



Endangered and Threatened Species Evaluation Form

Note: This form is not to be used for any Oil and/or Gas extraction or pipeline projects

The enclosed endangered and threatened species evaluation form may be used to obtain clearance, in most instances, from the U.S. Fish and Wildlife Service when applying for a NPDES or SWPPP permit from the Arkansas Department of Environmental Quality (ADEQ). Incomplete packages may delay evaluation of the proposed project and ultimately the issuance of your ADEQ permit.

Return the completed form and following information to:

U. S. Fish and Wildlife Service
Arkansas Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032

Forms will not be accepted unless they include the following information:

1. A letter detailing the proposed project, a project name, the county in which the project occurs, the estimated disturbance area, geographic coordinates of the project location.
2. High quality detailed maps (preferably a USGS quadrangle map and aerial photo) that contain an outline/polygon of the proposed project area.
3. Contact information. Please include name, mailing address, e-mail and phone number.

If there is a question that you cannot answer on this evaluation form or a concurrence letter is required from the U.S. Fish and Wildlife Service, send the above information to the U.S. Fish and Wildlife Service's Arkansas Field Office, via Fax, mail, e-mail, or phone call. (Fax number (501) 513-4480, e-mail address FW4ESConway@fws.gov, phone number (501) 513-4470).

Include the completed form in your request for an ADEQ storm water or NPDES permit.

Endangered and threatened species consultation requests are processed in the order they are received. Response to endangered species consultation requests that require more detailed biologist evaluation may take as long as 30 days after they were received by this

office. If you have any questions or concerns please call (501) 513-4470.

U. S. Fish and Wildlife Service comments and recommendations are provided in accordance with the Endangered Species Act (87 Stat. 84, as amended: 16 U.S.C. 1531 et seq.), Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712), and Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

INSTRUCTIONS

Evaluate individual project sites for federally listed threatened or endangered species using the step process presented below.

STEP 1

Does your project occur within 660 feet of a bald eagle nest?

- Yes **See instructions below.**
No **All other projects proceed to Step 2, unless your project occurs in the following counties then proceed to Step 9.**

- Cleveland
Greene
Lincoln
Lonoke
Nevada

Projects occurring within 660 feet of a bald eagle nest, including alternate nests, are likely to disturb nesting bald eagles (a potential violation of the Bald and Golden Eagle Protection Act). Proceed to the U. S. Fish and Wildlife Service website (<http://www.fws.gov/southeast/es/baldeagle>) to determine if the new or intermittent activity is likely to disturb nesting bald eagles and measures that you can take to avoid that disturbance. **Print three copies of the bald eagle signature (Determination) page and submit one with your ADEQ permit application package, submit one copy to the U.S. Fish and Wildlife Service at 110 South Amity Road Suite 300, Conway, AR, and keep one copy for your records.**

Once the above is completed, projects occurring in Cleveland, Greene, Lincoln, Lonoke, or Nevada counties proceed directly to Step 10, all others proceed to Step 2.

STEP 2

Does your project occur within one of the following counties AND contain pine stands 40 years or older?

