

*ARDOT Job 001966*

# *SPRINGDALE NORTHERN BYPASS P.E.*

*(Interstate 49 – Highway 265)*

NEPA Re-evaluation



May 2023



U.S. Department of Transportation  
Federal Highway  
Administration

Arkansas Department  
of Transportation





# ARDOT Job 001966: Springdale Northern Bypass P.E.

F.A.P. STPF-0004(88)

## NEPA Re-evaluation

*Submitted pursuant to:*

The National Environmental Policy Act (NEPA)

42 U.S.C. §4322(2)(c) and 23 C.F.R. §771

*Submitted by:*

**FEDERAL HIGHWAY ADMINISTRATION**

*and*

**ARKANSAS DEPARTMENT OF TRANSPORTATION**

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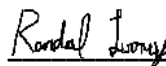
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May 23, 2023

**Date of Approval**



U.S. Department of Transportation

Federal Highway

Administration

In compliance with the National Environmental Policy Act, this re-evaluation describes the changes to the Selected Alternative design and the project area for job 090621, construction of the Springdale Northern Bypass from Interstate 49 to Highway 265, since the Record of Decision in 2008 and the previous re-evaluation in 2014. This re-evaluation examines the current project scope and design and potential effects on the environment since the issuance of the Record of Decision and the previous re-evaluation. After a thorough review and consideration of this document, based on additional studies and agency approvals, the Federal Highway Administration has determined that all previous findings and decisions remain valid and that no new or additional significant impacts would result from the project. The project may proceed with the current design for the Selected Alternative.

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This re-evaluation and other project materials are available for review online at:

<https://www.ardot.gov/divisions/environmental/assessments/impact-statements-eis-assesments-ea/springdale-northern-bypass-highway-412/>







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# Chapter 1: Project Status

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## What's in Chapter 1?

*Chapter 1 explains the current status of the proposed project.*

### 1.1 What is the purpose of this re-evaluation?

This re-evaluation is being prepared at the direction of the Arkansas Division office of the Federal Highway Administration (FHWA) to examine the February 15, 2006 Record of Decision (ROD) and July 3, 2014 Reassessment approved for construction of the Springdale Northern Bypass (SNB) in Washington and Benton Counties, Arkansas. [Figure 1](#) shows the proposed SNB corridor. This document is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and all other applicable federal and state laws and regulations, specifically 23 CFR § 771.129. Under NEPA, the lead federal agency is required to complete a re-evaluation to update the analyses found in prior NEPA documents when there are changes to the project which could affect the prior determination of potential environmental impacts [23 CFR § 771.129(c)].

The Arkansas Department of Transportation (ARDOT) initiated the original study on the SNB in 1996 with a **major investment study** to evaluate concepts for alleviating vehicle congestion on Highway 412. The Draft Environmental Impact Statement for the SNB was approved by FHWA on January 31, 2002, the Supplemental Draft Environmental Impact Statement on May 7, 2004, the Final Environmental Impact Statement (FEIS) on October 6, 2005, and the ROD was issued on February 15, 2006. A re-evaluation that focused on the section constructed from Highway 112 to Interstate 49, but included analyses for the entire SNB corridor, was approved on July 3, 2014.

The SNB section from Highway 112 to Interstate 49 has been constructed and open to traffic for several years. ARDOT has proposed to construct the section immediately east from Interstate 49 to Highway 265, shown on [Figure 1](#), the focus of this re-evaluation.

#### What is a major investment study?

Major investment studies were a tool included in the Intermodal Surface Transportation Efficiency Act of 1991 designed to provide more complete information concerning the options available for addressing identified transportation problems. Major investment studies were a cooperative and collaborative decision making process that expanded the traditional role of many stakeholders and participants from passive reviewers to active contributors.



