



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

September 9, 2013

Chris Baird
EBI Consulting
21 B Street
Burlington, MA 01803

Dear Mr. Baird:

This letter is to inform you that our office will no longer be able to respond to individual cell tower projects, due to an imposed hiring freeze, the inability to back fill vacant positions, and other workload constraints. Therefore, we offer the following general guidance pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755, as amended), the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668-668d), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) to assist you on future projects.

Federally Listed Species

If the project-specific Pennsylvania Natural Diversity Inventory (PNDI) receipt indicates that no known impacts to federally listed or proposed threatened or endangered species under our jurisdiction are anticipated, no further review is required with our agency pursuant to the Endangered Species Act. We ask that you only contact our office for further coordination if a PNDI receipt indicates that further review by our agency is required or you cannot adhere to recommended conservation measures to avoid impacts to listed species.

Assessment of Risks to Migratory Birds Including Eagles

The Service is the principal Federal agency charged with protecting and enhancing populations and habitat of migratory bird species. The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the MBTA has no provision for authorizing incidental take, the Service recognizes that some birds may be killed even if all reasonable measures to avoid take are implemented.

In addition to protection under the MBTA, bald and golden eagles are protected under the Bald and Golden Eagle Protection Act, which prohibits killing; selling; or otherwise harming eagles,

their nests, or their eggs. The Eagle Act also includes provisions not found in the MBTA, including the protection of unoccupied nests and a definition of take that prohibits disturbing eagles. The Service recommends that applicants carefully evaluate their proposed project in light of the *National Bald Eagle Management Guidelines* to determine whether or not eagles might be disturbed as a direct or indirect result of the project. These guidelines as well as additional eagle information are available at <http://www.fws.gov/northeast/ecologicalservices/eagle.html>. Additionally, although the bald eagle is not listed as endangered or threatened at the federal level, the bald eagle is a Pennsylvania State-listed threatened species and therefore, it is protected under the Game and Wildlife Code. Therefore, the Service recommends that you contact the Pennsylvania Game Commission Headquarters Office at 717-787-4250 prior to commencement of work.

The potential exists for avian mortality from habitat destruction and alteration within the project boundaries associated with both the conversion of habitat to man-made structures and bird collisions with the new tower structures. If you haven't already done so, please review the *Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning* available at <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html> for our suggestions to minimize impacts to migratory birds. In addition, please review the enclosed information for some additional recommendations compiled by our office for avoiding and minimizing impacts to migratory birds within and around tower sites.

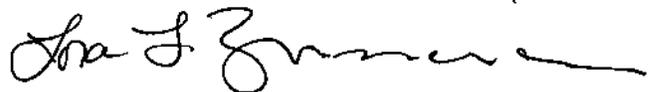
If you follow these recommended conservation measures to the extent practicable, no further review is required with our agency under the MBTA.

Aquatic Resources

If streams and wetlands will be affected by the proposed project, you should be aware that work in these waters requires permits from the Pennsylvania Department of Environmental Protection and/or the Army Corps of Engineers. We suggest you contact the DEP and the Corps for information about permit requirements. Please be advised that the Service generally recommends that the Corps and DEP not grant permits to destroy streams or wetlands. For example, siting and construction of access roads and stormwater detention facilities should avoid impacts to streams and wetlands.

Please contact Jennifer Siani of this office at (814) 234-4090 if you have any questions or require further assistance.

Sincerely,



Lora L. Zimmerman
Field Office Supervisor

Enclosure

Adaptive Management Practices for Conserving Migratory Birds

The Fish and Wildlife Service is the principal Federal agency charged with protecting and enhancing populations and habitat of migratory bird species. The Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755, as amended) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the MBTA has no provision for authorizing incidental take, the Service recognizes that some birds may be killed even if all reasonable measures to avoid take are implemented. Unless the take is authorized, it is not possible to absolve individuals, companies or agencies from liability (even if they implement avian mortality avoidance or similar conservation measures). However, the Office of Law Enforcement focuses on those individuals, companies, or agencies that take migratory birds with disregard for their actions and the law.

