



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

110 S. Amity Road, Suite 300
Conway, Arkansas 72032

Tel.: 501/513-4470 Fax: 501/513-4480

Chris	
Melissa	ML
Tommy	TH
Mitch	6/1
Jason	
Lindsey	

June 1, 2015

Kristen Smart
Bank of Cave City
P.O. Box 490
Cave City, AR 72521

Dear Ms. Smart:

The U.S. Fish and Wildlife Service (Service) has reviewed the information supplied in your letter dated May 20, 2015, regarding the proposed construction of six broiler houses for Joshua and Sarah Musick near the city of Cave City, Sharp County, Arkansas. Our comments are submitted in accordance with the Endangered Species Act (ESA; 87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) and Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

The Service concurs with your may affect, but is not likely to adversely affect determination for the aforementioned project performed in winter (Oct 15-April 1) for Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Pink Mucket (*Lampsilis abrupta*), Missouri Bladderpod (*Physaria filiformis*), Scaleshell (*Leptodea leptodon*), Curtis Pearlymussel (*Epioblasma florentina curtisi*), Ozark Hellbender (*Cryptobranchus alleganiensis bishopi*), Snuffbox (*Epioblasma triquetra*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), or Northern Long-eared Bat (*Myotis septentrionalis*).

If there are any changes to the project such as location, timing, or scope, then additional consultation will be necessary to ensure all obligations are met under the ESA. If the action is modified in a manner causing effects to federally protected bats (i.e., summer clearing forested habitat, April 1-Oct 15), you must reinitiate consultation with the Service. Presence/absence surveys are necessary prior to giving concurrence on summer clearing of forested habitat (April 1-Oct 15). The Service's **2015 Range-wide Indiana Bat Summer Survey Guidelines** must be used for presence/probable absence surveys for the NLEB in 2015. These protocols can be found at <http://www.fws.gov/midwest/Endangered/mammals/inba/inbasummersurveyguidance.html>.

Please be aware Bald Eagle is not protected under the ESA. Bald Eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.).

We appreciate your interest in the conservation of endangered species. If you have any questions, please contact the Arkansas Ecological Services Staff at (501) 513-4487.

Sincerely,

Melvin Tobin
Acting Project Leader



RECEIVED MAY 22 2015

BANK OF CAVE CITY
Member FDIC

To whom it may concern:

This envelope includes a modification to a letter your office received on April 21, 2015. While preparing the letter and legal description previously is was not understood that the poultry houses will also be located on part of another piece of property. I have included a modified letter for Josh and Sarah Musick addressing this issue with the additional legal description. Sorry for any confusion or trouble this may have caused. If you have any questions or concerns, please feel free to contact me at 870-283-5301 or by e-mail at ksmart@bkcc.net.

Thank you

Kristen Smart

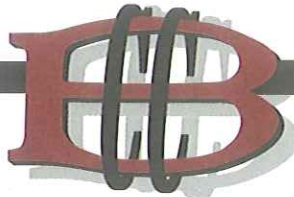
Kristen Smart

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Kerst
NLEB consultation

Musick
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Sharp Co
Cave City

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at the very most |
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removal

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BANK OF CAVE CITY
Member FDIC

The following BMP's will be implemented during the construction phase: Silt fences will be installed around the construction site prior to ground disturbance and a sediment basin will be implemented to catch any runoff that might result from the construction process. Exposed soil will be seeded with a warm season grass after the 6 pads are completed once ground is broke. After construction is complete, the construction site will be seeded with a rye grass/legume mix and fertilized to ensure a good stand is maintained throughout the winter months. BMP measures taken during the construction phase will be sufficient to handle at least a 25 year flood event occurring over a 24 hour period. The terrain of this area in Sharp County has a lot of steep hills. The site that was chosen is relatively flat compared to the surrounding area. The best possible site has been chosen for the proposed project to minimize any adverse impacts to the environment and endangered or threatened species. There are no wild or scenic rivers in this area. There are no creeks or streams within 150 yards of the proposed site.