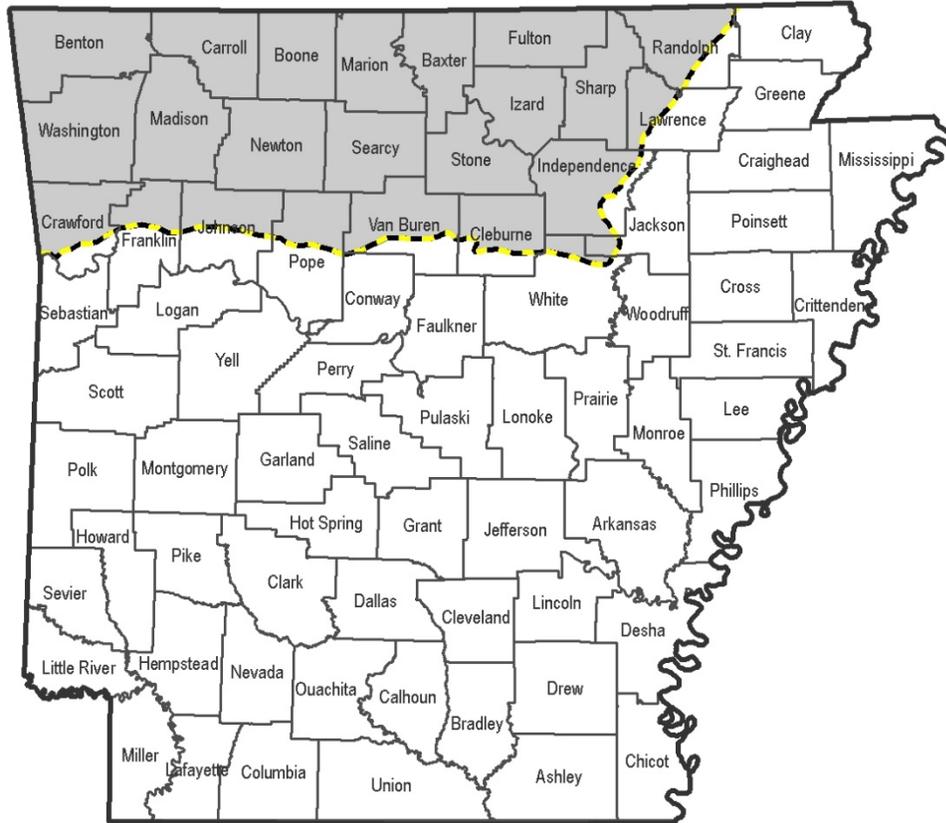
- Yes **See instructions below.**
No **Proceed to Step 3.**

- | | | | |
|----------|--------------------------|-----------|--------------------------|
| Ashley | <input type="checkbox"/> | Grant | <input type="checkbox"/> |
| Bradley | <input type="checkbox"/> | Lafayette | <input type="checkbox"/> |
| Calhoun | <input type="checkbox"/> | Monroe | <input type="checkbox"/> |
| Clark | <input type="checkbox"/> | Polk | <input type="checkbox"/> |
| Columbia | <input type="checkbox"/> | Scott | <input type="checkbox"/> |
| Dallas | <input type="checkbox"/> | Union | <input type="checkbox"/> |
| Drew | <input type="checkbox"/> | | |

If you answered “Yes” to Step 3, refer to the U. S. Fish and Wildlife Service Private Lands Guidelines (http://www.fws.gov/rcwrecovery/private_lands_guidelines.pdf) for potentially harmful activities that may harass and/or harm red-cockaded woodpeckers (a violation of the Endangered Species Act). **Checking “Yes” to Step 2 requires a concurrence letter from the U. S. Fish and Wildlife Service that should accompany your ADEQ permit application package and possibly a permit from the U. S. Fish and Wildlife Service (501-513-4481).** Any and all other endangered species issues will be evaluated when your information is submitted to the U.S. Fish and Wildlife Service. Please contact the Arkansas ES Field Office, as soon as possible, to start the evaluation for endangered species that may be affected by the project.

STEP 3

Does your project occur within the delineated karst conservation zone (see map below)?



- Yes **See instructions below and then proceed to Step 4.**
No **Proceed to Step 4.**

If you answered “Yes” to Step 3, contact the US Fish and Wildlife Service (Service) Arkansas Field Office (501-513-4470) in advance of permit application as a concurrence letter from the Service may be necessary as a part of your NPDES/SWPPP application package. It may also require a Service section 10 endangered species permit. While the Service is interested in the proposed project due to its location, many areas within the karst conservation zone only require the standard recommendations below. Early contact with this office allows time to develop site specific recommendations which streamlines the permit issuance process. Any and all other endangered species issues will be evaluated when your information is submitted to the U.S. Fish and Wildlife Service.

