



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	TS
Mitch	6/24
Jason	
Lindsey	

June 24, 2015

Marvin Sutterfield  
Ozark Heritage Bank  
P.O. Box 2750  
Mountain View, AR 72560

Dear Mr. Sutterfield:

The U.S. Fish and Wildlife Service (Service) has reviewed the information supplied in your letter dated June 17, 2015, regarding the proposed construction of six broiler houses for Whispering Chicks 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 determination that the proposed construction may affect, but is not likely to adversely affect the Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Missouri Bladderpod (*Physaria filiformis*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), Scaleshell (*Leptodea leptodon*), Pink Mucket (*Lampsilis abrupta*), Ozark Hellbender (*Cryptobranchus alleganiensis bishopi*), Snuffbox (*Epioblasma triquetra*), Curtis Pearlymussel (*Epioblasma florentina curtisi*) or Northern Long-eared Bat (*Myotis septentrionalis*).

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  
Project Leader

Traffic, Bicycling, Directions

Total distance: 710.01 ft (216.41 m)



35.998160  
 -91.546972

THENCE South 13 degrees 24 minutes 20 seconds West for a distance of 307.49 feet ALONG A FENCE TO A #4 REBAR;

THENCE South 33 degrees 47 minutes 27 seconds West for a distance 222.96 feet ALONG A FENCE TO A #4 REBAR;

THENCE South 26 degrees 51 minutes 42 seconds West for a distance of 197.23 feet ALONG A FENCE TO A #4 REBAR;

THENCE South 49 degrees 32 minutes 21 seconds West for a distance of 30.00 feet ALONG A FENCE TO A #4 REBAR;

THENCE North 89 degrees 46 minutes 15 seconds West for a distance 883.24 feet TO A #4 REBAR;

THENCE North 01 degrees 56 minutes 02 seconds East for a distance of 1011.48 feet TO A #4 REBAR BEING THE NE CORNER OF PARCEL "B" PER SURVEY FILED BOOK "12" PG. 106;

THENCE South 89 degrees 46 minutes 15 seconds East for a distance of 1108.77 feet TO A #4 REBAR IN A FENCE;

THENCE South 22 degrees 12 minutes 05 seconds East for a distance of 166.40 feet ALONG A FENCE TO A #4 REBAR;

THENCE South 04 degrees 57 minutes 57 seconds West for a distance of 176.77 feet ALONG A FENCE TO THE POINT OF BEGINNING.

Together with and subject to covenants, easements, and Restrictions of record.

Said property contains 25.29 acres more or less.

To have and to hold the same unto the said GRANTEE and unto GRANTEE'S assigns, forever, with all appurtenances thereunto belonging.

And GRANTOR hereby covenants with said GRANTEE that it will forever warrant and defend the title to the said lands against all claims whatever.

WITNESS my hand and seal on this 19<sup>th</sup> day of May, 2015.

WHISPERING PINES RANCH & TREE FARM, LLC  
an Arkansas Limited Liability Company  
GRANTOR

By: Pamela J. Welch  
Pamela J. Welch, Managing Member