecticut Migratory Bird Stopover Habitat Project (Stokowski, 2002)⁷ identified potential flyways along the Housatonic, Naugatuck, Thames, and Connecticut Rivers. This study paralleled a similar earlier study conducted by the Silvio O. Conte National Fish & Wildlife Refuge (Neotropical Migrant Bird Stopover Habitat Survey⁸), which consisted of collection of migratory bird data along the Connecticut River and the following major Connecticut River tributaries: Farmington, Hockanum, Scantic, Park, Mattabeset, Salmon, and Eight Mile Rivers. Of these potential flyways, the nearest to the host Property is the Housatonic River, located ± 15.7 miles to the east. The Saugatuck River riparian corridor, located ± 0.25 mile north of the host Property, is not identified as a potential flyway but potentially forms a secondary flyway as birds move northward from Long Island Sound during the spring migration. These major riparian corridors may provide secondary flyways as they likely offer more food and protection than more exposed upland sites, particularly during the spring migration⁹.

Siting of tower structures within flyways can be a concern, particularly for tall towers and even more particularly for tall towers with guy wires and lighting.¹⁰ The majority of studies on bird mortality due to towers focuses on very tall towers (greater than 1000 feet), illuminated with non-flashing lights, and guyed.¹¹ These types of towers, particularly if sited in major migratory pathways, do result in significant bird mortality (Manville, 2005)¹². The proposed Facility is not this type of tower, being an unlit, unguyed monopole structure only 150 feet in height. More recent studies of short communication towers (<300 feet) reveal that they rarely kill migratory birds¹³. Studies of mean flight altitude of migrating birds reveal flight altitudes of 410 meters (1350 feet), with flight altitudes on nights with bad weather between 200 and 300 meters above ground level (656 to 984 feet)¹⁴.

No adverse impacts to migrating bird species are anticipated with development of the Facility, based on its design (unlit and unguyed) and relatively short (150-foot) height, and the distances separating the host Property from the potential Housatonic and Saugatuck River flyways. The design and height of the proposed Facility would also mitigate the potential for migratory bird impacts should the Saugatuck River be used as a secondary flyway.

⁷ Stokowski, J.T. 2002. Migratory Bird Stopover Habitat Project Finishes First Year. Connecticut Wildlife, November/December 2002. P.4.

⁸ The Silvio O. Conte National Fish & Wildlife Refuge Neotropical Migrant Bird Stopover Habitat Survey <http://www.science.smith.edu/stopoverbirds/index.html>

⁹ The Silvio O. Conte National Fish & Wildlife Refuge Neotropical Migrant Bird Stopover Habitat Survey. http://www.science.smith.edu/stopoverbirds/Chapter5_Conclusions&Recommendations.html

¹⁰ Manville, A.M. 2014. Status of U.S. Fish and Wildlife Service developments with communication towers with a focus on migratory birds: Updates to Service staff involved with tower issues. Webinar Summary Talking Points. Pp. 14

Longcore, T., C. Rich, P. Mineau, B. MacDonald, D.G. Bert, L.M. Sullivan, E. Mutrie, S.A. Gauthreaux, M.L. Avery, R.L. Crawford, A.M. Manville, E.R. Travis, and D. Drake. 2012a. An estimate of avian mortality at communication towers in the United States and Canada. *PLoS One* 7(4): 1-17.

¹¹ Poot, H., B.J. Ens, H. de Vries, M.A.H. Donners, M.R. Wernand, and J.M. Marquenie. 2008. Green light for nocturnally migrating birds. *Ecology and Society* 13(2): 47.

¹² Manville, A.M. II. 2005. Bird strikes and electrocutions at power lines, communications towers, and wind turbines: state of the art and state of the science - next steps toward mitigation. Bird Conservation Implementation in the Americas: Proceedings 3rd International Partners in Flight Conference 2002. C.J. Ralph and T.D. Rich, editors. USDA Forest Service General Technical Report PSW-GTR-191. Pacific Southwest Research Station, Albany CA. pp. 1-51-1064.

¹³ Kerlinger, P. 2000. Avian Mortality at Communication Towers: A Review of Recent Literature, Research, and Methodology. Prepared for U.S. Fish and Wildlife Service Office of Migratory Bird Management.

¹⁴ Mabee, T.J., B.A. Cooper, J.H. Plissner, D.P. Young. 2006. Nocturnal bird migration over an Appalachian ridge at a proposed wind power project. *Wildlife Society Bulletin* 34:682-690.

Waterfowl Focus Areas

The Atlantic Coast Joint Venture ("ACJV") is an affiliation of federal, state, regional and local partners working together to address bird conservation planning along the Atlantic Flyway. The ACJV has identified waterfowl focus areas recognizing the most important habitats for waterfowl along the Atlantic Flyway. Connecticut contains several of these waterfowl focus areas. The nearest waterfowl focus area to the host Property is the Norwalk Islands area, located ± 8.1 miles to the south. Please refer to the attached Connecticut Waterfowl Focus Areas Map. Based on the distance of this waterfowl focus area to the host Property, no impact to migratory waterfowl would result from development of the proposed Facility.

DEEP Migratory Waterfowl Data

The Connecticut Department of Energy and Environmental Protection ("DEEP") created a Geographic Information System ("GIS") data layer in 2019 identifying concentration areas of migratory waterfowl at specific locations in Connecticut. The intent of this data layer is to assist in the identification of migratory waterfowl resource areas in the event of an oil spill or other condition that might be a threat to waterfowl species.

The nearest migratory waterfowl area, Sherwood Millpond to Compo Cove in Westport, is located ± 14.5 miles to the southeast of the host Property. The associated species are identified as American black duck, bufflehead, canvasback, mallard, Canada goose, and American wigeon. Based on the distance of this migratory waterfowl area to the host Property, no impact to migratory waterfowl would result from development of the proposed Facility.

DEEP Natural Diversity Data Base

DEEP's Natural Diversity Data Base ("NDDB") program performs hundreds of environmental reviews each year to determine the impact of proposed development projects on state listed species and to help landowners conserve the state's biodiversity. State agencies are required to ensure that any activity authorized, funded or performed by a state agency does not threaten the continued existence of endangered or threatened species. Maps have been developed to serve as a pre-screening tool to help applicants determine if there is a potential impact to state listed species.

The NDDB maps represent approximate locations of endangered, threatened and special concern species and significant natural communities in Connecticut. The locations of species and natural communities depicted on the maps are based on data collected over the years by DEEP staff, scientists, conservation groups, and landowners. In some cases an occurrence represents a location derived from literature, museum records and/or specimens. These data are compiled and maintained in the NDDB and maps are updated bi-annually. The general locations of species and communities are symbolized as shaded areas on the maps. Exact locations have been masked to protect sensitive species from collection and disturbance and to protect landowner's rights whenever species occur on private property.

According to the available NDDB maps, the proposed Facility is located within a shaded NDDB buffer area and therefore the proposed project could potentially conflict with a listed rare species. APT consulted the new eNDDB review tool that is housed in the DEEP ezFile portal on February 18, 2023 for a Preliminary Site Assessment in order to determine what listed species are associated with the NDDB

buffer area that encompasses the Facility. The State Endangered species Appalachian blue butterfly (*Celastrina neglectamajor*) is the only species identified through this review, which is associated with the host plant black cohosh (*Actaea racemosa*). Based on the limited area of development from the proposed Facility and its location adjacent to a parking area and camp buildings and activities, APT does not anticipate a conflict with listed species. Although not anticipated, if black cohosh is found in proximity to the proposed Facility, best management practices such as species protection plans and installation of isolation barriers around the construction zone can be employed to avoid any incidental take of species that might occur during construction.