In addition to protection under the MBTA, bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (Eagle Act, 54 Stat. 250, as amended; 16 U.S.C. 668-668d), which prohibits killing; selling; or otherwise harming eagles, their nests, or their eggs. The Eagle Act also includes provisions not found in the MBTA, including the protection of unoccupied nests and a definition of take that prohibits disturbing eagles. The Service recommends that applicants carefully evaluate their proposed project in light of the *National Bald Eagle Management Guidelines* to determine whether or not eagles might be disturbed as a direct or indirect result of the project. These guidelines as well as additional eagle information are available at <http://www.fws.gov/northeast/ecologicalservices/eagle.html>. Additionally, although the bald eagle is not listed as endangered or threatened at the federal level, the bald eagle is a Pennsylvania State-listed threatened species and therefore, it is protected under the Game and Wildlife Code. Therefore, the Service recommends that you contact the Pennsylvania Game Commission Headquarters Office at 717-787-4250 prior to commencement of work.

The siting and construction of new towers creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. The primary factors that affect the magnitude of the risk to birds posed by a particular tower are the height of the structure above the surrounding landscape; whether the structure is lighted, and if so, the type of lighting employed; the use of guy wires; the location of the tower; and the weather patterns in the area of the tower site. Communication towers are estimated to kill 4-5 million birds per year. Most massive bird kills occur as the birds become attracted to and confused by clouds that are illuminated by tall lighted structures. To minimize such losses, *and to the extent not already addressed in your project design*, we recommend the following measures be implemented to protect migratory birds from collisions with towers:

1. Any company/licensee proposing to site a new communications tower is strongly encouraged to co-locate the communications equipment on an existing communication tower or related structure (*e.g.*, church steeple, billboard mount, monopole, or building mount). Depending on tower load factors, from 6-10 providers may co-locate on an existing tower.

2. If co-location is not feasible, providers are strongly encouraged to construct towers less than 200 feet above ground level, using construction techniques which do not require guy wires (*e.g.*, use a monopole). Such towers should be unlighted. If at all possible, new towers should be located within existing “antenna farms,” preferably in areas not used by migratory birds or listed species. Avoid siting towers in or near (within 3-5 miles) of wetlands, other known bird concentration areas (*e.g.*, IBAs, refuges), or in critical habitat of threatened or endangered species known to be affected by towers. Review local meteorological conditions, and avoid siting towers in areas with an especially high incidence of fog, mist, and low ceilings.
3. If taller (>200 feet above ground level) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the Federal Aviation Administration should be used. Wherever possible, non-flashing lights should not be used. (See Gehring J., P. Kerlinger, A.M. Manville II. 2009. Communication towers, lights, and birds: successful methods of reducing the frequency of avian collisions. *Ecological Applications*: Vol. 19, No. 2, pp. 505-514).
4. Towers which must use guy wires for support should have daytime visual markers on the wires to minimize collisions by these diurnally moving species, especially if constructed in known raptor or waterbird concentration areas. (See Avian Power Line Interaction Committee. 2006. Suggested practices for avian protection on power lines: the state of the art in 2006. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA.)
5. Towers should be constructed so as to limit or minimize habitat loss within the tower “footprint.” Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above-ground obstacles to birds in flight. However, a larger tower footprint is preferable to the use of guy wires in construction.
6. Where disturbance is necessary, clear natural or semi-natural habitats (*e.g.*, forests, woodlots, reverting fields, shrubby areas) and perform maintenance activities (*e.g.*, mowing) between September 1 and March 31, which is outside the nesting season for most native bird species. Without undertaking specific analysis of breeding species and their respective nesting seasons on the project site, implementation of this seasonal restriction will avoid take of most breeding birds, their nests, and their young (*i.e.*, eggs, hatchlings, fledglings).
7. New towers should be designed structurally and electrically to accommodate the applicant’s antennas and comparable antennas for at least two additional users (minimum of three users required for each tower structure), in order to reduce the number of towers needed in the future, unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.
8. Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.
9. If a tower is constructed, and if requested, Service personnel should be allowed access to the site after construction is complete to conduct both large (*e.g.*, crane, swan, and goose)

and small dead-bird searches, to place net catchments below the towers, and to place radar, Global Positioning System, infrared, thermal imagery, or acoustical monitoring equipment as necessary to assess and verify bird migrations and habitat use.

10. Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.

Additional information on this subject can be obtained by visiting the Service's migratory bird website at <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>.

