



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Daphne Ecological Services Field Office  
1208-B Main Street  
Daphne, AL 36526



IN REPLY, REFER TO:  
2006-TA-0390

February 3, 2006

Mr. David Roarke, Senior CPD Representative  
U.S. Department of Housing and Urban Development  
950 22<sup>nd</sup> Street North, Suite 900  
Birmingham, AL 35203

Dear Mr. Roarke:

The U.S. Fish and Wildlife Service (Service) is providing this letter as a blanket clearance to the U.S. Department of Housing and Urban Development (HUD) and its associated and subsidiary agencies for certain Community Development Block Grant community projects in the State of Alabama under the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

This blanket clearance for minor community projects associated with Community Development Block Grants in the State of Alabama is effective through December 31, 2006. With the inclusion of the following conditions, the Service has determined that the following minor actions may be conducted within a blanket clearance without adversely affecting listed species:

1. Street resurfacing, sidewalk reconstruction, and emergency home and community building repairs.
2. Rehabilitation of existing occupied single family homes and community buildings, provided that equipment storage or staging areas are not located on potential habitat of a listed species.
3. Demolition of dilapidated single family homes or community buildings, provided that the demolition debris is disposed of in certified receiving facilities; equipment storage or staging areas are not located on potential habitat of a listed species; and appropriate best management practices (BMPs) are implemented.
4. Rebuilding of demolished single family homes or community buildings, provided

that the new construction is within the existing footprint of the previous structure and/or within pre-existing grassed or paved areas; equipment storage or staging areas are not located on potential habitat of a listed species; and appropriate BMPs are implemented.

5. Activities within existing ROWs, when limited to actions that do not involve major earth moving; do not involve disturbance or herbicide treatment of native vegetation; and are not located within, or adjacent to, drainages, wetlands, or aquatic systems. Major earth moving is considered to be the removal or replacement of pipelines, sidewalks, etc. over 500 feet in length. For herbicide use on existing ROWs, we request the opportunity to review the herbicides and surfactants to be used and BMPs to prevent entry of herbicides into nearby wetlands and surface waters.
6. Minor activities within the range and habitat of the Alabama beach mouse (*Peromyscus polionotus ammobates*) in Baldwin County should be individually coordinated with the Service.
7. Possible adverse effects from minor activities within the range of the gopher tortoise (*Gopherus polyphemus*) in Choctaw, Mobile, and Washington Counties should be considered for this threatened species. Because gopher tortoises often inhabit right-of-ways (ROWs), and sometimes thrive in these environments, all actions possibly affecting tortoises along the ROW should be individually coordinated through the Service.
8. In all situations, HUD and its associated and subsidiary agencies are expected to implement BMPs, where applicable, to ensure that impacts from erosion and stream sedimentation are minimized.

Minor actions that cannot meet the previous conditions, such as actions requiring placement of fill, disturbance, or modifications to land outside of an existing access road or ROW; actions that occur on vacant property; or actions requiring excavation, clearing of native vegetation, or alteration of stormwater drainage patterns, should be individually coordinated through the Service on a case-by-case basis to assess possible adverse effects under the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. et seq.), and the Migratory Bird Treaty Act (16 U.S.C. 703, et seq.). Also, actions in sites with known contamination should be individually coordinated with the Service.

A request for renewal of this agreement should be submitted to our office at least 30 days prior to the expiration date of December 31, 2006. Subsequent renewals will be for a period of one year. Also, this agreement only covers the State of Alabama. The Service reserves the right to revoke this clearance if:

1. New information reveals that the categories of work covered in this blanket clearance may affect listed species or Critical Habitat in a manner, or to an extent, not previously considered.
2. The categories of work included in this clearance are subsequently modified to include activities not considered in this review.
3. New species are listed or Critical Habitat designated that may be affected.

If you have any questions or need additional information, please contact Ms. Jodie Smithem at (251) 441-5842. Please refer to the reference number located at the top of this letter in future phone calls or written correspondence.

Sincerely,

//s// Elaine Snyder-Conn

Elaine Snyder-Conn  
Acting Field Supervisor