



## USFWS & NDDDB Compliance Determination

July 15, 2020

Verizon Wireless  
20 Alexander Drive  
Wallingford, Connecticut 06492

Re: Proposed Verizon Wireless Wolcott South Telecommunications Facility  
Chestnut Hill Road, Wolcott, Connecticut  
APT Project No. CT1417300

On behalf of Verizon Wireless ("Verizon"), 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 telecommunication facility ("Facility") would result in a potential adverse effect to listed species.

APT understands that Verizon proposes the development of a new wireless telecommunications Facility located within a currently wooded, unoccupied parcel along the south side of Chestnut Hill Road near the intersection with Grilley Road ("Subject 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 through the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC"). Based on the results of the IPaC review, one federally-listed<sup>1</sup> threatened species is known to occur in the vicinity of the 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 in the wooded south-central portion of the Subject Property and will require some forest clearing to accommodate the proposed access road and Facility and potentially impacting habitat (trees) used by NLEB. A review of the Connecticut Department of Energy & Environmental Protection ("DEEP") Wildlife Division Natural Diversity Data Base ("NDDDB") NLEB habitat map<sup>2</sup> revealed that the proposed Facility is not within 150 feet of a known occupied NLEB

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

<sup>2</sup> *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance* map. February 1, 2016.

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  $\pm$ 9.8 miles to the northwest in Litchfield and Morris.

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

Based upon the IPaC submission, the Action is consistent with activities analyzed in the PBO; please refer to the enclosed November 21, 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 21, 2019), one may presume that the IPaC-assisted determination was correct and that the PBO satisfies and concludes Verizon's responsibilities for this Action under ESA Section 7(a)(2) with respect to NLEB. No response was received from USFWS; therefore, the Action complies with ESA Section 7(a)(2) with respect to NLEB.

In addition, Verizon would consider the following additional USFWS voluntary conservation measures, where appropriate and as the project schedule allows, as encouraged in the April 29, 2016 FCC Public Notice<sup>3</sup>, to reduce the potential impacts of activities on NLEB.

- Conduct tree removal activities outside of the NLEB pup season (June 1-July 31) and active season (April 1-October 31) to minimize impacts to pups at roosts not yet identified.
- Avoid clearing suitable spring staging and fall swarming habitat within a five-mile radius of known or assumed NLEB hibernacula during the staging and swarming seasons (April 1-May 15 and August 15-November 14, respectively). *Not applicable: 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 DEEP NDDB Maps in the location of the proposed Verizon Facility or within a 0.25 mile to the proposed development. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer area  $\pm$ 0.68-mile northeast 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 policy<sup>4</sup>. 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 review policy.

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<sup>3</sup> Federal Communications Commission. *Tower Construction Guidance for Protection of Northern Long-Eared Bat Under the Endangered Species Act*. Public Notice DA 16-476. April 29, 2016.

<sup>4</sup> DEEP Requests for NDDB State Listed Species Reviews.

[http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323466&deepNav\\_GID=1628%20](http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323466&deepNav_GID=1628%20)

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

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

A handwritten signature in cursive script that reads "Dean Gustafson".

Dean Gustafson  
Senior Biologist

Enclosures

# USFWS NLEB Letter

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## United States Department of the Interior

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



IPaC Record Locator: 651-19187307

November 21, 2019

Subject: Consistency letter for the 'VZW Wolcott South' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear Deborah Gustafson:

The U.S. Fish and Wildlife Service (Service) received on November 21, 2019 your effects determination for the 'VZW Wolcott South' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause “take”<sup>[1]</sup> of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action’s effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

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

**Action Description**

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

**1. Name**

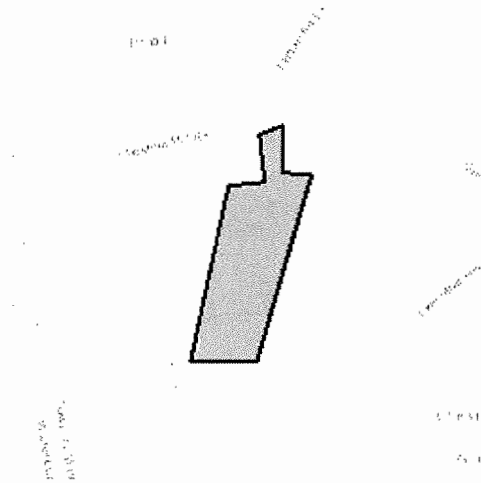
VZW Wolcott South

**2. Description**

The following description was provided for the project 'VZW Wolcott South':

Verizon Wireless proposes to construct a wireless telecommunications Facility located at Chestnut Hill Road in Wolcott, CT. The proposed facility includes a 75' by 75' ground lease area in the central portion of the Host Property and a proposed 20' wide access and utility easement. A proposed 50' by 50' fenced, gravel compound will be located within the ground lease area with a 120' tall monopole would be located in the central portion of the compound. Access is proposed on a 20' wide access and utility easement extending onto the Host Property from Chestnut Hill Road. The proposed easement would originate adjacent to an existing utility pole (SNET #1150) and parallel Chestnut Hill Road before extending generally southward to the proposed ground lease area for a distance of approximately 640'. A proposed 12' wide gravel access road would be located within the easement. The electrical and Telco services will originate from existing demarcations on utility pole (SNET #1150) and then extend through underground connections (located within the easement) to the proposed ground lease area. A proposed pad-mounted transformer will be located within the ground lease area adjacent to the northeast corner of the fenced compound. A multi-meter backboard and Telco box would be located in the northeast corner of the compound. A proposed propane-fueled emergency standby generator would also be located on the concrete equipment pad. A 500-gallon propane above-ground storage tank would be located in the southeastern corner of the compound on a separate 4' by 8' concrete pad.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.59017319036918N73.00897662434926W>



### Determination Key Result

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

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

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

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

The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.