USFWS Communications Towers Compliance

In 2021, the USFWS issued an update to the original voluntary guidelines for communication towers titles *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning*¹⁵ which recommends the voluntary guidelines listed below. These voluntary guidelines are designed to assist tower companies in developing their communication systems in a way which minimizes the risk to migratory birds and threatened and endangered species. APT offers the following responses to each of the USFWS recommendations which are abridged from the original document.

Siting and Construction of New Towers

1. Contact with USFWS Office. Communicate project plans to nearest USFWS Field Office

The USFWS New England Field Office ("NEFO") has been contacted to determine what review process has been developed for the receipt of new tower project plans. APT is unaware of a mechanism by which project plans can be submitted to the NEFO.

2. Collocation of the communications equipment on an existing communication tower or other structure (e.g., billboard, water and transmission tower, distribution pole, or building mounts). This recommendation is intended to reduce the number of towers across the landscape.

Collocation opportunities on existing towers, buildings or non-tower structures are not available in the area while achieving the required radio frequency ("RF") coverage objectives.

3. All new towers should be sited to minimize environmental impacts to the maximum extent practicable.

a. Place new towers within existing "antenna farms" (i.e., clusters of towers) when possible.

There are no existing "antenna farms" in the vicinity of the proposed tower site that would satisfy the RF coverage objectives of the Facility.

¹⁵ Migratory Bird Program U. S. Fish and Wildlife Service. (2021, March). Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. <https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf>

- b. Select already degraded areas for tower placement.*

The host Property does contain minimal existing degraded areas. The tower and compound will abut a developed parking area with minor encroachment into the adjacent upland forest.

- c. Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state or federal refuges, staging areas, rookeries, and Important Bird Areas), or in known migratory bird movement routes, daily movement flyways, areas of breeding concentration, in habitat of threatened or endangered species, key habitats for Birds of Conservation Concern, or near the breeding areas ("leks") of prairie grouse.*

The proposed Facility is not within wetlands, known bird concentration area, migratory or daily movement flyway or result in fragmentation of a core forest habitat that could potentially provide habitat for Birds of Conservation Concern.

The proposed Project is located within a shaded NDDB buffer area and therefore the proposed project could potentially conflict with listed rare species. APT has consulted with the DEEP through the new eNDDB system and the only species associated with the buffer area is a butterfly. The proposed Facility is not expected to result in a likely adverse effect to this listed species.

- d. Towers should avoid ridgelines, coastal areas, wetlands or other known bird concentration areas.*

The Facility is not sited on a ridgeline and is not located within coastal areas, wetlands or other known bird concentration areas.

- e. Towers and associated facilities should be designed, sited, and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint". In addition, several shorter, un-guyed towers may be preferable to one, tall guyed, lit tower.*

The Facility has been designed to avoid impacts to wetland habitat and minimizes to the degree possible impact to forested uplands with the access road and tower compound.

The proposed 150-foot tall monopole tower is self-supporting (no guys) and is unlit.

- 4. During construction, the following considerations can reduce the risk of take of birds:*

- a. Schedule all vegetation removal and maintenance (e.g., general landscaping activities, trimming, grubbing) activities outside of the peak bird breeding season to reduce the risk of bird take.*

The proposed Facility will require minimal tree clearing located in close proximity to a parking areas and other camp facilities, which provides suboptimal nesting habitat for forest interior species anticipated to use larger undeveloped forest habitat present on the host Property. Therefore, construction of the Facility will not likely impact nesting birds and seasonal restriction outside of the peak bird breeding season is not warranted. Once the Facility is constructed, minimal if any vegetation maintenance will be required with operation of this unmanned Facility.

- b. When vegetation removal activities cannot avoid the bird breeding season, conduct nest clearance surveys.*

Nest clearance surveys would not be necessary given the suboptimal bird nesting habitat at the proposed Facility location.

- c. Prevent the introduction of invasive plants during construction to minimize vegetation community degradation by: Use only native and local (when possible) seed stock for all temporary and permanent vegetation establishment; and ii. Use vehicle wash stations prior to entering sensitive habitat areas to prevent accidental introduction of non-native plants.*

Invasive species control techniques will be used during construction of the proposed Facility to minimize the introduction of invasive plants.

5. Tower design should consider the following attributes:

- a. Tower Height. It is recommended that new towers should be not more than 199 ft. above ground level (AGL).*

The Facility satisfies this recommendation with a height of 150 feet AGL.

- b. Guy Wires. We recommend using free standing towers such as lattice towers or monopole structures.*

The Facility satisfies this recommendation with a self-supporting monopole structure.

- c. Lighting System. Lights are a primary source of bird aggregation around towers, thus minimizing all light is recommended. No tower lighting is the preferred option if Federal Aviation Administration (FAA) regulations and lighting standards (FAA 2015, 2020, Patterson 2012) permit.*

The Facility will not contain tower lighting.

Operation and Maintenance of All Towers

- 1. Existing Tower Lighting. We recommend that towers be unlit, when allowed by FAA regulations.*

The Facility will not contain tower lighting.

- 2. Infrastructure Lighting. We recommend that existing infrastructure be unlit, when allowed by FAA regulations. If associated buildings require security or operational lighting, minimize light trespass using motion sensors and down-shielding with minimum intensity light.*

Equipment within the compound requires security lighting, which will be set on motion sensors, down-shielded and minimum intensity lighting.

3. *Vegetation Management. Schedule all vegetation removal and maintenance (e.g., general landscaping activities, trimming, grubbing, etc.) activities outside of the peak bird breeding season to reduce the risk of bird take. When vegetation removal activities cannot avoid the bird breeding season, conduct nest clearance surveys.*

Once the Facility is constructed, minimal vegetation maintenance, if any, is anticipated and would only occur immediately adjacent to the tower compound and access road, both areas of which would support limited bird nesting habitat. Therefore, restricting this minimal vegetation maintenance work to outside the peak bird breeding season, or the need to perform nest surveys, is not considered necessary.

4. *Birds Nesting on Towers. If birds are nesting on communication towers that require maintenance activities, contact the state natural resource protection agency and/or the USFWS for permits, recommendations, and requirements.*

Following construction of the Facility, if tower maintenance activities encounter bird nests, DEEP Wildlife Division and USFWS will be contacted, as necessary.

5. *Tower Access. Representatives from the USFWS or researchers should be allowed access to the site to evaluate bird use, conduct dead-bird searches, and conduct other research, as necessary.*

MCM agrees upon advance notice from USFWS, to allow agency representatives access to the Facility.

Summary and Conclusions

Based on the results of this desk-top evaluation, no likely adverse impact to migratory bird species would result from MCM's proposed Facility. The Facility is not proximate to an Important Bird Area and would comply with the USFWS tower design, siting, construction, operation and maintenance recommended best practices for minimizing the potential impacts to bird species.

