# United States Department of the Interior

**FISH AND WILDLIFE SERVICE**
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**U.S. Fish and Wildlife Service Clearance to Proceed with Department of Housing and Urban Development Projects and US 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 Development Block 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 the 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 and NEPA environmental impact review requirements, we provide 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 in 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 machinery, equipment, and supplies for use in existing structures and buildings.
2. Finance or refinancing existing dwellings.
3. Restore or rehab existing structures and expansion of structures associated with developed land. Developed lands are paved, filled, graveled, or routinely mowed

vegetated grasses. Undeveloped lands or areas are those sites where natural vegetation dominates. 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.

4. Demolish and rebuild family housing and other urban buildings with new structures and associated developments (e.g., parking lots) that do not expand into previously undeveloped areas. One example is the construction of new housing without expansion beyond limits of existing developed lot.
5. Implement 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 with 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 by using trenchless technology (directional drilling) techniques to upgrade existing pipelines. Trenchless technology eliminates the need to disturb the environment caused by excavating and backfilling trenches. Trenchless technology methods used for upgrading pipelines include cured-in-place pipe (CIPP); slip-lining (SL); close-fit pipe (CFP); and thermoformed pipe (ThP). 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 or subsurface excavations.*
8. Transfer 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.

We believe that these activities will have "no effect" any federally listed species protected under Section 7 of the ESA, based on the criteria referenced provided.

**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,

Jay B. Herrington
Field Supervisor