

City of Fayetteville Staff Review Form

2020-0366

Legistar File ID

5/19/2020

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

4/24/2020

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval to enter into a stream restoration and easement agreement with the Watershed Conservation Resource Center (WCRC) for the continuation of the West Fork White River stream restoration on property currently owned by the Fayetteville Municipal Airport

Budget Impact:

Account Number	Fund						
Project Number	Project Title						
Budgeted Item? <u>Yes</u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Current Budget</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Funds Obligated</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Current Balance</td> <td style="text-align: right;">\$ -</td> </tr> </table>	Current Budget	\$ -	Funds Obligated	\$ -	Current Balance	\$ -
Current Budget	\$ -						
Funds Obligated	\$ -						
Current Balance	\$ -						
Does item have a cost? <u>No</u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Item Cost</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Budget Adjustment</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Remaining Budget</td> <td style="text-align: right;">\$ -</td> </tr> </table>	Item Cost	\$ -	Budget Adjustment	\$ -	Remaining Budget	\$ -
Item Cost	\$ -						
Budget Adjustment	\$ -						
Remaining Budget	\$ -						
Budget Adjustment Attached? <u>No</u>							

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



TO: Lioneld Jordan, Mayor

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director
Chris Brown, City Engineer

FROM: Alan Pugh, Staff Engineer

DATE: April 24, 2020

SUBJECT: Approval to enter into a stream restoration and easement agreement with the Watershed Conservation Resource Center (WCRC) for the continuation of the West Fork White River stream restoration on property owned by the Fayetteville Municipal Airport

RECOMMENDATION:

Staff recommends approval to enter into a stream restoration and easement agreement with the Watershed Conservation Resource Center (WCRC) for the continuation of the West Fork White River stream restoration on property owned by the Fayetteville Municipal Airport.

BACKGROUND:

Several years ago the Watershed Conservation Resource Center (WCRC) began working with local partners to develop a grant program referred to as the Regional Conservation Partnership Program (RCPP). This grant was proposed to use United States Department of Agriculture Natural Resource Conservation Service (NRCS) funds referred to as PL-566 to restore sections of the West Fork White River and implement other water quality and protection measures within the watershed. The grant application was submitted in July of 2015 and was ultimately successful in securing approximately \$4.3 million in federal funding. This federal funding was matched by \$4.5 million in local funding by 14 partners supporting the project including the City of Fayetteville. In October of 2016 the contract for funding was signed and the project officially began. While the greatest focus on the phase of the project was the middle third of the West Fork White River, one project is located partially within the City of Fayetteville as described further below.

DISCUSSION:

This particular stream restoration area began in 2005 when the WCRC was awarded a NRCS grant to address sediment sources within the West Fork White River Watershed. One of the objectives of that particular grant was to prioritize unstable reaches with accelerated streambank erosion for restoration. Twenty nine reaches were identified as needing restoration and then ranked according to severity. This location was identified as the second highest priority as a part of the project. The initial phase of the project was completed in 2014 using funding from both the City of Fayetteville, the Arkansas Natural Resources Commission (ANRC) and other local project partners. However, due to funding limitations the entire reach could not be

completed. At this time, the WCRC proposes to complete this portion of the West Fork White River using the grant received in 2016.

In order to receive this funding, NRCS requires agreements with each landowner to be able to construct and maintain the stream restoration area.

BUDGET/STAFF IMPACT:

While the project is anticipated to cost approximately \$500,000, there is no budget impact for this request. The City of Fayetteville pledged in-kind matching funds including a portion of those dollars spent on our USGS Stream Monitoring program and the Municipal Separate Storm Sewer System (MS4) education program to aid in securing the grant.

Attachments:

Stream Restoration and Easement Agreement
Stream Restoration Work Plan

Prepared by and Return to:

Nathan R. Finch
Wright, Lindsey & Jennings LLP
200 W. Capitol Ave., Suite 2300
Little Rock, Arkansas 72201
(501) 371-0808

STREAM RESTORATION AND EASEMENT AGREEMENT

This Stream Restoration and Easement Agreement (this “**Agreement**”) is entered into by the Watershed Conservation Resource Center (“**WCRC**”), an Arkansas non-profit corporation, and the CITY OF FAYETTEVILLE, a municipal corporation, and its heirs, successors and assigns (“**City**”), with property affecting certain reaches of the West Fork of the White River and located in Washington County, Arkansas. WCRC is a non-profit corporation that has received funding from the United States Department of Agriculture, Natural Resources Conservation Service (“**NRCS**”) under the Regional Conservation Partnership Program (“**RCPP**”) as supported, in part, by Public Law (“**PL**”) 83-566. The funding is to conduct the West Fork White River (“**WFWR**”) Watershed Initiative, a component of which is set forth below. Beaver Water District (“**BWD**”), a Regional Water Distribution District, is the Local Sponsoring Organization for purposes of the PL portion of the WFWR Watershed Initiative.

A. PURPOSE

The purpose of this Agreement is to establish requirements and a general framework for cooperation between the WCRC and the City regarding the construction and maintenance of a stream restoration project to be implemented by the WCRC as part of its WFWR Watershed Initiative under the PL 83-566 Program. The stream restoration project, based on natural channel design principles, will be implemented on a portion of the WFWR and its tributaries that flow through City’s property or next to City’s property. The intent of the stream restoration project is to reduce streambank erosion and improve aquatic and terrestrial habitat in the WFWR. This stream restoration project will not involve any flood control or related activity.

B. AGREEMENT

The WCRC strives to protect, conserve, and restore natural resources by utilizing a watershed approach, conducting environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC and the City agree that each are mutually interested in the creation and implementation of a stream restoration project that will stabilize the WFWR, its tributaries, and the surrounding terrain in a manner that is environmentally and ecologically sustainable. The WCRC and the City more specifically agree that:

1. **City Property.** City is the owner of certain real property located in Washington County, Arkansas, as shown generally on Exhibit A and as more particularly described in Exhibit B both of which are attached hereto and incorporated herein by reference (collectively, the “**City Property**”). The City Property contains approximately 180 acres.

2. Project Area. WCRC will construct certain improvements and perform other work to restore certain streams, wetlands, and buffer areas on or adjacent to a portion of the WFWR and its tributaries (hereinafter, the “**Project Area**”), as shown on Exhibit A attached hereto and incorporated herein by reference. The Project Area includes all, or portions of, the City Property, as well as other properties necessary for completion of the Project (defined below).
3. Project. WCRC’s work on the City Property shall be contained within the Restoration Easement (as defined below), and shall be limited to the following activities, hereinafter referred to as the “**Project**”:
 - a. collecting data related to the restoration of the WFWR and its tributaries in the Project Area, including the rate of lateral streambank erosion;
 - b. designing a site plan for restoration of certain reaches of the WFWR and its tributaries that flow through or next to the City Property;
 - c. implementing the design for restoration of certain reaches of the WFWR and its tributaries that flow through or next to the City Property (hereinafter, the “**Restoration Easement**”), as depicted on Exhibit B, attached hereto and incorporated herein by reference; and
 - d. conducting periodic monitoring and maintenance on the Restoration Easement as needed for twenty (20) years as provided for by the Natural Resources Conservation Service Conservation Practice Standards for Streambank and Shoreline Protection in Code 580 (the "NRCS Standards").
4. Access and Restoration Easements. City, for and in consideration of the sum of One and No/100 Dollars (\$1.00), and other good and valuable consideration paid by WCRC, the receipt and sufficiency of which is hereby acknowledged, does hereby, subject to prior recorded mortgages and easements, if any, grant, bargain, sell and convey unto WCRC, and unto its successors and assigns, the following described easements:
 - a. for ingress and egress upon and across that section of the City Property necessary to access the Restoration Easement, at all reasonable hours of the day or night, without further specific notice to the City or the City’s agents, and with right to remove obstructions interfering with such access, hereinafter the “**Access Easement**,” as depicted on Exhibit B;
 - b. for all purposes related to the design and construction of the Project on the City Restoration Site including, but not limited to, the ongoing restrictions on City’s use of the Restoration Easement in Section 6 of this Agreement with respect to WCRC’s monitoring, maintenance, and data collection; and for providing education and outreach to the scientific community;
 - c. the Access Easement and Restoration Easement (collectively, the “Easements”) shall run with the land beginning on the Commencement Date and continuing for a term of twenty (20) years from the completion of the construction which is anticipated to be no later than 12/31/22; and
 - d. WCRC forever disclaims any interest by prescription or adverse possession as to any land owned or claimed by the City
5. Permits. City will cooperate with WCRC in its efforts to obtain any permits or approvals required for implementation of the Project. City will execute such documents and authorizations as may be necessary for WCRC to obtain said permits or approvals.

6. Maintenance. City acknowledges that it is essential to the success of the Project that WCRC conduct periodic monitoring and maintenance of the Restoration Easement for twenty (20) years as provided for in the NRCS Standards. City will neither disturb the Restoration Easement, nor knowingly allow any other person to disturb the Restoration Easement, in any way that might interfere with the Project and its efforts to reduce streambank erosion and improve aquatic and terrestrial habitat in the WFWR, including but it in no way limited to: (1) removing or damaging vegetation; (2) removing rocks or disturbing structures; (3) removing gravel; (4) removing or modifying the stream, wetland, or buffer landscape; (5) permitting livestock or motorized vehicles of any kind to access the Restoration Easement; (6) dumping material of any kind; or (7) building structures of any kind. In the event a violation of these terms, conditions, or restrictions is found to exist, WCRC may, after thirty (30) days' notice to City, institute a suit to enjoin such violation by temporary or permanent injunction, as shall be approved by a court of competent jurisdiction, and to require restoration of the Restoration Easement to its restored condition or for damages.

7. Repairs to City Property. Upon completion of the Project on the City Property, WCRC will restore those portions of the City Property described in the Access Easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner. This restoration will include, but not be limited to:
 - a. repairing or replacing any damaged or removed fences with materials of like quality; and
 - b. repairing or replacing any trees damaged or removed that were not a part of the Restoration Easement, provided that any replacement trees shall be at least 1-inch caliper trees of the same or similar species.

8. Project Explanation. City acknowledges and agrees that the Project has been fully explained to City by WCRC and that City understands and accepts the parameters of the Project and the foregoing conditions.

9. Indemnification. Reasonable precautions will be exercised by the WCRC to avoid damage to persons and property. This is, however, a stream restoration project that utilizes a natural channel design approach and conditions that are beyond the control of WCRC may affect the stability of the stream, wetland, or buffer area restoration. The WCRC will indemnify and hold harmless the City from any and all claims, causes of action, judgments, or costs that may arise with respect to the City Property as a direct result of WCRC's actions in completing this Project, but not for those caused by the negligence or intentional conduct of City or City's agents, assigns, employees, or invitees. WCRC will hold harmless the City for all accidents, injuries, or other mishaps that may befall WCRC's representatives while on the City Property, unless such injuries are deliberately inflicted or directly caused by the City or by the City's agents, assigns, employees, or invitees.

