Communication Tower Consultation in New York

Existing Communication Towers

The U.S. Fish and Wildlife Service's (Service) New York Field Office recognizes that individual project review by the Service is not required under certain conditions. The Service provides the following comments in accordance with provisions of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Migratory Bird Treaty Act of 1940 (MBTA) (40 Stat. 755; 16 U.S.C. 703-712), the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668-688d), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

Migratory birds are a Federal trust resource and are protected under the MBTA. Communication towers and antennae may pose a hazard to migratory birds in flight and may pose a threat to nesting birds in the vicinity. Risk assessment factors include tower height, physical design, lighting, and site location relative to migratory corridors and bird concentration areas.

The Service has determined that the following proposed actions are not likely to adversely affect Federally-listed species in New York, nor have any significant impacts on migratory birds or other trust resources:

- Co-location of new equipment and antennae with an existing structure (tower, water tank, large building, etc.) where all ground disturbance occurs within previously disturbed areas and where such activities do not increase the existing height or require the addition of guy wires;

- Routine maintenance of existing tower sites (e.g., painting, antennae replacement); and

- Repair or replacement of existing towers and/or equipment, provided such activities do not increase the existing tower height or require the addition of guy wires.

For projects that meet the above criteria, there is no need to contact this office for project review. This document may be used as an ESA determination of "not likely to adversely affect" for all Federally-listed species within New York.