

ATTACHMENT 11



May 30, 2019

Mr. Lucas Karmazinas
c/o All Points Technology Corp.
3 Saddlebrook Drive
Killingworth, CT 06419

Subject: Proposed Wireless Telecommunications Facility
Bald Hill Road (Map 10, Block 22, Lot 38)
Kent, CT
Homeland Towers
ENV-19-0556

Dear Mr. Karmazinas:

The State Historic Preservation Office (SHPO) has reviewed the information submitted by All Points Technology Corp. (All Points) dated May 28, 2019. 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 180 foot tall monopole within a 70 foot by 60 foot chain-link equipment compound, located at the southwest of the Subject Property. A 12 foot-wide utility easement/access drive is proposed to run from the equipment compound east to provide access to Bald Hill Road.

No previously identified archaeological sites are located within 1 mile of the project area. No properties listed or determined eligible for listing in the National Register of Historic Places are located within 1 mile of the project area. A review of historical maps and aerial images revealed that the Subject Property appears to have been left undeveloped.

A reconnaissance survey undertaken consisted of a pedestrian survey of areas that would be subject to ground disturbing impacts as part of the proposed undertaking. No cultural material from either historic or prehistoric periods were identified during the survey. Additionally, soil profiles of the site are extremely stony, and situated on approximately 3 – 15 percent slopes. A small depression, indicative of a borrow pit, was identified at the location of the proposed installation, indicating previous ground disturbance.

Therefore, based on the information provided to our office, SHPO concurs with the findings of All Points that no historic properties will be affected by the construction of the telecommunications facility.

State Historic Preservation Office

450 Columbus Boulevard, Suite 5 | Hartford, CT 06103 | P: 860.500.2300 | DECD.org

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Department of Economic and
Community Development

State Historic Preservation Office

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 blue ink, appearing to read "Catherine Labadia".

Catherine Labadia
Deputy State Historic Preservation Officer

State Historic Preservation Office

450 Columbus Boulevard, Suite 5 | Hartford, CT 06103 | P: 860.500.2300 | DECD.org

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May 10, 2019

Dean Gustafson
All-Points Technology Corporation PC
3 Saddlebrook Drive
Killingworth CT 06419
dgustafson@allpointstech.com

Project: Kent CT 757, Construction of monopole telecommunications tower off Bald Hill Road in Kent, CT
NDDB Determination No.: 201905801

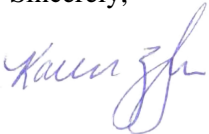
Dear Mr. Gustafson,

I have reviewed Natural Diversity Database (NDDB) maps and files regarding the area of work provided for the proposed new telecommunications tower off Bald Hill Road in Kent, Connecticut. I do not anticipate negative impacts to State-listed species (RCSA Sec. 26-306) resulting from your proposed activity at the site based upon the information contained within the NDDB. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits. This determination is good for two years. Please re-submit a new NDDB Request for Review if the scope of work changes or if work has not begun on this project by May 10, 2021.

Natural Diversity Data Base information includes all information regarding critical biological resources 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, cooperating units of DEEP, landowners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the NDDB should not be substitutes for on-site surveys necessary for a thorough environmental impact assessment. 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 as it becomes available.

Please contact me if you have further questions at (860) 424-3378, or karen.zyko@ct.gov. Thank you for consulting the Natural Diversity Database.

Sincerely,



Karen Zyko
Environmental Analyst



USFWS & NDDDB Compliance Determination

December 16, 2019

**Homeland Towers, LLC
9 Harmony Street
Danbury, CT 06810**

APT Project No.: CT283180

Attn: Ray Vergati

**Re: Proposed Homeland, LLC Wireless
CT727 – Kent Facility
93 Richards Road
Kent, Connecticut**

Dear Mr. Vergati,

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

APT understands that Homeland proposes to construct a Facility at 93 Richards Road in Kent, CT ("Subject Property"). The proposed Facility would be located in the northeast corner of the Subject Property within an existing cleared upland area near a construction material storage area.

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

The proposed Facility would be located within an existing cleared upland area near a construction material storage area on the Subject Property and therefore result in minimal forest clearing. Consultation with the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division Natural Diversity Data Base ("NDDDB") revealed that the proposed Facility is not within 150 feet of a known occupied 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 in New Milford ±6.8 miles to the south.

