Chris	CD
Erin	EF
~~Christina~~ Melissa	ML
Jason	
Lindsey	
Mitch emailed 12/4	MV
Tommy	

tates Department of the Interior

ISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
el.: 501/513-4470 Fax: 501/513-4480

December 5, 2014

Bryan Dalton
RiverBank Savings & Loan
P.O. Box 397
Pocahontas, AR 72455

Dear Mr. Dalton:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated November 25, 2014, regarding the proposed construction of four poultry houses for Benjamin and Amanda Hays near the City of Pleasant Plains, Independence County, Arkansas. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

The following listed threatened and endangered species are known to occur in this region: Rabbitsfoot (*Quadrula cylindrica cylindrica*), Speckled Pocketbook (*Lampsilis streckeri*), Ozark Hellbender (*Cryptobranchus alleganienses bishopi*), Pink Mucket (*Lampsilis abrupta*), Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Running Buffalo Clover (*Trifolium stoloniferum*), Scaleshell (*Leptodea Leptodon*), Curtis Pearlymussel (*Epioblasma florentina curtisi*), Fat Pocketbook (*Potamilus capax*), and the proposed endangered Northern Long-eared Bat (*Myotis septentrionalis*). In addition, the federally protected Bald Eagle (*Haliaeetus leucocephalus*) also occurs in this region.

The proposed designation of critical habitat in the White River for Rabbitsfoot considers physical or biological features essential to the conservation of these species. These include, but are not limited to:

1. Space for individual and population growth and for normal behavior;
2. Food, water, air, light, minerals, or other nutritional or physiological requirements; and
3. Sites for breeding, reproduction, or rearing; and

Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life history processes and are essential to the conservation of these species. Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain life history processes for rabbitsfoot, the primary constituent elements specific to these species are:

1. Primary Constituent Element 1— Geomorphically stable river channels and banks (channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) with habitats that support a diversity of freshwater mussel and native fish (such as, stable riffles, sometimes with

runs, and mid–channel island habitats that provide flow refuges consisting of gravel and sand substrates with low to moderate amounts of fine sediment and attached filamentous algae).

2. Primary Constituent Element 2— A hydrologic flow regime (the severity, frequency, duration, and seasonality of discharge over time) necessary to maintain benthic habitats where the species are found and to maintain connectivity of rivers with the floodplain, allowing the exchange of nutrients and sediment for maintenance of the mussel's and fish host's habitat, food availability, spawning habitat for native fishes, and the ability for newly transformed juveniles to settle and become established in their habitats.
3. Primary Constituent Element 3— Water and sediment quality (including, but not limited to, conductivity, hardness, turbidity, temperature, pH, ammonia, heavy metals, and chemical constituents) necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages.
4. Primary Constituent Element 4— The presence and abundance (currently unknown) of fish hosts necessary for recruitment of rabbitsfoot. The occurrence of natural fish assemblages, reflected by fish species richness, relative abundance, and community composition, for each inhabited river or creek will serve as an indication of appropriate presence and abundance of fish hosts until appropriate host fish can be identified.
5. Primary Constituent Element 5— Either no competitive or predaceous invasive (nonnative) species, or such species in quantities low enough to have minimal effect on survival of freshwater mussels.

Sediment and/or nutrient transport from the proposed project location may have direct, indirect, and/or cumulative effects to mussels, fish hosts, and/or their habitat(s). The effects of sedimentation and nutrients (e.g., ammonia, etc.) on mussels, fish, and their habitats are well documented in the scientific literature. Adverse effects associated with sedimentation and nutrification from all phases of construction activities may be minimized and/or alleviated through proper implementation and maintenance of erosion control best management practices and maintaining vegetative buffers. Buffer width is dependent upon slope, vegetation type, and soil types. The Service can provide additional technical assistance on appropriate vegetative buffer widths upon request.

The Service recommends that potential roost trees not be removed between April 1 and October 15 because Indiana bats roost in trees throughout the Karst region and northeast Arkansas during these dates. See the website www.fws.gov/arkansas-es for the Indiana bat summer survey guidelines. Potential roost trees include live trees and snags ≥ 5" DBH (diameter at breast height) that have exfoliating bark, cracks, crevices and/or hollows.

During the summer, Northern Long-eared Bats typically roost singly or in colonies in cavities, underneath bark, crevices, or hollows of both live and dead trees and/or snags (typically ≥3 inches dbh). Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on presence of cavities or crevices or presence of peeling bark. It has also been occasionally found roosting in structures like barns and sheds (particularly when suitable tree roosts are unavailable). They forage for insects in upland and lowland woodlots and tree lined corridors. During the winter, Northern Long-eared Bats predominately hibernate in caves and abandoned mine portals.