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



Dean Gustafson
Senior Biologist

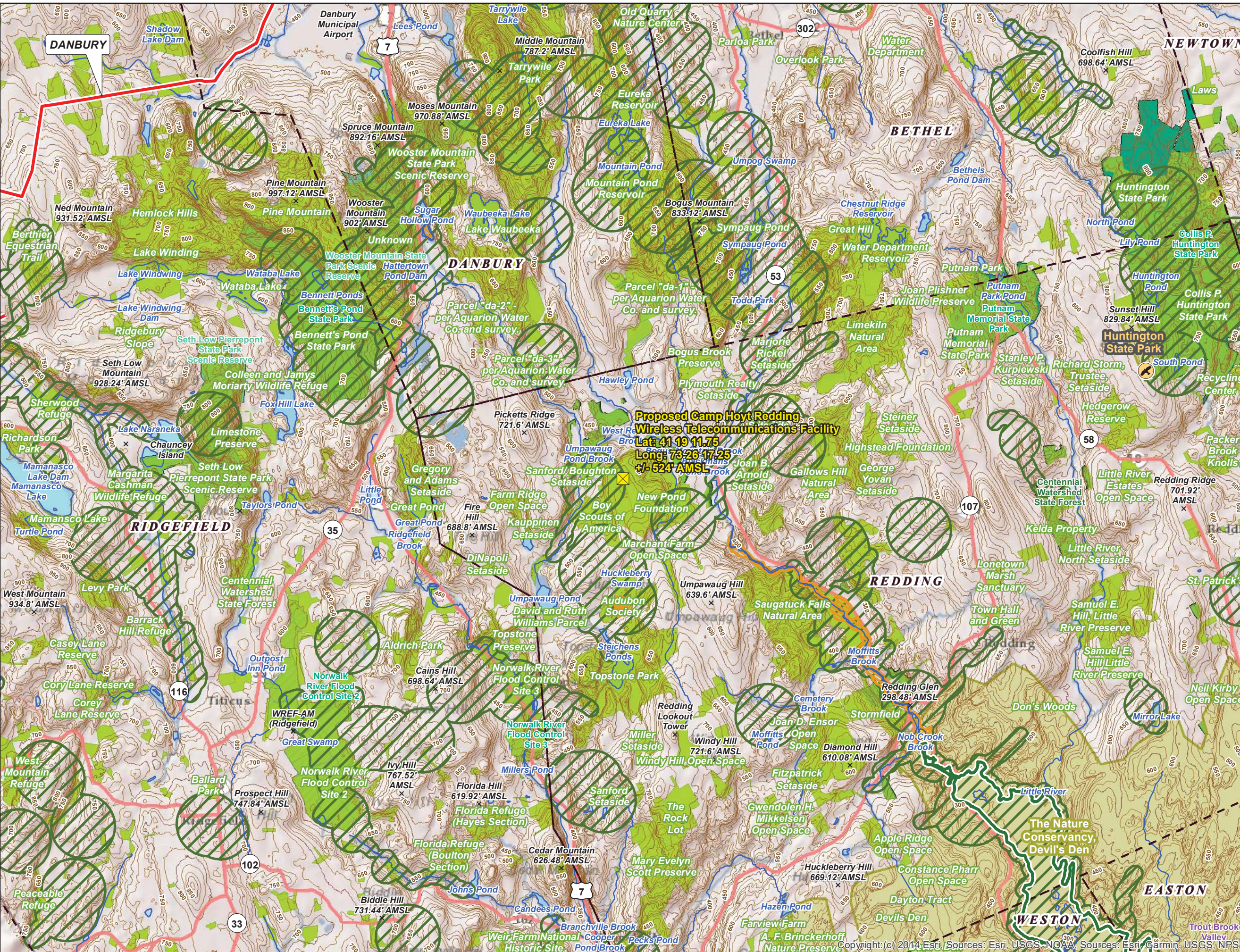
Enclosures

Figures

- Avian Resources Map
- Connecticut Waterfowl Focus Areas Map

Avian Resources Map

Proposed Wireless Telecommunications Facility
Camp Hoyt Redding
3 Marchant Road
Redding, Connecticut



- Legend**
- Facility Location
 - Bald Eagle Site*
 - Hawk Watch Site
 - Important Bird Site*
 - Important Bird Area
 - Bald Eagle Survey Route
 - Breeding Bird Survey Route
 - Natural Diversity Database (CTDEEP, 12/2022)
 - Critical Habitat (CTDEEP, 10/2019)
 - Migratory Waterfowl (CTDEEP, 2019)*
 - Protected Open Space (CTDEEP, 2011)
 - Federal Open Space (CTDEEP, 2004)*
- CT DEP Property (CT DEEP, 12/2010)**
- State Forest
 - State Park
 - DEP Owned Waterbody*
 - State Park Scenic Reserve
 - Historic Preserve*
 - Natural Area Preserve*
 - Fish Hatchery*
 - Flood Control
 - State Park Trail*
 - Water Access
 - Wildlife Area*
 - Wildlife Sanctuary*
 - Other
 - Open Water
 - Town Boundary

*None within mapped extents

Avian Source Information:
 Bald Eagle Sites: U.S. Geological Survey, National Biological Information Infrastructure, 2008, Midwinter Bald Eagle Counts, 1986-2005 (update 2008).
 Hawk Watch Sites: Hawk Migration Association of North America (HMANA), Hawk Count website: <http://hawkcount.org/sitesel.php?country=USA&stateprov=Connecticut>
 Migratory Waterfowl: CTDEEP GIS, 2019
 Important Bird Sites/Areas: National Audubon Society, Audubon Connecticut
http://ct.audubon.org/BirdSci_IBAs.html
 Breeding Bird Survey Routes: Patuxent Wildlife Research Center of the U.S. Geological Survey and the Canadian Wildlife Service's National Wildlife Research Centre
<http://www.nationalatlas.gov/ind/bbsrsl.html>

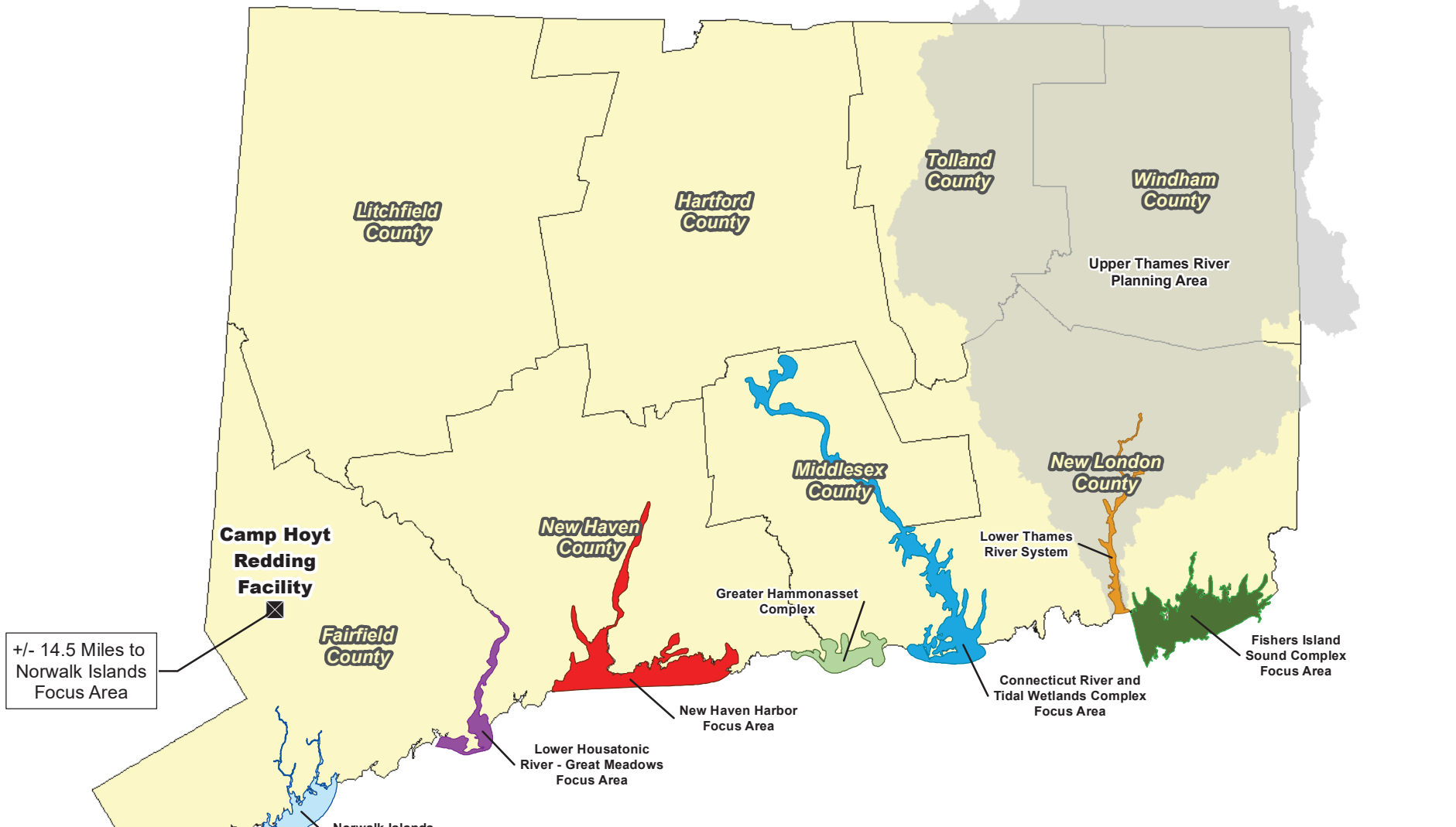
Base Map Source: ESRI Shaded Relief
 Map Date: February 2023

