



USFWS & NDDDB COMPLIANCE DETERMINATION

October 5, 2021

Mr. John Barrett, Partner
Barrett Outdoor Communications, Inc.
381 Highland Street
West Haven, CT 06516

Re: Dock Shopping Center, 200 East Main Street, Rear, Stratford, CT
APT Job No: CT560100

On behalf of Barrett Outdoor Communications, Inc. ("Barrett"), 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 Barrett proposes the construction of a Telecommunication Facility in the northwestern corner of a ± 4.37 -acre parcel located at 200 East Main Street, Connecticut ("Subject Property"). The Facility would occupy an existing retail shopping center and marina (The Dock Shopping Center). The Facility area consists of a paved parking and storage area and rip rap armored side slope that contains minimal vegetation. A tidal wetland and mud flat area associated with the Housatonic River is located ± 316 feet east of the proposed Facility's compound and ± 40 feet from the nearest point of the underground utility route.

USFWS

The federal consultation was completed in accordance with 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.

¹ Listing under the federal Endangered Species Act

The proposed Facility would be located within a paved parking and storage area and rip rap armored side slope that contains minimal vegetation and would not require 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 map² revealed that the proposed Facility is not within 150 feet of a known occupied NLEB maternity roost tree and is not within 0.25 mile of a known NLEB hibernaculum. The nearest NLEB habitat resource to the proposed Facility is located ±20.2 miles to the east in North Branford.

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 September 9, 2020 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 (October 9, 2020), one may presume that the IPaC-assisted determination was correct and that the PBO satisfies and concludes Barrett'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, Barrett 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 Notice³, 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. *Not applicable: no tree removal required.*
- 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. *Not applicable: no trees within the proposed Facility.*
- 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

DEEP issued a September 23, 2020 NDDB Determination letter (No. 202011175) indicating that no negative impacts to State-listed species (RCSA Sec. 26-306) would result from the proposed activity; please refer to the attached NDDB letter.

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

³ 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.

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

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



Dean Gustafson
Senior Biologist

Enclosures

USFWS 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>

IPaC Record Locator: 947-23392375

September 09, 2020

Subject: Consistency letter for the 'Barrett Outdoors - Dock Shopping Center' 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 September 09, 2020 your effects determination for the 'Barrett Outdoors - Dock Shopping Center' (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”^[1] 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.

[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

Barrett Outdoors - Dock Shopping Center

2. Description

The following description was provided for the project 'Barrett Outdoors - Dock Shopping Center':

Barrett Outdoor Communications Inc. is proposing to construct a new monopole at 200 East Main Street, Rear, Stratford, CT, behind the Dock Shopping Center and between the existing Metro North rail line and I-95. The proposed tower will be $\pm 135'$ in height, with the top of whip antennas extending to $\pm 155'$ above ground level. The tower will be designed to accommodate four wireless service providers and allow for a future 20' extension. Related equipment cabinets will be installed on a raised platform adjacent to the monopole.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.2037335977797N73.11419969044161W>



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. [Semantic] 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 and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/angered/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:

0.1

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

0.1

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

0.1

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

September 23, 2020

Dean Gustafson
All-Points Technology Corporation PC
567 Vauxhall St Extension Suite 311
Waterford CT 06385
dgustafson@allpointstech.com

Project: Installation of a new monopole and wireless communications platform, Dock Shopping Center, 200 East Main Street Rear, Stratford, CT
NDDDB Determination No.: 202011175

Dear Mr. Gustafson,

I have reviewed Natural Diversity Database (NDDDB) maps and files regarding the area of work provided for the proposed installation of a new monopole and wireless communications platform at 200 East Main Street Rear in Stratford, 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 NDDDB. 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 NDDDB Request for Review if the scope of work changes or if work has not begun on this project by September 23, 2022.

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 NDDDB 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