

Note: This MOA is for use by the Tennessee State Parks Facilities Management Division ONLY. Not applicable to Recreational Trails Program and/or Local Park and Recreation Fund grant applications.

MEMORANDUM OF AGREEMENT

BETWEEN

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
TENNESSEE STATE PARKS, FACILITIES MANAGEMENT
NASHVILLE, CENTRAL OFFICE

AND

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
TENNESSEE FIELD OFFICE

SUBJECT:

Reduction of paperwork and unnecessary review of certain Land and Water Conservation Fund (LWCF) grant funded projects that typically result in no adverse impacts to fish and wildlife resources.

PURPOSE:

The U.S. Fish and Wildlife Service (FWS) is charged with protection of fish and wildlife resources, particularly wetlands and endangered species. In this role, the FWS provides comments to Tennessee Department of Environment and Conservation (TDEC), Tennessee State Parks (TSP) regarding the impacts of many specific individual LWCF-funded projects. It is recognized that certain categories of TSP activities typically result in no adverse impacts to the natural environment and that a detailed project review by the FWS is not warranted for such projects. This Memorandum of Agreement (MOA) is intended to define the categories of projects that do not require written comments from the FWS.

SCOPE:

This MOA does not supersede the responsibilities and obligations of the FWS or TSP which are mandated by the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et. seq.), Endangered Species Act (87 Stat 884, as amended; 16 U.S.C. 1531 et seq.), or related regulations and agency policy. The following categories of projects have been evaluated in accordance with these statutes, regulations, and policies, and a conclusion reached by both FWS and TSP that specific projects within these categories will not result in adverse impacts to fish and wildlife resources, including endangered species. As a result, this MOA constitutes programmatic coordination pursuant to the Fish and Wildlife Coordination Act and a "blanket consultation" pursuant to Section 7 of the Endangered Species Act.

CATEGORIES:

1. Placement/replacement of electric and telephone transmission or distribution lines and related equipment (e.g., transformers) on existing utility poles and within existing rights-of-way.
2. Renovation, remodeling, or expansion of existing structures, provided that the structures and associated developed land (e.g., parking lots) are not expanded into previously undeveloped areas. (Examples: Renovation of substandard State Park residences; repair or restoration of State Park facilities, including cabins, visitor centers, bathhouses, restrooms, or campsites.) Note: This category does not apply to sewage treatment plants or other facilities where increased discharges of regulated pollutants would be involved. "Undeveloped areas" are considered to be those sites where natural vegetation dominates. "Developed areas" are paved, filled, graveled, or vegetated in grasses which are routinely mowed.
3. Replacement of existing waterlines, provided that no perennial streams are crossed. Perennial streams are those that do not go dry during the summer or fall. They are usually indicated on topographic maps with a solid blue line. Crossings of perennial streams can occur without further coordination if the waterline is suspended from a highway bridge structure.
4. Construction of new waterlines, provided that all construction occurs within maintained (mowed) street or highway rights-of-way and no perennial streams are crossed. Crossings of perennial streams can occur if the waterline is suspended from a highway bridge structure. Work proposed within the following counties should be reviewed on a case-by-case basis using normal coordination procedures.

Bedford	Knox	Robertson
Cheatham	Lawrence	Rutherford
Coffee	Lewis	Sumner
Davidson	Marion	Van Buren
Dickson	Marshall	Williamson
Franklin	Maury	Wilson
Giles	Morgan	

5. Increase of public water supply withdrawal rates when the Mississippi River or a major federal reservoir is the water source. Modifications to pump equipment (replacement/increased capacity) can occur provided the pumphouse structure is not expanded into previously undeveloped areas. (Example: A pumphouse located within the developed confines of an existing water treatment facility is expanded by 400 square feet to accommodate a new and larger pump. The pump will increase withdrawal capacity from Dale Hollow Reservoir by 4 MGD). Note: "Major federal reservoir" means all Corps of Engineers and TVA impoundments, including those created by navigation locks and dam structures.

6. Replacement of existing storm or sanitary sewer lines, provided that no perennial streams are crossed. Crossings of perennial streams can occur if the sewer lines are suspended from a highway bridge.
7. Construction of new storm or sanitary sewer lines, provided that all construction occurs within maintained (mowed) street or highway rights-of-way and no perennial streams are crossed. Crossings of perennial streams can occur if the sewer line is suspended from a highway bridge structure. Work proposed within the following counties should be reviewed on a case-by-case basis using normal coordination procedures.

Bedford	Knox	Robertson
Cheatham	Lawrence	Rutherford
Coffee	Lewis	Sumner
Davidson	Marion	Van Buren
Dickson	Marshall	Williamson
Franklin	Maury	Wilson
Giles	Morgan	

8. Repair, replacement, or renovation of existing water (potable water supply) or wastewater treatment plant facilities, provided the expense of the facilities is not increased beyond the current boundary of development. (Example: Replacement of an existing treatment lagoon with a larger lagoon constructed within the fenced treatment plant complex.) This category does not apply to projects that result in an increase in the quantity of treated sewer wastewater.

GENERAL PROVISIONS:

Either agency may unilaterally withdraw from this agreement with 30 days written notice.

This MOA will be reviewed annually and revised as appropriate. Revisions may be requested at any time by either agency. All revisions will be made in writing and require the concurrence of both agencies.

U.S. Fish and Wildlife Service, Tennessee Field Office

By: _____
Field Supervisor

Date: _____

Department of Environment and Conservation, Tennessee State Parks, Facilities Management
Nashville/Central Office

By: _____
State Director

Date: _____