The karst region in Arkansas is as an area with a relatively shallow soil profile where climatic events or storm water runoff quickly infiltrates and is transported through

underground passages contributing to the groundwater basin. The karst region in Arkansas supports 6 endangered species including the Ozark cavefish (*Amblyopsis rosae*), the Benton cave crayfish (*Cambarus aculabrum*), the Hell creek crayfish (*Cambarus zophonastes*), the gray bat (*Myotis grisescens*), the Indiana bat (*Myotis sodalis*), the Ozark big-eared bat (*Corynorhinus townsendii ingens*), and 19 globally imperiled karst dependent species.

If your project occurs inside the delineated karst conservation zone (map above) the Service recommends, at a minimum, the following conservation measures.

- 1) Survey for karst features including caves, springs, and sinkholes prior to initiating project activities. If such a feature is found, establish a 300 foot conservation zone around its location and contact the Service for an onsite karst evaluation.
- 2) If caves are excavated during construction activities, the Service requests that work efforts cease within 300 feet of the opening. The opening should be adequately marked, fill material should not be placed in the cave, personnel shouldn't enter the cave, and the Service should be contacted immediately for an onsite evaluation.
- 3) While sediment mobilization is the primary concern during construction; storm water runoff following project completion may contain oil/grease, sealants, tar, brake dust, herbicides, pesticides, and additional sediment. To reduce threats to surface and groundwater from these contaminants, the Service recommends the use of post construction storm water management techniques including detention basins or separation systems with a 100 foot bioswale. However, other post construction storm water management methods are available; these would be considered if documentation of successful use is provided to the Service prior to installation.
- 4) Apply and maintain construction BMP's that were developed specific for the project site.

Proceed to Step 4.

STEP 4

Does your project occur in the watershed of one the following streams (defined herein as any location within the catchment area of the following streams, including their tributaries)?

- Alum Fork Saline River
- Archey Fork Little Red River
- Bayou Dorcheat
- Beech Fork Little Red River
- Big Creek (south flowing tributary to Little Red River)
- Black River
- Buffalo Creek (Polk County)
- Buffalo River
- Caddo River
- Clabber Creek
- Cossatot River
- Current River
- Devils Fork Little Red River
- Ditches, sloughs, and bayous in the St. Francis River basin
- Eleven Point River
- Fiddler's Creek (Montgomery County)
- Fourche LaFave River (Scott County)
- Frog Bayou
- Gailey Hollow (Benton County)
- Healing Spring (Washington County)
- Illinois River
- Irons Fork Ouachita River (Montgomery and Yell counties)
- L'Anguille River
- Left Hand Chute Little River
- Little Missouri River
- Little River
- Middle Fork Little Red River
- Middle Fork Saline River
- Mississippi River (only instream activities apply)
- Mountain Fork Little River
- Muddy Creek (Montgomery County)
- Mulberry River
- Myatt Creek (Fulton County)
- North Fork Ouachita River
- North Fork Saline River

