



## USFWS & NDDB COMPLIANCE

June 2, 2024

Verizon Wireless  
20 Alexander Drive  
Wallingford, Connecticut 06492

Re: Proposed Verizon Wireless Milford East CT Telecommunications Facility  
425 Old Tavern Road, Orange, Connecticut  
APT Job No: CT1416440

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

APT understands that Verizon proposes to construct a wireless telecommunications facility with associated electrical equipment in the central portion of the property located at 425 Old Tavern Road, Orange, Connecticut (the "Property").

### USFWS

The Federal consultation was completed in accordance with Federal Communications Commission ("FCC") rules implementing the National Environmental Policy Act ("NEPA") and Section 7 of the Endangered Species Act ("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, one Federally listed<sup>1</sup> Endangered species is known to occur in the vicinity of the Property documented as the northern long-eared bat ("NLEB"; *Myotis septentrionalis*). Please refer to the enclosed official species list.<sup>2</sup> As a result of this preliminary finding, APT performed an evaluation to determine if the proposed referenced Facility would result in a likely adverse effect to NLEB.

#### *Northern Long-eared Bat*

The proposed Facility and access drive would be located within an upland forest requiring tree clearing; trees potentially provide NLEB habitat. A review of the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division Natural Diversity Data Base ("NDDB") NLEB habitat map<sup>3</sup> and Connecticut NLEB Observations by Town map<sup>4</sup> revealed that the proposed Facility

---

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

<sup>2</sup> Tricolored Bat (TCB; *Perimyotis subflavus*), a Proposed Endangered species, is also listed for the Property. A combined NLEB and TCB Determination Key will be available through the IPaC system once the listing is official, expected sometime summer 2024. Monarch butterfly (*Danaus plexippus*), a Candidate species, is also listed for the Property. Candidate species have no current protections under the ESA and there is no requirement to consider project impacts.

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

<sup>4</sup> *Connecticut Northern Long-eared bat Observations by Town* map. July 24, 2023.

is not within 150 feet of a known occupied NLEB maternity roost tree and is not within 0.25 mile of a known NLEB hibernaculum. The nearest NLEB habitat resource to the proposed Facility is located ±15.0 miles to the northeast in North Branford.

NLEB has been reclassified as Endangered under the ESA. The reclassification eliminates use of the previous 4(d) rule for NLEB; 4(d) rules may only be applied to Threatened species. A NLEB Interim Consultation Framework has been developed by USFWS that was originally set to expire on April 1, 2024 and has since been extended to November 30, 2024. APT submitted the effects determination using the NLEB Determination Key (“DKey”) within the IPaC system for this Facility and determined there would be “No Effect” to NLEB since the Property does not intersect an area where NLEB is likely to occur. Please refer to the enclosed USFWS June 2, 2024 letter confirming the NLEB No Effect determination and ESA compliance for the Facility.

### **NDDB**

No known areas of State-listed species are currently depicted on the most recent CTDEEP NDDB Maps in the location of the proposed Verizon Facility. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer ±0.57 mile south of the Property. Since the proposed Facility and Property are not located within a NDDB buffer area, consultation with CTDEEP is not required in accordance with their review policy.

Therefore, the proposed Verizon Facility is not anticipated to adversely impact any Federal or State Threatened, Endangered or Special Concern species.

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



Dean Gustafson  
Senior Biologist

Enclosures

# USFWS Letters

---

- ▶ Species List
- ▶ NLEB 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:

05/09/2024 18:03:21 UTC

Project Code: 2024-0036351

Project Name: Verizon Wireless: Milford East CT

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

To Whom It May Concern:

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

## **About Official Species Lists**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

## **Endangered Species Act Project Review**

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

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

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

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

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

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

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at [newengland@fws.gov](mailto:newengland@fws.gov) to see if reinitiation is necessary.

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

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

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

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Please contact NEFO if you would like more information.

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

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

### **Migratory Birds**

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

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

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

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

Attachment(s): Official Species List

Attachment(s):

- Official Species List

## **OFFICIAL SPECIES LIST**

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

This species list is provided by:

### **New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

## PROJECT SUMMARY

**Project Code:** 2024-0036351  
**Project Name:** Verizon Wireless: Milford East CT  
**Project Type:** Communication Tower New Construction  
**Project Description:** Verizon Wireless proposes to construct a telecommunications facility (“Facility”) on the central portion of 425 Old Tavern Road in Orange, Connecticut (“Host Property”). The Host Property, which includes frontage along Woodruff Road, is improved with a garage and access drive to Old Tavern Road in the northeast corner of the property. The remaining portions of the Host Property are dominated by undeveloped forest with extensive areas of wetlands. The proposed Facility would be located within a forested upland area that contains wetlands to the east (Wetland 1) and west (Wetland 2) with access provided off Woodruff Road.

**Project Location:**

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.25515905,-73.03578090605106,14z>



**Counties:** New Haven County, Connecticut

## ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

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

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

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



**MAMMALS**

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>This species only needs to be considered if the project includes wind turbine operations.</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

**INSECTS**

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

**CRITICAL HABITATS**

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

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



# 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: 2024-0036351  
Project Name: Verizon Wireless: Milford East CT

06/02/2024 19:17:10 UTC

Federal Action Agency (if applicable): Federal Communications Commission

**Subject:** Record of project representative's no effect determination for 'Verizon Wireless: Milford East CT'

Dear Deborah Gustafson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on June 02, 2024, for 'Verizon Wireless: Milford East CT' (here forward, Project). This project has been assigned Project Code 2024-0036351 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

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

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into 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. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

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

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

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

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

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

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

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

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2024-0036351 associated with this Project.