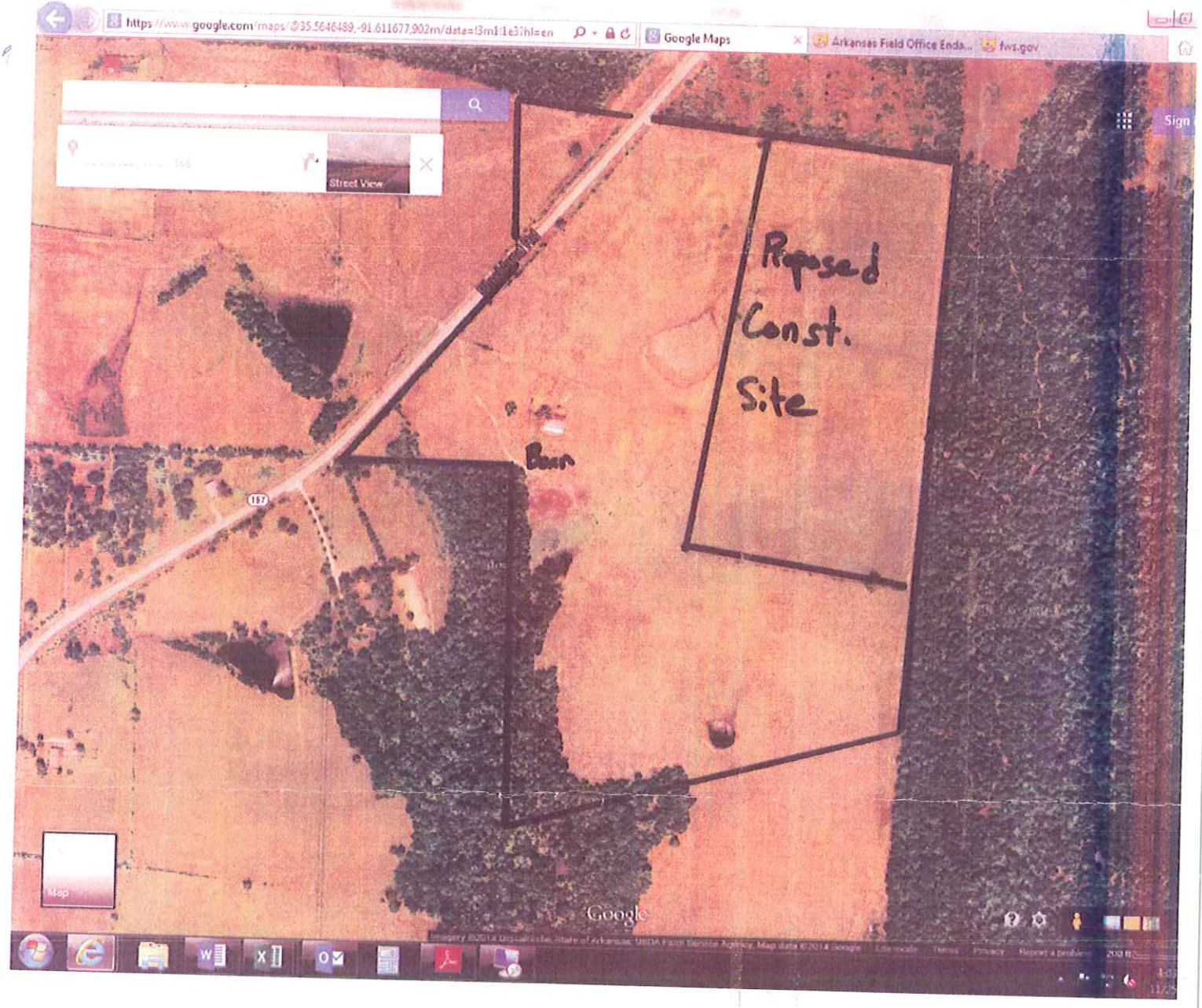
Although species proposed for listing are not afforded protection under the ESA, when a species is listed, the prohibitions against jeopardizing its continued existence and unauthorized "take" are effective 30 days after publication of the final listing rule. Therefore, if suitable Northern Long-eared Bat habitat is present within the proposed project area, we recommend further coordination with our office to avoid potential project delays should the species be listed. Additional information regarding Northern Long-eared Bat and conference procedures can be found at http://www.fws.gov/midwest/endangered/mammals/nlba/index.html.

The comments herein are for the sole purpose of providing technical assistance to the action agency or for individual pre-project planning assistance. These comments and opinions should not be misconstrued as an "effect determination" or considered as concurrence with any proceeding determination(s) by the action agency in accordance with Section 7 of the ESA. These comments do not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, a finding concurrence letter, etc.) from the Service, both lethal and nonlethal "take" of protected species are in violation of the ESA.

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,

Jim Boggs
Project Leader


https://www.google.com/maps/@35.5646489,-91.611677,902m/data=!3m1!1e3!hl=en
Google Maps
Arkansas Field Office Enda...
fws.gov
Street View
Sign
Proposed
Const.
Site
Barn
157
Map
Google