



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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In Reply Refer To:
 Consultation Code: 04ER1000-2020-TA-1330
 Event Code: 04ER1000-2020-E-03282
 Project Name: Butterfield site certification

August 13, 2020

Subject: Verification letter for 'Butterfield site certification' 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 Suzy Griffin:

The U.S. Fish and Wildlife Service (Service) received on **August 13, 2020** your effect determination(s) for the 'Butterfield site certification' (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, you made the following effect determination(s) for the proposed action.

Species	Determination
Proposed Threatened Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	No Effect
Threatened Red Knot (<i>Calidris canutus rufa</i>)	No Effect
Threatened Piping Plover (<i>Charadrius melodus</i>)	No Effect
Endangered Indiana Bat (<i>Myotis sodalis</i>)	No Effect
Threatened Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	May Affect
Threatened Missouri bladderpod (<i>Physaria filiformis</i>)	No Effect

Status

The proposed project may affect the Northern Long-eared Bat. However, this project complies with the final 4(d) rule with incidental take covered by the U.S. Fish and Wildlife Service's January 5, 2016, Intra-Service Programmatic Biological Opinion on the final 4(d) rule for the

NLEB addressing “Activities Excepted from Take Prohibitions. No further consultation is required for the proposed project for this species.

The Service concurs with the NLAA determination(s) for the species listed above. Your agency has met consultation requirements by informing the Service of the “No Effect” determinations. No further consultation for this project is required for these species. This letter confirms you may rely on effect determinations provided in the Arkansas Determination Key for project review and guidance for federally listed species to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA).

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

Butterfield site certification

2. Description

The following description was provided for the project 'Butterfield site certification':

This site is 44.38 acres located in Pope County, Arkansas. It is in East End Industrial park between the Union Pacific Railroad to the south, Industrial blvd to the north, Tyler road to the west, and a freezer facility to the east. Most of the site is grass land, but there are a few trees on the southern border. We are going through a certification process with Entergy Arkansas, to demonstrate that this site is acceptable to an industrial prospect. We hope to have the process completed by September 30, 2020.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.26087242383228N93.07401214151733W>



Species Protection Measures

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. Will project proponents follow [Special Provisions for avoidance and minimization](#) measures for listed species in Arkansas?

Yes

4. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?

Automatically answered

No

5. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?

Automatically answered

No

6. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?

Automatically answered

No

7. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?

Automatically answered

No

8. [Semantic] Does the project intersect the American burying beetle consultation area ?

Automatically answered

No

9. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?

Automatically answered

No

10. [Semantic] Does the project intersect the Eastern black rail AOI?

Automatically answered

Yes

11. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?

No

12. Does the project take place in marshy or flooded open field habitat?

No

13. [Semantic] Does the project intersect the red knot AOI?

Automatically answered

Yes

14. [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

15. [Semantic (same answer as "8.2")] Does the project take place in marshy or flooded open field habitat?

Automatically answered

No

16. [Semantic] Does the project intersect the Piping Plover AOI?

Automatically answered

Yes

17. [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

18. [Semantic] Does the project intersect the Whooping Crane AOI?

Automatically answered

No

19. [Semantic] Does the project intersect the interior least tern AOI?

Automatically answered

No

20. [Semantic] Does the project intersect the Gray Bat AOI?
Automatically answered
Yes
21. Are there any caves within 0.5 mile of the project area?
No
22. Does the project occur in a subdivision or urban area?
Yes
23. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?
Automatically answered
No
24. [Semantic] Does the project intersect the Indiana bat AOI?
Automatically answered
Yes
25. [Sematic (same answer as question "13.2" or "14.4")] Are there any caves within 0.5 mile of the project area?
Automatically answered
No
26. [Sematic (same answer as question "13.2.1" or ""14.7")] Does the project occur in a subdivision or urban area?
Automatically answered
Yes
27. [Semantic] Does the project intersect the Northern Long-eared bat AOI?
Automatically answered
Yes
28. Have you determined that the proposed action will have “no effect” on the northern long-eared bat? (If you are unsure select "No")
No
29. Will your activity purposefully Take northern long-eared bats?
No
-

30. Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency (Semantic: Edge In Answer Path)

Automatically answered

No

31. Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency (Semantic: Edge In Answer Path)

Automatically answered

No

32. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?

Automatically answered

No

33. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?

Automatically answered

No

34. [Semantic] Does the project intersect the Ozark cavefish AOI?

Automatically answered

No

35. [Semantic] Does the project intersect the Missouri bladderpod AOI?

Automatically answered

Yes

36. Is the proposed project in or near an open glade (an area with thin, poor soil and bedrock close to the surface or in rocky outcrops) or in shale barrens (Ouachita Mountains ecoregion)?

No

37. [Semantic] Does the project intersect the Geocarpon AOI?

Automatically answered

No

38. [Semantic] Does the project intersect the running buffalo clover AOI?

Automatically answered

No

39. [Semantic] Does the project intersect the Pondberry AOI?

Automatically answered

No

Project Questionnaire

1. **If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0

2. 2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. 3. If known, estimated acres of forest conversion from June 1 to July 31

0

4. **If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. 5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. 6. If known, estimated acres of timber harvest from June 1 to July 31

0

7. **If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. 8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. 9. If known, estimated acres of prescribed fire from June 1 to July 31

0

10. If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0
