



United States Department of the Interior

Fish and Wildlife Service

Georgia Ecological Services

Email: GAES_Assistance@FWS.gov

Website: [FWS.gov/office/Georgia-Ecological-Services/](https://www.fws.gov/office/Georgia-Ecological-Services/)

U.S. Fish and Wildlife Service Clearance to Proceed with Construction or Co-location of New Communications Towers less than 200 feet Above Ground Level in Georgia in accordance with Federal Communications Commission Environmental Review Rules and Guidelines

July 18, 2022

A. Purpose and Need

This guidance is designed to expedite the process by which Endangered Species Act (ESA) Section 7 consultations may be conducted by the Federal Communications Commission (FCC) or its designated non-federal representatives (2003 FCC-USFWS Delegation Letter; accessible at <https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting#ESA>) and Georgia Ecological Services, U.S. Fish and Wildlife Service (USFWS). It addresses consultations and conferencing on projects that will have “no effect” on all listed, proposed, and candidate species as well as designated critical habitat in Georgia.

This guidance will serve to fulfill the ESA’s statutory requirements in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements throughout the consultation process with the FCC. Specifically, this guidance applies to projects that primarily involve new tower construction less than 200 feet above ground level (AGL) without guy wires, co-location of antennas on existing communication towers or other structures, as well as the repair, maintenance or relicensing of existing structures.

B. Consultation Background

This guidance was developed to avoid costly delays in activity timelines to benefit both FCC and USFWS. By adopting this guidance, construction or co-location of new communication structures currently requiring consultations for minimally impactful disturbance herein can be streamlined by a blanket concurrence from USFWS.

For new tower construction and related activities, applicants are responsible for conducting an initial assessment and site survey to determine if any federally protected species or critical habitat occur within, or in proximity to, the project footprint. To acquire a species list for the area where the project is proposed, please access the Information for Planning and Conservation (IPaC) website (<https://ipac.ecosphere.fws.gov/>). The “Review Species and Resources” report contains a list of federally protected threatened and endangered species, critical habitats, migratory birds, wildlife refuges, fish hatcheries, and/or wetlands located in the project footprint and can help identify trust resources in the general area of the subject property.

C. Consultation Action

July 18, 2022

Clearance to Proceed with Communication Tower Construction Activities

1. This guidance does not cover the following activities that may be permitted by Federal Communications Commission. These FCC actions will continue to require ESA consultation with USFWS. Consultation requests should be sent via email to GAES_Assistance@FWS.gov.
 - Construction or co-location of communication towers taller than 200 feet AGL or less than 200 feet AGL supported by guy wires.
 - Actions that require tree-clearing or otherwise result in ground disturbance of previously undeveloped areas including, but not limited to, forested and shrub-scrub areas because they support many ESA-listed plants and provide shelter, foraging sites, and breeding sites for federally protected bats, reptiles, amphibians, and birds.
 - Actions that impact wetlands, stream systems, or riparian buffers. This includes direct fill of wetlands or stream channels, wetland or channel excavation, stream channel straightening, installation of culverts or fords, and other actions that would affect wetland hydrology, stream stability, or fish passage. These habitats support multiple endangered and threatened fish, freshwater mussels and snails, reptiles, amphibians, and birds.
 - Actions that would alter or degrade habitat on sandhills where gopher tortoise burrows occur. This habitat also supports several rare species, including the threatened Eastern indigo snake.
 - Actions that disturb granite rock outcrops.
2. This guidance covers FCC activities that do not meet the criteria above in Section C1. Such covered activities could include new tower construction less than 200 feet AGL without guy wires, co-location of antennas on existing communication towers or other structures, and the repair, maintenance or relicensing of existing structures, provided they do not require new land clearing, and/or do not impact streams, wetlands, riparian buffers, sandhill habitats or granite outcrops. For projects that are not within the range of federally protected species and/or critical habitat, and meet the criteria listed below, no further coordination with the USFWS Georgia Field Office is necessary.
 - Proposed construction of self-supporting communication towers less than 200 feet AGL in total height that do not contain guy wires. The tower must be located entirely within previously disturbed, urbanized or developed areas or within areas that do not represent potential habitat for federally protected species. In addition, the tower must be located at least 2500 feet from any known active wood stork or other wading bird colony. Our office can provide technical assistance on this.
 - Proposed co-location of a new antenna on an existing communication tower or structure. Such work shall not increase the tower height above 350 feet AGL, require the construction of a new access road, nor result in the additional disturbance of the site.
 - Proposed repair, maintenance, or replacement of an existing communication tower provided the activity does not increase the tower height above 350 feet AGL or its footprint into natural vegetative communication.
 - Proposed relicensing of an existing tower that does not involve any modification or construction.

D. Additional Considerations for Non-federally Listed Species

Migratory Birds

If any native birds are using the structures for nesting, actions should be taken to avoid disturbing adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant, or their designated agent, coordinate with the USFWS Georgia Field Office and visit the USFWS Migratory Bird Program website (<https://www.fws.gov/program/migratory-birds>) for recommendations on avoiding and minimizing incidental take (for more information, please visit <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>).

July 18, 2022

Clearance to Proceed with Communication Tower Construction Activities

Bald Eagles

If any of the above-referenced activities are proposed to occur within 660 feet of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest, we recommend the applicant, or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the USFWS Bald and Golden Eagle Management digital library collection (<https://www.fws.gov/library/collections/bald-and-goldeneagle-management>).

E. Clearance to Proceed

Re-initiation of consultation may be necessary if: (1) the project is modified in a manner not considered in this assessment; (2) a new species is listed, or critical habitat is determined that may be affected by the project; or (3) new information indicates that the project may affect listed and/or proposed species or critical habitat in a manner not considered.

For projects that do not meet the criteria specified above, please provide USFWS the following information/documents via email to GAES_Assistance@FWS.gov following our guidance on project review submissions (<https://www.fws.gov/office/georgia-ecological-services/project-planning-review>).

- Memo outlining the proposed activities, including range of impacts, such as ground disturbance, changes in water quality and quantity (surface and groundwater), air quality, artificial lighting, noise disturbance; where relevant, please include construction and maintenance methods, equipment, and materials.
- Species list from the IPaC website and habitat requirements of listed species
- Map and drawings of project location or design plans, as appropriate

If you have any questions or require further information, please contact one of our staff at GAES_Assistance@FWS.gov or 706-613-9493.

Sincerely,

Peter Maholland
Acting Field Supervisor
Georgia Ecological Services
U.S. Fish and Wildlife Service