# Project Location

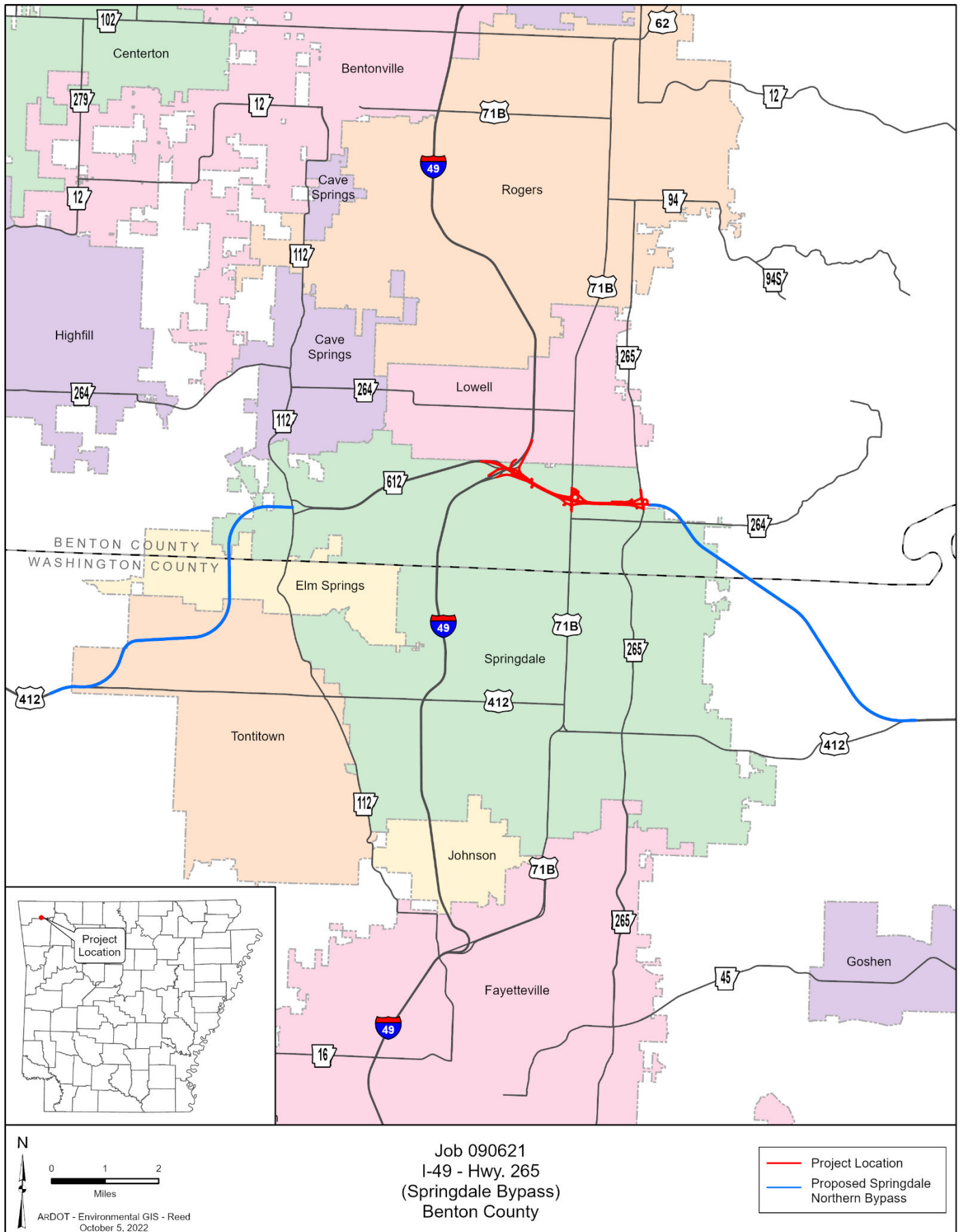


Figure 1



This re-evaluation focuses on design changes for this section and reconsiders potential environmental impacts in light of these design changes to determine whether additional NEPA documentation is warranted or if the previous findings described in the ROD and 2014 re-evaluation remain valid. The re-evaluation describes the SNB history, need and purpose, design modifications, environmental impacts, and commitments.



## Chapter 2: Project Description

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### What's in Chapter 2?

*Chapter 2 describes the existing conditions in the project area.*

#### 2.1 What are the current conditions in the project area?

The project is located in northwest Arkansas in Benton County and the City of Springdale. The project, shown in [Figure 1](#), would provide a congestion relief for the existing Highway 412 corridor, the only continuous principal arterial parallel to, and north of, Interstate 40 in Arkansas. Highway 412 extends from Oklahoma to Missouri, connecting Interstate 49 to Highway 67 (future Interstate 57). Highway 412 is also a Congressionally-designed High Priority Corridor and part of the strategic network of highways that support the nation's economy, defense, and mobility.

In the project area, Highway 412 currently consists of four travel lanes, a center turn lane, and curb and gutter. Sidewalks vary throughout the project area.

The logical termini of this next section of the SNB are Interstate 49 to the west and Highway 265 to the east. Beginning construction at Interstate 49 would extend the existing section that currently ends at Interstate 49, and ending at Highway 265 would extend construction through the City of Springdale to a major north-south arterial highway.



# Chapter 3: Purpose and Need

## What’s in Chapter 3?

Chapter 3 identifies the need for the project and why the project is proposed.

### 3.1 Why is the SNB needed?

The SNB was developed in response to the existing and forecasted vehicular traffic on Highway 412, to reduce congestion and delays, and to increase reliability and safety. Northwest Arkansas, including both Benton County and the City of Springdale, have continued to grow at a much faster rate than the rest of the State of Arkansas, as seen in [Table 1](#).

Table 1  
Population Growth in the Project Area

	Population 2010 Census	Population 2020 Census	% Increase 2010-2020
City of Springdale	69,797	84,161	20.6%
Benton County	221,339	284,333	28.5%
Fayetteville-Springdale- Rogers Metropolitan Area	440,121	546,725	24.4%
State of Arkansas	2,915,918	3,011,524	3.3%

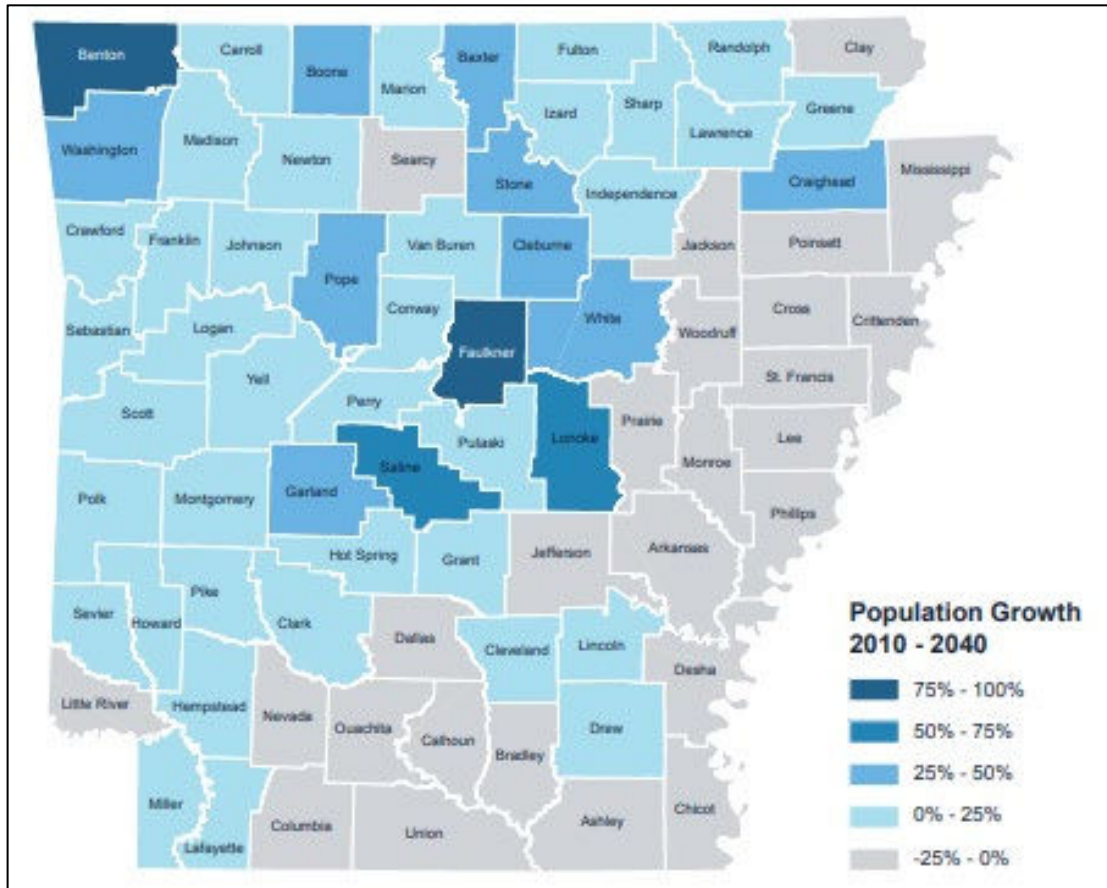
Source: U.S. Census Bureau (census.gov)

Benton County is forecasted to continue to grow at a faster rate than most of the rest of the State of Arkansas through 2040, as seen in Figure 2.

The traffic volumes for Highway 412 in the project area are the highest for the corridor in the state (ARDOT Highway 412 Corridor Planning Study, 2020). Traffic operations in this section of Highway 412 are unsatisfactory both under current conditions and in the 20-year forecast. The section of Highway 412 in Springdale is also a fatal and severe vehicle crash hotspot for the corridor in the state.



