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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

August 5, 2015

Kristen St
 Bank of C City
 P.O. Box 4
 Cave City, AR 72521

Dear Mrs. Sart:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated July 22, 2015, regarding proposed construction of six broiler houses for Brandon and Kayla Qualls near the city of Cave City, Independence 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 the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

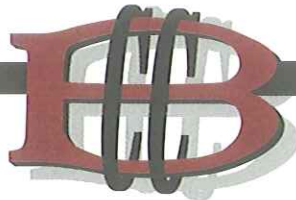
The Service concurs with your determination that the proposed project may affect, but is not likely to adversely affect the Gray Bat (*Myotis grisescens*), Pink Mucket (*Lampsilis abrupta*), Indiana Bat (*Myotis sodalis*), Scaleshell (*Leptodea leptodon*), Curtis Pearlymussel (*Epioblasma florentina curtisi*), Fat Pocketbook (*Potamilus capax*), Running Buffalo Clover (*Trifolium stoloniferum*), Speckled Pocketbook (*Lampsilis streckeri*), Ozark Hellbender (*Cryptobranchus alleganiensis bishopi*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), 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



BANK OF CAVE CITY
Member FDIC

and ground water quality. The plan will also specify where the litter will go and include agreements with other landowners that will take the litter off the site. Brandon will construct a litter stacking shed on the proposed construction site, so litter will be stored on site, and protected from the elements. The proposed site is not in a floodplain or low lying area.

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 sometime the winter 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 Independence 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 is a small creek showing up on the included topo map although Mr. Qualls states he believes is just a wet weather creek.

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

- ✓ Pink Mucket (*Lampsilis abrupta*)
- ✓ Gray Bat (*Myotis grisescens*)
- ✓ Indiana Bat (*Myotis sodalis*)
- Running Buffalo Clover (*Trifolium stoloniferum*)
- Bald Eagle (*Haliaeetus leucocephalus*)
- ✓ Rabbitsfoot (*Quadrula cylindrica cylindrica*)
- ✓ Speckled Pocketbook (*Lampsilis streckeri*)
- ✓ Ozark Hellbender (*Cryptobranchus alleganiensis bishopi*)
- ✓ Fat Pocketbook (*Potamilus capax*)
- ✓ Scaleshell (*Leptodea leptodon*)
- Curtis Pearlymussel (*Epioblasma florentina curtisi*)
- ✓ Northern Long-eared Bat (*Myotis septentrionalis*)

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.

Legal Description:

N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36 Township 185 North Range 6 West

N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 31 Township 15 North Range 5 West

Less and except a strip of land being approximately 5 acres located along the Eastern boarder of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31 Township 15 North Range 5 West



