



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407

#### **U.S. Fish and Wildlife Service Clearance to Proceed with Department of Housing and Urban Development Projects and U.S. Department of Agriculture Rural Development Projects**

The U.S. Fish and Wildlife Service (Service) is one of two lead Federal Agencies responsible for the protection and conservation of Federal trust resources, including threatened or endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA). Included in this mandate is the review of projects involving Federal agencies. The U.S. Department of Housing and Urban Development (HUD), as well as the U. S. Department of Agriculture (USDA) typically allocates grant funds for rural development projects. Obligations under the ESA, as well as the National Environmental Policy Act (NEPA), require HUD and USDA to perform an environmental impact review prior to the project's authorization. Primarily, these projects involve repair or reconstruction of existing facilities associated with developed land.

In order to expedite the consultation process, the South Carolina Ecological Services Field Office will no longer respond to concurrence requests for *no effect* determinations. Many of the projects supported by the HUD Community Block Development Grant and the USDA Rural Development Program typically result in no adverse impacts to fish and wildlife resources. A Federal agency should not contact the Service if the action agency determines an action will have no effect upon listed species or critical habitat. To aid your agency in determining if your project will have no effect on these trust resources under the jurisdiction of the Service, we compiled a list of activities that typically result in no adverse impacts to the natural environment.

To fulfill section 7 requirements of the ESA and the environmental impact review requirements of NEPA, the Service provides the following guidance and clearance relative to the criteria stated below for HUD and USDA project requests in all cities and unincorporated areas throughout South Carolina. If your project description falls into one of the categories below and there is no impact to Federal Trust Resource, this letter will provide a blanket concurrence for such projects conducted in South Carolina. Therefore, applicants should not contact the Service, because no further action is required under section 7(a)(2) of the ESA. The following categories of projects have been evaluated in accordance with the Fish and Wildlife Coordination Act (16 U.S.C 661 *et seq.*), and the ESA.

#### **Description of HUD and USDA Projects Covered**

1. Purchase of machinery, equipment, and supplies for use in existing structures and buildings.
2. Finance or refinance of existing dwellings.

3. Restore or rehabilitate existing structures and expansion of structures associated with developed lands. Examples include renovation of substandard single or multiple family residences, conversion of a school building to a community center, and renovation or expansion of an existing factory building. Developed lands are paved, filled, graveled, or routinely mowed vegetated grasses. Undeveloped lands or areas are those sites where natural vegetation dominates.
4. Demolish or reconstruct substandard single or multiple family housing with new structures and associated developments (e.g., parking lots) that do not expand into previously undeveloped areas. One example is the construction of a new housing without expansion beyond the limits of an existing developed lot.
5. Construct streetscape beautification projects within city limits. Examples of these projects include the removal and replacement of existing sidewalks, curbing or gutters; demolishing and disposing of existing curbing; installing handicap sidewalk ramps or irrigation systems for plants; installing or replacing streetlights, benches or trashcans; and installing new sidewalks within city limits in right of ways that have no impacts to wetlands or waters of the United States.
6. Repair, replace, or renovate existing water treatment plant (potable water supply) facilities without expansion of the existing boundary.
7. Install new pipelines using trenchless technology (directional drilling) techniques to upgrade existing pipelines. Trenchless technology eliminates disturbance of the environment caused by excavating and backfilling trenches. Trenchless technology methods used for upgrading pipelines include cured-in-place pipe; slip-lining; close-fit pipe; and thermoformed pipe. The choice of the method utilized depends on the physical conditions of the pipeline, but all of the methods involve work in the pipeline *without surface excavations*.
8. Transfer of all HUD loans where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties transfer via HUD back loans.

The Service believes that these activities will have "no effect" any federally listed species, critical habitat, migratory birds or other Federal trust resources protected under our jurisdiction, based on the criteria provided above.

### **Clearance to Proceed**

**For all projects that meet the criteria described above, no further coordination with the Service is necessary.**

If you need further assistance, please contact my staff or me at (843)727-4707.

Sincerely,



Thomas D. McCoy  
Acting Field Supervisor