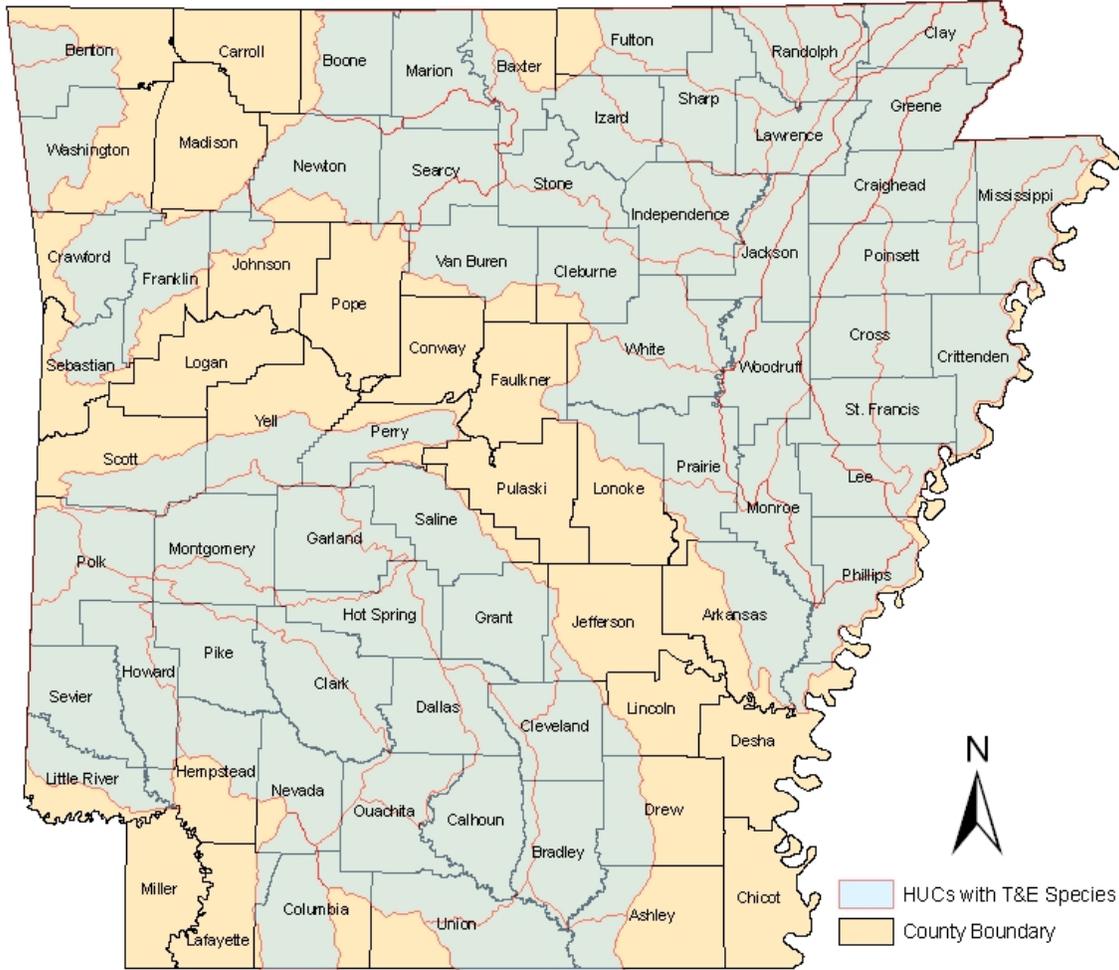
- Osage Creek and spring fed tributaries
- Ouachita River
- Palmer Hollow (Benton County)
- Poteau River
- Right Hand Chute Little River
- Robinson Creek
- Saline River (both Saline Rivers)
- Spring River
- South Fork Little Red River
- South Fork Ouachita River
- South Fork Saline River
- South Fork Spring River
- St. Francis River
- Strawberry River
- Turkey Creek (Little Red River)
- Tyronza River
- White River (downstream of Batesville)
- Wildcat Creek (Washington County)
- Wilson Spring (Washington County)

- Yes **See instructions below.**
- No **Proceed to Step 5.**

If you answered “Yes” to Step 4, a concurrence letter from the U. S. Fish and Wildlife Service must accompany your ADEQ permit application package. **MUSSEL SURVEYS MAY BE REQUIRED BY THE U. S. FISH AND WILDLIFE SERVICE PRIOR TO THEIR CONCURRENCE ON THE PROJECT. AT MINIMUM, YOU MUST PROPERLY INSTALL AND MAINTAIN EROSION CONTROLS MEASURES AT THE ONSET OF GROUND DISTURBING ACTIVITIES UNTIL 95% OF BARE ERODIBLE SOILS ARE REVEGETATED OR OTHERWISE DEVELOPED (i.e., impervious surfaces).** Planning ahead is strongly advised in this situation. Any and all other endangered species issues will be evaluated when your information is submitted to the U.S. Fish and Wildlife Service.

The following map shows watershed boundaries and counties for the above referenced stream.

Arkansas Watersheds with Federally Listed or Candidate Species



U. S. FISH AND WILDLIFE SERVICE
 110 South Amity Road, Suite 300
 Conway, Arkansas 72032
 Tel.: 501/513-4470 Fax: 501/513-4480

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STEP 5

Does your project occur within 0.5 mile of the Arkansas River, White River, Mississippi River, or Red River?