0.5 0.25 0 0.5 Miles

MCM

ALL-POINTS TECHNOLOGY CORPORATION

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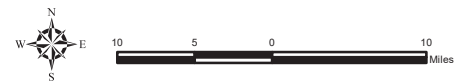
+/- 14.5 Miles to Norwalk Islands Focus Area

Legend

- Facility Location
- Waterfowl Planning Area
 - Upper Thames River
- Waterfowl Focus Areas**
 - Connecticut River and Tidal Wetlands Complex
 - Fishers Island Sound Complex
 - Norwalk Islands
 - Greater Hammonasset Complex
 - Lower Housatonic River - Great Meadows
 - Lower Thames River System
 - New Haven Harbor

Connecticut Waterfowl Focus Areas Map

Proposed Wireless Telecommunications Facility
 Camp Hoyt Redding
 3 Marchant Road
 Redding, Connecticut





USFWS & NDDB COMPLIANCE

April 5, 2023

MCM Holdings, LLC
40 Woodland Street
Hartford, CT 06105

Re: Camp Hoyt, 3 Marchant Road, Redding, CT
APT Job No: CT524100

On behalf of MCM Holdings, LLC ("MCM"), 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 (the "Facility") would result in a potential adverse effect to listed species.

The MCM tower facility is proposed on a ±170.62 acre property located at 3 Marchant Road in Redding, Connecticut (the "Subject Property") which is owned by the Connecticut Yankee Council, Inc. (of the Boy Scouts of America) and used primarily as a tent camping facility with lean-tos, three pavilions, latrines, training cabin, and sleeping cabin known as Camp Hoyt. The location of the proposed MCM tower facility, the "Project Site", is adjacent to an asphalt milling-covered parking area within a deciduous forested upland near the cabins and ±48 feet east of the nearest wetland.

USFWS

The federal rare species consultation was completed in accordance with Section 7 of the Endangered Species Act ("ESA") through the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC"). Based on the results of the IPaC review, two federally listed¹ species are known to occur in the vicinity of the Subject Property documented as the northern long-eared bat ("NLEB"; Endangered; *Myotis septentrionalis*²) and bog turtle (Threatened; *Clemmys muhlenbergii*). As a result of this preliminary finding, APT performed an evaluation to determine if the proposed Facility would result in a likely adverse effect to NLEB or bog turtle.

Northern Long-eared Bat

The proposed Facility and access drive would be located within an upland forested area requiring ±0.4 acre of 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 NLEB maternity roost tree and is not within 0.25 mile of a known NLEB hibernaculum. The

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.

nearest NLEB habitat resource to the proposed Facility is located ±16.8 miles to the northeast in Bridgewater.

On November 30, 2022, the USFWS published reclassification of NLEB as Endangered under the ESA. The reclassification now 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 new NLEB Determination Key ("Dkey") within the IPaC system for this Facility and determined it "may affect, not likely to adversely affect" NLEB. Unless the USFWS responds within 15 days from the date of the letter, ESA consultation is complete and no further action is required. Please refer to the enclosed USFWS March 21, 2023 letter confirming ESA compliance for NLEB.

Bog Turtle

Bog turtle habitat consists of specific wetland habitat types comprised of wet meadows, pastures and fens that have developed in limestone (calcareous) derived soils. This habitat specialist is restricted to open-canopy calcareous wet meadows, pastures, and fens, usually bordered by shrub and red-maple swamps, characterized by a continuous flow of water seeping through the saturated surface soil (Klemens 1993). In Connecticut, the bog turtle's distribution is restricted to valleys underlain with marble bedrock in extreme western Connecticut, west of the Housatonic River (Klemens et al. 2021). No current or former records from Bulletin 112 exist for bog turtle in the Town of Redding (Klemens 1993, Klemens et al. 2021). The Project Site and adjacent areas do not support bog turtle habitat. The Facility would be located within a forested upland area adjacent to a gravel parking area and boy scout camp facility and would not impact nearby wetlands. The nearest potential bog turtle habitat is possibly associated with wetland habitat contained within the Saugatuck River valley located over 1,500 feet northwest of the Project Site. Therefore, no likely adverse effect to bog turtle, a wetland dependent species, would be anticipated from the proposed project.

A CTDEEP NDDDB Review Request was submitted to determine if State-listed species would be impacted or influenced by the proposed Facility. A NDDDB Determination letter dated April 4, 2023 (Determination No. 202302684) did not identify bog turtle on or in the vicinity of the Project Site.

Although the Facility is unlikely to adversely affect bog turtle or its possible habitat, out of an abundance of caution, a Bog Turtle Protection Plan is provided and enclosed as a precaution to avoid any incidental take. The Bog Turtle Protection Plan will include contractor awareness training, installation of isolation barriers (which will also serve as sedimentation and erosion control), a sweep for the development area, periodic monitoring of isolation barriers, and reporting during construction of the Facility.

APT submitted the effects determination using the new NLEB Determination Key ("Dkey") within the IPaC system for this Project and determined it "may affect" bog turtle; please refer to the enclosed USFWS February 13, 2023 letter. As a result of the "may affect" determination, further consultation with the USFWS New England Field Office ("NEFO") is required with submission of a project review package, which was submitted on March 20, 2023 with a request to concur with the finding of "may affect, not likely to adversely affect" determination. The project review package concluded that suitable habitat for bog turtle is not supported in the Project area or on the subject property but may be present in the vicinity. As a mitigation measure and out of an abundance of caution in case bog turtle is encountered during construction activities, a bog turtle protection plan will be implemented

to avoid injury or take of this species. Please refer to the attached bog turtle protection plan for details. The NEFO is anticipated to respond within 60 days of this filing, which will be forwarded upon receipt.

NDDB

According to the most recent DEEP NDDB maps, the proposed Facility is located within a shaded NDDB buffer area and therefore could potentially conflict with listed rare species. Please refer to the enclosed NDDB Map. A CTDEEP NDDB Review Request was submitted to determine if State-listed species would be impacted or influenced by the proposed Facility. A NDDB Determination letter dated April 4, 2023 (Determination No. 202302684) reveals that only one state-listed Endangered species, Appalachian blue butterfly (*Celastrina neglectamajor*), may be influenced by the proposed Facility; please refer to attached NDDB letter. The preferred habitat of this butterfly is dry mixed woodlands and edges with its larval flood plant black cohosh (*Actaea racemosa*). While the proposed Project is not anticipated to significantly impact the habitat of this butterfly a survey for black cohosh will be conducted by APT when this plant is in bloom and identifiable, typically mid to late-June. APT will follow in early July 2023 with a summary of the plant survey results and determine if the Facility would impact this host plant to Appalachian blue butterfly.