### Projected Population Growth by County



Source: Statewide Long Range Intermodal Transportation Plan (2017)

Figure 2

Highway 412 also services local, regional and long-haul freight, including agricultural goods, medical supplies, and other goods produced in northern Arkansas. Springdale has the highest truck volumes on the corridor in the state, with an average of approximately 3,400 trucks per day just west of Interstate 49 (ARDOT Highway 412 Corridor Planning Study, 2020). Highway 412 is also a major commuting route between rural areas and major employment centers such as the Fayetteville-Springdale metropolitan area. Congestion on Highway 412 affects the economic competitiveness of the project area, the region, and the State of Arkansas.

### 3.2 What is the purpose of the project?

The proposed project would address the existing and forecasted travel delays and congestion and increase safety, resiliency, and economic competitiveness.



The Northwest Arkansas Regional Planning Commission (NWARPC), the metropolitan planning organization for northwest Arkansas, identified the SNB as “one of the top priorities in the area” (NWARPC, 2022). NWARPC identified the SNB as supporting their targets of “truck travel time reliability, travel time reliability, number and rate of serious injury and fatal crashes, and pavement condition.”

**What is a metropolitan planning organization?**

A metropolitan planning organization (MPO) carries out the transportation planning process for urbanized areas with populations over 50,000, as determined by the U.S. Census. Federal funding for transportation projects within urbanized areas passes through MPOs, who are required to involve the public in their planning processes.



## Chapter 4: Design Modifications

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### What's in Chapter 4?

*Chapter 5 describes the Selected Alternative design changes since the 2014 NEPA re-evaluation.*

#### 4.1 How has the design changed since the 2014 re-evaluation?

Since the 2014 NEPA re-evaluation, the Selected Alternative was shifted slightly to the north near Interstate 49 and to the south near Highway 71B to avoid a new subdivision near Secretariat Avenue and a new industrial complex near Highway 71B, respectively. An SNB overpass was also added at the request of the City of Springdale to accommodate Dixieland Road being extended from just north of the SNB corridor at Apple Blossom Road south to Wagon Wheel Road. A sidepath for bicyclists and pedestrians was also added to Highways 71B and 265 at the City of Springdale's request.

While the whole SNB corridor was evaluated in the original FEIS and ROD, it has since been broken up into sections for constructability and funding purposes. The section considered in this evaluation, from Interstate 49 to Highway 265, has been programmed for construction under ARDOT job 090621, with state and federal funding secured for year 2025 in the Statewide Transportation Improvement Program (STIP).

The current design is anticipated to have \$105M in roadway construction costs. The 2014 design and current design for this section can be seen in [Figure 3](#).



# Design Modifications

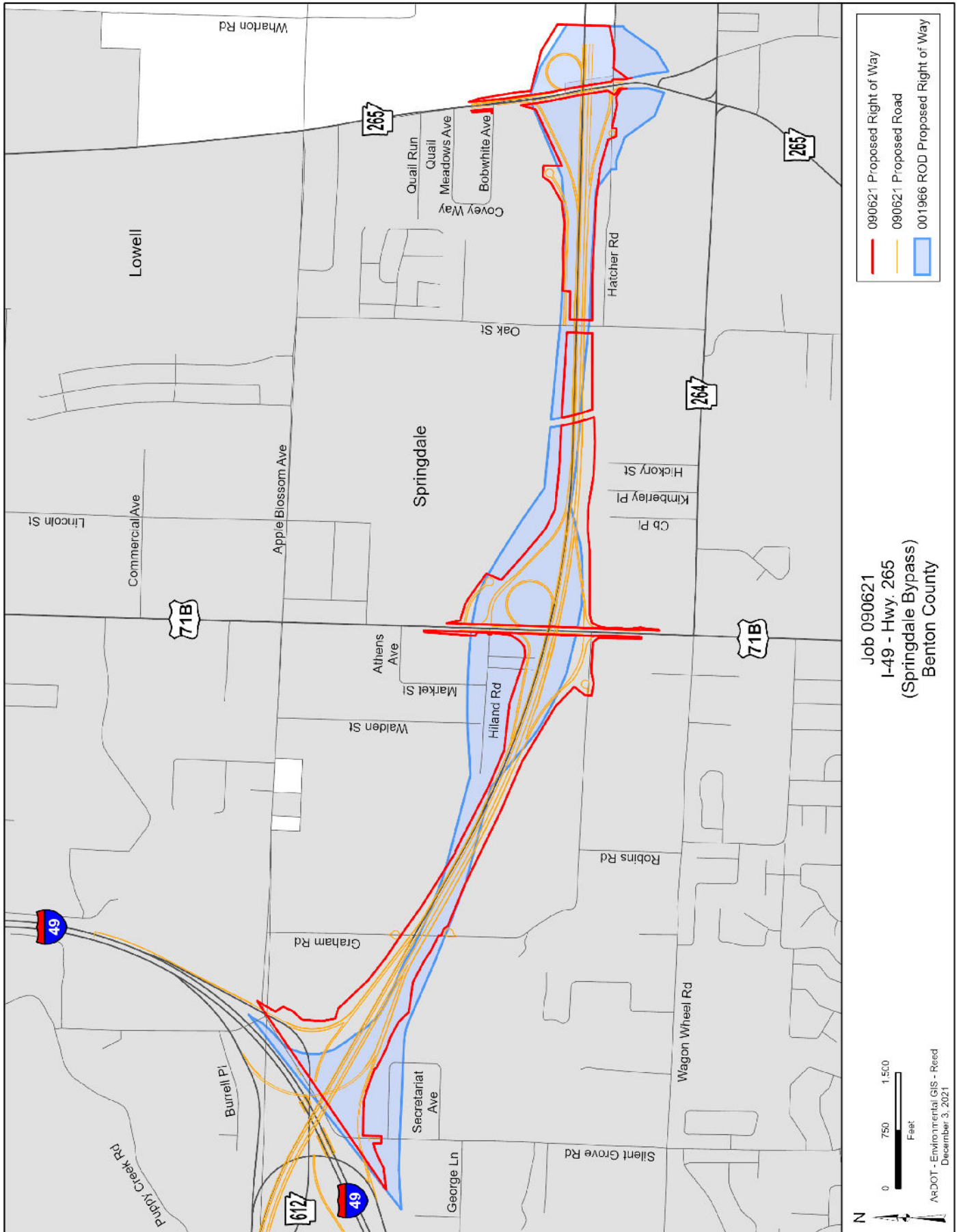


Figure 3



# Chapter 5: Environmental Impacts

## What’s in Chapter 5?

Chapter 5 identifies any changes to the environmental impacts that were evaluated in the 2014 NEPA re-evaluation as a result of changes to the Selected Alternative design.