10. Insurance. WCRC agrees that at its own cost and expense it will maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$1,000,000 for damage or destruction to property in any one occurrence. WCRC agrees that it will include City as an additional insured on such policies.

9. Heirs, Personal Representatives, Successors, and Assigns. This Agreement shall be binding upon and inure to the benefit of WCRC and City and to their respective heirs, personal representatives, successors, and assigns.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arkansas.
11. Freedom of Information Act (FOIA). Records furnished to the WCRC under this Agreement are subject to the federal Freedom of Information Act, 5 U.S.C. § 552 and the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101, *et seq.*
12. Modification. Modifications to this Agreement shall be made in writing by mutual consent of City and WCRC.
13. Commencement and Implementation Dates. This Agreement is executed as of the date of the last signature (the “**Commencement Date**”) and remains in full force and effect for twenty (20) years beginning on the date the streambank restoration work is completed in accordance with the NRCS Standards (the “**Implementation Date**”).
14. Principle Contacts. The principal contacts for this Agreement are:

If to WCRC:

Sandi J. Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, Arkansas 72701
Phone: (501) 352-5252
Fax: (928) 396-2546
E-mail: formica@watershedconservation.org

If to City:

Summer Fallen, Airport Services Manager
City of Fayetteville
4500 South School Ave., Suite F
Fayetteville, AR 72701
Phone: (479) 718-7644
E-mail: sfallen@fayetteville-ar.gov

15. No Waiver. A waiver by either party of any breach of this Agreement by the other party shall not be construed as a waiver of any such subsequent breach by such party of the same or any other provisions of this Agreement.
16. Partial Invalidity. If any portion of this Agreement shall be held invalid or void, the remainder of this Agreement shall not be affected but such portion shall be deemed modified to the extent necessary to render such provision enforceable under the law, and this Agreement shall remain valid and enforceable as so modified. In the event that the provision may not be modified in such a way as to make it enforceable, the Agreement shall be construed as if the portion so invalidated was not part of this Agreement.
17. Headings. The headings used in this Agreement are for reference purposes only and shall not be deemed a substantive part of this Agreement.

18. Good Faith. The parties agree that in regards to all of their respective dealings under this Agreement, they shall act fairly and in good faith.
19. Further Assurances. WCRC and City shall cooperate and take such actions and execute and deliver such documents as may be reasonably necessary to carry out the provisions and purposes of this Agreement.
20. Entire Agreement. This Agreement contains all the terms, conditions, and provisions pertaining to the Project, there not being other understandings, agreements, warranties, express or implied, relative to the Project that are not fully expressed herein.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties have duly executed this Agreement:

**CITY OF FAYETTEVILLE, ARKANSAS, a
Municipal Corporation:**

By: _____
Lioneld Jordan, Mayor

Date: _____

ATTEST:

By: _____
Kara Paxton, City Clerk-Treasurer

[SEAL]

STATE OF ARKANSAS

COUNTY OF WASHINGTON

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan** and **Kara Paxton**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk-Treasurer**, respectively, of the **City of Fayetteville, Arkansas, a Municipal Corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said City of Fayetteville, Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 20__.

Notary Public

My Commission Expires:

**WATERSHED CONSERVATION
RESOURCE CENTER,**
an Arkansas non-profit corporation

By: *Sandi J. Formica*
Sandi J. Formica, Executive Director

Date: April 24, 2020

STATE OF ARKANSAS

COUNTY OF WASHINGTON

On this 24th day of April 2020, before me, Lori Linn, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named Sandi J. Formica (being the person or persons authorized by said entity, to execute such instrument, stating their respective capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that they were the Executive Director of the Watershed Conservation Resource Center, an Arkansas non-profit corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said entity, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 24th day of April 2020.

Lori Linn
Notary Public

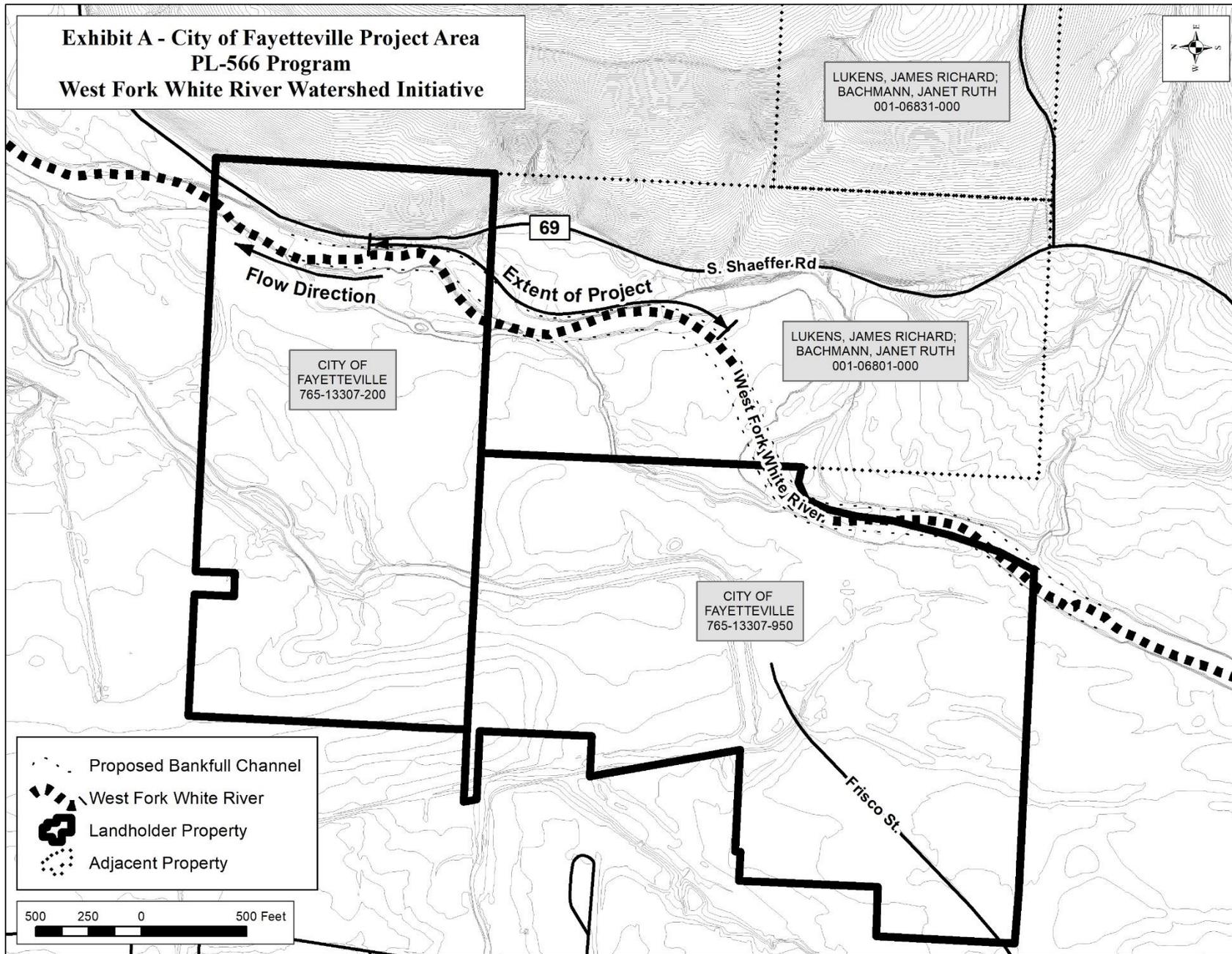
My Commission Expires:

4-15-2029



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EXHIBIT A



Schedule A-1

South Parcel

A parcel of real property located in Washington County, Arkansas, more particularly described as follows:

The South Half of the Southeast Quarter, the Northeast Quarter of the Southwest Quarter, and one acre more or less in the northeast corner of the Southeast Quarter of the Southwest Quarter bounded by a line beginning at the northeast corner of said forty acre tract and running thence west fifteen (15) rods, thence south eleven (11) rods, thence east fifteen (15) rods, thence north eleven (11) rods to the place of beginning; all being in **Section Four (4), Township Fifteen (15) North, Range Thirty (30) West of the 5th P.M. and containing in all One Hundred Twenty-One (121) acres, more or less.**

