



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
1875 Century Boulevard  
Atlanta, Georgia 30345



July 11, 2024

## U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant 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, including 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.).

Many Federal agencies have active programs that result in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies or their designees to comply with Section 7 of the ESA. As a result, there has been an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs;
2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program; and
6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund.
7. U.S. Department of Commerce's (DOC) National Telecommunications and Information Administration Broadband Grant programs

In order to fulfill the ESA's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 of the ESA and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for federally insured loan and grant project requests. This guidance applies to projects in all cities and unincorporated areas within the jurisdiction of participating Service field offices<sup>1</sup>. Participating field offices are included in Attachment A and may include additional requirements or exclusions.

<sup>1</sup> While the Florida Ecological Services Field Office is a participating field office, the following guidance and clearance relative to the criteria stated below for federally insured loan and grant project requests is applicable in all cities and unincorporated areas throughout Florida, with the *exception* of **Monroe County**. Projects occurring within Monroe County, Florida should contact the Florida Ecological Services Vero Beach Branch Office for additional assistance.

### **Species Lists:**

To acquire an official species list for the area where the project is proposed, please access the Information for Planning and Conservation (IPaC) website (<https://ipac.ecosphere.fws.gov/>). After defining a project, a user can “Start Review” and request an “Official Species List” of the project action area. The “Official Species List” report contains a list of federally listed threatened and endangered species, critical habitats, migratory birds, wildlife refuges, fish hatcheries, and/or wetlands located in the project footprint, and can help identify trust resources in the general area of the subject property. The “Official Species List” will generate a unique Project Code that should be included in any correspondence associated with the respective project.

### **Description of Projects Covered:**

1. Any federally-insured loan or grant request for existing commercial, industrial, and residential structures (including multi-family and single-family housing), and various utilities projects (including, but not limited to, demolition, rehabilitation, renovations, and/or rebuilding of various utility and infrastructure projects such as water and wastewater treatment facilities, sewer or power line repair, telecommunications upgrades, etc.), provided:
  - a. The proposed project can be completed without additional clearing of undeveloped areas (e.g., native habitat, agricultural areas, pasture, etc.) beyond the original footprint of the existing project in order to complete the action request;
  - b. There are no federally endangered or threatened species using the existing structures or within the project area;
  - c. The project is not within designated critical habitat (DCH) for any federally listed species (by rule, DCH does not include already developed parcels); and
  - d. Specific Service field office requirements and exclusions are met for the state within which the project is located (Attachment A).
2. Any Federal loan transfer where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via federally-backed loans.
3. Any federally-insured loan or grant for the purchase of new equipment or vehicles.

**Clearance to Proceed** – The Service believes these types of activities will generally have no effect on species protected under the ESA, based on the criteria referenced above. Therefore, for ALL projects that meet the criteria described above, NO further coordination with the Service is necessary. Use this letter to document your consideration of endangered species and bald eagles.

### **Additional Considerations for non-federally listed species:**

**Bald Eagles:** If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur within 660 feet of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page: <https://www.fws.gov/program/eagle-management/eagle-incident-disturbance-and-nest-take-permits>

**Migratory Birds:** If any native birds are using the structures for nesting, actions should be taken to avoid disturbing adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-disturbance-and-nest-take-migratory-birds> for recommendations on how impacts can be avoided and minimized.

For projects that do not meet the criteria specified above, and/or meet any of the following conditions, please contact the appropriate Service office for additional assistance:


1. The project occurs within designated critical habitat;
2. The project involves new construction;
3. The project requires disturbance of undeveloped areas; and/or
4. The project is in close proximity to federally listed species, bald eagle nests, and/or migratory bird roosts.

Reinitiation of consultation may be necessary if: (1) the project is modified in a manner not considered by this assessment; (2) a new species is listed or critical habitat is determined that may be affected by the project; or (3) new information indicates that the project may affect listed species or critical habitat in a manner not previously considered.

If you have any questions or require further information, please contact one of our staff at 706- 613-9493.

Sincerely,

CATHERINE  
PHILLIPS  
CZARNECKI

 Digitally signed by CATHERINE  
PHILLIPS CZARNECKI  
Date: 2024.07.30 08:49:10 -0400'

Catherine T. Phillips, Ph.D.  
Assistant Regional Director, Ecological Services

**ATTACHMENT A**

**Participating Service Field Offices**

This clearance letter applies to the following field offices, with additional applicable exclusions or restrictions as noted.

*Alabama Ecological Services Field Office*

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above. There are no additional applicable exclusions or restrictions.

A handwritten signature in black ink, enclosed in a dashed rectangular border. The signature is cursive and appears to read "William J. Pearson".

William J. Pearson  
Field Supervisor

### Florida Ecological Services Field Office

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above with the, exception of the following exclusions and/or restrictions:

- While the Florida Ecological Services Field Office is a participating field office, the following guidance and clearance relative to the criteria stated for federally insured loan and grant project requests is applicable in all cities and unincorporated areas throughout Florida, with the *exception* of **Monroe County**. Projects occurring within Monroe County, Florida should contact the Florida Ecological Services Vero Beach Branch Office for additional assistance.

**LAWRENCE**  
**WILLIAMS**

Digitally signed by LAWRENCE WILLIAMS  
Date: 2024.07.03 10:47:30 -0400

Larry Williams  
State Supervisor for Ecological Services

July 11, 2024

Clearance to Proceed with Federally-Insured Loan Project Requests

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### **Georgia Ecological Services Field Office**

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above. There are no additional applicable exclusions or restrictions.