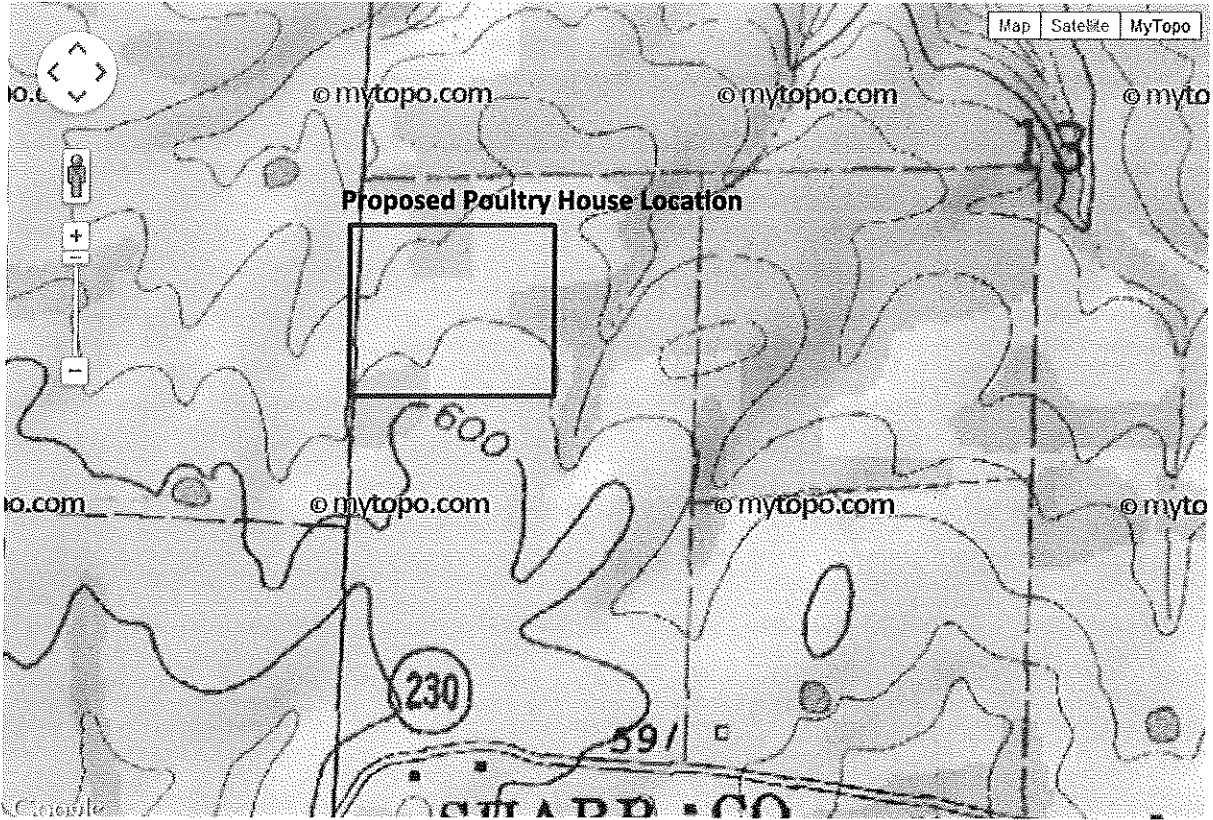
The following threatened and endangered species are known to occur in Sharp Co:

Turgid Blossom (*Epioblasma turgidula*)
Pink Mucket (*Lampsilis abrupta*)
Gray Bat (*Myotis grisescens*)
Ozark Hellbender (*Cryptobranchus alleganiensis bishopi*)
Rabbitsfoot (*Quadrula cylindrica cylindrica*)
Snuffbox (*Epioblasma triquetra*)
Indiana Bat (*Myotis sodalis*)
Missouri Bladderpod (*Physaria filiformis*)
Scaleshell (*Leptodea leptodon*)
Curtis Pearlymussel (*Epioblasma florentina curtisi*)
Northern Long-eared Bat (*Myotis septentrionalis*)

The Bank of Cave City is requesting your concurrence that this proposed action may affect, but is not likely to adversely affect these species listed above as well as advice on any other BMP's that should be implemented.

We ask for your concurrence with this determination for the northern long-ear bat given that clearing for the project will be performed in winter (Oct 15-April 1), or if clearing occurs in summer (April 1-Oct 15) a bat survey will be performed by a qualified bat biologist with a federal endangered species permit before clearing occurs, with the understanding that if the survey shows the presence of Northern Long-eared bats, the project will be deemed a "likely to adversely affect".

Enclosures: Aerial photo of the proposed site, legal descriptions, flood determination



Current house and land:

Part of the West half ($W \frac{1}{2}$) of the Southwest Quarter ($SW \frac{1}{4}$) of Section 13, Township 15 North, Range 5 West, being more fully described as follows: beginning at a point 335 feet East of the Northwest corner thereof; thence South 2, 135 feet to the North R/W line of State Highway 230m thence following said R/W line East 256 feet; thence North 5 degrees 15 minutes East 264 feet, thence South 76 degrees East 177.5 feet; thence North 1,891.3 feet; thence West 534.5 feet to point of beginning, containing 25.49 acres.

Additional legal description (17 acres +/-)

Part of the West half (W ½) of the Southwest quarter (SW ¼) of Section 13, Township 15 North, Range 5 West, being more particularly described as beginning as the Northwest corner thereof; thence South 2,220 feet; thence North 75 degrees 40 minutes East along the North R/W line of State Highway 230 a distance of 346 feet; thence West 335 feet to point of beginning, containing 16.72 acres.