Therefore, with implementation of the bog turtle protection measures, the proposed Facility is not anticipated to adversely impact any Federal or State Threatened, Endangered or species of Special Concern. Upon receipt of a response from USFWS and completion of the butterfly host plant survey, this conclusion may be modified if necessary.

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



Dean Gustafson
Senior Biologist

Enclosures

References

Klemens, M.W., H.J. Gruner, D.P. Quinn and E. R. Davison. 2021. *Conservation of Amphibians and Reptiles in Connecticut*. State Geological and Natural History Survey of Connecticut Bulletin.

Klemens, M.W. 1998. Conservation action plan for the bog turtle *Clemmys muhlenbergii* in Connecticut. Unpublish. Rpt. CTDEP Nonharvested Wildlife Program and the Nature Conservancy, CT Chapter.

Klemens, M.W. 1993. *Amphibians and Reptiles of Connecticut and Adjacent Regions*. State Geological and Natural History Survey of Connecticut Bulletin 112.

USFWS Letters

- ▶ NLEB Determination Key Letter
- ▶ Bog Turtle Determination Key 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: 2023-0033299
Project Name: MCM BSA Redding CT

March 21, 2023

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

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'MCM BSA Redding 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 March 21, 2023, for 'MCM BSA Redding CT' (here forward, Project). This project has been assigned Project Code 2023-0033299 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

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 completed by the Service, your project has reached the determination of “May Affect, Not Likely to Adversely Affect” the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

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:

- Bog Turtle *Glyptemys muhlenbergii* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

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 2023-0033299 associated with this Project.

Action Description

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

1. Name

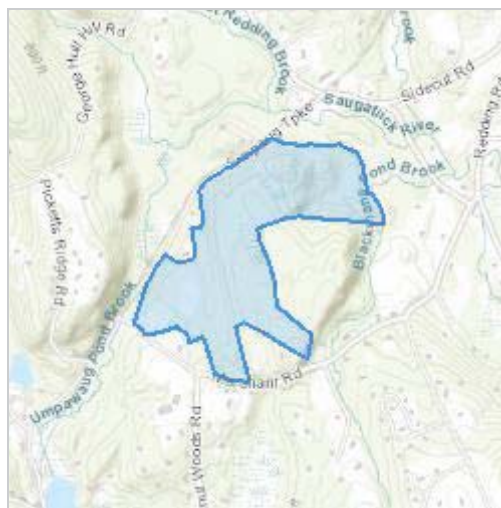
MCM BSA Redding CT

2. Description

The following description was provided for the project 'MCM BSA Redding CT':

The construction of a wireless telecommunications facility on portions of the property located at 3 Marchant Road in Redding, Fairfield County, Connecticut (the "Host Property"). The Host Property is owned by the Connecticut Yankee Council, Inc. of the Boy Scouts of America and is utilized as the John Sherman Hoyt Scout Reservation camp. The majority of the Host Property is wooded. Various small pavilions, cabins, and camp sites are located throughout the Host Property. An archery range and a rifle range are located on the northern portion of the Host Property. Numerous blazed hiking trails traverse the Host Property. A proposed monopole would be located within the central portion of the compound. A proposed gravel access drive will extend from the southeast corner of an existing parking area to the proposed ground lease area.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.31781325,-73.43948688264035,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

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. 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

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

Yes

4. 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

5. 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

6. 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

7. 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>

No

8. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

9. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

10. Will the action cause effects to a bridge?

No

11. Will the action result in effects to a culvert or tunnel?

No

12. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

13. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

14. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

15. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

16. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

17. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

18. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

19. Will the action include drilling or blasting?

No

20. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

21. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

22. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

23. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

24. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

25. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

26. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

No

27. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Yes

28. [Semantic] Does your project intersect a known sensitive area for the northern long-eared bat?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your [state agency or USFWS field office](#)

Automatically answered

No

29. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the northern long-eared bat?

Note: Inactive Season dates for summer habitat outside of staging and swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

No

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.4

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.4

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.4

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0.4

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by April 1, 2024?

Yes

IPAC USER CONTACT INFORMATION

Agency: All-Points Technology Corp., 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

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Communications Commission



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: 2023-0033299
Project Name: MCM BSA Redding CT
IPaC Record Locator: 705-122373335

February 13, 2023

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

Subject: Technical assistance for 'MCM BSA Redding 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 February 13, 2023, for "MCM BSA Redding CT" (here forward, Project). This project has been assigned Project Code 2023-0033299 and all future correspondence should clearly reference this number.

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 Northeast Determination Key (Dkey), invalidates this letter. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), 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 further consultation with, or concurrence from, 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 (NLAA)" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Bog Turtle (<i>Glyptemys muhlenbergii</i>)	Threatened	May affect

To complete consultation for species that have reached a "May Affect" determination and/or species may occur in your project area and are not covered by this conclusion, 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 these listed species and/or critical habitats, avoid and minimize potential adverse effects, and prepare and submit a project review package if necessary: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of "May Affect". Please contact our New England Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Threatened

To complete consultation for species that have reached a "May Affect" determination and/or species may occur in your project area and are not covered by this conclusion, 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 these listed species and/or critical habitats, avoid and minimize potential adverse effects, and prepare and submit a project review package if necessary: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

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

Action Description

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

1. Name

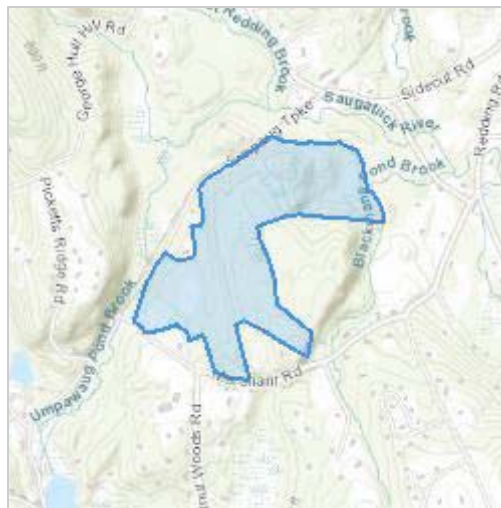
MCM BSA Redding CT

2. Description

The following description was provided for the project 'MCM BSA Redding CT':

The construction of a wireless telecommunications facility on portions of the property located at 3 Marchant Road in Redding, Fairfield County, Connecticut (the "Host Property"). The Host Property is owned by the Connecticut Yankee Council, Inc. of the Boy Scouts of America and is utilized as the John Sherman Hoyt Scout Reservation camp. The majority of the Host Property is wooded. Various small pavilions, cabins, and camp sites are located throughout the Host Property. An archery range and a rifle range are located on the northern portion of the Host Property. Numerous blazed hiking trails traverse the Host Property. A proposed monopole would be located within the central portion of the compound. A proposed gravel access drive will extend from the southeast corner of an existing parking area to the proposed ground lease area.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.3177874,-73.43954250918213,14z>



Qualification Interview

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

Note: This question 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

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

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead agency for this project?

No

5. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

Note: If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

Yes

6. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

No

7. Will the proposed project involve the use of herbicide?

No

8. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

No

9. Does any component of the project associated with this action include structures that may pose a collision risk to birds or bats (e.g., wind turbines, communication towers, transmission lines, any type of towers with or without guy wires)?

NoteFor 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.).

Yes

10. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

No

11. Will the proposed project affect wetlands?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

No

12. Will the proposed project activities (including upland project activities) occur within 0.5 miles of the water's edge of a stream or tributary of a stream?

