



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Mississippi Ecological Services Field Office  
6578 Dogwood View Parkway, Suite A  
Jackson, Mississippi 39213  
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14 August 2024

IN REPLY REFER TO:  
2024-0112560

Taylor Piefke  
USACE, Vicksburg District  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

Dear Mr. Piefke:

The Fish and Wildlife Service (Service) has reviewed your correspondence received July 19, 2024 regarding the proposed Arkabutla Dam Safety Modification Study Project located in DeSoto and Tate counties, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d).

The Service agrees to serve as a cooperating agency on this project and agrees to provide fish and wildlife resources information, to review all environmental documents, and to participate in any coordination meetings as they relate to this project.

The proposed project is within the range of two endangered species and two species proposed for federal listing under the ESA. Although proposed species do not receive federal protections prior to listing, the Service recommends taking precautions to avoid and minimize impacts to these species.

The northern long-eared bat (*Myotis septentrionalis*; NLEB) was reclassified from threatened to endangered on November 30, 2022, and the Final Rule for the species went into effect March 31, 2023. Projects implemented between March 31, 2023 and late summer 2024 fall under the interim guidance framework developed by the Service. For additional information on the interim guidance framework and tools available to stakeholders, please visit the NLEB [website](#). On September 13, 2022, the Service announced a proposal to list the tricolored bat (*Perimyotis subflavus*; TCB) as endangered.

Both NLEB and TCB spend the maternity season in forests and hibernate in caves, mines, and under bridges. The existing outlet of the dam may also serve as suitable hibernation habitat. If tree clearing is expected, then based on the interim guidance framework, the Service has determined the proposed project is consistent with a “may affect, but is not likely to adversely

affect” determination for NLEB. As a best management practice for both NLEB and TCB, the Service recommends that any tree removal activities required for this project NOT take place during the maternity season which runs from May 15 – July 31 in northern Mississippi. The Service also recommends that any construction related to abandoning the existing outlet at Arkabutla Lake (e.g. filling in or sealing of the existing outlet) NOT take place during the hibernation season which runs from November 16 – March 14. Please contact this office prior to construction, as surveys may be necessary.

Alligator snapping turtle (*Macrochelys temminckii*; AST), an aquatic turtle associated with large perennial bodies of water, may be present at the site— especially in the old river channel downstream of the existing outlet. Filling in the old channel may cause direct take of AST which are currently proposed for listing as threatened under the ESA. Although this species does not currently receive federal protections, the Service recommends avoiding impacts to both turtle nesting and to adult turtles. Nesting occurs in the spring and summer months in wetlands and along the banks of perennial water bodies, with nests sometimes detected on dams and other water control structures. Concentrating on-bank construction efforts to mid-September through mid-April will reduce impacts to AST. During the winter, adult AST generally congregate near woody debris in deep pools of waterbodies. To avoid impacts to adult turtles, the Service recommends scheduling in-stream work (i.e. filling in of the old channel below the existing outlet) to occur during the warmer months when turtles can flee the area. To further avoid impacts to AST, the Service recommends only filling in the old channel from the existing dam outlet to as far downstream as the lower end of the riprapped banks and leaving the remaining length of the old channel as-is to create backwater habitat which may serve as suitable habitat for AST. Please contact this office prior to beginning construction, as AST relocation may be necessary.

The endangered pondberry (*Lindera melissifolia*) is a plant that occurs in seasonally flooded wetlands and swampy depressions, especially in forested areas. Common threats to this species include habitat destruction, population fragmentation, and altered hydrologic regimes. The Service recommends avoiding impacts to riparian wooded areas. If impacts cannot be avoided, then surveys for pondberry may be necessary—namely during the warm season—as this is a deciduous plant. When selecting sediment borrow pits, opting for land that is already cleared and mowed or maintained as cropland would reduce the likelihood that pondberry would be present at the site.

Bald eagles (*Haliaeetus leucocephalus*) are found within the project area and are protected under the BGEPA. During project construction, on-site personnel should be informed of the possible presence of nesting bald eagles near the project boundary, and should identify, avoid, and immediately report any such nests to this office. If an active or inactive eagle nest is discovered within two miles of the project footprint, then follow the [bald and golden eagle guidelines](#) to determine whether disturbance will occur and/or an incidental take permit is needed.

The Service recommends following [best management practices for mining](#) when obtaining sediments from the clay and sand borrow pits, and recommends reseeding using only using native vegetation. For more information about native grass restoration in Mississippi, please consider this [resource](#) from Mississippi State University Extension Service.

The Service appreciates your coordination on this project and looks forward to continuing to work collaboratively to avoid and minimize impacts to species and habitats. Please contact our

office if there are any changes to the project plan which may result in additional threats to wetlands or federally protected species.

If you have any questions, please contact Ashley Ruppel in our office, telephone: (769) 487-6634, email: [Ashley\\_S\\_Ruppel@fws.gov](mailto:Ashley_S_Ruppel@fws.gov) or visit our [website](#).

Sincerely,

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James A. Austin  
Field Supervisor  
Mississippi Field Office