- Yes **Follow instructions below.**
No **Proceed to Step 6.**

If you answered “Yes” and are willing to implement the recommendations below, a concurrence letter from the U. S. Fish and Wildlife Service is not necessary and you can proceed to Step 6. If you are unable to implement the guidelines below, a concurrence letter from the U. S. Fish and Wildlife Service should accompany your ADEQ permit application package. Implementing the following U. S. Fish and Wildlife Service guidelines to will prevent harassment and/or harm of Interior Least Tern populations.

1. The critical nesting period for the Interior Least Tern is between 15 May and 1 August. Nesting may extend beyond these dates depending on river stage elevations. If surveys reveal Interior Least Tern breeding activities within 0.5 mile of a proposed activity during this time period, no activity should proceed unless otherwise approved by the U. S. Fish and Wildlife Service (501-513-4470).
2. No activities should take place closer than 1,000 feet of the shoreline of a nesting colony location. The U. S. Fish and Wildlife Service should be contacted for further consultation if activities are to proceed within 1,000 feet of the shoreline of a nesting colony location. Limited construction outside of the active nesting season may not affect Interior Least Tern. Detailed project description, designs, and construction date information is necessary for U. S. Fish and Wildlife Service concurrence.
3. Employees and/or contractors should be instructed that under no circumstances (other than emergencies) are they permitted on a nesting island during the aforementioned time period and until after the young have fledged.
4. If, in the process of conducting work, an Interior Least Tern colony is discovered at another location in the vicinity, the above restrictions apply to that colony as well. The U. S. Fish and Wildlife Service should be contacted for consultation and to determine if further action would have any affect.
5. Further consultation with the U. S. Fish and Wildlife Service may be necessary and should be requested if any of these criteria can not be met.

Proceed to Step 6.

STEP 6

Does your project occur within Arkansas, Desha, Monroe, Phillips, Prairie, or Woodruff counties **AND** occur in one or more of the following locations?

1. The mostly contiguous forest primarily in the lower White River floodplain encompassing the U. S. Fish and Wildlife Service’s Cache River and White River National Wildlife Refuges, the Arkansas Game and Fish Commission’s Dagmar and Wattensaw Wildlife Management Areas, and adjacent forested private lands. The Ivory-billed Woodpecker potential range generally follows the edge of the large, contiguous forest but also includes:
 - a. Forested corridors containing potentially suitable habitat extending outward from the edge of the core contiguous forest until the width decreases to less than 0.25 mile for a distance of more than 0.25 mile, and
 - b. Forested corridors containing potentially suitable habitat along Bayou DeView and Bayou LaGrue extending upstream about ten miles from the forest core.
2. The batture lands of the Mississippi River extending from the vicinity of the mouth of the White River to about 8 – 10 miles south of the mouth of the Arkansas River in Desha County, AR.
3. The forest encompassing the AGFC Black Swamp WMA and Cache River NWR, and adjacent forested private lands.
4. The portions of the lower Arkansas River floodplain inside the levees in Desha, Lincoln, and Jefferson counties from the confluence of the Arkansas and Mississippi rivers to about 12 miles upstream of Dam 2.

Yes **See instructions below.**

No **Proceed to Step 7.**

If you check “Yes” to Step 6, a concurrence letter from the U. S. Fish and Wildlife Service should accompany your permit application package. Planning ahead is strongly advised in this situation. **The U. S. Fish and Wildlife Service may require surveys and more detailed consultation.** Any and all other endangered species issues will be evaluated when your information is submitted to the U.S. Fish and Wildlife Service.

STEP 7

Does your project occur within the area defined below in Crawford, Franklin, Johnson, Logan, Sebastian, Scott, or Yell counties and include three or more acres of ground disturbance?