If you have any questions regarding these measures, please contact Jennifer Siani of the Pennsylvania Field Office located in State College, PA at 814-234-4090 ext 225 or Jennifer_Siani@fws.gov

1. PROJECT INFORMATION

Project Name: **Kane Lamont Relo**

Date of Review: **7/22/2016 10:09:43 AM**

Project Category: **Communication, Cell or communication tower (include access roads in project area), new tower**

Project Area: **0.31 acres**

County(s): **Elk**

Township/Municipality(s): **HIGHLAND**

ZIP Code: **16734**

Quadrangle Name(s): **JAMES CITY**

Watersheds HUC 8: **Clarion; Middle Allegheny-Tionesta**

Watersheds HUC 12: **Big Mill Creek; South Branch Tionesta Creek-Tionesta Creek**

Decimal Degrees: **41.592720, -78.825107**

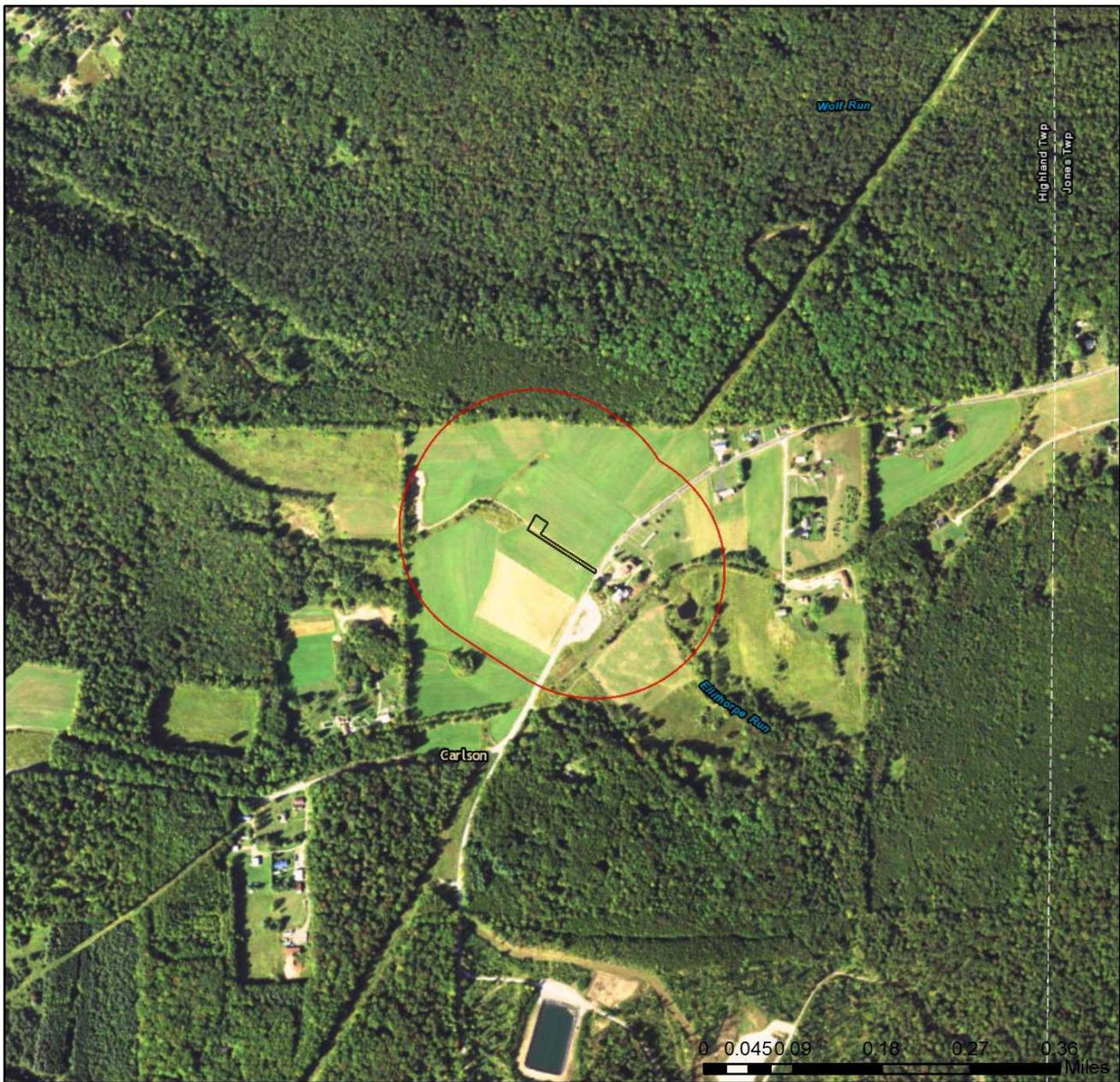
Degrees Minutes Seconds: **41° 35' 33.7911" N, 78° 49' 30.3857" W**