### 5.1 Would the project affect the local or regional economy?

There are no changes proposed to the Selected Alternative that would affect the economic impacts and benefits evaluated in the Environmental Impact Statement or 2014 NEPA re-evaluation.

### 5.2 Would the project have property impacts?

#### Right of Way Acquisition

The section of the SNB considered in this re-evaluation would have required 239.3 acres of right of way acquisition with the 2014 design plans. The current design would require the acquisition of 201.8 acres of right of way and 6.0 acres of temporary construction easements. After combining the proposed right of way and temporary construction easements, the current design still has less property impacts than the 2014 design. The project is anticipated to have \$11.2M in right of way acquisition costs.

**What is the difference between right of way and temporary construction easements?**

Right of way is property that ARDOT owns or has a permanent easement on for the purposes of maintaining the highway system. Temporary construction easements are property that ARDOT temporarily takes ownership of for the purposes of highway construction and maintenance, then released back to the property owner when ARDOT has completed all work. ARDOT compensates property owners for both right of way and temporary construction easements.

#### Relocations

The current design would involve multiple relocations, as seen in Table 2. There was no change in the number of relocations from the 2014 NEPA re-evaluation design because the alignment was shifted to avoid new developments in the area. The current design is anticipated to have \$1.1M in relocation costs. A conceptual stage relocation study and inventory for the current design are provided in Appendix A.

Table 2  
Relocations

Type	Relocations
Residential Owner	7
Residential Tenant	1
Businesses	8
Farms	1
TOTAL	17



5.3 Would the project impact any environmental justice populations?

Environmental justice refers to social equity in bearing the burden of adverse environmental impacts, especially with regards to low income and minority populations. Executive Order 12898 requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low income populations.

An environmental justice population was identified in the project area. The following methods were used to determine if minority or low income households would be disproportionately impacted:

- Census data for the project area showed a 41% minority population and 23% of households below the poverty level. A breakdown of the minority population by race can be found in [Table 3](#).
- A public involvement meeting was held on February 21, 2023 at the First Baptist Church of Lowell. A synopsis of this meeting can be found in [Appendix B](#).
- ARDOT staff met with business owners in the project area and the Arkansas Coalition of Marshallese. The Marshallese population was found to be primarily concentrated south of the SNB corridor, in Springdale.

The proposed improvements would not result in any permanent severance or division of any community or neighborhood and would not eliminate existing community service facilities in the project area. Although minority and low income populations would be affected by the project, due to the concentration of these populations located outside of the project corridor and the availability of comparable replacement properties for those being relocated, as discussed in [Section 5.2](#), it was determined that the project would not result in disproportionate impacts to environmental justice populations.

5.4 Would the project impact Important Farmland?

The 2014 design plans impacted approximately 14.9 acres of Prime Farmland, while the current design impacts approximately 17 acres of Prime Farmland and 0.3 acre of Farmland of Statewide Importance. The **Important Farmland** impact location can be found in [Figure 4](#).

Table 3  
Minority Populations in the Project Area

Race	% of Project Area
Black	3
American Indian	1
Asian	1
Pacific Islander	27
Hispanic	1
Other Races	8

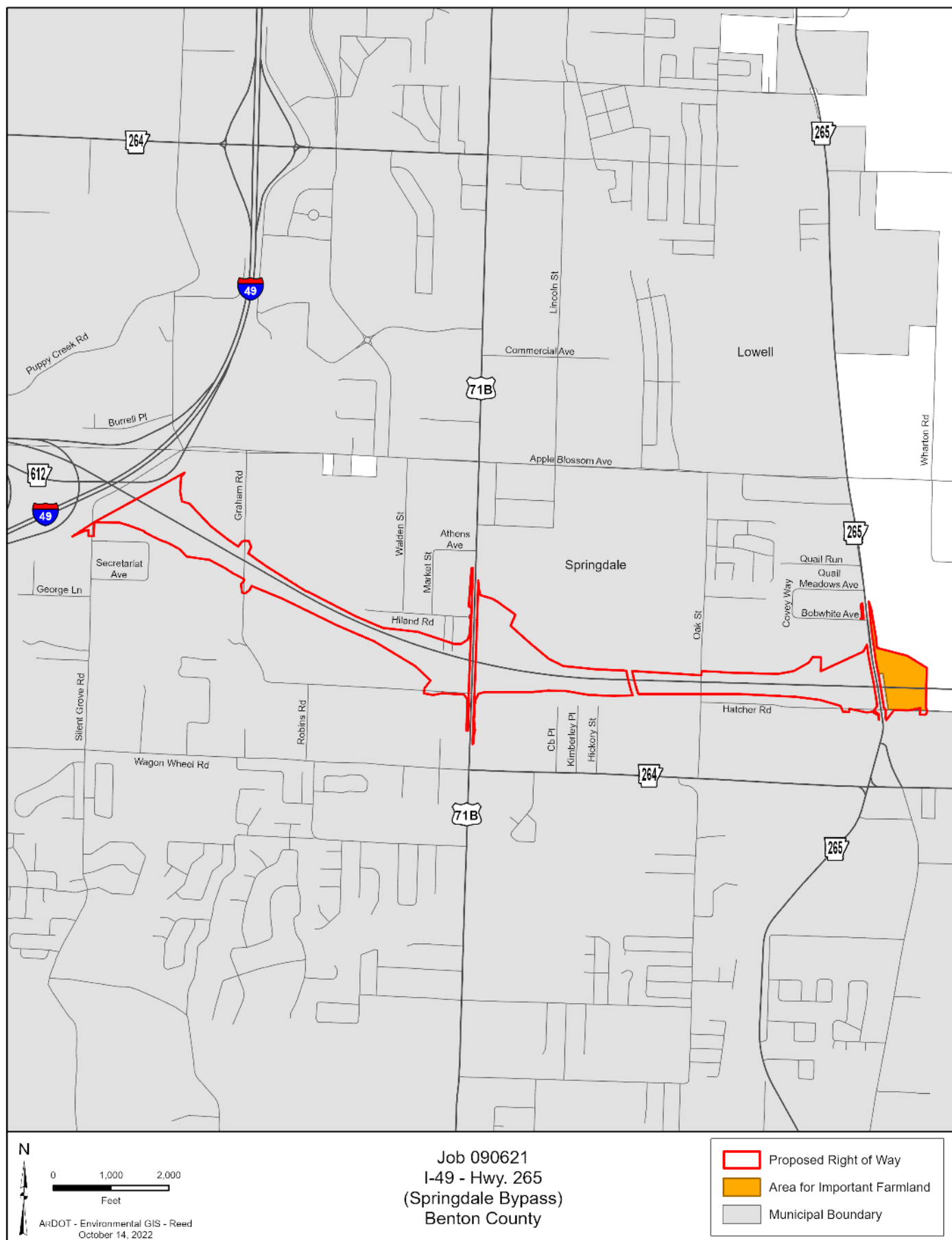
Source: U.S. E.P.A.  
Environmental Justice  
Screening and Mapping Tool;  
[ejscreen.epa.gov/mapper](https://ejscreen.epa.gov/mapper)

What is Important Farmland?