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

¹ Listing under the federal Endangered Species Act

Based upon the IPaC submission, the Action is consistent with activities analyzed in the PBO; please refer to the enclosed November 8, 2019 USFWS letter. The Action may affect NLEB; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). If the USFWS does not respond within 30 days from the date of the letter (December 8, 2019), one may presume that the IPaC-assisted determination was correct and that the PBO satisfies and concludes Homeland's responsibilities for this Action under ESA Section 7(a)(2) with respect to NLEB. No response was received from USFWS; therefore, the Action complies with ESA Section 7(a)(2) with respect to NLEB.

In addition, Homeland would consider the following additional recommended voluntary measures for NLEB conservation, as encouraged in the April 29, 2016 FCC Public Notice², as the project schedule allows.

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

NDDB No known areas of state-listed species are currently depicted on the most recent CTDEEP NDDB Maps in or within a 0.25 mile of the location of the proposed Facility. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer ± 0.27 mile north of the Subject Property. Since the proposed Facility and Subject Property are not located within a NDDB buffer area, consultation with DEEP is not required in accordance with their review policy³. Also, since the NDDB buffer area is located more than a 0.25-mile away, consultation with DEEP is not required in accordance with the Connecticut Siting Council's NDDB review policy.

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

Sincerely,



Dean Gustafson
Senior Biologist

Enclosure

² Federal Communications Commission. *Tower Construction Guidance for Protection of Northern Long-Eared Bat Under the Endangered Species Act*. Public Notice DA 16-476. April 29, 2016.

³ DEEP Requests for NDDB State Listed Species Reviews. http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323466&deepNav_GID=1628%20

USFWS NLEB Letter



United States Department of the Interior

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



In Reply Refer To:
Consultation Code: 05E1NE00-2020-TA-0320
Event Code: 05E1NE00-2020-E-01166
Project Name: CT757 - Kent Richards Road

November 08, 2019

Subject: Verification letter for the 'CT757 - Kent Richards Road' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Deborah Gustafson:

The U.S. Fish and Wildlife Service (Service) received on November 08, 2019 your effects determination for the 'CT757 - Kent Richards Road' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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

Action Description

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

1. Name

CT757 - Kent Richards Road

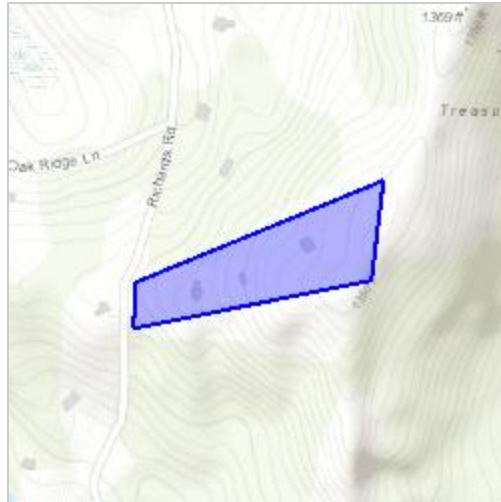
2. Description

The following description was provided for the project 'CT757 - Kent Richards Road':

APT understands that Homeland Towers (“Homeland”) is securing a ground lease and underground utility and access easement (collectively, the “Site”) that would allow them to construct and operate a wireless telecommunications facility (the “Facility”) on the northeastern portion of the Host Property. The proposed Facility would include a 175’ tall monopole and supporting ground-mounted equipment located within a 60’ by 60’ (3,600 FT²) fenced, gravel compound. The compound would be located within an irregularly-shaped 6,075 FT² proposed ground lease area. The Facility is being designed to accommodate multiple service providers.

A proposed utility multi-meter center, backboard, and CSC cabinet will be located within the ground lease area along the western side of the fenced compound. A pad-mounted transformer will be installed adjacent to the multi-meter center and backboard. Proposed access to the Facility will be a new 12’ wide gravel drive that would extend approximately 60’ eastward from Richards Road and connect to an existing gravel driveway on the Host Property. The access route would follow the existing gravel access drive to the proposed compound (approximately 1,050’ length in total). Proposed electrical and Telco services for the Facility would originate from existing demarcation located on a utility pole (CL&P #10854) located along the west side of Richards Road across from the Host Property. The utility services would follow the proposed and existing gravel access drives to the compound (approximately 1,060’) through underground connections.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.70809523759564N73.42140114518662W>



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

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

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

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

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the 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. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

