



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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### **U.S. Fish and Wildlife Service Clearance to Proceed with U.S. Department of Commerce, U.S. Department of Housing and Urban Development, and U.S. Department of Agriculture Projects**

Updated: January 3, 2023

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). The U.S. Department of Commerce (DOC), U.S. Department of Housing and Urban Development (HUD), as well as the U.S. Department of Agriculture (USDA) allocate grant funds for rural development projects. Accordingly, obligations under the ESA and the National Environmental Policy Act (NEPA) require HUD and USDA to perform an environmental impact review prior to a project's approval. Primarily, these projects involve repair, maintenance, or reconstruction of existing facilities on previously developed land.

Many of the DOC, HUD, and USDA projects result in no adverse impacts to federally protected species. 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 DOC, HUD, and USDA project requests. If the project description falls in one of the categories and the Federal agency, or their designee, determines there is no effect or impact to federally protected species or designated critical habitat, no further action is required under section 7 of the ESA. Please note this guidance applies only to projects in South Carolina.

#### **Description of DOC, HUD, and USDA Projects Covered**

The following types of projects have been evaluated by the Service in accordance with ESA and NEPA:

1. Purchase machinery, equipment, and supplies for use in existing structures and buildings.
2. Finance or refinance existing structures or properties. Transfer of loans where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties transfer via back loans.
3. Construct, expand, maintain, remove, replace, or rehabilitate structures on developed or otherwise disturbed areas. Examples of developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, and pasturelands. Undeveloped areas are those sites where natural vegetation dominates.
4. New, refurbished, or expanded parking lots and amenities associated with existing or proposed private, commercial, or industrial developments that do not expand into previously undeveloped areas.
5. Implement streetscape beautification projects. Examples of these projects include the removal and replacement of existing sidewalks, curbing, or gutters; demolishing and disposing of existing curbing; installing irrigation systems for plants; installing or

replacing streetlights, benches, or trashcans; and installing handicap sidewalk ramps or new sidewalks within city limits in right of ways.

6. Repair, replace, or renovate existing wastewater treatment facilities, water supply facilities, and storm water facilities (such as drainage ditches and ponds) without expansion of the existing site boundary.
7. Install or replace pipelines or transmission lines using trenchless technology (directional drilling) techniques. Trenchless technology eliminates the need to disturb the environment caused by excavating and backfilling trenches.
8. Install or replace pipelines by trench and back fill within previously disturbed lands such as, but not limited to, maintained easements and transportation right of ways provided a protected species survey is performed and no protected species are found on the site.

The Service recommends that project proponents indicate which of the criteria are applicable to the project when submitting to the appropriate permitting agency.

### **Clearance to Proceed**

For all of the above listed projects that meet the criteria, have no effect or impact upon federally protected species or designated critical habitat, no further coordination with the Service is necessary. This letter may be downloaded and serve as the Service's concurrence letter for your project. The protected species survey or assessment conducted for the property should be included with this letter when submitting the project to Federal permitting agencies.

Please note that obligations under the ESA must be reconsidered if: (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

The Service recommends that project proponents contact the South Carolina Department of Natural Resources regarding potential impacts to State protected species. If the proposed project will impact streams and/or wetlands, please contact the U.S. Army Corps of Engineers, Charleston District. The Service appreciates your cooperation in the protection of federally listed species and their habitats in South Carolina.

Sincerely,



Thomas D. McCoy  
Field Supervisor