- Yes **See instructions below.**
No **Proceed to Step 8.**

Projects resulting in a ground disturbance of three acres or more in areas shaded in light gray in the figure below or private in-holdings within publicly-owned properties (dark gray shaded areas) and not meeting one of the habitat characteristics listed below must complete an American Burying Beetle survey, and possibly trap and relocation if presence is detected, prior to permit issuance. The following is a description of the boundary for the ABB survey area:

Crawford County: Beginning where Interstate 40 crosses the Arkansas/Oklahoma state line, follow the state line north to the Ozark National Forest boundary west of Uniontown, Arkansas. At this point, follow the Ozark National Forest boundary east to Old 88 Road and then south Arkansas Highway 60 South to its junction with Arkansas Highway 348. Follow Arkansas Highway 348 west of Rudy, Arkansas, east to Arkansas Highway 282. Follow Arkansas Highway 282 east to U.S. Highway 71 and then north along U.S. Highway 71 to Mountainburg, Arkansas. At this point, follow the Ozark National Forest boundary south and then east to the Crawford County line. Follow the Crawford County line south and then west to Arkansas Highway 59 south of Van Buren, Arkansas. Follow Arkansas Highway 59 north to Interstate 540; follow Interstate 540 to Interstate 40. Follow Interstate 40 west to the beginning point at the Arkansas/Oklahoma state line.

Franklin County: Beginning at the Crawford and Franklin County line and the southern boundary of the Ozark National Forest west of Piney, Arkansas, follow the Ozark National Forest boundary east to the Franklin County line. All of Franklin County south of these two points is included in the ABB survey area.

Johnson County: Beginning at the Franklin and Johnson County line and southern boundary of the Ozark National Forest southwest of Oak Grove, Arkansas, follow the Ozark National Forest boundary east to the Johnson and Pope County line. All of Johnson County south of these two points is included in the ABB survey area.

Logan County: Beginning at Arkansas Highway 22, the area extends north of Arkansas Highway 22 to the Arkansas River (county line). All areas in Logan County west of Arkansas Highway 309, extending south from Paris, Arkansas to the Logan and Yell county line is included in the area.

Sebastian County: Beginning at the Arkansas/Oklahoma state line near Enterprise, Arkansas (south of Fort Smith), the area extends northeast along Arkansas Highway 45 from Enterprise to Interstate 540 North. From this point follow Interstate 540 north to Phoenix Avenue. Follow Phoenix Avenue east to Arkansas Highway 22 and then follow Arkansas Highway 22 eastward to Arkansas Highway 59 near Barling, Arkansas. Continue north along Arkansas Highway 59 to the Arkansas River. The boundary follows the Sebastian County line from this point to Arkansas Highway 96 at Mansfield,

Arkansas. Follow Arkansas Highway 96 west to the Arkansas/Oklahoma state line (west of Hartford) and then north to the beginning point near Enterprise, Arkansas.

Scott County: Beginning at the Yell and Scott County line in Scott County, follow Arkansas Highway 80 to U.S. Highway 71 Business (in Waldron, Arkansas). From this point, follow U.S. Highway 71 Business to U.S. Highway 71 north to Elm Park, Arkansas. From Elm Park, Arkansas follow Arkansas Highway 378 to the Scott and Sebastian County line. All areas north and east of these highways are included in the area.

