United States Department of the Interior

FISH AND WILDLIFE SERVICE
Tennessee ES Office
446 Neal Street
Cookeville, Tennessee 38501

May 7, 2015

U.S. Fish and Wildlife Service Clearance to Proceed with Projects

The U.S. Fish and Wildlife Service (Service) is one of two lead Federal Agencies mandated with the protection and conservation of Federal trust resources, including threatened and endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (ESA). Various agencies and organizations allocate grant funds, issue permits, or otherwise need to provide documentation to demonstrate compliance with the ESA for proposed projects prior to a project's approval.

Many projects result in no adverse impacts to federally protected species. As an aid in determining if your project will have an effect on federally protected species or designated critical habitat under the jurisdiction of the Service, we provide this guidance, relative to the criteria listed below, applicable to many project requests. If the project description falls in one of the categories, no further action is required to document compliance under section 7 of the ESA. Please note this guidance applies only to projects in Tennessee. Some of these projects are administrative procedures only, and do not include any ground or water disturbance, withdrawals, or discharges. Other relatively benign projects include repair, maintenance, or reconstruction of existing facilities on previously developed land. As a result, the following types of projects have been evaluated in accordance with the Fish and Wildlife Coordination Act (16 U.S.C 661 et seq.), and the ESA.

For all projects where <u>the entirety of the project</u> meets one or more of the criteria listed below, no further coordination with the Service is needed:

1. Purchasing machinery, equipment, and supplies for use in existing structures and buildings, or installing this equipment (e.g., meters).

2. Financing or refinancing existing dwellings.

3. Expanding, performing maintenance, or rehabilitating existing dwellings on <u>developed land</u>*. If the entire proposed project area does not meet this developed lands criterion or the project proponent needs help identifying whether the area would be considered developed, further coordination is appropriate.

4. Demolishing and rebuilding substandard single or multiple family housing with new structures and associated developments (e.g., parking lots) *that do not expand into previously undeveloped areas*. If the entire proposed project area does not meet this undeveloped lands criterion or the project proponent needs help identifying whether the area would be considered developed, further coordination is appropriate.

5. Implementing streetscape beautification projects *that do not include disturbance of previously developed areas* (see description of this criterion below). Examples of these projects include, but are not limited to, removing and replacing existing sidewalks, curbing or gutters; demolishing and disposing of existing curbing; installing sidewalk ramps for compliance with accessibility requirements for disabled persons; installing irrigation systems for plants; installing or replacing streetlights, benches or trashcans; and installing new sidewalks.

6. Repairing, replacing, or renovating existing water treatment plants (wastewater or potable water) facilities without expanding existing boundaries or without expanding into areas on the existing boundaries that have previously been undeveloped (see description of undeveloped areas below), as long as the project does not include increases in water intakes or discharges, and as long as an existing associated intake or discharge is not located in a stream reach with new endangered or threatened species listings or critical habitat designations since a previous permit was issued for the facility**.

7. Installing or upgrading pipelines using trenchless technology (directional drilling) techniques *for projects west of the Tennessee River*. Projects using this technology must also incorporate appropriate vegetated buffers when boring under streams.

Trenchless technology eliminates the need to disturb the environment caused by excavating and backfilling trenches. Trenchless technology methods used for installing or upgrading pipelines include cured-in-place pipe; slip lining; close-fit pipe; and thermoformed pipe. 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. Transferring HUD loans or other strictly administrative procedures that do not require land-disturbing activities.

*Developed lands are paved, filled, graveled, or otherwise vegetated with grasses that are routinely mowed. Undeveloped lands include sites where natural vegetation dominates. Examples include, but are not limited to, renovating substandard single or multiple family residences, converting a school building to a community center, and renovating or expanding an existing factory building.

** Assistance with this criterion regarding endangered species occurrence and critical habitat designations can be investigated online at http://ecos.fws.gov/ipac/

Clearance to Proceed

For all projects where the entire project meets one or more of the criteria listed above, no further coordination with the Service is necessary. This letter may be downloaded and serve as the Service's concurrence letter for your project.

If you need further assistance, please contact my staff or me at 931-528-6481

Sincerely,

Mary E Jennings

Mary E. Jennings
Field Supervisor