

Chris	CD
Erin	
Christina	
Jason	
Lindsey	
Mitch	Email 4/7/15
Tommy	

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



January 7, 2015

Reference: TA0229

Marvin Sutterfield  
 Ozark Heritage Bank  
 P.O. Box 2750  
 Mountain View, AR 72650

Dear Mr. Sutterfield:

The U.S. Fish and Wildlife Service (Service) has reviewed the information supplied in your letter dated December 30, 2014, regarding the proposed construction of three broiler houses for Jonathan Robinson near the city of Parma, Stone 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.).

The following federally protected species are known to occur in this region: Cave Crayfish (*Cambarus zophonastes*), Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Yellowcheek Darter (*Etheostoma moorei*), Speckled Pocketbook (*Lampsilis streckeri*), and proposed endangered Northern Long-eared Bat (*Myotis septentrionalis*). In addition, the federally protected Bald Eagle (*Haliaeetus leucocephalus*) is also known to occur in this region.

The Yellowcheek Darter (*Etheostoma moorei*) occurs in Devils Fork Little Red River. The Service has designated critical habitat for the Yellowcheek Darter in the Devils Fork Little Red River. We consider primary constituent elements to be the elements of physical and biological features that, when laid out in the appropriate quantity and spatial arrangement to provide for a species' life-history processes, are essential to the conservation of the species. For the Yellowcheek Darter, these primary constituent elements include:

1. Geomorphically stable second- to fifth-order streams with riffle habitats; and connectivity between spawning, foraging, and resting sites to promote gene flow within the species' range where possible;
2. Stable bottom composed of relatively silt-free, moderate to strong velocity riffles with gravel, cobble, and boulder substrates;
3. An instream flow regime (magnitude, frequency, duration, and seasonality of discharge over time) sufficient to provide permanent surface flows, as measured during years with average rainfall, and maintain benthic habitats utilized by the species;
4. Adequate water quality characterized by moderate stream temperatures, acceptable dissolved oxygen concentrations, moderate pH, and low levels of pollutants. Adequate water quality is defined as the quality necessary for normal behavior,

growth, and viability of all life stages of the Yellowcheek Darter; and

5. Prey base of aquatic macroinvertebrates, including blackfly larvae, stonefly larvae, mayfly nymphs, and caddisfly larvae.

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 following best management practices (BMPs) do not override other BMPs that may have been specified to use from other sources, but are in addition to those instructions.

#### **Erosion and Sediment Control**

BMPs should be implemented for all construction projects within karst landscapes. BMPs should include filter fences, straw bales, interceptor dikes and swales, sediment traps, ditch checks, detention basins, mulching, seeding, and/or revegetation as appropriate. Mats or netting should be applied on steep slopes and stream banks. Erosion and sediment control measures should be sized to handle at least the 25 year flood and 24-hour storm event. Erosion and sediment control BMP's should be implemented to prevent sediment and contaminants from entering groundwater.

It is important that construction plans reduce erosion and sedimentation into streams and karst features by:

- Identifying areas with potential for erosion problems prior to construction initiation.
- Avoiding wetlands and low lying areas.
- Restoring steep embankments with seed, mulch, fertilizer, and implementing erosion control measures such as silt fences, straw bales, matting, and sediment traps. Soil stabilization immediately after earth work is complete is critical.
- Restoring steep approaches to stream crossings by seeding, mulching, fertilizing, and implementing erosion control measures such as silt filter fences, ditch checks, straw bales, matting, and sediment traps. It is critical that restoration be implemented immediately after construction.
- On approaches to stream crossings, drainage control structures should be located at the top and base of the slope/bank. Runoff should be routed to stable slopes on either side of the right of way, or routed via temporary conveyance structures to the base of the approach slope where it can infiltrate into the stream bank and eventually seep back to the channel.