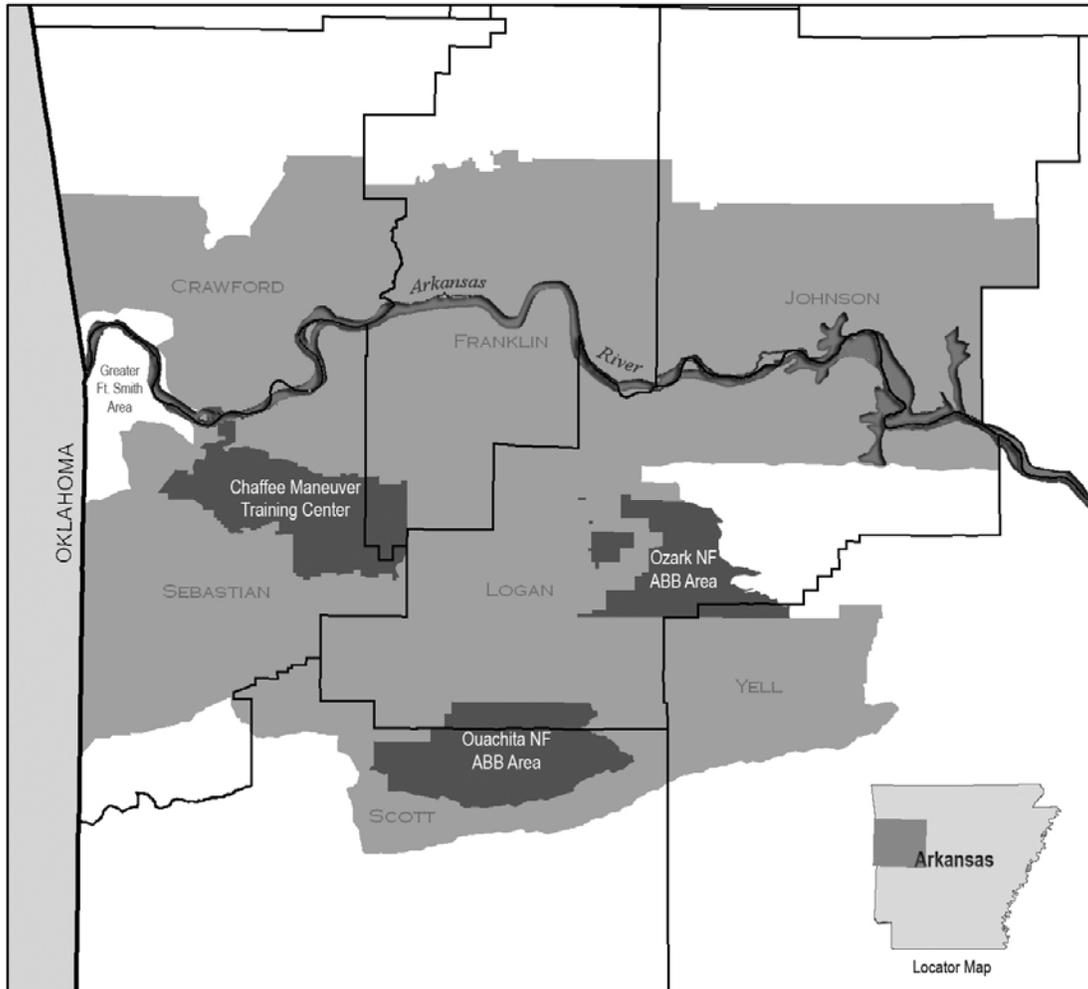
Yell County: Beginning at the Logan and Yell County line in Yell County, the area extends east from Blue Mountain, Arkansas, along the southern boundary of the Ozark National Forest to Arkansas Highway 307. The eastern boundary follows Arkansas Highway 307 south from the Ozark National Forest boundary to Bellville, Arkansas and then Yell County Road 17 to Shark, Arkansas. Arkansas Highway 80 from Shark, Arkansas to the Yell and Scott County line forms the southern boundary of the area.

Please include site photographs or other supporting information to help the Service further evaluate whether these characteristics are present. In general, but not limited to, any one of the following project characteristics exclude the need to conduct an American Burying Beetle survey:

1. Projects with less than three acres of soil disturbance.
2. Soil that is greater than 70 percent sand.
3. Soil that is greater than 70 percent clay.
4. Land where greater than 80 percent of the soil surface is comprised of rock.
5. Land where greater than 80 percent of the subsurface soil structure within the top four inches is comprised of rock.
6. Land that has already been developed and no longer exhibits topsoil or leaf litter.
7. Land that is tilled on at least an annual basis.
8. Land that meets the U.S. Army Corps of Engineers definition of wetland.
9. Pine plantations planned for mechanical treatment where stocking density is 750 or more trees per acre (little sunlight to forest floor).
10. Shortleaf pine or mixed pine-hardwood forest stands with 110 square feet per acre or greater overstory basal area and more than 700 stems per acre occupying midstory and understory positions.
11. Land that is bordered by dense urban development (when in doubt request Service concurrence).
12. Dense cedar thickets.