Yes

13. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary?

No

14. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream?

No

15. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds)?

No

16. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining?

No

17. Will the proposed project involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note that sedimentation will be addressed in a separate question.

No

18. Will the proposed project involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?

No

19. Will the proposed project involve blasting?

No

20. Will the proposed project include activities that could result in an increase to recreational fishing or potentially affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage)?

No

21. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream?

No

22. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank?

No

23. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, or the equivalent to these BMPs, be applied to the project?

Yes

24. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

Automatically answered

No

25. [Semantic] Does the project intersect the Indiana bat critical habitat?

Automatically answered

No

26. [Semantic] Does the project intersect the candy darter critical habitat?

Automatically answered

No

27. [Semantic] Does the project intersect the diamond darter critical habitat?

Automatically answered

No

28. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

Automatically answered

No

29. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

Automatically answered

No

30. [Hidden Semantic] Does the project intersect the Bog Turtle AOI?

Automatically answered

Yes

31. Are bog turtles known to occur within the action area?

No

32. Does the project include activity in or within 300 feet of a freshwater wetland?

Note: Activities include, but are not limited to, wetland draining, ditching, tilling, filling, excavating, stream diversion, impoundments; mowing or grazing of vegetation; access roads; detention basins; water or sewer lines; irrigation; increase in impervious surfaces; and application of pesticides, deicing agents or fertilizers.

Yes

33. Has a bog turtle [Phase 1 habitat assessment](#) been conducted?

No

34. Do you have any other documents that you want to include with this submission?

Yes

SUBMITTED DOCUMENTS

- *NDDB_AttachmentB.pdf* <https://ipac.ecosphere.fws.gov/project/V4OBYO3IXJH67G2G2H6YAHQWE/projectDocuments/122373544>
 - *Camp Hoyt Wetland Inspection.pdf* <https://ipac.ecosphere.fws.gov/project/V4OBYO3IXJH67G2G2H6YAHQWE/projectDocuments/122373393>
 - *Camp Hoyt CSC Rev0 01-26-2023.pdf* <https://ipac.ecosphere.fws.gov/project/V4OBYO3IXJH67G2G2H6YAHQWE/projectDocuments/122373465>
-

Project Questionnaire

1. Approximately how many acres of trees would the proposed project remove?

0.31

2. Approximately how many total acres of disturbance are within the disturbance/ construction limits of the proposed project?

0.5

3. Briefly describe the habitat within the construction/disturbance limits of the project site.

Construction of a proposed wireless telecommunications facility on the BSA Camp Hoyt property would occur within a deciduous forested upland adjacent to a gravel parking lot and other camp buildings and facilities. No impacts to a nearby forested wetland would result from the proposed project.

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

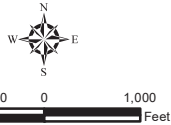


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Legend

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

Map Notes:
 Base Map Source: USGS 7.5 Minute Topographic Quadrangle Map, Bethel, CT (1984)
 Map Scale: 1:24,000
 Map Date: February 2023



**NDDB Attachment A:
Overview Map**

Proposed Wireless
 Telecommunications Facility
 Camp Hoyt Redding
 3 Marchant Road
 Redding, Connecticut



NDDB Determination Letter



Connecticut
Department of Energy &
Environmental Protection



4/4/2023

Dean Gustafson
MCM Holdings, LLC
40 Woodland St
Hartford, CT 06105
dgustafson@allpointstech.com

Subject: Camp Hoyt Redding CT

Filing #: 96110

NDDDB - New Determination Number: 202302684

Expiration Date: 4/4/2025

Location: 3 Marchant Rd, Redding, CT

I have reviewed Natural Diversity Database (NDDDB) maps and files regarding this project. According to our records, there are State-listed species (RCSA Sec. 26-306) that may be influenced by activities within the proposed project area.

Appalachian blue (*Celastrina neglectamajor*)- State Endangered

The preferred habitat of the Appalachian blue butterfly is dry mixed woodlands and edges with the larval food plant black cohosh (*Actaea racemosa*). Activities that impact the larval food plant will impact this species.

Where suitable habitat exists, you identify and protect suitable habitat and host plants for this state species in your project area. You can benefit this species by seeking help from an invertebrate biologist or plant ecologist to create a management plan to enhance habitat where opportunities exist. Keep the following recommendations in mind as you manage your habitat:

- Minimize ground impact to sensitive habitat, and do not import other types of permanent fill.
- To the extent practicable, conduct construction activities in winter months when plants are dormant and ground may be frozen.
- If sensitive habitats are disturbed, it is best to allow them to revegetate naturally or propagate only locally collected seed. Avoid commercially available seed mixes. They include plant species which are not considered native to Connecticut. Even mixes marketed as 'New England' or 'Northeast' mixes include high percentages of species not native to the Connecticut or the region. Additionally, commercially available seed mixes include plants that are listed as invasive in CT or which include non-

local genotypes.

- Minimize the use of pesticides and herbicides in general and consider alternatives. Take precautions that species are not impacted by chemical use including using spot treatment techniques.

Additionally, this area is identified as an important migratory bird stopover site for conservation with consistently high densities of migrants detected by radar analysis. To reduce the potential for collision, towers and antennas should meet USFWS guidelines with regard to height, guy wires, lighting, and maintenance:

<https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>

Your submission information indicates that your project requires a state permit, license, registration, or authorization, or utilizes state funding or involves state agency action. This NDDDB - New determination may be utilized to fulfill the Endangered and Threatened Species requirements for state-issued permit applications, licenses, registration submissions, and authorizations.

Please be aware of the following limitations and conditions:

Natural Diversity Database information includes all information regarding listed species available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, land owners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as enhance existing data. Such new information is incorporated into the Database and accessed through the ezFile portal as it becomes available. New information may result in additional review, and new or modified restrictions or conditions may be necessary to remain in compliance with certain state permits.

- During your work listed species may be encountered on site. A report must be submitted by the observer to the Natural Diversity Database promptly and additional review and restrictions or conditions may be necessary to remain in compliance with certain state permits. Please fill out the [appropriate survey form](#) and follow the instructions for submittal.
- Your project involves the state permit application process or other state involvement, including state funding or state agency actions; please note that consultations with your permit analyst or the agency may result in additional requirements. In this situation, additional evaluation of the proposal by the DEEP Wildlife Division may be necessary and additional information, including but not limited to species-specific site surveys, may be required. Any additional review may result in specific restrictions or conditions relating to listed species that may be found at or in the vicinity of the site.
- If your project involves preparing an Environmental Impact Assessment, this NDDDB consultation and determination should not be substituted for biological field surveys assessing on-site habitat and species presence.
- The NDDDB - New determination for the Camp Hoyt Redding CT as described in the submitted information and summarized at the end of this document is valid until 4/4/2025. This determination applies only to the project as described in the submission and summarized at the end of this letter. Please re-submit an updated Request for Review if the project's scope of work and/or timeframe changes, including if work has not begun by 4/4/2025.