### Stormwater

Stormwater concerns occur during construction and after the site is developed and stabilized. Threats to groundwater shift from sediment and fuel/oil/grease, to lawn chemicals, oil and grease from personal vehicles, brake dust, chip seals, roof tar, and other household contaminants. Plans should be made to address post construction stormwater contaminants.

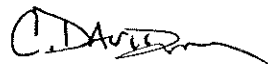
The Arkansas Department of Environmental Quality and the Environmental Protection Agency oversee and permit stormwater runoff. In 2003, the Northwest Arkansas Regional Planning Commission developed the Northwest Arkansas Stormwater Quality Best Management Practices Preliminary Guide Manual for community use. The manual was developed with six control measures including public education and outreach, public participation and involvement, illicit discharge, detection and elimination, construction site runoff control, post-construction runoff control, pollution prevention, and good housekeeping. When open land is developed the hydrology of the site completely changes. Possible contaminants associated with development include sediment, nutrients, microbes, organic matter, toxic contaminants, trash, and debris. Each of these together or separately can pollute groundwater. Once contaminants leave the site and enter drainage within a groundwater recharge zone, whatever the water was carrying is now contributing to groundwater contamination and threatens rare and endangered karst animals.

The Service recommends that trees not be removed between March 16 and November 30 because Indiana bats roost in trees throughout the Karst region and northeast Arkansas during these dates. See the website [www.fws.gov/arkansas-es](http://www.fws.gov/arkansas-es) for the Indiana bat summer survey guidelines.

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,



Melvin Tobin  
Acting Project Leader

# Ozark Heritage Bank N.A.

December 30, 2014 RECEIVED DEC 31 2014

U.S. Fish & Wildlife Service  
Email: [Chris.Davidson@fws.gov](mailto:Chris.Davidson@fws.gov)  
110 S. Amity Road, Suite 300  
Conway, AR 72032

Jonathan Robinson has applied for financial assistance from Ozark Heritage Bank of Mountain View, AR to build 3 broiler houses with Farm Service Agency guaranteed loan. We will be submitting the loan application package to Farm Service Agency.

Construction of 3 broiler houses is planned for Stone County.

In order to comply with National Environmental Policy ACT associated with Federal Financial Assistance, we are requesting your comments relative to the impact this project may have on endangered or threatened species of plants and/or animals as well as the habitat of such animals if such exist in this particular area.

A copy of the location map and legal description is attached.  
For your convenience, you may fax your response to 870-269-7312 or email to [msutterfield@ozarkheritagebank.com](mailto:msutterfield@ozarkheritagebank.com) and our mailing address is P.O. Box 2750 Mountain View, AR

Thank you very much for your assistance.

Sincerely,

  
Marvin Sutterfield  
Ozark Heritage Bank

35.700284  
-92.160452

Karst  
Yellowcheek darter  
Speckled pocketbook

Little Rock

Stone Co  
Parma

04ER 1006-2015-0229



Description for Jon and Whitney Verser.

A part of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty-three (33), Township Thirteen North (T13N), Range Eleven (R11W), of the 5th Principal Meridian, Cleburne County, Arkansas and being more particularly described as follows:

Commencing from the the Southeast corner of the said (SE $\frac{1}{4}$ ) of the (NE $\frac{1}{4}$ ); then N88°38'24"W along the south line of said (SE $\frac{1}{4}$ ) of the (NE $\frac{1}{4}$ ), a distance of 618.84 feet; then leaving said south line N02°34'39"E, a distance of 120.60 feet to the POINT OF BEGINNING; then continue N02°34'39"E, a distance of 620.21 feet; then N36°07'09"W, a distance of 208.33 feet; then N82°03'04"W, a distance of 441.90 feet; then S00°15'50"W, a distance of 841.42 feet; then S89°11'25"E, a distance of 536.50 feet back to the POINT OF BEGINNING, containing 10.00 acres more or less and being subject to any and all easements or restrictions of record or prescriptive.