2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

Kane Lamont Relo

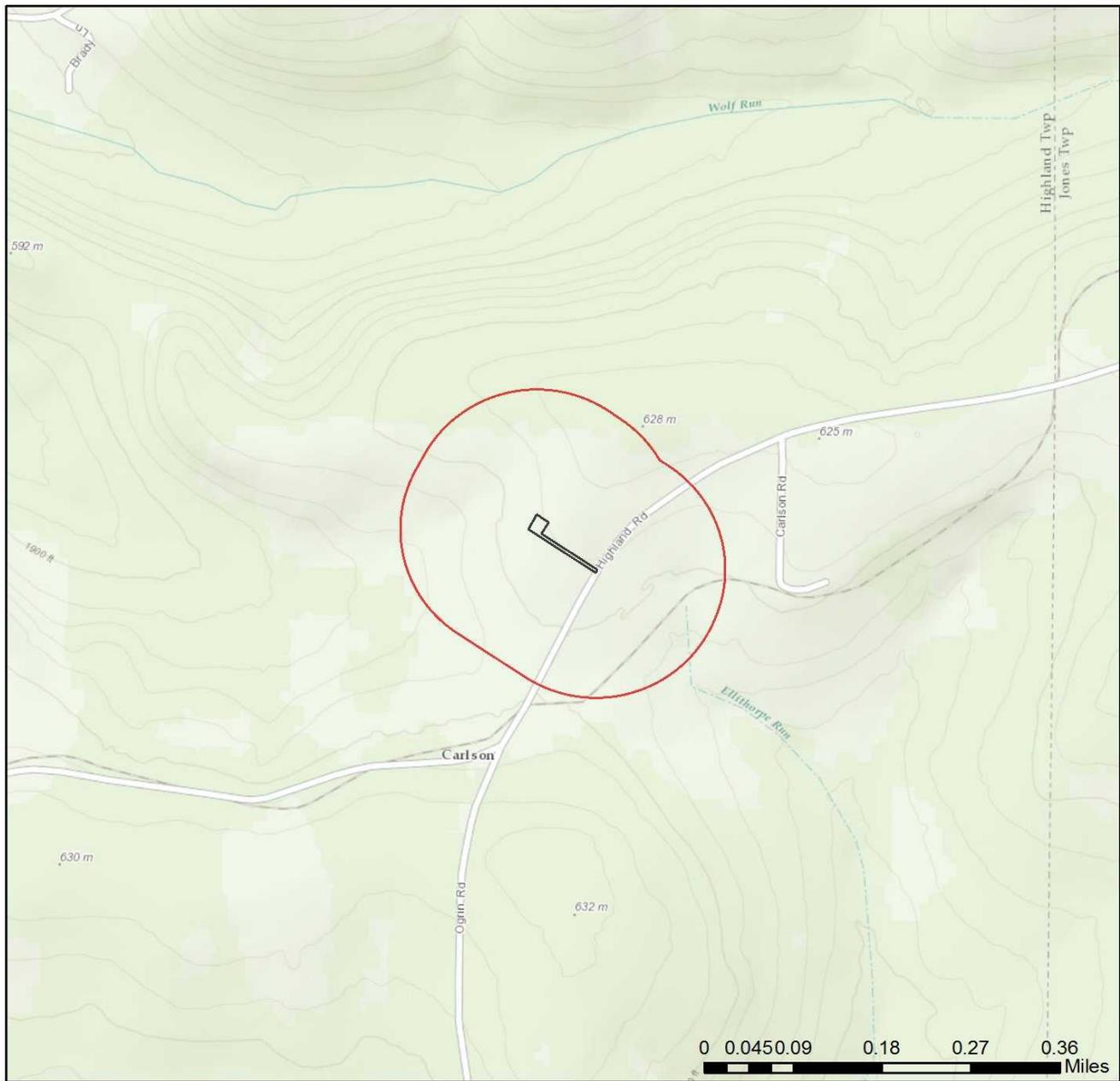


- Project Boundary
- Buffered Project Boundary



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,

Kane Lamont Relo



-  Project Boundary
-  Buffered Project Boundary

Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PGC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Sensitive Species**		Special Concern Species*

PA Department of Conservation and Natural Resources

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE:

No impacts to **federally** listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq. is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload* or email* the following information to the agency(s). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies. Alternatively, applicants may email or mail their project materials (see AGENCY CONTACT INFORMATION).

***Note:** U.S.Fish and Wildlife Service requires applicants to mail project materials to the USFWS PA field office (see AGENCY CONTACT INFORMATION). USFWS will not accept project materials submitted electronically (by upload or email).

Check-list of Minimum Materials to be submitted:

___ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

___ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

___ **SIGNED** copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process.

___ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

___ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552
Harrisburg, PA 17105-8552
Email: RA-HeritageReview@pa.gov
Fax: (717) 772-0271

PA Fish and Boat Commission

Division of Environmental Services
450 Robinson Lane, Bellefonte, PA 16823
Email: RA-FBPACENOTIFY@pa.gov

U.S. Fish and Wildlife Service

Pennsylvania Field Office
Endangered Species Section
110 Radnor Rd; Suite 101
State College, PA 16801
NO Faxes Please

PA Game Commission

Bureau of Wildlife Habitat Management
Division of Environmental Planning and Habitat Protection