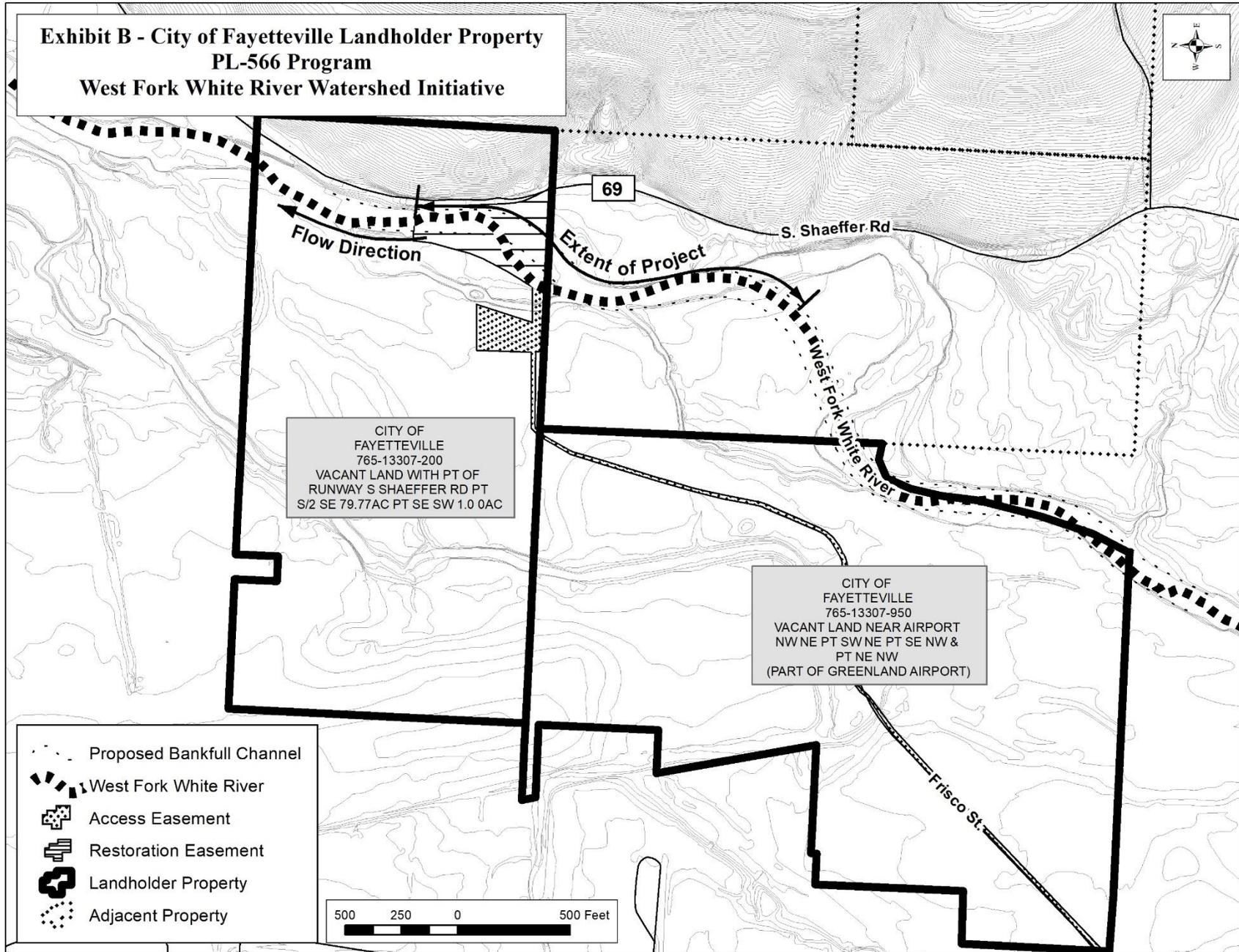
North Parcel

A parcel of real property located in Washington County, Arkansas, more particularly described as follows:

The West half of the Northeast Quarter, except Seven (7) acres, more or less, lying East of the center line of the West Fork of the White River, containing Seventy-Three (73) acres, more or less; also part of the East half of the Northwest quarter described as being the South Twenty-Five (25) feet of the East Five Hundred Thirty (530) feet of the Northeast Quarter of the Northwest Quarter and the East Eight Hundred Ninety-One (891) feet of said Southeast quarter of the Northwest quarter, less and except a triangular parcel in the Northwest corner thereof, which is more particularly described as follows: Beginning at the Northwest corner of the East Eight Hundred Ninety-One (891) feet of said Southeast quarter of the Northwest Quarter, and running, thence East Fifty and Nine Tenths (50.9) feet thence Southwesterly to a point which is Fifty-Two (52) feet south of the point of beginning, thence North to the point of beginning, containing Twenty-Seven (27) acres, more or less, all in **Section Nine (9), Township Fifteen (15) North, of Range Thirty (30) West, containing One Hundred (100) acres, more or less.**

Subject to easements, rights-of-way, and protective covenants of record, if any.

EXHIBIT B



Schedule B-1

The Restoration Easement described herein is conveyed to the Watershed Conservation Resource Center, its successors and assigns, and covers a portion of the tract described in the Warranty Deed recorded in Book 534, Page 266 in the real property records of Washington County, Arkansas, which is depicted on Exhibit A attached hereto, with the Restoration Easement beginning at the point where the western right of way of Washington County Road 69 (S. Schaeffer Rd.) intersects the southern boundary of said tract and running north approximately Five Hundred (500) feet along Washington County Road 69, then east approximately Two Hundred (200) feet, then south approximately Seven Hundred Fifty (750) feet to the southern boundary of said tract, then east to the point of beginning, as more particularly delineated on this Exhibit B, containing Five (5) acres, more or less.

The Access Easement described herein is conveyed to the Watershed Conservation Resource Center, its successors and assigns, and covers a portion of that tract described in the Warranty Deed recorded in Book 355, Page 359 in the real property records of Washington County, Arkansas, which is depicted on Exhibit A attached hereto, beginning at the southwest corner of said tract a Thirty (30) foot wide easement for ingress and egress over Frisco Street to its terminus then in a northeasterly direction along an existing dirt road to the northeast corner of said tract, then continuing over a portion of that tract described in the Warranty Deed recorded in Book 534, Page 266 in the real property records of Washington County, Arkansas, which is depicted on Exhibit A attached hereto, beginning at the approximate midpoint of the southern boundary of said tract the Thirty (30) foot wide easement for ingress and egress continues east along said southern boundary for approximately Three Hundred Seventy-Five (375) feet to an area that is approximately Three Hundred Seventy-Five (375) feet by Three Hundred Seventy-Five (375) feet commencing Three Hundred Seventy-Five (375) feet along said southern boundary, then north Three Hundred Seventy-Five (375) feet, then west Three Hundred Seventy-Five (375) feet, then south to an area approximately Three Hundred Seventy-Five (375) feet by Three Hundred Seventy-Five (375) feet along said southern boundary and adjacent to the western boundary of the Restoration Easement described herein, as more particularly delineated on this Exhibit B.

Restoration of West Fork White River at Fayetteville Executive Airport – Downstream Extension

404 Permit Application Supporting Documents

Washington County, Arkansas



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Project Narrative
Project and Location Maps
Construction Documents

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Sheet 4
Sheet 5 - 14

Prepared by:
Watershed Conservation Resource Center
380 W. Rock St.
Fayetteville, AR 72701



**Narrative Statement for a Stream Enhancement Project
“Restoration of West Fork White River at Fayetteville
Executive Airport – Downstream Extension”**

**For Clean Water Act Section 404 Permit and
401 Water Quality Certification**

**West Fork White River, Tributary to the White River, Beaver Reservoir HUC
Fayetteville, Arkansas
Washington County**

The USDA Natural Resources Conservation Service (NRCS), Watershed Conservation Resource Center (WCRC), Beaver Water District, City of Fayetteville, and private landowners are proposing to implement a stream restoration project on the West Fork of the White River; a State of Arkansas 303d listed waterbody. The project is located to the east of the Fayetteville Executive Airport in Fayetteville, Arkansas. The approach for restoration will be to utilize natural channel design techniques for developing a natural, self-sustaining river reach. The project is being funded by a Regional Conservation Partnership Program (RCPP) PL-566 grant. There are fourteen partners, including the WCRC, NRCS, and Beaver Water District, that are providing matching funding and services to the RCPP project. The proposed work includes a 1,400-ft downstream extension of work proposed under a previously authorized Section 404 permit (SWL 2011-0470), which was unfinished due to insufficient funding. The purpose of the project is to enhance aquatic and terrestrial habitat, reduce sedimentation associated with stream channel instability, reduce nutrient inputs into Northwest Arkansas source water supplies, and to protect land loss of Fayetteville Executive Airport and private landowners’ property. The project will result in improved water quality, aquatic habitat, riparian area and aesthetics locally and within downstream portions of the watershed.

In 2005, the WCRC was awarded a NRCS grant for addressing sediment sources within the WFWR watershed. One of the objectives of the grant was to prioritize unstable reaches with accelerated streambank erosion for restoration based upon the environmental and water quality benefits that would be achieved at a watershed scale. Eight criteria were used including sediment load contribution from lateral stream bank erosion to prioritize sections for restoration. Twenty nine reaches were identified as needing restoration ranging from 1,200 feet to 5,000 feet in length. The proposed site was ranked the second highest priority for restoration within the watershed. Using funding from the City of Fayetteville, the Arkansas Natural Resources Commission, and other project partners, the WCRC implemented restoration on portion of the WFWR identified in the NRCS study. The work was completed under authorization from the U.S. Army Corps of Engineers under permit number SWL 2014-0470. Due to funding limitations, all of the work was not completed. Completion of the unfinished portion of the work is what is being proposed in this application.

In 2016, the NRCS awarded the WCRC with an RCPP grant to perform river restoration within certain sub-watersheds of the WFWR. Multiple partners are contributing funding towards the project including NRCS, Beaver Water District, and Beaver Watershed Alliance. As part of the NRCS grant, the WCRC is proposed to complete the work that was unfinished during the initial phase of construction that was completed in 2014. There are several eroding streambanks within the proposed

work area that are eroding in a sever manner. The rate of erosion for one of the streambanks is over 40 feet during a one year interval, as observed using aerial photography. The erosion that is taking place has generated over 20,000 tons of sediment and resulted in the loss of riparian canopy over the past 5 years. Without intervention, the site will continue to aggressively erode for years to come. The ongoing riverbank erosion will continue to impact water quality, aquatic habitat, and infrastructure until proactive action is taken.

Streambank erosion was the most obvious impact of the channel instability throughout the project reach that was addressed during the initial phase of work (Figure 1). Intensive streambank erosion monitoring before and after implementation of the work has been conducted along the reach. Based on erosion measurements taken before and after restoration, approximately 20,500 tons of sediment, 9,000 lb of Total Phosphorus, and 26,500 lb of Total Nitrogen have been prevented from entering into the WFWR in the five years since the initial restoration was completed. Despite the significant reduction in riverbank erosion rates that was achieved in the work area that was completed in 2014, there are streambanks in the unfinished downstream section that have eroded up to 40 feet per year since the conclusion of the first project. The two majorly eroding downstream banks have lost nearly 20,000 tons of sediment since the completion of the previous restoration.



Figure 1. Restoration of the WFWR under permit SWL 2011-0470 resulted in greatly reduced sediment loading to the WFWR. Pre-restoration Eroding Streambank (top) and Restored Streambank (bottom)

A thorough geomorphologic assessment of the site was conducted in order to evaluate the existing conditions and to develop the restoration design. The Rosgen stream type classification is C4/1 with an average riffle bankfull width of 120 ft. and widths ranging from 92 to 180 ft. The drainage area

contributing to the site is 84 mi². The proposed project length is 1,400' linear feet. Within the project length, several methods will be utilized to establish a stable river channel. Methods include using a natural channel design approach in realigning a portion of the river channel to reduce near bank shear stress associated with the existing channel pattern. Toe wood structures will be installed along areas of the restored channel that will be susceptible to lateral erosion. These structures will provide resistance to erosion that will allow the riparian canopy to become better established. The toe wood will also provide additional aquatic habitat enhancement at the boundary of the water/edge of bank interface. Cross-vanes and J-hook vanes will be utilized in portions of the project area in order to provide grade control and reduce near bank shear stress as well as enhance the aquatic habitat. All visibly exposed boulders placed in the channel will be sandstone in order to be aesthetically compatible with the native landscape.

