

COMMUNICATION TOWER AND ANTENNA CONSULTATION IN NEW JERSEY

The U.S. Fish and Wildlife Service's (Service) New Jersey 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 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. Communication towers may pose a hazard to migrating birds and to birds nesting in the area. Risk factors include tower height, physical design, lighting, and site location relative to migratory corridors and bird concentration areas. In addition, certain communication towers may adversely affect federally listed threatened and endangered species through direct disturbance of listed plants and animals, impacts to their habitats, and/or creation of a collision hazard for listed birds and bats.

The Service has determined that the following proposed actions are not likely to adversely affect federally listed species in New Jersey, nor have any significant impacts on migratory birds or other wildlife resources under Service jurisdiction:

- routine maintenance (*e.g.*, painting, antenna replacement) at existing tower sites or other existing tower support structures;
- repair or replacement of existing towers and/or equipment;
- co-location of new equipment or antennas on an existing structure (*e.g.*, tower, water tank, flagpole, building), where proposed activities will not require the addition of lights or guy wires to an existing structure, or increase the height of an existing structure above 200 feet; and
- construction of new towers without lights or guy wires, under 200 feet in height.

PROVIDED that:

- (1) all ground disturbance is at least 150 feet from any beach or dune;
- (2) in areas where the IPaC species list includes bog turtle, red knot, Indiana bat, dwarf wedgemussel, swamp pink, Knieskern's beaked-rush, sensitive joint-vetch, **or** Hirsts' panic grass: (a) any net gain in impervious surface is <0.25 acre, **and** (b) all ground disturbance is at least 150 feet from any wetland or open water (*e.g.*, river, stream, pond, lake) or is limited to existing developed areas (*e.g.*, rooftops, pavement, gravel, maintained lawn);
- (3) in areas where the IPaC species list includes Indiana bat **or** northern long-eared bat: (a) total tree clearing is <0.25 acre (including for access roads), **and** (b) removal of trees ≥ 3 inches diameter at breast height will only occur within the bat inactive season. (*i.e.* Trees located in municipalities with a hibernation occurrence for either bat species may be cut between November 16 and March 31; trees in all other municipalities may be cut between October 1 and March 31);
- (4) the project is consistent with the Service's National Bald Eagle Management Guidelines;
- (5) the project is not located in a National Wildlife Refuge;
- (6) removal of native vegetation (which provides migratory bird habitat) will not exceed 0.5 acre;
- (7) tree clearing will be seasonally restricted from April 1 to August 31 **or**, if clearing will occur during that season, all trees will be inspected no more than 24 hours prior to cutting to ensure no active nests of any migratory bird are present; and
- (8) new/replacement towers will follow the most current Service recommendations (attached).

Do not contact this office for review of projects that meet the above criteria. This document may be used as the Service's concurrence with an ESA determination of "not likely to adversely affect" federally listed species for projects in New Jersey that meet the above criteria.