Important Farmland is defined by the U.S. Department of Agriculture as land suited to food, feed, forage, fiber, and oilseed crops. Prime farmland is defined by the USDA as the subset of Important Farmland that has the best combination of physical and chemical characteristics for the production of crops. Farmland of Statewide Importance meets a state's criteria for Important Farmland, but does not meet the higher requirements to be designated Prime Farmland.



## Important Farmland Impacts



*Figure 4*



The Farmland Conversion Rating Form and U.S. Department of Agriculture Natural Resources Conservation Service coordination can be found in [Appendix C](#).

### 5.5 Would the project affect views?

Since the 2014 NEPA re-evaluation, the highway alignment has slightly shifted to avoid new development, as described in Chapter 4. The majority of the businesses and homes in the project viewshed were established before 2014 and the slight shift in the alignment would not result in substantially different views from the 2014 design plans. Additionally, motorists' views from the road would remain similar as the area still consists of a mix of residential, pasture, business, industrial, and forested land.

#### Why are visual impacts important?

Impacts to views caused by a highway project are seen both by people traveling on the road and by those using the land adjacent to it, in this case, adjacent property owners who have not previously had views of a highway in this location.

### 5.5 Would the project cause more noise for adjacent property owners?

A noise study for the entire SNB corridor, including the section from Interstate 49 to Highway 265, is currently underway. The noise analysis will be completed in accordance with the ARDOT *Policy on Highway Traffic Noise Abatement* and will include a noise barrier analysis. Where noise barriers are found to be feasible and reasonable under FHWA regulations, nearby property owners will be provided the opportunity to vote on whether or not they want the noise barrier. If the vote is in favor of the barrier, it would be constructed.

### 5.6 How would the project affect land use?

In order to determine changes since the 2014 NEPA re-evaluation, as there have been changes in both the land use in the project area as well as the project design, land use for the 2014 design was analyzed using the 2013 National Land Cover Dataset, the closest year for which data is available, and the current design was analyzed using the 2019 National Land Cover Dataset, the most recent year for which data is available. The results can be found in [Table 4](#).

The direct land use impacts have not overall substantially changed since the 2014 NEPA re-evaluation in any way that would affect the decision-making associated with the proposed project and the overall impacts are less with the current design.



**Table 4****Land Use/Land Cover Changes**

<b>Land Use/Land Cover Category</b>	<b>2014 Design*</b>	<b>Current Design**</b>
Barren Land (Rock/Sand/Clay)	1.8 acre	1.7 acre
Deciduous Forest	13.5 acres	16.5 acres
Developed, Open Space	14.9 acres	9.3 acres
Developed, Low Intensity	21.9 acres	9.6 acres
Developed, Medium Intensity	20.1 acres	11.9 acres
Developed, High Intensity	6.6 acres	2.4 acres
Grassland/Herbaceous	2.0 acres	1.6 acre
Mixed Forest	2.3 acres	0.8 acre
Open Water	0.8 acre	0.9 acre
Pasture/Hay	155.3 acres	145.2 acres

\*2013 National Land Cover Dataset

\*\* 2019 National Land Cover Dataset

**5.7 Would the project impact any cultural resources?**

Section 106 of the National Historic Preservation Act requires agencies to consider the effects of federal actions on **cultural resources**. In compliance with Section 106 requirements, ARDOT cultural resource specialists consult with the State Historic Preservation Officer (SHPO) and Native American tribes.

Preliminary records reviews with the Arkansas Archeological Survey and Arkansas Historic Preservation Program, as well as early maps of the project area, were checked for indications of known archeological sites or historic structures. Archeological and cultural resources survey of the project area were performed to check for historic structures and archeological sites prior to the issuance of the ROD. No archeological resources were identified in the project area.

Additional surveys were needed for the 2014 re-evaluation where access to two properties had been previously denied. One of the properties was surveyed at that time, but access to the other property is still denied. SHPO has approved the ARDOT request to defer the archeological surveys for the last remaining parcel until it is acquired by ARDOT and archeologists can legally enter the property for surveys.

SHPO coordination can be found in [Appendix D](#).

**What are cultural resources?**

Cultural resources include elements of the built environment (buildings, structures, or objects) or evidence of past human activity (archeological sites). Those that are listed on, or eligible for inclusion in, the National Register of Historic Places (NRHP) are defined as historic properties.



## 5.8 How would the project affect water resources?

### Streams

Because bridge and culvert plans have not yet been developed for the current design, streams within the project area have been assumed to be impacted at the maximum extent of the project footprint. Permanent stream impacts to three intermittent streams at four different locations total 2,083.5 linear feet, as seen in [Figure 5](#).

ARDOT will submit a Standard Individual Section 404 permit due to impacts to Waters of the United States exceeding 0.1 acre. Stream impacts and required mitigation will be calculated using the 2011 Little Rock District Stream Method.

Sediment and erosion control best practices would be used to prevent erosion and prevent sediment from leaving the construction site and entering streams. Retaining riparian vegetation and using filter socks between the areas under construction and any streams would aid in trapping sediment and limiting sediment-laden stormwater from reaching the streams. A Water Pollution Control Special Provision will be incorporated into the construction contract in order to minimize potential water quality impacts.

### Floodplains

The current design was reviewed to identify any encroachments into special flood hazard areas, also known as the 100-year floodplain, as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency. Regulatory floodplains were mapped along Puppy Creek and Christie Creek, as seen on [Figure 6](#). These floodplains were designated as Zones A and AE and have a 1% chance of flooding each year.

All floodplain impacts would occur within the existing highway right of way along Interstate 49 and the constructed section of the SNB, and would have had the same impacts under the 2014 design plans.

### Wetlands

No wetland impacts are anticipated with the current design.

#### Where can I find more information about ARDOT sediment and erosion control best practices?

Any potential sediment-related impacts to the Mulberry River are mitigated by Section 110 of the *AHTD Standard Specifications, 2014 Edition*; Protection of Water Quality and Wetlands, the *ARDOT 2016 Erosion and Sediment Control Design and Construction Manual*, and the measures to be outlined in the Stormwater Pollution Prevention Plan required as part of the National Pollutant Discharge Elimination System Permit issued by the Arkansas Division of Environmental Quality.

#### What is a floodplain?

Floodplains are land areas that become covered by water in a flood event. Special flood hazard areas, also known as 100-year floodplains, are areas that would be covered by a 100-year flood event. This is the floodplain commonly used for insurance and regulatory purposes.

