



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
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IPaC Record Locator: 304-103527724

July 01, 2021

Subject: Consistency letter for 'Project Certify' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear Cody Slater:

The U.S. Fish and Wildlife Service (Service) received on **July 01, 2021** your effect determination(s) for the 'Project Certify' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance in the Service's Arkansas DKey, the proposed Action, including species protective measures that you confirmed will be implemented, is consistent with a determination(s) of "no effect" and/or "may affect, but not likely to adversely affect (NLAA)" for the following species.

Species	Listing Status	Determination
Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	Threatened	No effect
Fat Pocketbook (<i>Potamilus capax</i>)	Endangered	NLAA
Piping Plover (<i>Charadrius melodus</i>)	Threatened	No effect
Pondberry (<i>Lindera melissifolia</i>)	Endangered	No effect
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	No effect

Status

Coordination with the Arkansas Ecological Services Office is complete. Thank you for considering Federally listed species during your project planning.

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate this key in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information reveals the action may affect listed species or designated critical habitat; 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

Bald and Golden Eagle Protection Act: The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/southeast/our-services/permits/eagles/>

To determine if your proposed activity is likely to take or disturb Bald Eagles, complete our step-by-step online self-certification process, which is located at <https://www.fws.gov/southeast/our-services/eagle-technical-assistance/>.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Project Certify

2. Description

The following description was provided for the project 'Project Certify':

Certification of an industrial property in Wynne, Arkansas.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.199008899999995,-90.79159877348047,14z>



Species Protection Measures

Development

<https://www.fws.gov/southeast/pdf/species-protective-measures/development-projects.pdf>

Qualification Interview

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").
No
 2. Is the action authorized, funded, or being carried out by a Federal agency?
No
 3. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?
Automatically answered
No
 4. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?
Automatically answered
No
 5. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?
Automatically answered
No
 6. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?
Automatically answered
No
 7. [Semantic] Does the project intersect the American burying beetle consultation area?
Automatically answered
No
 8. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?
Automatically answered
No
 9. [Semantic] Does the project intersect the Eastern black rail AOI?
Automatically answered
Yes
 10. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?
No
 11. Does the project take place in marshy or flooded open field habitat?
No
 12. [Semantic] Does the project intersect the red knot AOI?
Automatically answered
Yes
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13. [Semantic (same answer as "8.1.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?
Automatically answered
No
 14. [Semantic (same answer as "8.2")] Does the project take place in marshy or flooded open field habitat?
Automatically answered
No
 15. [Semantic] Does the project intersect the Piping Plover AOI?
Automatically answered
Yes
 16. [Semantic (same answer as "8.1.3 or 9.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?
Automatically answered
No
 17. [Semantic] Does the project intersect the Whooping Crane AOI?
Automatically answered
No
 18. [Semantic] Does the project intersect the interior least tern AOI?
Automatically answered
No
 19. [Semantic] Does the project intersect the Gray Bat AOI?
Automatically answered
No
 20. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?
Automatically answered
No
 21. [Semantic] Does the project intersect the Indiana bat AOI?
Automatically answered
No
 22. [Semantic] Does the project intersect the Northern Long-eared bat AOI?
Automatically answered
No
 23. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?
Automatically answered
No
 24. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?
Automatically answered
No
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25. [Semantic] Does the project intersect the Ozark cavefish AOI?
Automatically answered
No
26. [Semantic] Does the project intersect the Missouri bladderpod AOI?
Automatically answered
No
27. [Semantic] Does the project intersect the Geocarpon AOI?
Automatically answered
No
28. [Semantic] Does the project intersect the running buffalo clover AOI?
Automatically answered
No
29. [Semantic] Does the project intersect the Pondberry AOI?
Automatically answered
Yes
30. Does the proposed project clear suitable habitat for Pondberry including bottomland hardwood or sand ponds?
No
31. [Semantic] Does the project occur within the survey coordination area?
Automatically answered
No
32. Does the project contain any of the following activity types:
Boat Ramps,
Bridges,
Culverts,
Development,
Dams or Impoundments (including berms and levees),
Streambank Stabilization (or other streambank work),
Pipeline and linear projects,
Water intakes/withdrawals, or
Stream or ditch relocation?
Yes
33. Does the project include Streambank Stabilization (or other streambank work)?
No
34. Does the project include Boat Ramps?
No
35. Does the project include Bridges and Culverts?
No
36. Does the project include Dams and Impoundments (including berms or levees)?
No
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37. Does the project include Development?

Yes

38. Does the project include the Development species [protective measures](#), as applicable to the project and site characteristics?

Yes

39. Is the project a Pipeline or Linear Project?

No

40. Does the project include Water Intakes/Withdrawals?

No

41. Does the project include Stream or Ditch Relocation?

No

42. [Semantic] Does the project intersect the rabbitsfoot AOI?

Automatically answered

No

43. [Semantic] Does the project intersect the neosho mucket AOI?

Automatically answered

No

44. [Semantic] Does the project intersect the Spectaclecase AOI?

Automatically answered

No

45. [Semantic] Does the project intersect the snuffbox AOI?

Automatically answered

No

46. [Semantic] Does the project intersect the speckled pocketbook AOI?

Automatically answered

No

47. [Semantic] Does the project intersect the ouachita rock pocketbook AOI?

Automatically answered

No

48. [Semantic] Does the project intersect the fat pocketbook AOI?

Automatically answered

Yes

49. [Semantic] Does the project intersect the Curtis pearlymussel AOI?

Automatically answered

No

50. [Semantic] Does the project intersect the scaleshell AOI?

Automatically answered

No

51. [Semantic] Does the project intersect the pink mucket AOI?
Automatically answered
No
52. [Semantic] Does the project intersect the Arkansas fatmucket AOI?
Automatically answered
No
53. [Semantic] Does the project intersect the winged mapleleaf AOI?
Automatically answered
No
54. [Semantic] Does the project intersect the leopard darter AOI?
Automatically answered
No
55. [Semantic] Does the project intersect the Yellowcheek darter AOI?
Automatically answered
No
56. [Semantic] Does the project intersect the Ozark hellbender AOI?
Automatically answered
No
57. [Semantic] Does the project intersect the harperella AOI?
Automatically answered
No
58. [Semantic] Does the project intersect the pallid sturgeon AOI?
Automatically answered
No
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