Following completion of the in-channel portion of the restoration effort, a complete site revegetation plan will be implemented. All disturbed areas will be treated with surface erosion control methods including environmentally sensitive erosion control fabric, hydro-seeding, and hand seeding with native grass species. Sod mats collected on-site will be used to create immediate vegetation along disturbed areas immediately adjacent to the river channel. Following application of surface erosion control measures, all disturbed and newly created riparian areas will be planted with native tree, shrubs, grasses, and wildflowers. Trees will range in size from bare root seedlings to 5 gallon potted specimens. A wide variety of native tree and herbaceous species will be planted to increase the diversity of the riparian plant community. Irrigation will be ongoing during the first two summers after implementation to improve the survival rate of vegetation planted during the restoration effort.

Construction will take place during historically observed low-flow periods of the year. Heavy equipment including hydraulic excavators, front-end loaders, bulldozers, and rock trucks will be used to implement the restoration plan.

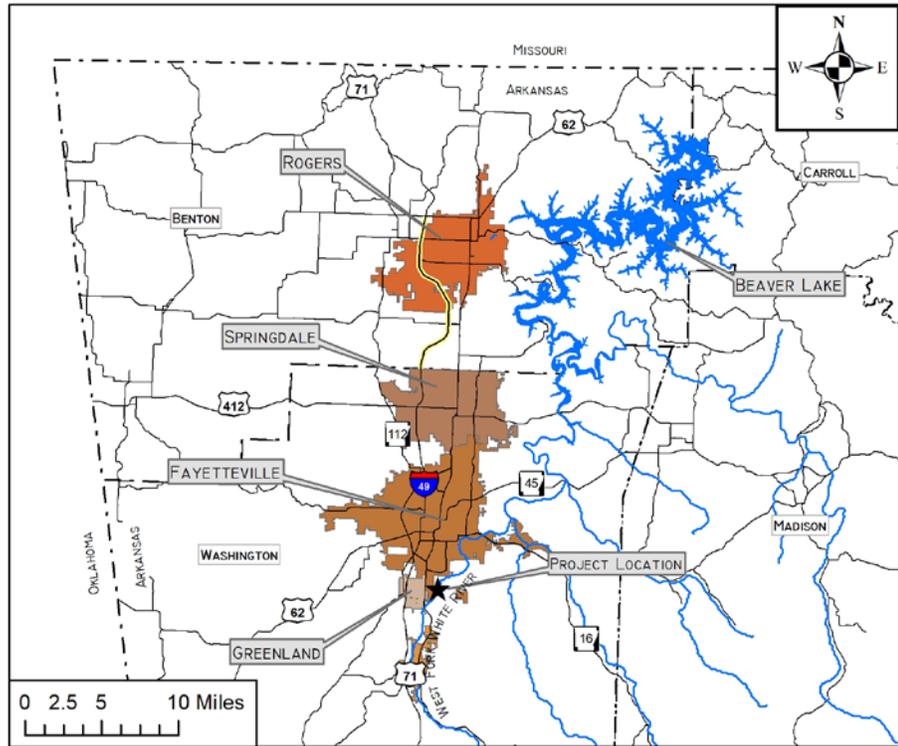
The fundamental restoration design has not changed since the application of the original permit. The drawings below are from the design submitted with the permit application associated with SWL 2011-004770. Areas where construction was previously completed are marked where appropriate with a "Previously Completed" watermark or other notations.

As part of the previous application, a cultural resources investigation was performed on the site, which includes the areas of construction proposed in this application. The results of the investigation indicated that the project will have no impact on cultural resources. A copy of the abstract of findings from the site investigation is attached (Attachment 1).

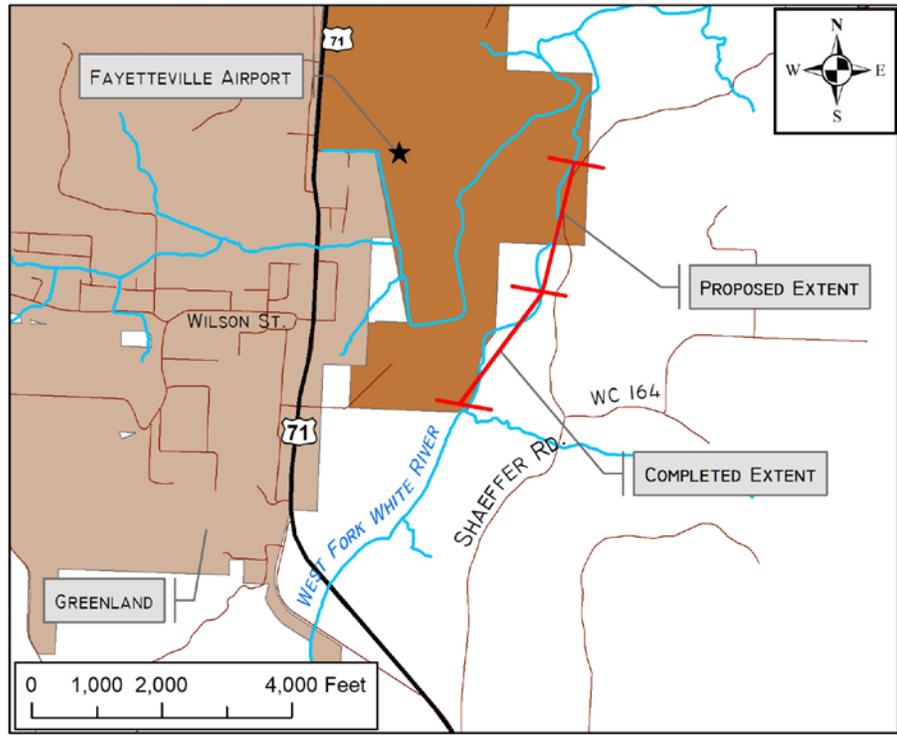
A list of endangered species that may be located near the project reach can be found in Attachment 2. No critical habitats for these species have been found within the project area. The project will have no adverse effects on the listed species or their habitat.