#### What is a flood event?

Specific flood events, such as a 25-year or 100-year flood event, involve flood waters covering the associated floodplain. A 100-year flood event has a 1% chance of occurring in any given year, a 50-year flood event has a 2% chance of occurring in any given year, and a 5-year flood event has a 20% chance of occurring in any given year.

#### What is a wetland?

Wetlands are areas typically inundated or saturated by surface or groundwater to the extent that they can support vegetation adapted for life in wet soil conditions.



# Stream Impacts

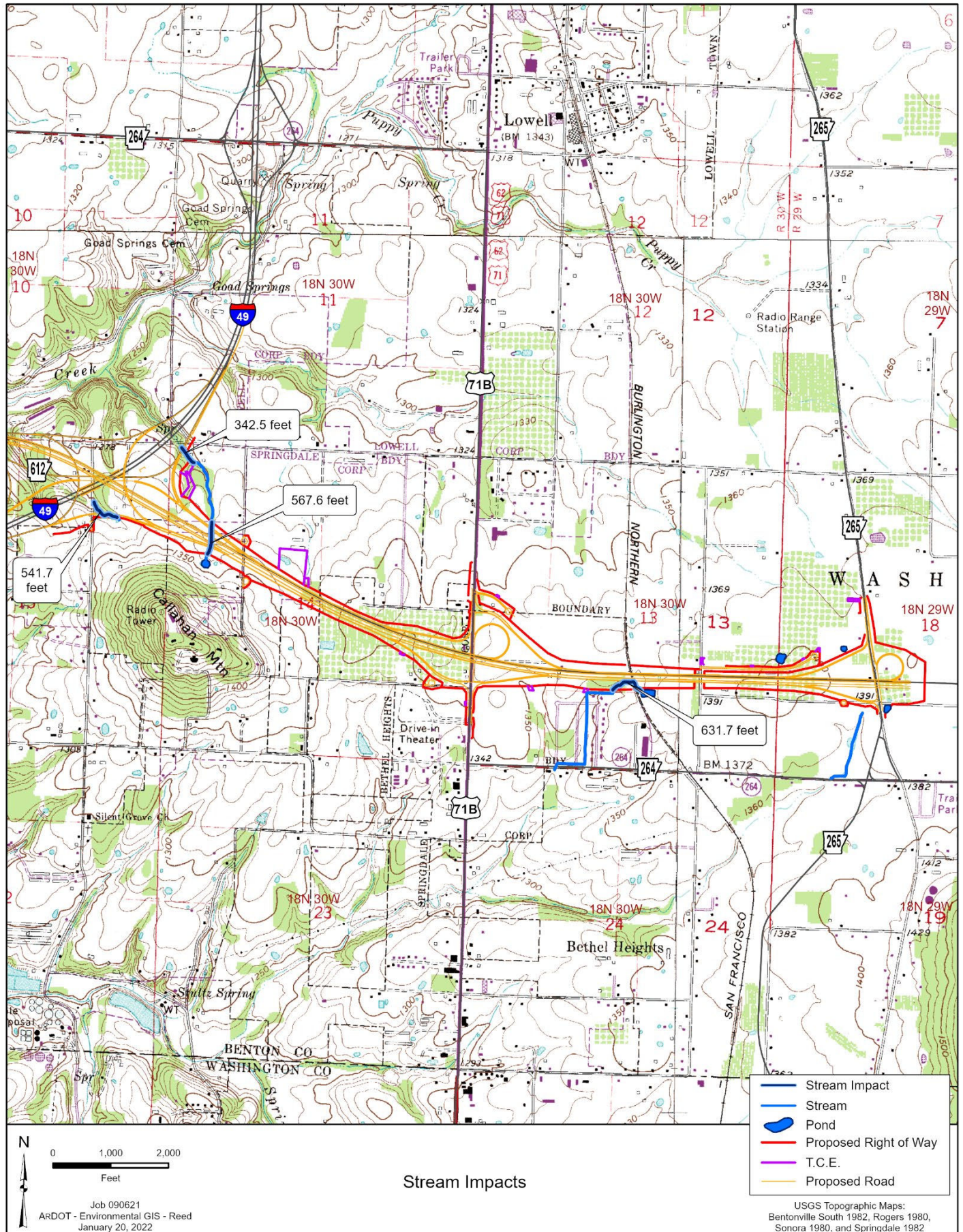


Figure 5



# Floodplain Impacts

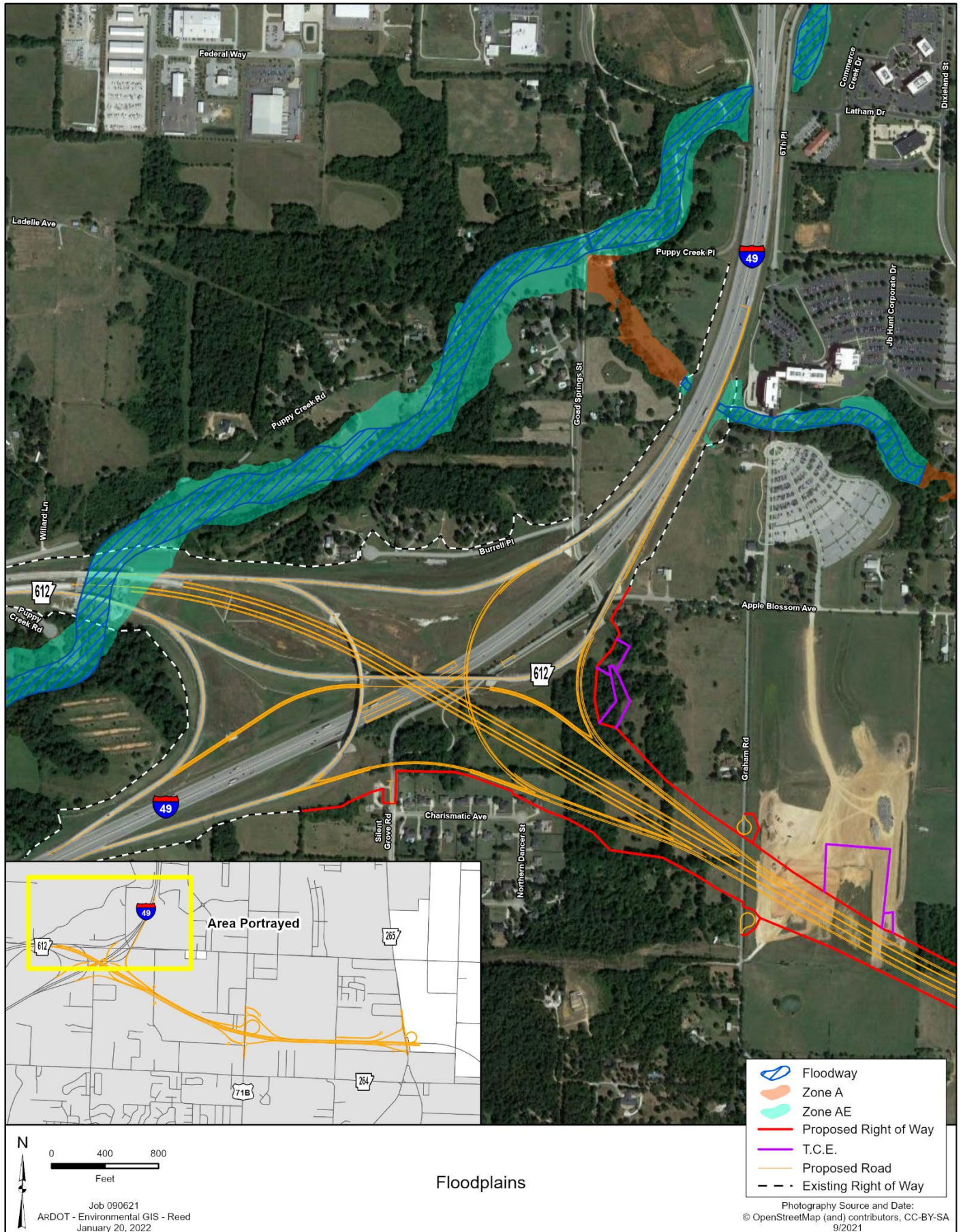


Figure 6



### Protected Waters

There are no state or federal protected water bodies within one mile of the current design.

### Public Water Supplies

A public water system well is located approximately 0.7 mile from the proposed project. The Wellhead Protection Special Provision will be added to the construction contract in order to ensure that there would be no impacts to this public water supply as a result of construction of the proposed project. The wellhead was already in place as of the 2014 re-evaluation and no impacts to the wellhead were expected with the 2014 design or with the current design.

## 5.9 Would the project affect any federally-protected species?

The official species list obtained from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) identified the following species as potentially occurring within the project area: Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temmickii*), Ozark Cavefish (*Troglichthys rosae*), Neosho Mucket (*Lampsilis rafinesqueana*), Monarch Butterfly (*Danaus plexippus*), and Missouri bladderpod (*Physaria filiformis*).

Utilizing the IPaC determination keys, it was determined that the project would have “no effect” on the Eastern Black Rail, Piping Plover, Red Knot, Ozark Big-eared Bat, and Missouri bladderpod. It was also determined that the project “may affect, but is not likely to adversely affect” (NLAA) the Gray Bat, Indiana Bat, Neosho Mucket, and Ozark Cavefish. The official species list and USFWS concurrence are included in [Appendix E](#).

The NLAA determinations for the Indiana Bat and Northern Long-eared Bat are contingent upon ARDOT’s commitment to habitat assessments, surveys, and a pup season clearing restriction, which prohibits tree clearing from May 1<sup>st</sup> through July 31<sup>st</sup>.

In addition to the Special Clearing Pup Season Special Provision, the following special provisions will be added to the project contract to



minimize impacts to protected species: Cave Discovery Special Provision, Off-site Restraining Condition for Indiana and Northern Long-eared Bats Special Provision, and a Water Pollution Control Special Provision.

The Monarch Butterfly is a candidate species and is not federally protected under the Endangered Species Act. USFWS recommends agencies implement conservation measures for candidate species in action areas as these species may warrant future protection under the Endangered Species Act. ARDOT will plant native wildflowers after construction as a conservation measure.

A “no effect” determination was made for the Alligator Snapping Turtle. This action would not jeopardize the continued existence of the Alligator Snapping Turtle and Tricolored Bat.

The current design has less property impacts overall and none of the federally-listed species are anticipated to experience worse impacts with the current design than with the 2014 design. The Red Knot, Eastern Black Rail, Northern Long-eared Bat, and Missouri bladderpod were not listed at the time of the 2014 NEPA re-evaluation, but none of the impacts described above would be considered significant or warrant additional analysis.

