



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

U.S. Fish and Wildlife Service Clearance to Proceed with Communication Tower Projects in Florida

November 6, 2020

This Clearance to Proceed with Communication Tower Projects (Key) letter revises and replaces all prior versions of communication tower clearance letters within the State of Florida. This Key is only for use within the State of Florida.

The U.S. Fish and Wildlife Service (Service) is the lead Federal Agency charged with the protection and conservation of Federal Trust Resources, including threatened and endangered species and migratory birds, in accordance with section 7 of the [Endangered Species Act of 1973](#), as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*), the [Bald and Golden Eagle Protection Act](#), (16 U.S.C. 668-668d) (Eagle Act), and the [Migratory Bird Treaty Act](#) (40 Stat. 755; 16 U.S.C. 701 *et seq.*).

Section 7 of the Act requires that each Federal agency, in consultation with the Service, ensure their actions are not likely to jeopardize the existence of any Federally listed threatened or endangered species or result in the adverse modification of critical habitat designated for these species. The Key was developed for consultation with the Federal Communications Commission (FCC) or other Federal agencies for new tower construction, co-location of antennas on existing communication towers or other structures, and the repair, maintenance or relicensing of existing structures. When proposed projects have the potential to effect bald and golden eagles, or other migratory birds, additional consultation with the Migratory Bird office may be necessary, please visit: <https://www.fws.gov/birds/management/managed-species/bald-and-golden-eagle-information.php> and <https://www.fws.gov/birds/index.php>.

Pursuant to section 7 of the Act, the lead action agency must review the best available data and exercise their responsibility to support determinations with clear and substantial information. The questions in the determination Key are intended to assist the lead action agency in evaluating whether the proposed action will result in adverse effects to a species protected under the Act. The responses to each of the questions in the determination Key should be considered within the context of the proposed action and site-specific information. If the lead action agency is aware of a nuance in a project that makes it different from the Key, then the lead action agency always has the option not to use the Key and make a determination based on their best professional judgement. In all cases, the lead action agency should document the reasoning behind their determination. Please request technical assistance from the Service for the proposed action if you would like additional guidance in evaluating whether the species is likely to be present and how the proposed action is likely to affect the species.

The purpose of this Key is to assist the FCC, the non-federal designee of the FCC, or other Federal agencies in making appropriate effects determinations for communication tower projects under section 7 of the Act within the State of Florida. The Key is intended to streamline consultation with the Service when the proposed action can be walked through the Key and the appropriate conclusion is the proposed action will have no effect on listed species. For towers where the Service believes that further evaluation of the proposed tower is necessary, the Key recommends contacting the local field office and requesting consultation. The Service intends to develop this Key further in the future to provide concurrence for some proposed towers where the proposed project may affect, but is not likely to adversely affect listed species. Therefore, the Service highly recommends continuing to check this site for improvements and additional streamlining opportunities for similar actions. Currently, this Key is not applicable to proposed actions that occur within the consultation area for the Florida bonneted bat (*Eumops floridanus*).

No Effect Determinations:

The following provides supporting rationale for no effect determinations.

In order to avoid adverse effects to listed avian species from lighting on proposed communication towers and support a no effect determination for any tower in this Key, the applicant must implement the most current Federal Aviation Administration's obstruction marking and lighting circular (<https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/guidance-documents/communication-towers.php>). The link to this guidance as well as additional information and guidance from the Service and FCC on how to minimize and avoid impact to birds are posted our national a web site:

<https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/guidance-documents/communication-towers.php>

Proposed projects that are co-located on an existing communication tower and do not increase the height of the tower more than 10 feet (3.05 meters) and do not include any ground disturbance, are considered to be consistent with the current structure and no adverse effects are expected for the addition of the new feature.

The Key screens the remaining proposed tower projects that were new or co-located and will increase the height of the tower by more than 10 feet (3.05 meters) with a sensitive features layer to ensure the proposed action would be consistent with a no effect determination. This layer excludes towers proposed in Bay County, conservation lands, within 2,500 feet (762 meters) of a wood stork (*Mycteria americana*) colony, within 1 mile (1.6 meters) of the coastal shoreline (for piping plovers [*Charadrius melodus*] and red knots [*Calidris canutus rufa*]), pine rockland habitat, and scrub habitat. Proposed projects that fall outside these areas are considered further for potential affects to listed species.

The next screen that is applied to support a conclusion that the proposed project would have no effect to listed species is whether the proposed action would include any ground disturbance. To

support a conclusion of no effect, when a proposed tower includes ground disturbance it must occur outside any designated critical habitat, as well as outside the consultation area for the blue-tailed mole skink (*Eumeces egregius lividus*), eastern indigo snake (*Drymarchon corais couperi*), and sand skink (*Neoseps reynoldsi*). Furthermore, the proposed tower must occur in a currently developed site (*i.e.*, previously disturbed, urbanized, developed).

Conclusion:

For any project that meets the aforementioned screening criteria, use of the Key will provide documentation that they proposed project does not warrant additional consultation under the Act. For any proposed tower that does not meet the aforementioned screening criteria, the Service recommends further consultation. As described above, we anticipate that these activities have the potential to adversely affect a species protected under the Act and further evaluation is warranted. The consultation may conclude informally or formally. For these proposed projects, the Service strongly encourages applicants to implement *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning*, dated April 2018, guidance letter from the Division of Migratory Bird Management, to avoid and minimize potential adverse effects to migratory birds and birds protected under the Act.

If later modifications are made to the project so that it no longer meets the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

If you have any questions, please contact us at 772-562-3909. Thank you for your effort and cooperation in protecting federally listed threatened and endangered species and other wildlife resources in Florida.

Sincerely yours,

**LAWRENCE
WILLIAMS** Digitally signed by
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Larry Williams
State Supervisor, Florida Ecological Services