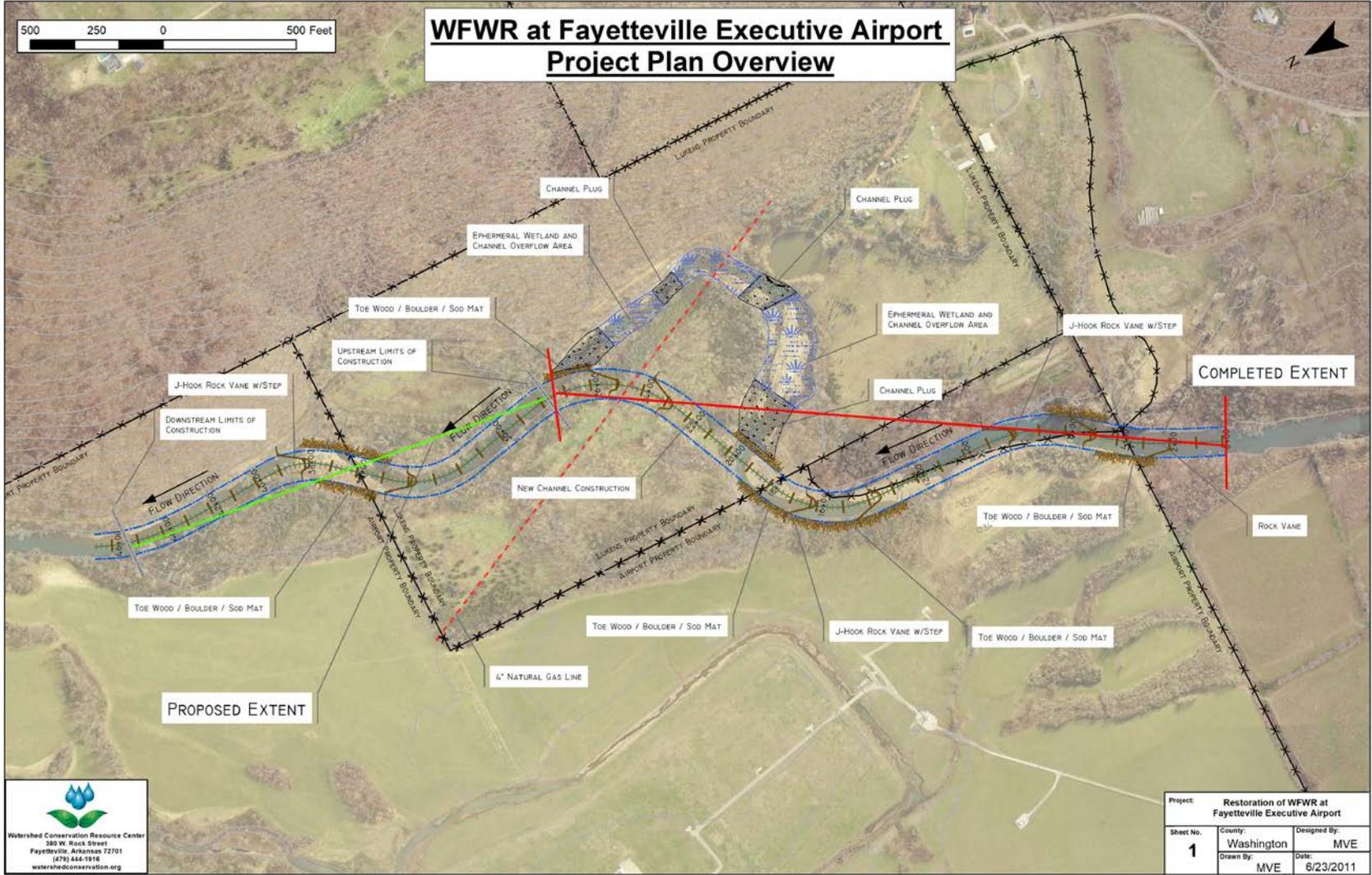
Project Location Maps

AREA MAP



VICINITY MAP



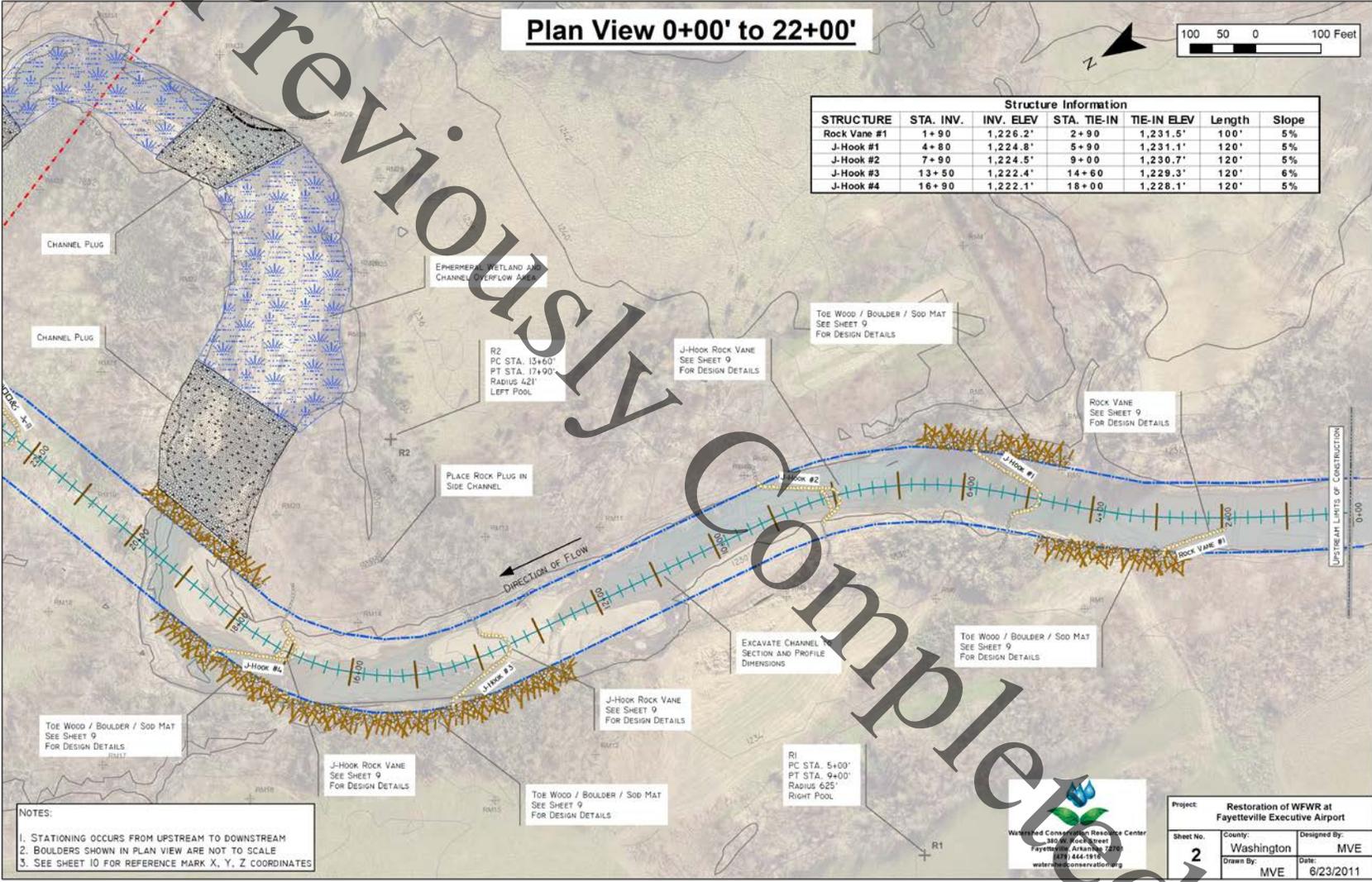


Previously Completed

Plan View 0+00' to 22+00'



Structure Information						
STRUCTURE	STA. INV.	INV. ELEV	STA. TIE-IN	TIE-IN ELEV	Length	Slope
Rock Vane #1	1+90	1,226.2'	2+90	1,231.5'	100'	5%
J-Hook #1	4+80	1,224.8'	5+90	1,231.1'	120'	5%
J-Hook #2	7+90	1,224.5'	9+00	1,230.7'	120'	5%
J-Hook #3	13+50	1,222.4'	14+60	1,229.3'	120'	6%
J-Hook #4	16+90	1,222.1'	18+00	1,228.1'	120'	5%



- NOTES:**
1. STATIONING OCCURS FROM UPSTREAM TO DOWNSTREAM
 2. BOULDERS SHOWN IN PLAN VIEW ARE NOT TO SCALE
 3. SEE SHEET 10 FOR REFERENCE MARK X, Y, Z COORDINATES



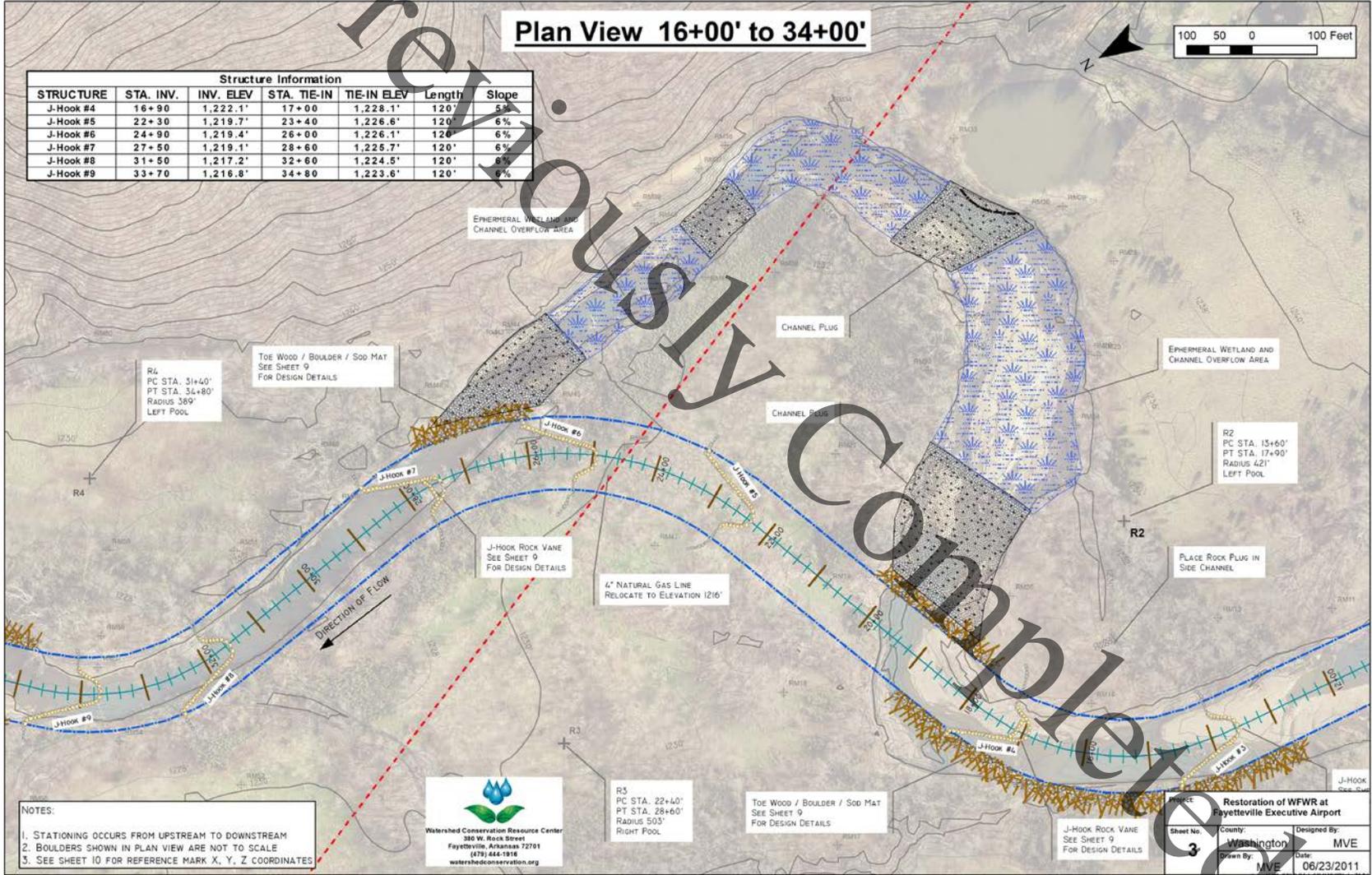
Project: Restoration of WFWR at Fayetteville Executive Airport		
Sheet No. 2	County: Washington	Designed By: MVE
	Drawn By: MVE	Date: 6/23/2011

Restoration of WFWR at Fayetteville Executive Airport -
 Downstream Extension
 Agent: Watershed Conservation Resource Center
 Sheet 6 of 14
 April 3, 2019

Plan View 16+00' to 34+00'



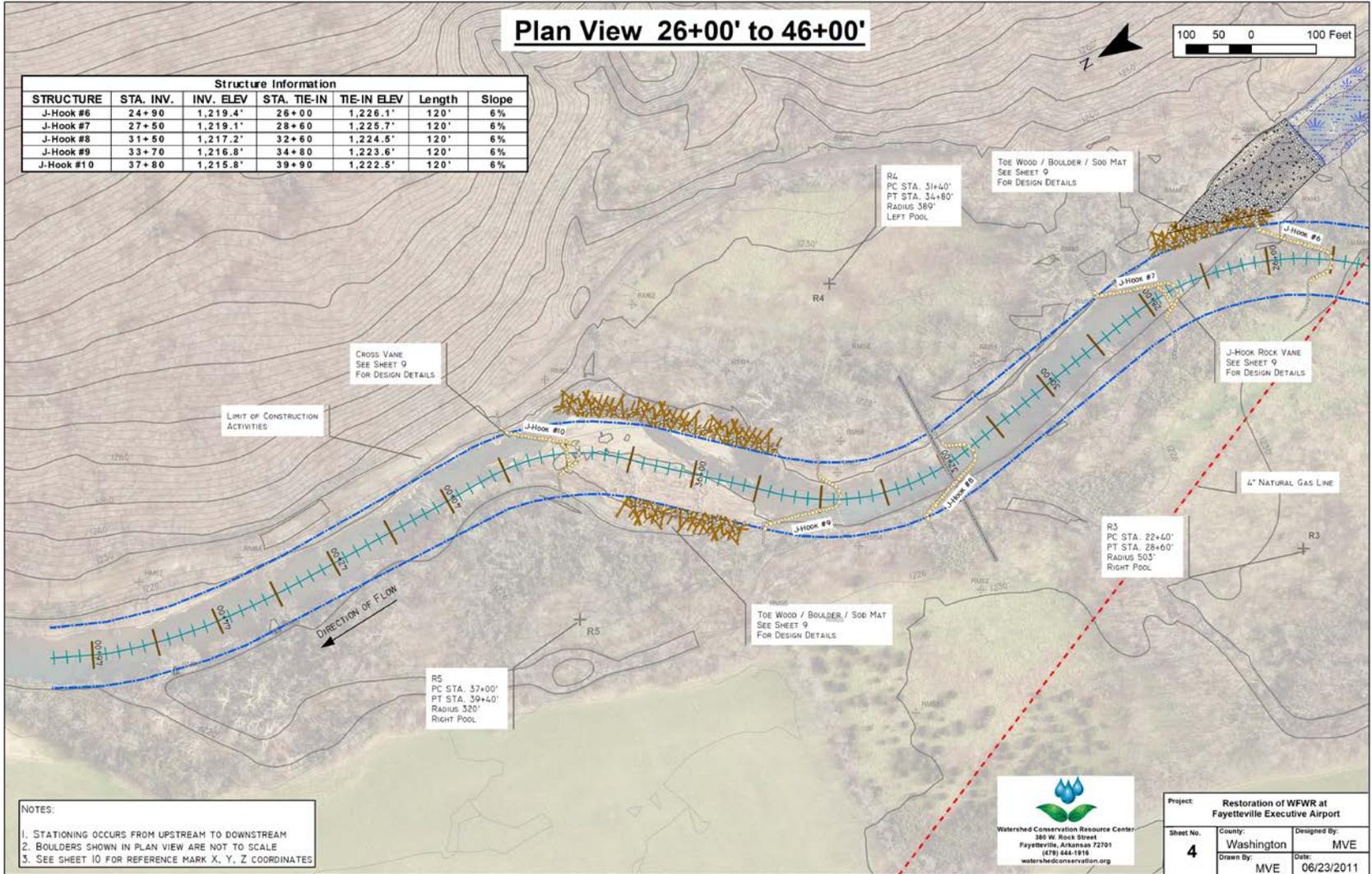
Structure Information						
STRUCTURE	STA. INV.	INV. ELEV.	STA. TIE-IN	TIE-IN ELEV.	Length	Slope
J-Hook #4	16+90	1,222.1'	17+00	1,228.1'	120'	5%
J-Hook #5	22+30	1,219.7'	23+40	1,226.6'	120'	6%
J-Hook #6	24+90	1,219.4'	26+00	1,226.1'	120'	6%
J-Hook #7	27+50	1,219.1'	28+60	1,225.7'	120'	6%
J-Hook #8	31+50	1,217.2'	32+60	1,224.5'	120'	6%
J-Hook #9	33+70	1,216.8'	34+80	1,223.6'	120'	6%