## Action Description

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

### 1. Name

Verizon Wireless: Milford East CT

### 2. Description

The following description was provided for the project 'Verizon Wireless: Milford East CT':

Verizon Wireless proposes to construct a telecommunications facility (“Facility”) on the central portion of 425 Old Tavern Road in Orange, Connecticut (“Host Property”). The Host Property, which includes frontage along Woodruff Road, is improved with a garage and access drive to Old Tavern Road in the northeast corner of the property.

The remaining portions of the Host Property are dominated by undeveloped forest with extensive areas of wetlands. The proposed Facility would be located within a forested upland area that contains wetlands to the east (Wetland 1) and west (Wetland 2) with access provided off Woodruff Road.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.25515905,-73.03578090605106,14z>



## DETERMINATION KEY RESULT

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

## QUALIFICATION INTERVIEW

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

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

*No*

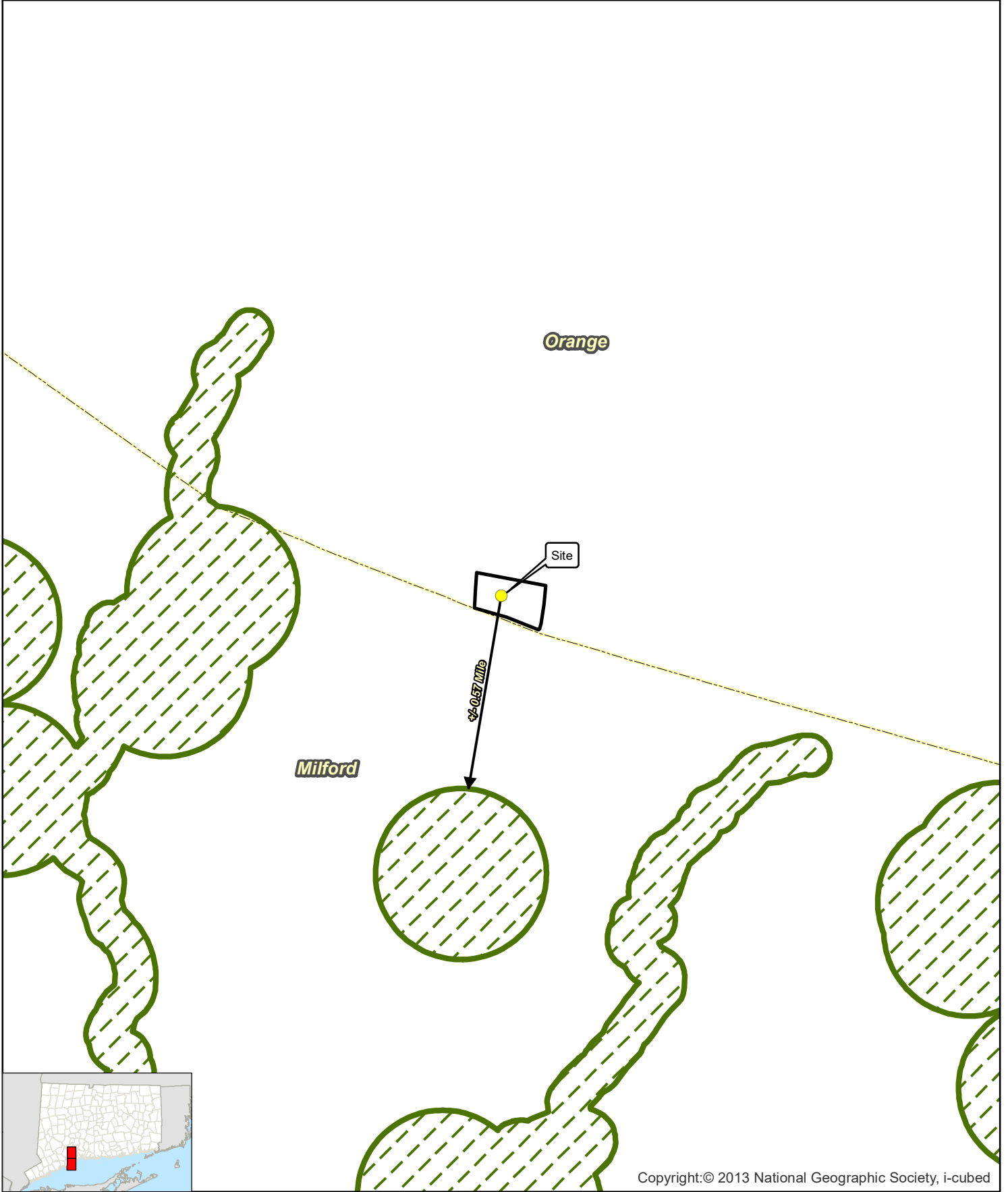
2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats are likely to be present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

Do you want to make a no effect determination?

*Yes*





# NDDDB Map

---



Copyright:© 2013 National Geographic Society, i-cubed

**Legend**

-  Proposed Monopole
-  Subject Property
-  CTDEEP Natural Diversity Database (updated December 2023)
-  Municipal Boundary

**NDDB Attachment A:  
Overview Map**

Proposed Wireless  
Telecommunications Facility  
Milford East CT  
425 Old Tavern Road  
Orange, Connecticut

**Map Notes:**  
Base Map Source: USGS 7.5 Minute Topographic  
Quadrangle Maps, Ansonia, CT (1984) and Milford, CT (1984)  
Map Scale: 1:24,000  
Map Date: January 2024