## **5.10 Does the project have any indirect impacts?**

Indirect effects are reasonably foreseeable effects that may be caused by the project, but would occur in the future or outside of the project area.

### **Encroachment-Alteration Effects**

Encroachment-alteration effects are physical, chemical, or biological changes in the environment that occur as a result of the project but are removed in time or distance from the direct effects. Impacts to water quality that occur as a result of the project but are then distributed off-site as water moves downstream beyond the project area, are the primary encroachment-alteration effect for this project. Best management practices would be utilized to eliminate or minimize impacts to water quality, as discussed in [Section 5.8](#).

### **Induced-Growth Effects**

Changes in the pattern of land use, growth patterns, population density, or growth rate due to the construction of a highway project also may occur, and the resulting induced development can impact sensitive



resources. This is another type of indirect effect that is categorized as induced-growth effects.

The project area is already growing at a rate much faster than most of the rest of the State of Arkansas, as discussed in [Section 3.1](#). This growth is anticipated to occur even if the proposed project is not implemented and was discussed in the FEIS, ROD, and previous re-evaluation. The project area is also already highly disturbed so further development would not introduce impacts to an area where they are not already occurring.

There have been no changes to the anticipated indirect effects that warrant additional analysis or that would affect the decision-making in the ROD or 2014 re-evaluation.

### **5.11 Does the project have any cumulative impacts?**

Cumulative impacts result from the total effects of a proposed project when added to other past, present, and reasonably foreseeable future projects or actions. Cumulative impacts include the direct and indirect impacts of a project together with the reasonably foreseeable future actions of others: e.g., other federal, state, and local governments, non-governmental organizations, and private entities. The direct impacts that result from an action may be undetectable but can add to other disturbances and eventually lead to a measurable environmental change. Cumulative effects are studied so that the public, decision makers, and project proponents take the time to consider the “big picture” effects a project could have on the community and environment. For any given resource, a cumulative impact would only potentially exist if the resource were also directly or indirectly impacted by the proposed project.

The other actions discussed in the FEIS and their status are:

- Northwest Arkansas Regional Airport Access Road: Now called the Northwest Arkansas National Airport Access (XNA) project, this project had an Environmental Assessment approved by FHWA on January 21, 2021 and a Finding of No Significant Impact approved by FHWA on June 14, 2022. This project connects to the westernmost section of the SNB, which is still to be re-evaluated and would not contribute to any cumulative effects on the subject SNB section between Interstate 49 and Highway 265. Both the XNA project and the westernmost section



of the SNB are programmed for funding in the STIP for year 2025. There have not been any substantial changes to either project since the SNB ROD.

