

MEMORANDUM OF AGREEMENT

BETWEEN

DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT  
TENNESSEE STATE OFFICE

AND

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

SUBJECT:

Reduction of paperwork and unnecessary review of certain Rural Economic and Community Development funded projects which 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 Rural Economic and Community Development (RECD) regarding the impacts of many specific individual RECD-funded projects. It is recognized that certain categories of RECD 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 RECD 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 RECD 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 Coordination Act and a "blanket consultation" pursuant to Section 7 of the Endangered Species Act.

CATEGORIES:

1. Purchase of machinery, equipment, and supplies for use in existing structures and buildings. (Example: New metal stamping machines and shelving for an existing factory.)
2. Purchase of vehicles. (Examples: New or used fire trucks; buses.)
3. Placement/replacement of electric and telephone transmission lines and related equipment (e.g., transformers) on existing utility poles and within existing rights-of-way.
4. 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 single or multiple family residences; conversion of a school building to a community center; renovation or expansion of existing factory building.) 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.
5. Demolition of substandard single or multiple family housing and replacement with new structures provided that the structures and associated developments (e.g., parking lots) do not expand into previously undeveloped areas. (Example: Construction of new housing without expansion beyond limits of existing developed lot.) Note: "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.
6. 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 if the waterline is suspended from a highway bridge structure.
7. 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.
8. 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.
9. 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.

10. 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.
11. Repair, replacement, or renovation of existing water treatment plant (potable water supply) facilities provided the areal expanse 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.)

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/Kentucky Field Office

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Field Supervisor

Rural Economic and Community Development, Tennessee State Office

By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Director