If you have further questions, please contact me at the following:

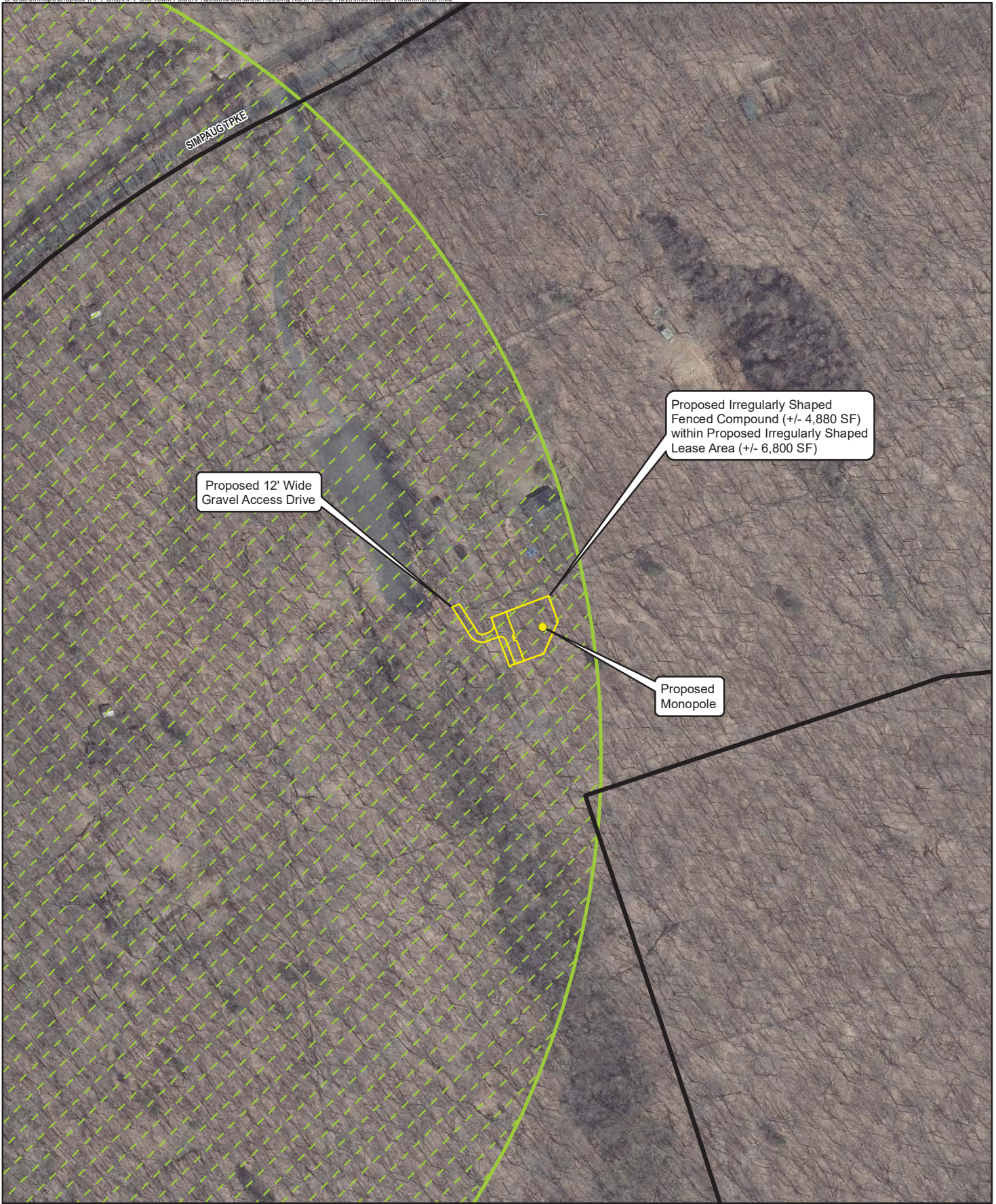
Shannon Kearney
CT DEEP Bureau of Natural Resources
Wildlife Division
Natural Diversity Database
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov

Please reference the Determination Number 202302684 when you e-mail or write. Thank you for consulting the Natural Diversity Data Base.

Shannon Kearney
Wildlife Division- Natural Diversity Data Base
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov

Application Details:

Project involves federal funds or federal permit:	Yes
Project involves state funds, state agency action, or relates to CEPA request:	No
Project requires state permit, license, registration, or authorization:	Yes
DEEP enforcement action related to project:	
Project Type:	Communication Towers
Project Sub-type:	New Facility
Project Name:	Camp Hoyt Redding CT
Project Description:	



- Legend**
- Subject Property
 - Proposed Monopole
 - Proposed Site Layout
 - CTDEEP Natural Diversity Database (updated Dec 2022)

Map Notes:
 Base Map Source: CTECO 2019 Aerial Photograph
 Map Scale: 1 inch = 200 feet
 Map Date: February 2023



**NDDB Attachment B:
 Detailed Site Map**

Proposed Wireless
 Telecommunications Facility
 Camp Hoyt Redding
 3 Marchant Road
 Redding, Connecticut



Bog Turtle Protection Plan

ENVIRONMENTAL NOTES - RESOURCES PROTECTION MEASURES

WETLAND AND BOG TURTLE PROTECTION PROGRAM

As a result of the project's location in the vicinity of sensitive wetland resources and potential rare species habitat, the following Protection Program shall be implemented by the Contractor to avoid unintentional impacts to these sensitive aquatic and wildlife resources during construction activities.

Bog Turtle (*Clemmys muhlenbergii*), a Federal Threatened and State Endangered species afforded protection under the Federal Endangered Species Act and Connecticut Endangered Species Act, potentially occurs in the vicinity of the Project. The following protective measures satisfy requirements from the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division and United States Fish and Wildlife Service ("USFWS"), following protocols developed from previous rare species consultations and state-approved protection plans.

It is of the utmost importance that the Contractor complies with the requirement for the installation of protective measures and the education of its employees and subcontractors performing work on the project site. The protection measures shall be implemented and maintained throughout the duration of construction activities, with increased diligence during the Bog Turtle's active period (April 1 to November 15), until construction is complete and permanent stabilization of site soils has occurred.

All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that these protection measures are implemented properly and will provide an education session on the project's proximity to sensitive resources prior to the start of construction activities and typical amphibians and reptiles associated with these habitats that may be encountered during construction. The Contractor shall contact Dean Gustafson, Senior Biologist at APT, at least 5 business days prior to the pre-construction meeting. Mr. Gustafson can be reached by phone at (860) 552-2033 or via email at dgustafson@allpointstech.com.

This resources protection program consists of several components including: education of all contractors and sub-contractors prior to initiation of work on the site; installation of erosion controls; petroleum materials storage and spill prevention; protective measures; rare species protection measures; herbicide, pesticide, and salt restrictions; and, reporting.

1. Contractor Education:

- a. Prior to work on site, the Contractor shall attend an educational session at the pre-construction meeting with APT. This orientation and educational session will consist of an introductory meeting with APT to emphasize the environmentally sensitive nature of the project, the various wetland, floodplain, and rare species resources, and the requirement to diligently follow the Protective Measures as described in sections below. Workers will also be provided information regarding the identification of other turtles, snakes, and common herpetofauna that could be encountered. The meeting will further emphasize the non-aggressive nature of these species, the absence of need to destroy such animals and the need to follow Protective Measures as described in following sections.
- b. The education session will also focus on means to discriminate between the species of concern and other native species to avoid unnecessary "false

alarms". Encounters with any species of turtles, snakes and amphibians will be documented.

- c. The Contractor will be provided with cell phone and email contacts for APT personnel to immediately report any releases or impacts to nearby wetland resource areas. Educational poster materials of the environmentally sensitive nature of the work area will be provided by APT and displayed on the job site to maintain worker awareness as the project progresses.
- d. If any rare species are encountered, the Contractor shall immediately cease all work, avoid any disturbance to the species, and contact APT.