Restoration of WFWR at Fayetteville Executive Airport -
Downstream Extension
Agent: Watershed Conservation Resource Center
Sheet 7 of 14
April 3, 2019

Plan View 26+00' to 46+00'

Structure Information						
STRUCTURE	STA. INV.	INV. ELEV	STA. TIE-IN	TIE-IN ELEV	Length	Slope
J-Hook #6	24+90	1,219.4'	26+00	1,226.1'	120'	6%
J-Hook #7	27+50	1,219.1'	28+60	1,225.7'	120'	6%
J-Hook #8	31+50	1,217.2'	32+60	1,224.5'	120'	6%
J-Hook #9	33+70	1,216.8'	34+80	1,223.6'	120'	6%
J-Hook #10	37+80	1,215.8'	39+90	1,222.5'	120'	6%

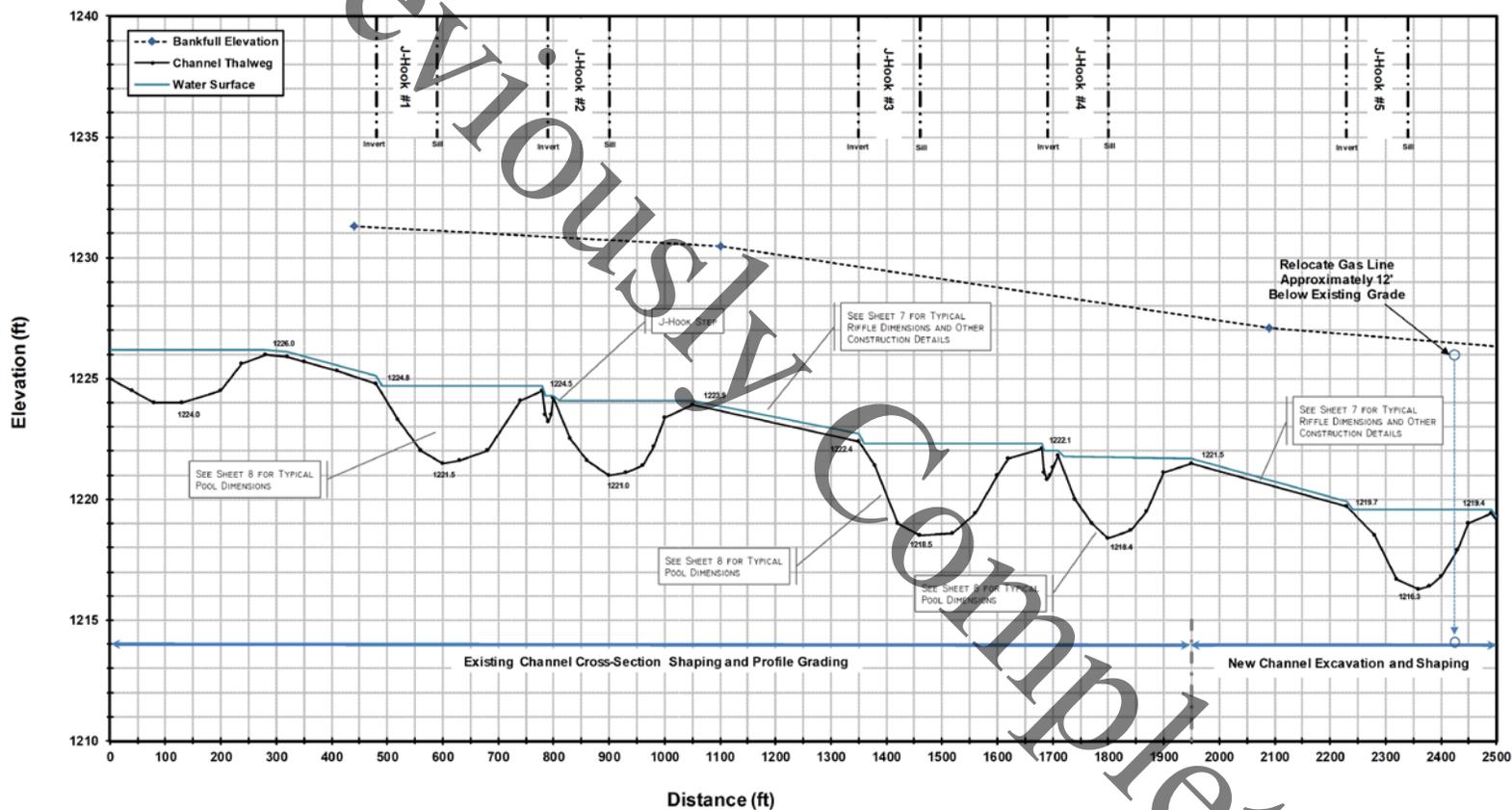


- NOTES:
1. STATIONING OCCURS FROM UPSTREAM TO DOWNSTREAM
 2. BOULDERS SHOWN IN PLAN VIEW ARE NOT TO SCALE
 3. SEE SHEET 10 FOR REFERENCE MARK X, Y, Z COORDINATES



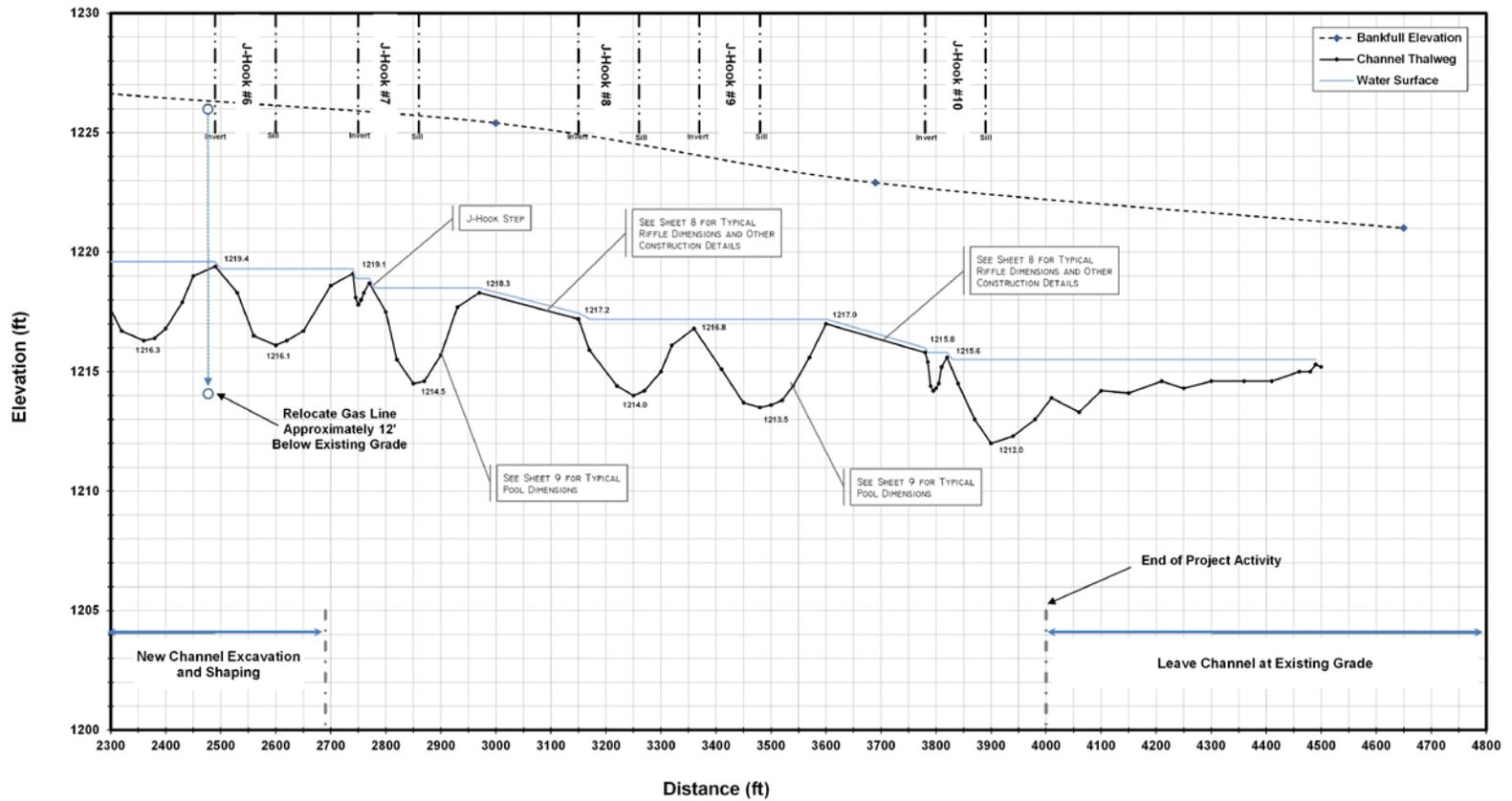
Project: Restoration of WFWR at Fayetteville Executive Airport		
Sheet No. 4	County: Washington	Designed By: MVE
	Drawn By: MVE	Date: 06/23/2011

