



# United States Department of the Interior

## U. S. FISH AND WILDLIFE SERVICE

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JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

July 24, 2014

## **USFWS Clearance to Proceed with Department of Housing and Urban Development (HUD) Loan Project Requests**

### **Background**

The U.S. Fish and Wildlife Service (Service) is the lead Federal Agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act, (16 U.S.C. 668-668d) (Eagle Act), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 701 et seq.).

The passage of the American Recovery and Reinvestment Act of February 2009 (ARRA) by Congress created an economic stimulus package which provided federal tax cuts and funds to many federal agencies for education, health care, expansion of social welfare provisions, and increased infrastructure spending which includes the energy and transportation sector. Agencies such as the Department of Housing and Urban Development (HUD), Department of Energy (DOE), Federal Highway Administration (FHA), and others, quickly activated projects that resulted in higher consumer demand to initiate projects through Federally-backed loans and grants, all of which require those federal agencies to comply with Section 7 of the Endangered Species Act. Consequently, the Jacksonville Ecological Services Field Office continues to experience numerous requests for review of these government loan projects.

To fulfill our ESA statutory obligations in a timely and consistent manner, and to assist federal agencies, state and local governments, and consultants in addressing Section 7 and NEPA environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for HUD project requests in all cities and unincorporated areas throughout our 32-county geographic area (available at <http://www.fws.gov/northflorida/gotocity.htm>).

### **Description of Projects Covered**

- All HUD funded project requests for **existing** commercial, industrial, and residential structures, to include multi-family and single-family housing, and various utilities projects to include but not limited to, water and wastewater treatment facilities undergoing demolition, rehabilitation, renovations, and/or rebuilding that may be completed **without**

requiring additional clearing of **undisturbed** habitat beyond the original footprint of the existing project in order to complete the action request.

- All HUD funded project requests for **new** commercial, industrial, and residential structures, to include multi-family and single-family housing, and various utilities projects to include but not limited to, water and wastewater treatment facilities where the footprint of the project falls within a lot or parcel which is void of any vegetation other than grass or other low growing herbaceous ground cover.
- All HUD loan transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via HUD back loans.

We believe that these activities will have "no effect", and in few cases would "not likely to adversely affect" any Federally-listed species protected under Section 7 of the Endangered Species Act, based on the criteria referenced above.

### **Bald Eagle Nest Issues**

If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active bald eagle's nest **during** the nesting season which occurs from October 1 through May 15; we recommend the applicant or their designated sub-contractor coordinate with Ulgonda Kirkpatrick, USFWS Migratory Bird Division, Southeast Region, 321-972-9089 (office) or 352-406-6780 (cell). Guidance will be provided regarding monitoring options or other suggestions regarding construction timing relative to the distance the project is located to the bald eagle's nest, and according to any vegetative buffers that may be present between the nest and the construction activities.

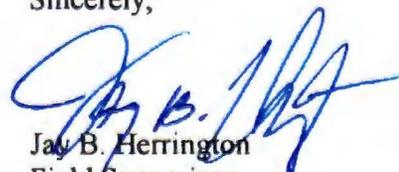
### **Clearance to Proceed**

For **ALL** projects that meet the criteria described above, **NO** further coordination with the Service is necessary.

### **Additional Information**

If you have any questions, please contact Heath Rauschenberger, Deputy Field Supervisor of my staff at (904)731-3203, or by email at [Heath\\_Rauschenberger@fws.gov](mailto:Heath_Rauschenberger@fws.gov). Our agency appreciates your cooperation in the protection of Federally-listed species in Florida.

Sincerely,



Jay B. Herrington  
Field Supervisor