



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Arkansas Ecological Services Field Office  
110 South Amity Suite 300  
Conway, AR 72032-8975  
Phone: (501) 513-4470 Fax: (501) 513-4480  
<http://www.fws.gov/arkansas-es>

IPaC Record Locator: 012-24231845

November 10, 2020

Subject: Consistency letter for '130 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 Tamika Jenkins:

The U.S. Fish and Wildlife Service (Service) received on **November 10, 2020** your effect determination(s) for the '130 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 to the Service's Arkansas DKey, you determined the proposed Action will have "no effect" on the following species.

<b>Species</b>	<b>Determination</b>
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

## Status

Your agency has met consultation requirements for these species by informing the Service of the "no effect" determinations. No further consultation for this project is required for these species. This consistency letter confirms you may rely on effect determinations you reached by considering the Arkansas DKey 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 the project 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**

130 Site Certification

**2. Description**

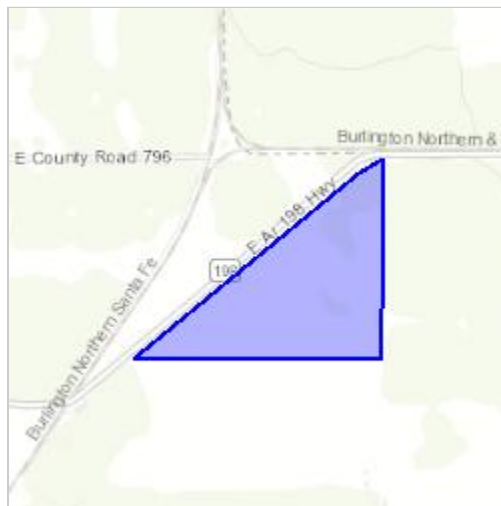
The following description was provided for the project '130 Site Certification':

130 acres south of Osceola, AR

Working with Entergy Arkansas to certify this site to be marketed as an industrial site

Would like this to be completed by December 2020

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.6493803567095N89.96285878282848W>



## **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**  
*No*
21. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?  
**Automatically answered**  
*No*
22. [Semantic] Does the project intersect the Indiana bat AOI?  
**Automatically answered**  
*No*
23. [Semantic] Does the project intersect the Northern Long-eared bat AOI?  
**Automatically answered**  
*No*
24. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?  
**Automatically answered**  
*No*
25. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?  
**Automatically answered**  
*No*
26. [Semantic] Does the project intersect the Ozark cavefish AOI?  
**Automatically answered**  
*No*
27. [Semantic] Does the project intersect the Missouri bladderpod AOI?  
**Automatically answered**  
*No*
28. [Semantic] Does the project intersect the Geocarpon AOI?  
**Automatically answered**  
*No*
29. [Semantic] Does the project intersect the running buffalo clover AOI?  
**Automatically answered**  
*No*
-

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

**Automatically answered**

*No*

---