The Service evaluates numerous other project characteristics such as type, duration, permanency, land use, location, time/season, and habitat to determine if a survey is required. If you have questions regarding the need for a survey, please contact the U. S. Fish and Wildlife Service at 501-513-4470. **American Burying Beetle surveys can only be conducted between May 20 and September 20 and are valid for one year. Please plan ahead.** If you answered “Yes” to Step 7, a concurrence letter from the U. S.

Fish and Wildlife Service should accompany your permit application package. Any and all other endangered species issues will be evaluated when your information is submitted to the U.S. Fish and Wildlife Service.



STEP 8

Does your project occur in Ashley, Bradley, Clay, Drew, Izard, Jackson, Lawrence, Washington, or Woodruff counties **AND** are one or more of the following federally listed plants present (Virginia Sneezeweed, Missouri Bladderpod, Pondberry, Running Buffalo Clover, and/or *Geocarpon minimum*). Should one of these plants be discovered on the property during project implementation, see instructions below and contact U. S. Fish and Wildlife Service for additional technical assistance to avoid violating the prohibitions of section 9 of the Endangered Species Act.

- Yes **See instructions below.**
No **Proceed to the Certification section.**

1. Avoid use of pre-emergent herbicides in areas with federally listed species and state species of concern.
2. Avoid herbicide use at any known site inhabited by federally listed plants during the following time periods:
 - a. Virginia Sneezeweed (*Helenium virginicum*): Spring “green up” until first frost.
 - b. *Geocarpon minimum*: February through June.
 - c. Missouri Bladderpod (*Physaria (Lesquerella) filiformis*): July through September
 - d. Pondberry (*Lindera melissifolia*): Bud inhibitor agents could damage plants during December through February. Plants flower in early spring before leaves are active, avoid herbicide applications from flowering through February.
 - e. Running Buffalo Clover (*Trifolium stoloniferum*): August through February.
 - f. Harparella (*Ptilimnium nodosum*): May through October. Since this species occurs in stream channels and is typically underwater during this time, we assume it is dormant. It begins growing as stream waters recede in the spring and flowers and fruits in the summer when water in the stream channel is low.
3. Maintain native glade and sinkhole pond vegetation by minimizing or avoiding activities in this habitat type.
4. Pondberry is a wetland plant that is often found in sand pond habitats in eastern Arkansas, low sandy ridges in hardwood bottoms in the St. Francis Sunken Lands, and in the Ouachita River bottoms. BMPs directed toward minimizing runoff and erosion or introduction of contaminants into these areas should be employed.

If you answered “Yes” to Step 8 AND cannot implement the four recommendations listed above OR the project will have direct impacts on federally listed plants, contact the U. S. Fish and Wildlife Service for conservation recommendations prior to project implementation. Any and all other endangered species issues will be evaluated when your information is submitted to the U.S. Fish and Wildlife Service.

STEP 9

There are currently no federally listed threatened or endangered species present in the area of your project.

CERTIFICATION

If you are able to implement the recommendations in this checklist, disturbance of federally listed endangered and threatened species is unlikely. If you can not adopt these recommendations, we suggest that you contact the U. S. Fish and Wildlife Service’s Arkansas Field Office for further assistance in determining whether your activity may disturb federally listed species.

_____ (initial) “I certify that, to the best of my knowledge and belief, all of the information on and attached to this evaluation form is correct, complete, and made in good faith.”

_____ (initial) “I understand that false or fraudulent information on or attached to this evaluation form may subject me to criminal or civil prosecution should the provisions of the Endangered Species Act or Bald and Golden Eagle Protection Act be violated.”

_____ (initial) “I understand that any information given may be verified.”

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Print Name and Title

Signature

Date

We recommend printing this evaluation, signing and dating it, submitting copies to the U.S. Fish and Wildlife Service (address listed on page 1) and the Arkansas Department of Environmental Quality, and keeping a copy for your records.