2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Email: RA-PGC_PNDI@pa.gov
NO Faxes Please

7. PROJECT CONTACT INFORMATION

Name: Jason Stayer
Company/Business Name: EBI Consulting
Address: 3703 Long Beach Blvd, Ste 421
City, State, Zip: Long Beach, CA 90807
Phone: (512) 914-8615 Fax: ()
Email: jstayer@ebiconsulting.com

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

Jason Stayer
applicant/project proponent signature

September 26, 2016
date



Division of Environmental
Planning and Habitat
Protection
717-783-5957

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Game Commission
2001 ELMERTON AVENUE
HARRISBURG, PA 17110-9797

*"To manage all wild birds, mammals and their habitats
for current and future generations."*

ADMINISTRATIVE BUREAUS:

ADMINISTRATION.....717-787-5670
HUMAN RESOURCES.....717-787-7836
FISCAL MANAGEMENT.....717-787-7314
CONTRACTS AND
PROCUREMENT.....717-787-6594
LICENSING.....717-787-2084
OFFICE SERVICES.....717-787-2116
WILDLIFE MANAGEMENT.....717-787-5529
INFORMATION & EDUCATION.....717-787-6286
WILDLIFE PROTECTION.....717-783-6526
WILDLIFE HABITAT
MANAGEMENT.....717-787-6818
REAL ESTATE DIVISION.....717-787-6568
AUTOMATED TECHNOLOGY
SERVICES.....717-787-4076

www.pgc.state.pa.us

July 28, 2016

Mr. Jason Stayer
EBI Consulting
1005 Elmwood Trail
Cedar Park, Texas 78613

PNDI Receipt: project_receipt_kane_lamont_relo_608763_FINAL_1.pdf
Re: Kane Lamont Relo
Highland Township, Elk County, Pennsylvania

Dear Mr. Stayer,

Thank you for submitting the above referenced project to the Pennsylvania Natural Diversity Inventory (PNDI) for review. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

No Impact Anticipated

PNDI records indicate species or resources of concern are located in the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, the PGC has determined that no impact is likely. Therefore, no further coordination with the PGC will be necessary for this project at this time.