Longitudinal Profile 0+00 to 25+00



Project: Restoration of WFWR at Fayetteville Executive Airport		
Sheet No:	County: Washington	Designed By: MVE
5	Drawn By: MVE	Date: 6/23/2011

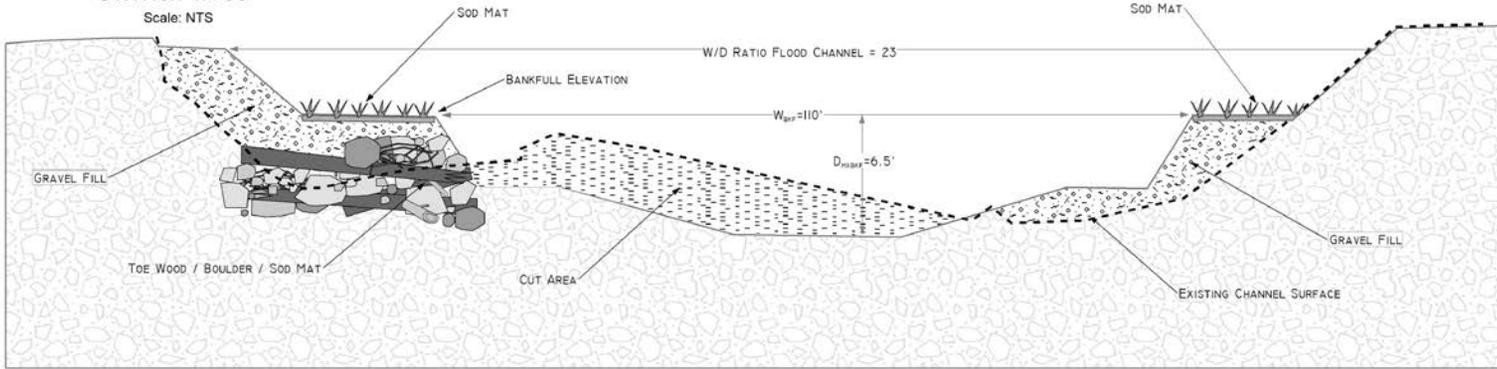
Longitudinal Profile 23+00 to 48+00



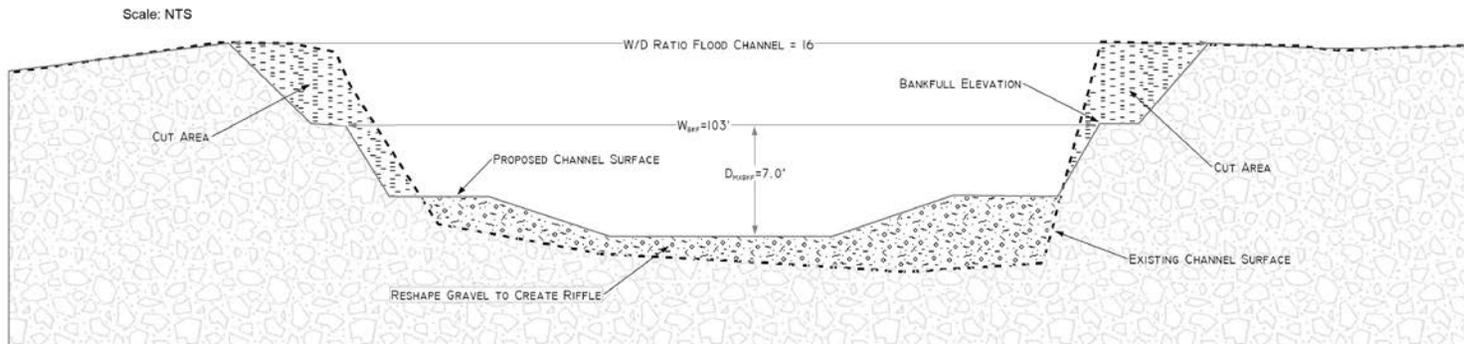
Project: Restoration of WFWR at Fayetteville Executive Airport		
Sheet No: 6	County: Washington	Designed By: MVE
	Drawn By: MVE	Date: 06/23/2011

Typical Riffle Construction Details

TYPICAL RIFFLE CROSS SECTION
STATION 11+00



TYPICAL RIFFLE CROSS SECTION
STATION 30+20



Watershed Conservation Resource Center
380 W. Rock Street
Fayetteville, Arkansas 72701
(479) 444-1516
watershedconservation.org

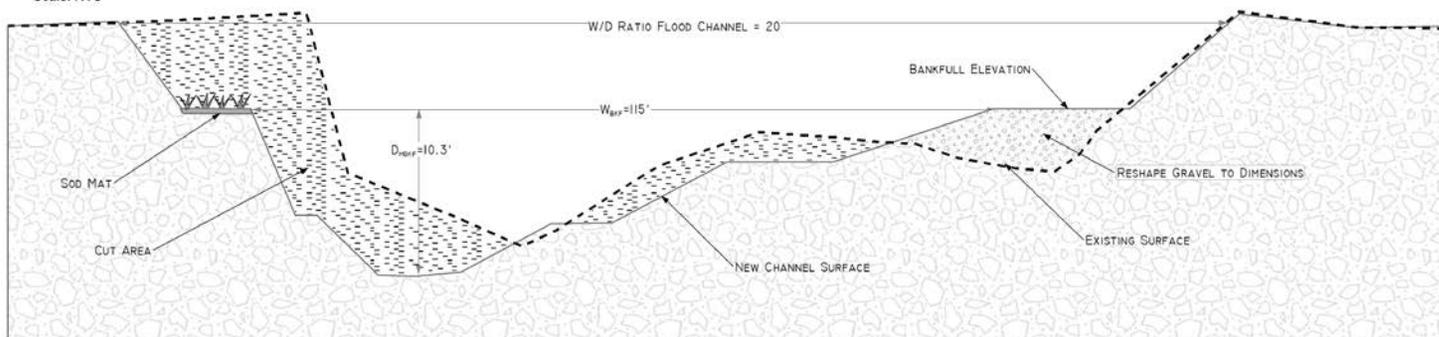
NOTE: All riffles will be constructed to have the dimensions shown in the typical drawings.
Riffle depth will vary depending on location within riffle. See plan view details for thalweg and bankfull elevations.

Project		Restoration of WFWR at Fayetteville Executive Airport	
Sheet No.	County	Designed By:	MVE
7	Washington	Drawn By:	MVE
		Date:	06/23/2011

Typical Pool Construction Details

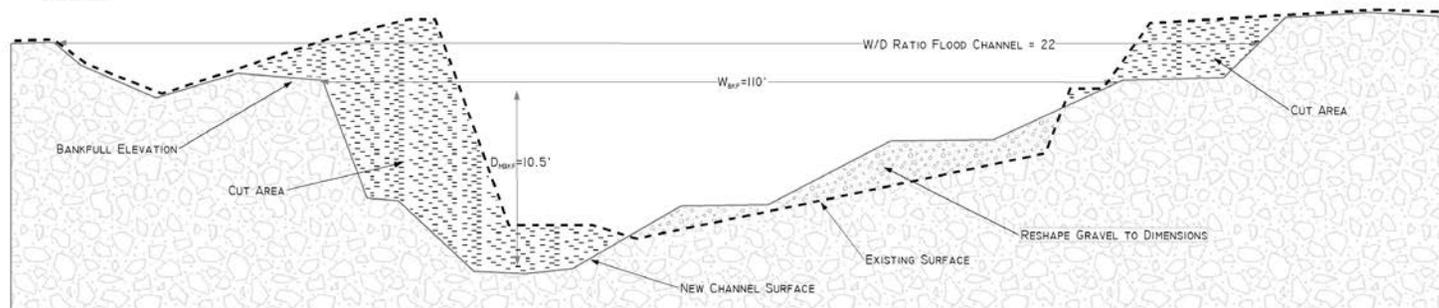
TYPICAL POOL CROSS SECTION
STATION 14+50

Scale: NTS



TYPICAL POOL CROSS SECTION
STATION 32+70

Scale: NTS



NOTE: Pools will be constructed to have the dimensions shown in the typical drawings.

Excavate maximum pool depth to 10'-6" or until bedrock is encountered.

Pool depth will vary depending on proximity to flow direction control structures. See plan view details for thalweg and bankfull elevations.



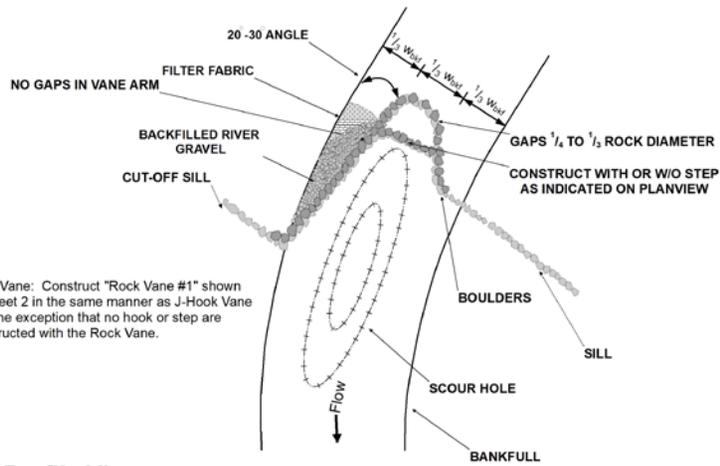
Project		
Restoration of WFWR at Fayetteville Executive Airport		
Sheet No.	County	Designed By:
8	Washington	MVE
	Drawn By:	Date:
	MVE	06/23/2011

Stream Construction Detail

SCALE: NTS

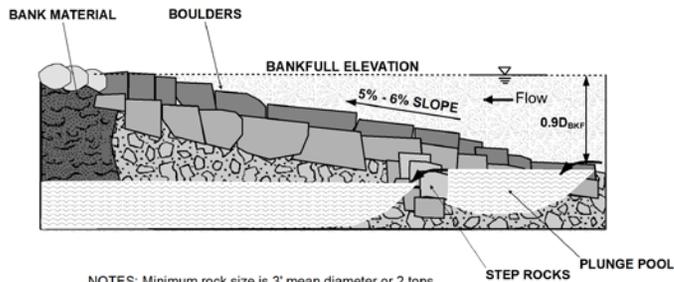
Plan View

J-Hook Vane



Rock Vane: Construct "Rock Vane #1" shown on sheet 2 in the same manner as J-Hook Vane with the exception that no hook or step are constructed with the Rock Vane.

