



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
6669 Short Lane  
Gloucester, VA 23061

August 20, 2008

RE: Communication Tower Projects in Virginia

Dear Interested Party:

The U.S. Fish and Wildlife Service (Service) has reviewed our recent consultations on communications tower projects within the Commonwealth of Virginia. To streamline the review process for these projects, we have developed the following avoidance and minimization measures, no-effect criteria, and procedures for project review and reporting. Our analysis takes into consideration available information on migratory birds and federally-listed threatened and endangered species within Virginia, 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); and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

### **Migratory Bird Recommendations**

Migratory birds are a Federal trust resource and are protected under the MBTA. Cell and other communication towers, especially those with lights and guy wires, are known to contribute to mortality of nocturnal migratory birds. The number of communication towers is increasing, which indicates a greater potential impact to migratory birds. To minimize adverse cumulative impacts, the Service strongly encourages lowering tower height to the extent practicable, minimizing lighting, locating the tower in urbanized or developed areas or other areas that do not provide potential habitat for migratory birds, and incorporating as many of the *Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommission* as possible (<http://migratorybirds.fws.gov/issues/towers/comtow.html>); (Attachment 1).

We have determined the following activities are not likely to have significant adverse impacts on migratory birds:

1. The construction of lattice or monopole design communication towers less than 200 feet in total height that do not contain guy wires.
2. The co-location of a new antenna on an existing communication tower or mounting an antenna on an existing structure, provided that it does not increase tower height, result in the addition of guy wires or lights, or require construction of a new access road or additional ground disturbance to the site.
3. The repair, maintenance, or replacement of an existing communication tower, provided that the activity does not increase the height of the tower or result in the addition of guy wires or lights to the tower.

### Projects that have No Effect on Threatened and Endangered Species

The Service has determined that the following types of proposed actions will have **no effect** on federally-listed species in Virginia:

1. Proposed project plans that have received a negative finding from **both** VDGIF and VDCR for a federally listed species. Contact VDGIF and VDCR at the addresses below to request a data search.

Virginia Dept. of Game & Inland Fisheries  
Environmental Services Section  
P.O. Box 11104  
Richmond, VA 23230  
(804) 367-1000

Virginia Dept. of Conservation and Recreation  
Division of Natural Heritage  
217 Governor Street, 2nd Floor  
Richmond, VA 23219  
(804) 786-7951

2. Co-location of new equipment, antennae, or any infrastructure improvements at an existing structure (tower, water tank, large building, etc.) where all ground disturbance occurs within cleared or regularly mowed areas.
3. Routine maintenance or repair of existing towers or their sites.
4. Transfer of ownership of existing towers.

To minimize potential impacts to aquatic resources, the Service recommends you implement strict sediment and erosion control measures for all projects.

For projects that meet the above criteria for federally-listed threatened and endangered species, there is no need to contact this office for individual project review. For these projects, the procedures in this document may be used to make an ESA determination of no effect for all federally-listed species within Virginia. This office will track the number of projects covered under this letter and periodically review this determination. Thirty days prior to construction of each project meeting the criteria outlined above, please send a letter to this office with the following statement and information:

- “The following communications tower project(s) have incorporated the U. S. Fish and Wildlife Service’s recommendations to avoid and minimize impacts to migratory birds to the extent practicable and meet the criteria for the “no effect” determination to federally-listed species as outlined in the Service’s letter dated August 20, 2008.”
- Put “Communication tower self certification” in the subject line of your letter.
- List the company proposing to do the work, the project name, county in which the project occurs, the latitude and longitude of the project site, and the criteria number above for which the project qualifies. More than one project may be listed per letter.
- Attach a copy of the negative findings letter from **both** VDGIF and DCR.

### Projects that May-Effect Threatened and Endangered Species

If a project **does not** meet the threatened and endangered species criteria outlined above, please write this office to request individual project review. Include the following information:

- A brief description of the project, including project name, county in which the project occurs, the latitude and longitude of the project site, company proposing the work, the type of habitats affected, and the type and amount of ground disturbance associated with project construction.
- The reason(s) why the project does not meet the “no effect” criteria above. Provide any supporting documentation as available.
- A copy of a USGS Topographic map showing the location of all proposed project-related facilities including access roads. Please identify the name of the quadrangle(s) in which the project occurs.
- Recent photographs of the proposed site including any access roads, and areas to be filled or cleared.
- Contact name, address, and phone number in case additional information may be required.

We will attempt to respond to individual requests within 60 days of the receipt of the request. If additional information on federally-listed threatened and endangered species becomes available, the determination criteria in this letter may be reconsidered. The Service will annually review and update this letter, if required. If you have any questions regarding this issue, please contact Mr. Tylan Dean at (804) 693-6694, ext. 104, [Tylan\\_Dean@fws.gov](mailto:Tylan_Dean@fws.gov), or at the letterhead address.

Sincerely,



Karen L. Mayne  
Supervisor  
Virginia Field Office

Enclosure