This response represents the most up-to-date summary of the PNDI data files and is valid for two (2) years from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for two additional years.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,



Olivia A. Braun
Environmental Planner
Division of Environmental Planning & Habitat Protection
Bureau of Wildlife Habitat Management
Phone: 717-787-4250, Extension 3128
Fax: 717-787-6957
E-mail: Olbraun@pa.gov

A PNHP Partner



OAB/oab

cc: File



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road, Suite 101
STATE COLLEGE, PA 16801
PHONE: (814)234-4090 FAX: (814)234-0748
URL: www.fws.gov/northeast/pafo/

Consultation Code: 05E2PA00-2016-SLI-1170

July 22, 2016

Event Code: 05E2PA00-2016-E-05195

Project Name: Kane Lamont Relo / Ensite #19752

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Any activity proposed on National Wildlife Refuge lands must undergo a "Compatibility Determination" conducted by the Refuge. Please contact the individual Refuge to discuss any questions or concerns.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Kane Lamont Relo / Ensite #19752

Official Species List

Provided by:

Pennsylvania Ecological Services Field Office

110 Radnor Road, Suite101

STATE COLLEGE, PA 16801

(814) 234-4090

<http://www.fws.gov/northeast/pafo/>

Consultation Code: 05E2PA00-2016-SLI-1170

Event Code: 05E2PA00-2016-E-05195

Project Type: COMMUNICATIONS TOWER

Project Name: Kane Lamont Relo / Ensite #19752

Project Description: Construction of a 309-foot self-support lattice tower, with panel antennas mounted at 295 feet above grade. The tower and support equipment, including a 12-foot by 30-foot equipment shelter and generator, will be located within a fenced compound within a 100-foot by 100-foot lease area.

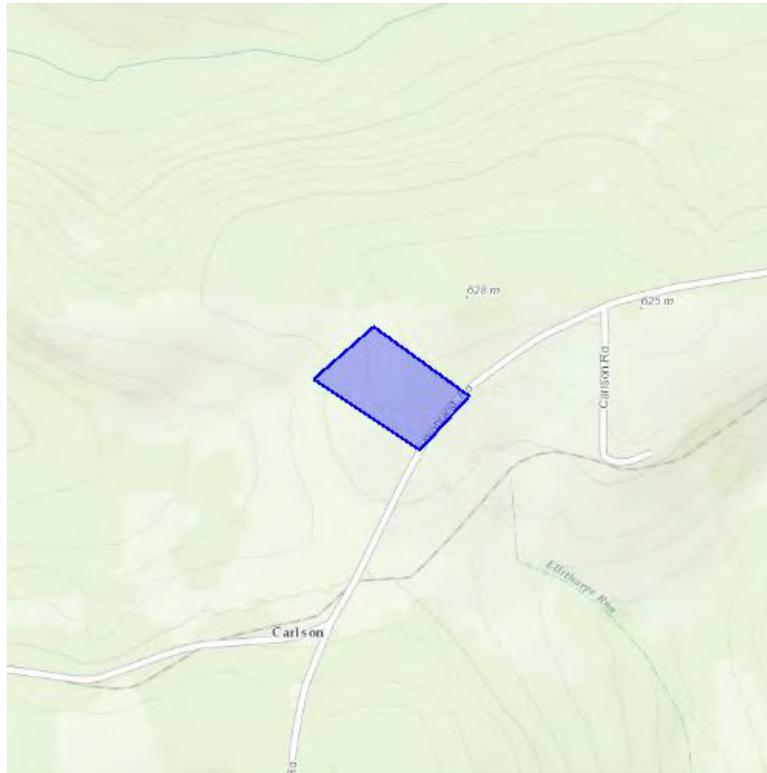
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Kane Lamont Relo / Ensite #19752

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-78.82508039474487 41.59398235888389, -78.82625386118887 41.59321006821059, -78.82414162158966 41.59215692967413, -78.8231760263443 41.59295932249845, -78.82508039474487 41.59398235888389)))

Project Counties: Elk, PA



United States Department of Interior
Fish and Wildlife Service

Project name: Kane Lamont Relo / Ensite #19752

Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Clams	Status	Has Critical Habitat	Condition(s)
rabbitsfoot (<i>Quadrula cylindrica</i> ssp. <i>cylindrica</i>)	Threatened	Final designated	
Mammals			
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



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Critical habitats that lie within your project area

There are no critical habitats within your project area.



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Appendix A: FWS National Wildlife Refuges and Fish Hatcheries

There are no refuges or fish hatcheries within your project area.