If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.

## Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

*No*

2. Will your activity purposefully **Take** northern long-eared bats?

*No*

3. Is the project action area located wholly outside the White-nose Syndrome Zone?

**Automatically answered**

*No*

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

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

*Yes*

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

*No*

6. Will the action involve Tree Removal?

*Yes*

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

*No*



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

*No*

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

*No*

## Project Questionnaire

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

1. Estimated total acres of forest conversion:

0.6

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

0.6

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

0.6

**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.**

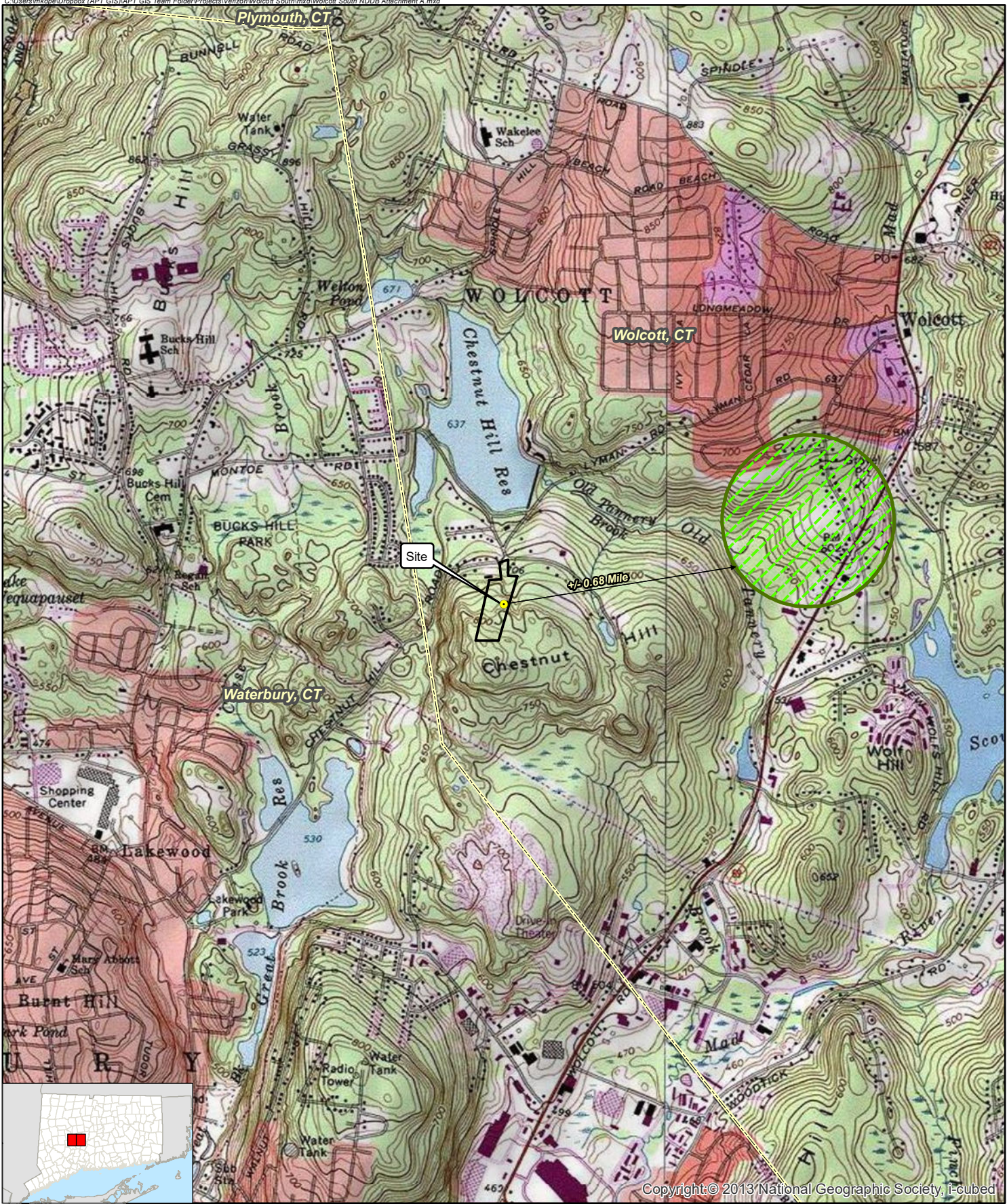
10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

# NDDDB Map

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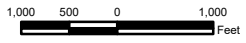




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- Legend**
- Proposed Monopole Tower
  - Subject Property
  - Natural Diversity Database (updated June 2020)
  - Municipal Boundary

**Map Notes:**  
 Base Map Source: USGS 7.5 Minute Topographic  
 Quadrangle Maps, Southington, CT (1992) and Waterbury, CT (1984)  
 Map Scale: 1:24,000  
 Map Date: June 2020



**Attachment A:  
 Overview Map**

Proposed Wireless  
 Telecommunications Facility  
 Wolcott South CT  
 Chestnut Hill Road  
 Wolcott, Connecticut

