

**MEMORANDUM OF AGREEMENT**

**BETWEEN**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**AND**

**U.S. FISH AND WILDLIFE SERVICE  
TENNESSEE/KENTUCKY FIELD OFFICE**

**AND**

**KENTUCKY DEPARTMENT OF FISH AND WILDLIFE RESOURCES**

**SUBJECT:**

Reduction of paperwork and unnecessary review of categories of Federal Emergency Management Agency (FEMA) funded projects in Kentucky that typically have no adverse impact on fish and wildlife resources.

**PURPOSE:**

The U.S. Fish and Wildlife Service (FWS) and the Kentucky Department of Fish and Wildlife Resources (KDFWR) are charged with protection of fish and wildlife resources, particularly wetland and upland habitats and threatened and endangered species. In this role, the FWS and KDFWR provide comments to FEMA regarding the impacts of specific FEMA-funded projects. It is recognized that certain categories of projects typically have no adverse environmental impacts and that a detailed project review by the FWS and KDFWR is not warranted for such projects. This Memorandum of Agreement (MOA) defines the categories of projects that will not require written comments from the FWS and KDFWR.

**SCOPE:**

This MOA does not supersede the responsibilities and obligations of the FWS, KDFWR, or FEMA that are mandated by the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), Endangered Species Act (87 Stat 884, as amended; 16 U.S.C. 1531 et seq.), National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), and related statutes, regulations and policies. The following categories of projects have been evaluated in accordance with these

statutes, regulations, and policies, and a conclusion reached by FWS, KDFWR, and FEMA that specific projects within these categories will not adversely impact fish and wildlife resources, including endangered species. Therefore, this MOA constitutes programmatic coordination pursuant to the Fish and Wildlife Coordination Act and a "blanket consultation" pursuant to Section 7 of the Endangered Species Act.

#### **CATEGORIES:**

1. Temporary emergency protective measures to eliminate or lessen immediate threats to life, public health, and safety, or to eliminate or lessen immediate threats of significant additional damage to property.
2. Removal of organic debris, trash, rock, and gravel accumulated around and/or under culverts and bridges. Work will be confined to within 100 linear feet upstream and downstream of the affected culvert or bridge. No widening or deepening of the channel beyond pre-flood dimensions is permitted.
3. Removal of organic and structural debris, trash, rock and gravel accumulations from streets, developed residential, commercial, and industrial properties, and maintained open lands such as pastures, row-crop land, and mowed fields.
4. Placement of riprap to stabilize eroded bridge abutments or culvert facings. Work must be confined to within 75 feet upstream and downstream of the structure. No equipment may be operated within the confines of the stream channel.
5. Placement of riprap to repair and control stream bank erosion, provided that the total project length (including disjunct segments) does not exceed 500 linear feet. No gravel or rock excavated from within the stream channel can be used as bank protection or backfill for riprap. Bank sloping and grading are permitted to prepare the site for riprap placement, however, no equipment can be operated within the stream channel.
6. Purchase of supplies, equipment, and machinery for use in existing structures and buildings.
7. Purchase of vehicles.
8. Reparation, renovation, restoration, expansion, or other work on existing flood-damaged structures (e.g., schools, police stations, fire stations, water [potable water supply] treatment plants, wastewater treatment plants) where the structures and associated developed areas do not extend into previously undeveloped areas and are not in close proximity to streams or wetlands. (Note: This does not include wastewater treatment plants or other facilities

involving increased discharges of regulated pollutants. "Undeveloped areas" are dominated by natural vegetation. "Developed areas" are paved, filled, graveled, or vegetated with plants that are ornamental or are regularly mowed.)

9. Acquisition and relocation of existing structures to previously developed sites.
10. Demolition, removal, and replacement of residential and commercial structures where the work, structures, and associated development does not extend into previously undeveloped areas.
11. Placement or replacement of electric, radio, telephone, and other transmission lines and related equipment (e.g., transformers, control panels, transmitters, antennas) within existing developed rights-of-way and in or on existing poles, towers, or other structures.
12. Replacement of existing waterlines, storm sewer lines, or sanitary sewer lines within maintained highway or pipeline rights-of-way, where no perennial streams are crossed, no intermittent/ephemeral streams are crossed while flowing, or the waterlines are suspended from bridge structures.
13. Modification or replacement of pump equipment where the structure does not extend into previously undeveloped areas and the pump capacity does not exceed the system's capacity.
14. Repair or replacement of flood-damaged roads, culverts, and bridges, where: (1) all construction will be within existing road rights-of-way, (2) no work occurs within stream channels, (3) appropriate erosion and sedimentation measures are implemented and maintained, and (4) there will be no impact on upstream and downstream hydrology and hydraulics, or previously undeveloped areas. This work can include riprap protection of culvert facings or bridge abutments not to exceed 75 linear feet upstream and downstream of the structures.

#### **GENERAL PROVISIONS:**

This MOA applies only to activities within Kentucky.

Either the FWS or KDFWR may unilaterally withdraw from this MOA with 30 days written notice (from postmark date) to the FEMA R4 Regional Environmental Officer.

This MOA will be reviewed annually and revised as appropriate. Revisions may be requested at any time by either FWS or KDFWR. All revisions will be in writing and require the concurrence of both FWS and KDFWR.

U.S. Fish and Wildlife Service, Tennessee/Kentucky Field Office

By: *Jah Bauley*  
Field Supervisor

Date: 5/19/97

Kentucky Department of Fish and Wildlife Resources

By: *Ch Bennett*

Date: 5-22-97

Federal Emergency Management Agency

By: *William R. Stron*  
Regional Environmental Officer

Date: 5/30/97