**PETER**

Digitally signed by PETER  
MAHOLLAND

**MAHOLLAND** Date: 2024.07.01 13:51:54 -0400

Peter Maholland  
Field Supervisor

### Kentucky Ecological Services Field Office

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above, with the exception of the following exclusions and/or restrictions:

- Some federally listed plants are regularly found within or near rights-of-way and the consequences of a proposed action may be negative or positive depending on how the species responds to disturbance, if at all. Therefore, if the species list for your project contains any of the following plants, and your project would disturb undeveloped areas (e.g., native habitat, agricultural areas, pasture, etc.) or occur within an established right-of-way, further coordination with the Service is necessary:
  - Short's goldenrod (*Solidago shortii*)
  - Price's potato-bean (*Apios priceana*)
  - Kentucky glade cress (*Leavenworthia exigua* var. *laciniata*)

**VIRGIL  
ANDREWS**

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ANDREWS  
Date: 2024.07.03 13:05:01  
-04'00'

Virgil Lee Andrews, Jr.  
Field Supervisor



### **Mississippi Ecological Services Field Office**

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above. There are no additional applicable exclusions or restrictions.

**JAMES  
AUSTIN** Digitally signed by  
JAMES AUSTIN  
Date: 2024.06.20  
12:47:16 -05'00'

James Austin  
Field Supervisor

**Asheville Ecological Services Field Office**

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above, with the exception of the following exclusions and/ or restrictions:

- If your project includes work in wetlands, further coordination with the Service is necessary
- Please notify the Service and the North Carolina Wildlife Resources Commission if bats are discovered during work on buildings.

**JANET  
MIZZI**

Digitally signed by  
JANET MIZZI  
Date: 2024.06.13  
10:49:01 -0400

Janet Mizzi  
Field Supervisor

### Raleigh Ecological Services Field Office (North Carolina)

This clearance letter is applicable for all projects within the jurisdiction of this Field Office that meet the criteria as described above, with the exception of the following exclusions and/or restrictions:

- Some federally listed bat species may be found roosting in above-ground and underground man-made structures, such as buildings, bridges, culverts greater than 36 inches in diameter, stormwater and sewer infrastructure, and mines. Therefore, if the species list for your project includes the tricolored bat (*Perimyotis subflavus*) or northern long-eared bat (*Myotis septentrionalis*), and your project proposes modifications or removal of above-ground or underground structures, those structures must be surveyed for evidence of use by bats. Evidence of bat use may include presence of bat individuals, guano, or staining. If there is evidence of bat use, further coordination with the Service is necessary.

For helpful information about assessing structures for bat use, see the bat structure assessment guide at this link:

<https://www.fws.gov/sites/default/files/documents/appendix-d-bridge-culvert-bat-assessment-form-guidance-february-2021.pdf>.

- Some federally listed plants are regularly found within or near rights-of-way and other vegetated areas. The consequences of a proposed action may be negative or positive depending on how the species responds to disturbance. Therefore, if the species list for your project contains any of the following plants, and your project will disturb suitable habitat for those species (see <https://www.fws.gov/office/eastern-north-carolina-ecological-services/species>), further coordination with the Service is necessary:

- Cooley's meadowrue (*Thalictrum cooleyi*)
- Golden sedge (*Carex lutea*)
- Michaux's sumac (*Rhus michauxii*)
- Rough-leaf loosestrife (*Lysimachia asperulaefolia*)
- Schweinitz's sunflower (*Helianthus schweinitzii*)
- Sensitive joint-vetch (*Aeschynomene virginica*)
- Smooth coneflower (*Echinacea laevigata*)

JENNIFER  
ARCHAMBAULT

Digitally signed by  
JENNIFER ARCHAMBAULT  
Date: 2024.06.27 14:31:38  
-04'00'

for Pete Benjamin  
Field Supervisor

**South Carolina Ecological Services Field Office**

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above. There are no additional applicable exclusions or restrictions.

**PATRICIA  
JOHNSON-  
HUGHES**

Christy Johnson-Hughes  
Project Leader

Digitally signed by  
PATRICIA JOHNSON-  
HUGHES  
Date: 2024.06.24  
12:52:56 -04'00'

### Tennessee Ecological Services Field Office

This clearance letter is applicable for all projects within the jurisdiction of this field office that meet the criteria as described above, with the exception of the following exclusions and/or restrictions:

Some federally listed plants are regularly found within or near rights-of-way and the consequences of a proposed action may be negative or positive depending on how the species responds to disturbance, if at all. Therefore, if the species list for your project contains any of the following plants, and your project would disturb undeveloped areas (e.g., native habitat, agricultural areas, pasture, etc.) or within rights-of-way, further coordination with the Service is necessary:

- Large-flowered skullcap (*Scutellaria montana*)
- Leafy prairie-clover (*Dalea foliosa*)
- Morefield's leather flower (*Clematis morefieldii*)
- Price's potato-bean (*Apios priceana*)
- Pyne's ground-plum (*Astragalus bibullatus*)
- Short's bladderpod (*Physaria globosa*)
- Spring Creek bladderpod (*Lesquerella perforata*)
- Tennessee yellow-eyed grass (*Xyris tennesseensis*)
- White fringeless orchid (*Platanthera integrilabia*)
- Whorled sunflower (*Helianthus annuus*)

**DANIEL**  
**ELBERT**

Digitally signed by  
DANIEL ELBERT  
Date: 2024.06.20  
15:37:21 -05'00'

Field Supervisor