Profile View



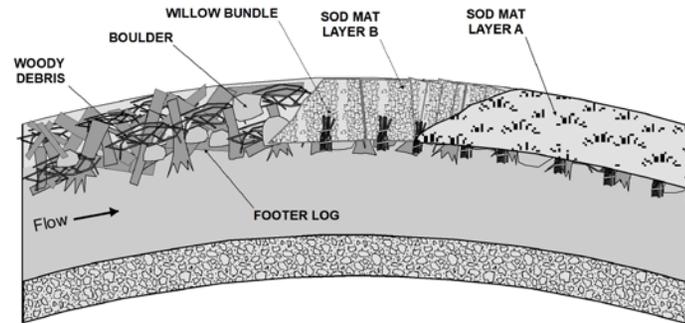
NOTES: Minimum rock size is 3' mean diameter or 2 tons.

In cases where bedrock is encountered, the rock used will be broad and flat with the same or greater minimum weight to minimize the protrusion heights and to lower the center of gravity of the rock.

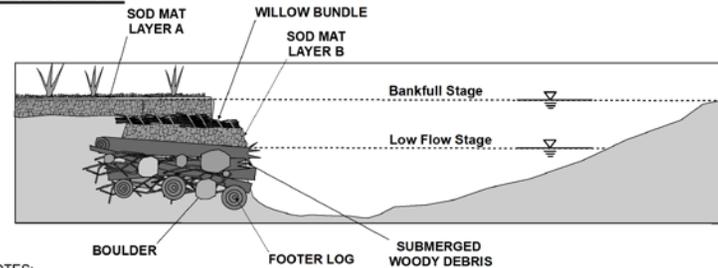


Plan View

Toe Wood - Sod Mat - Bankfull Bench



Profile View



NOTES:

To avoid "Root Rap" appearance, exposed root wads should compose no more than 10% of the exposed face of the toe wood structure

No logs shall be placed in the toe wood structure that are parallel to the flow direction

Large Boulders shall be incorporated into the wood and gravel to reduce bouancy of the toe wood

The toe wood voids should be filled with gravel and earth as the structure is built in lifts

Project		Restoration of WFWR at Fayetteville Executive Airport	
Sheet No.	County	Designed By:	MVE
9	Washington	Drawn By:	MVE
		Date:	06/23/2011

Reference Mark Information

SCALE: NTS

Reference Point I.D.	Northing	Easting	Elevation
RM1	610,270.37'	671,416.34'	1,236.49'
RM2	610,193.58'	671,618.17'	1,229.65'
RM3	610,158.90'	671,676.85'	1,235.88'
RM4	610,153.25'	671,991.47'	1,245.08'
RM5	610,258.70'	671,777.38'	1,242.16'
RM6	610,459.79'	671,543.45'	1,235.74'
RM7	610,391.30'	671,804.33'	1,241.35'
RM8	610,656.83'	671,661.40'	1,236.09'
RM9	610,609.64'	671,862.20'	1,239.69'
RM10	610,620.38'	671,854.19'	1,238.60'
RM11	610,851.74'	671,896.56'	1,235.32'
RM12	611,031.89'	671,598.37'	1,234.41'
RM13	611,011.61'	671,971.90'	1,234.52'
RM14	611,246.24'	671,955.42'	1,232.71'
RM15	611,200.33'	671,614.20'	1,233.54'
RM16	611,524.43'	671,804.05'	1,233.73'
RM17	611,694.27'	671,962.67'	1,233.74'
RM18	611,648.41'	672,207.60'	1,232.95'
RM19	611,507.52'	672,317.00'	1,233.05'
RM20	611,272.17'	672,161.24'	1,233.57'
RM21	611,395.27'	672,485.33'	1,232.72'
RM22	611,207.75'	672,525.28'	1,232.32'
RM23	611,148.26'	672,519.84'	1,232.32'
RM24	611,052.85'	672,338.04'	1,229.15'
RM25	610,970.32'	672,415.08'	1,232.98'
RM26	610,981.31'	672,423.27'	1,233.15'
RM27	611,131.06'	672,561.51'	1,230.71'
RM28	610,875.57'	672,528.00'	1,236.91'
RM29	610,901.93'	672,640.24'	1,238.90'
RM30	610,953.21'	672,662.49'	1,236.61'
RM31	611,129.43'	672,690.46'	1,229.62'
RM32	611,157.42'	672,773.52'	1,227.44'
RM33	610,994.58'	672,815.15'	1,237.98'

* Projection: State Plane, Arkansas North, 1983, Feet
 ** All reference marks consist of 1/2" rebar with yellow surveyors cap

Reference Point I.D.	Northing	Easting	Elevation
RM34	611,138.65'	672,951.85'	1,232.20'
RM35	611,227.27'	672,834.07'	1,232.47'
RM36	611,305.21'	672,982.01'	1,242.30'
RM37	611,358.49'	672,971.15'	1,246.41'
RM38	611,336.89'	672,774.24'	1,231.45'
RM39	611,469.01'	672,968.70'	1,245.57'
RM40	611,460.25'	672,932.43'	1,231.65'
RM41	611,433.48'	672,821.61'	1,231.72'
RM43	611,735.55'	672,902.20'	1,235.66'
RM44	611,754.96'	672,906.95'	1,234.95'
RM45	611,727.74'	672,767.84'	1,229.78'
RM46	611,671.38'	672,657.35'	1,230.26'
RM47	611,707.53'	672,502.25'	1,231.48'
RM48	611,904.90'	672,885.54'	1,230.50'
RM49	612,088.99'	672,887.22'	1,230.18'
RM50	612,098.92'	672,800.43'	1,229.39'
RM51	612,272.58'	672,819.27'	1,229.55'
RM52	612,443.71'	672,501.82'	1,229.94'
RM53	612,624.80'	672,387.90'	1,230.26'
RM54	612,572.65'	672,654.31'	1,227.58'
RM55	612,687.75'	672,573.98'	1,229.00'
RM56	612,750.32'	672,639.03'	1,226.45'
RM57	612,544.43'	672,769.09'	1,221.97'
RM58	612,515.99'	672,808.41'	1,228.87'
RM59	612,442.64'	672,918.40'	1,228.16'
RM60	612,306.03'	673,209.74'	1,238.57'
RM61	612,615.42'	672,990.60'	1,227.18'
RM62	612,689.73'	673,152.09'	1,231.67'
RM63	612,863.82'	673,118.42'	1,234.68'
RM64	613,410.73'	673,117.70'	1,227.18'
RM65	613,416.93'	672,988.69'	1,226.97'
RM66	613,582.30'	673,011.40'	1,224.95'
RM67	613,561.85'	673,161.63'	1,226.29'

* Projection: State Plane, Arkansas North, 1983, Feet
 ** All reference marks consist of 1/2" rebar with yellow surveyors cap



Project: Restoration of WFWR at Fayetteville Executive Airport		
Sheet No. 10	County: Washington	Designed By: MVE
	Drawn By: MVE	Date: 06/23/2011

**A CULTURAL RESOURCES SURVEY OF THE PROPOSED
RESTORATION OF THE WEST FORK WHITE RIVER AT THE
FAYETTEVILLE EXECUTIVE AIRPORT NEAR GREENLAND,
WASHINGTON COUNTY, ARKANSAS**

July 2013

Prepared by:

Flat Earth Archeology, LLC
13 Valley Road
Cabot, AR 72023
(501)-593-0609
chrisb@flateartharcheology.com



Chris M. Branam, RPA – Principal Investigator

For:

Watershed Conservation Resource Center
380 W. Rock St.
Fayetteville, AR 72701

ABSTRACT

Flat Earth Archeology, LLC conducted a Phase I cultural resources survey for the proposed West Fork White River restoration project near the Fayetteville Executive Airport, at Greenland in Washington County, Arkansas. The project area encompasses approximately 11 acres that includes a new channel, sod mat harvest areas, waste storage areas, access areas. The project area is located roughly 1.75 miles west of Interstate 540 at Greenland and is immediately southeast of Drake Field and the Fayetteville Executive Airport. A total of 170 screened shovel tests were excavated in the project area. No further archeological work is recommended in the project area.

One archeological site was identified during the Phase I survey. Site 3WA1530 is a prehistoric lithic scatter of flakes and debitage. No diagnostic artifacts or features were observed at the site. No further archeological work is recommended for Site 3WA1530 in relation to this project.

Previously recorded Site 3WA1529 was revisited during the current survey because the recorded location is inside the current project area. No evidence of this small lithic surface scatter was observed during the revisit. No further archeological work is recommended for Site 3WA1529 in relation to the current project.

There were no historic structures recorded in the immediate vicinity of the project area according to the Arkansas Historic Preservation Program records and none were observed close to the project's proposed APE during the Phase I survey.



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>

In Reply Refer To:

April 03, 2019

Consultation Code: 04ER1000-2019-SLI-0729

Event Code: 04ER1000-2019-E-01371

Project Name: Restoration of the West Fork White River at Fayetteville Executive Airport -
Downstream Extension

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered,

threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities. Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to

federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2019-SLI-0729

Event Code: 04ER1000-2019-E-01371

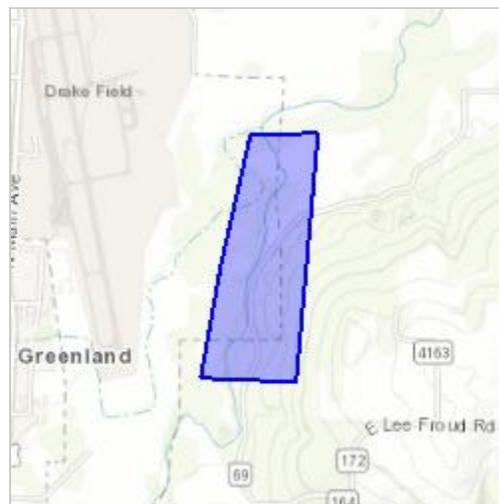
Project Name: Restoration of the West Fork White River at Fayetteville Executive Airport - Downstream Extension

Project Type: LAND - RESTORATION / ENHANCEMENT

Project Description: Stream Restoration on the West Fork White River near the Fayetteville Executive Airport

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.000819601362416N94.16035760552458W>



Counties: Washington, AR

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7245	Endangered

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

Fishes

NAME	STATUS
Ozark Cavefish <i>Amblyopsis rosae</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6490	Threatened

Clams

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened

Flowering Plants

NAME	STATUS
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5361	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.