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

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?
No
-

7. Will the action involve Tree Removal?

Yes

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

No

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

No

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

No

Project Questionnaire

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

1. Estimated total acres of forest conversion:

0.2

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

0.2

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

0.2

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

4. Estimated total acres of timber harvest

0

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

0

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

0

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

7. Estimated total acres of prescribed fire

0

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

0

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

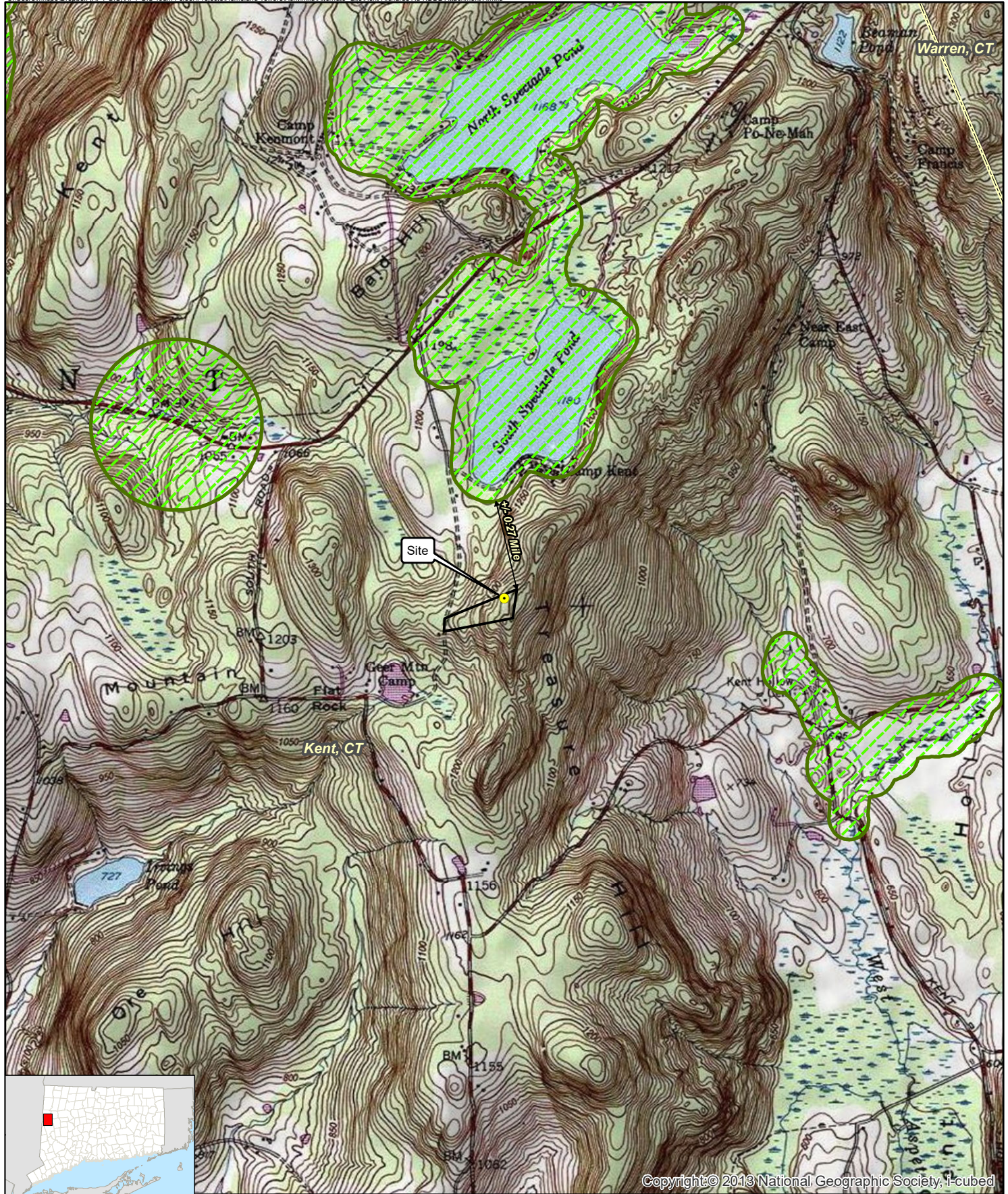
0

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

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

0

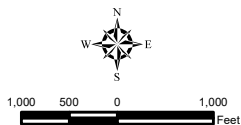
NDDDB Map



Legend

- Proposed Monopole Tower
- Subject Property
- Natural Diversity Database (updated June 2019)
- Municipal Boundary

Map Notes:
Base Map Source: USGS 7.5 Minute Topographic
Quadrangle Map, Kent, CT (1971)
Map Scale: 1:24,000
Map Date: October 2019



Attachment A: Overview Map

Proposed Wireless
Telecommunications Facility
CT757-Kent
93 Richards Road
Kent, Connecticut