2. Erosion and Sedimentation Controls/Isolation Barriers

- a. Plastic netting used in a variety of erosion control products (i.e., erosion control blankets, fiber rolls [wattles], reinforced silt fence) has been found to entangle wildlife, including reptiles, amphibians, birds, and small mammals, but particularly snakes. No permanent erosion control products or reinforced silt fence will be used on the project. Temporary erosion control products will use either erosion control blankets and fiber rolls composed of processed fibers mechanically bound together to form a continuous matrix (netless) or netting composed of planar woven natural biodegradable fiber to avoid/minimize wildlife entanglement.
- b. Installation of sedimentation and erosion controls, required for erosion control compliance and creation of a barrier to possible migrating/dispersing turtles, shall be performed by the Contractor following clearing activities and prior to any earthwork. The Environmental Monitor will inspect the work zone area prior to and following erosion control barrier installation to ensure the area is free of Bog Turtles (along with other amphibians and reptiles that may be encountered) and document barriers have been satisfactorily installed. The intent of the barrier is to segregate the majority of the work zone and isolate it from nesting/foraging/migrating/dispersing turtles, snakes and other herpetofauna. Oftentimes complete isolation of a work zone is not feasible due to accessibility needs and locations of staging/material storage areas, etc. Although the barriers may not completely isolate the work zone, they will be positioned to deflect migrating/dispersal routes away from the work zone to minimize potential encounters with turtles, snakes and other herpetofauna.
- c. Exclusionary fencing shall be at least 20 inches tall and must be secured to and remain in contact with the ground and be regularly maintained by the Contractor (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through.
- d. The Contractor is responsible for daily inspections of the sedimentation and erosion controls for tears or breeches and accumulation levels of sediment, particularly following storm events that generate a discharge, as defined by and in accordance with applicable local, state and federal regulations. The Contractor shall notify the APT Environmental Monitor within 24 hours of any breeches of the sedimentation and erosion controls and any sediment releases beyond the perimeter controls that impact wetlands, watercourses or within 100 feet of wetlands and watercourses. The APT Environmental Monitor will provide periodic inspections of the sedimentation and erosion controls throughout the duration of construction activities

only as it pertains to their function as isolation measures for the protection of rare species. Such inspections will generally occur once per month. The frequency of monitoring may increase depending upon site conditions, level of construction activities in proximity to sensitive receptors, or at the request of the permittee. If the Compliance Monitor is notified by the Contractor of a sediment release, an inspection will be scheduled specifically to investigate and evaluate possible impacts to wetland and/or watercourse resources.

- e. Third party monitoring of sedimentation and erosion controls will be performed by other parties, as necessary, under applicable local, state and/or federal regulations and permit conditions.
- f. The extent of the sedimentation and erosion controls will be as shown on the site plans. The Contractor shall have additional sedimentation and erosion controls stockpiled on site should field or construction conditions warrant extending the controls as directed by the APT Environmental Monitor or other regulatory agencies.
- g. No equipment, vehicles or construction materials shall be stored outside of the sedimentation and erosion controls within 100 feet of wetlands or watercourses.
- h. All sedimentation and erosion controls shall be removed within 30 days of completion of work and permanent stabilization of site soils so that reptile and amphibian movement between uplands and wetlands is not restricted.

3. Petroleum Materials Storage and Spill Prevention

- a. Certain precautions are necessary to store petroleum materials, refuel and contain and properly clean up any inadvertent fuel or petroleum (i.e., oil, hydraulic fluid, etc.) spill due to the project's location in proximity to wetland resources.
- b. A spill containment kit consisting of a sufficient supply of absorbent pads and absorbent material will be maintained by the Contractor at the construction site throughout the duration of the project. In addition, a waste drum will be kept on site to contain any used absorbent pads/material for proper and timely disposal off site in accordance with applicable local, state and federal laws.
- c. Servicing of machinery shall not occur within 100 feet of wetlands.
- d. At a minimum, the following petroleum and hazardous materials storage and refueling restrictions and spill response procedures will be adhered to by the Contractor.

- i. Petroleum and Hazardous Materials Storage and Refueling
 1. Refueling of vehicles or machinery shall occur a minimum of 100 feet from wetlands. If refueling within 100 feet from wetlands is required, it shall take place on an impervious pad with secondary containment designed to contain fuels.
 2. Any fuel or hazardous materials that must be kept on site shall be stored on an impervious surface utilizing secondary containment a minimum of 100 feet from wetlands and at least 1 foot above the 100-year floodplain.
- ii. Initial Spill Response Procedures
 1. Stop operations and shut off equipment.
 2. Remove any sources of spark or flame.
 3. Contain the source of the spill.
 4. Determine the approximate volume of the spill.
 5. Identify the location of natural flow paths to prevent the release of the spill to sensitive nearby wetlands.
 6. Ensure that fellow workers are notified of the spill.
- iii. Spill Clean Up & Containment
 1. Obtain spill response materials from the on-site spill response kit. Place absorbent materials directly on the release area.
 2. Limit the spread of the spill by placing absorbent materials around the perimeter of the spill.
 3. Isolate and eliminate the spill source.
 4. Contact appropriate local, state and/or federal agencies, as necessary.
 5. Contact a disposal company to properly dispose of contaminated materials.
- iv. Reporting
 1. Complete an incident report.
 2. Submit a completed incident report to local, state and federal agencies, as necessary, including the Connecticut Siting Council.

4. Herbicide, Pesticide, and Salt Restrictions

- a. The use of herbicides and pesticides at the Facility shall be minimized. If herbicides and/or pesticides are required at the Facility, their use will be used in accordance with current Integrated Pest Management ("IPM") principles with particular attention to avoid/minimize overspray since the facility is located within 100 feet of wetland resources. No applications of herbicides or pesticides are allowed within actual wetland or watercourse resources.
- b. Maintenance of the facility during the winter months shall minimize the application of chloride-based deicers salt with use of more environmentally friendly alternatives.

5. Turtle Protection Measures – Construction Phase

- a. Prior to construction and following installation of isolation barriers, the construction area will be swept by APT and any turtles (or other wildlife) occurring within the work area will be relocated to suitable habitat outside of the isolation barriers.
- b. Prior to the start of construction each day, the Contractor shall search the entire work area for turtles.
- c. If a Bog Turtle is found, work should immediately cease, and the APT Environmental Monitor shall be contacted. APT will provide the Contractor with instructions on how to proceed and resume work activities. Bog Turtles are protected by law and no turtles should be relocated from the property.
- d. Special care shall be taken by the Contractor during early morning and evening hours so that possible basking or foraging turtles are not harmed by construction activities.
- e. The Contractor shall be particularly diligent during the months of May and June when turtles are actively selecting nesting sites which results in an increase in turtle movement activity.
- f. No heavy machinery or vehicles may be parked in any turtle habitat.
- g. Equipment use within 100 feet of wetlands outside of the isolation barriers is strictly prohibited and no heavy machinery or vehicles may be parked in any turtle habitat or within 100 feet of wetlands outside of the isolation barriers.
- h. Special precautions must be taken to avoid degradation of wetland habitats.

6. Reporting

- a. Compliance Monitoring Reports (brief narrative and applicable photos) documenting each APT inspection will be submitted by APT to MCM Holdings LLC and its Contractor for compliance verification of these protection measures. These reports are not to be used to document compliance with any other permit agency approval conditions (i.e., DEEP Stormwater Permit monitoring, etc.). Any non-compliance observations of erosion control measures or evidence of erosion or sediment release will be immediately reported to MCM Holdings LLC and its Contractor and included in the reports along with any observations of wildlife.
- b. Following completion of the construction project, APT will provide a final Compliance Monitoring Report to MCM Holdings LLC documenting implementation of the resource protection program and monitoring observations. MCM Holdings LLC is responsible for providing a copy of the final Compliance Monitoring Report to the Connecticut Siting Council for compliance verification.
- c. Any observations of rare species will be reported to CTDEEP by APT on the appropriate special animal reporting form, with photo-documentation (if possible) and with specific information on the location and disposition of the animal. If a bog turtle is encountered, USFWS New England Field Office will also be notified.