- Eastern Fayetteville Bypass Corridor: As referenced in the FEIS, this project was removed from the City of Fayetteville's master street plan and was never constructed.
- Eastern Bypass to Rogers: Most of this corridor has already been built and is signed as Highway 265. Highway 265 currently extends from Highway 16 in Fayetteville to Highway 94 in Rogers.

Additional proposed actions currently in progress in or near the project area include:

- Dixieland Road: In 2022, the City of Springdale approved the extension of Dixieland Road, a north-south city street, to extend south across the proposed SNB corridor. The SNB design was modified to accommodate Dixieland Road with an overpass.

With the only new anticipated transportation construction project in the project area being the extension of Dixieland Road, a city street, and only minor alignment shifts since the ROD associated with the proposed project, there have been no substantial changes to the cumulative effects analysis completed in the ROD that would affect the decision-making related to the SNB Selected Alternative.

## 5.12 What other resource areas were examined but not impacted?

### Air Quality

This project is located in an area that is designated as **in attainment** for all transportation pollutants. The current design would not result in air quality impacts for Clean Air Act criteria pollutants or special mobile source air toxics concerns different than that of the 2014 design plans.

### Hazardous Materials

No known **hazardous materials** sites or infrastructure would be impacted by the 2014 design or the current design, and neither design would generate any hazardous materials.

#### What is air quality attainment?

Areas are considered in attainment for air pollutants when measured levels are below the National Ambient Air Quality Standards set by the U.S. Environmental Protection Agency.

#### What are hazardous materials?

A hazardous material is any item or chemical that can cause harm to people, plants, or animals when released into the environment.



**Section 4(f)/6(f)**

The project would not impact any parks, recreation areas, wildlife refuges, or historic sites eligible for protection under Section 4(f) of the U.S. Department of Transportation Act of 1966 or Section 6(f) of the Land and Water Conservation Act.



# Chapter 6: Re-evaluation Conclusion

## What’s in Chapter 6?

Chapter 6 summarizes the findings of this re-evaluation.

### 6.1 What are the results of this re-evaluation?

The environmental analysis of the proposed project did not identify any substantial changes to the natural, cultural, or social environmental impacts as a result of the revisions made to the Selected Alternative. A summary of the impacts associated with the current design can be found in [Table 5](#).

Table 5  
Impacts Associated with the Current Selected Alternative Design

Resource	Anticipated Impacts
Construction Cost	\$105M
Right of Way and Relocation Costs	\$12.3M
Total Project Cost	\$117.3M
Property Impacts	217.8 acres
Relocations	17
Environmental Justice Populations	Minimal
Important Farmland Impacts	17.2 acres
Total Stream Impacts	2,083.5 linear feet
Federally-Protected Species	“No Effect” or “May Affect, Not Likely to Adversely Affect” findings for all species



## Reference Page: Acronyms

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ARDOT	Arkansas Department of Transportation
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
NEPA	National Environmental Policy Act
NLAA	“May affect, not likely to adversely affect”
NWARPC	Northwest Arkansas Regional Planning Commission
ROD	Record of Decision
SHPO	State Historic Preservation Officer
SNB	Springdale Northern Bypass
USFWS	U.S. Fish & Wildlife Service



## Appendix A: Conceptual Stage Relocation Study

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Appendix A is referenced in:

- [Section 5.2](#)



**Conceptual Stage Relocation Study, Inventory and Cost Estimate**

The Arkansas Department of Transportation



Job Number 090621  
I-49 – Hwy. 265 (Springdale Bypass) (S)  
Benton County

Prepared for the Environmental Division  
By the Relocation Section, Right of Way Division

Finalized on January 5, 2022





ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2000

## INTEROFFICE MEMORANDUM

January 7, 2022

**TO:** John Fleming, Division Head, Environmental Division

**FROM:** *KTW* Kevin T. White, Division Head, Right of Way Division

**SUBJECT:** JOB 090621  
I-49 – Hwy. 265 (Springdale Bypass) (S)  
Benton COUNTY  
**CONCEPTUAL STAGE RELOCATION STATEMENT**

### GENERAL STATEMENT OF RELOCATION PROCEDURE

Persons displaced as a direct result of acquisition for the proposed project will be eligible for relocation assistance in accordance with Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended (The Uniform Act). The Relocation Program provides advisory assistance and payments to minimize the adverse impact and hardship of displacement upon such persons. No lawful occupant shall be required to move without receiving a minimum of 90 days advance written notice. All displaced persons; residential, business, farm, nonprofit organization, and personal property relocatees are eligible for reimbursement for actual reasonable moving costs.

It is the Department's Policy that adequate replacement housing will be made available, built if necessary, before any person is required to move from their dwelling. All replacement housing must be fair housing and offered to all affected persons regardless of race, color, religion, sex or national origin. Construction of the project will not begin until decent, safe and sanitary replacement housing is in place and offered to all affected persons.

There are two basic types of residential relocation payments: (1) Replacement Housing payments and (2) Moving Expense payments. Replacement Housing payments are made to qualified owners and tenants. An owner may receive a payment of up to \$31,000.00 for the increased cost of a comparable replacement dwelling. The amount of this payment is determined by a study of the housing market. Owners may also be eligible for payments to compensate them for the increased interest cost for a new mortgage and the incidental expenses incurred in connection with the purchase of a replacement dwelling. A tenant may receive a rental subsidy payment of up to \$7,200.00. Tenants may elect to receive a down payment rather



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than a rental subsidy to enable them to purchase a replacement dwelling. Replacement housing payments are made in addition to moving expense payments.

Businesses, farms and nonprofit organizations are eligible for reestablishment payments, not to exceed \$25,000.00. Reestablishment expense payments are made in addition to moving expense payments. A business, farm or nonprofit organization may be eligible for a fixed payment in lieu of the moving costs and reestablishment costs if relocation cannot be accomplished without a substantial loss of existing patronage. The fixed payment will be computed in accordance with the Uniform Relocation Act and cannot exceed \$40,000.00.

If the displacee is not satisfied with the amounts offered as relocation payments, they will be provided a form to assist in filing a formal appeal. A hearing will be arranged at a time and place convenient for the displacee, and the facts of the case will be promptly and carefully reviewed.

Relocation services will be provided until all persons are relocated or their relocation eligibility expires. The Relocation Office will have listings of available replacement housing and commercial properties. Information is also maintained concerning other Federal and State Programs offering assistance to displaced persons.

=====

#### **PROJECT SPECIFIC RELOCATION ESTIMATES**

Based on preliminary construction plans, aerial photographs, and an on-site project review, it is estimated that the subject project could cause the following displacements and costs:

##### **Proposed Project:**

7 Residential Owners	\$ 350,000.00
1 Residential Tenant	\$ 15,000.00
8 Businesses	\$ 440,000.00
1 Farm	\$ 40,000.00
4 Personal Properties	\$ 30,000.00
Services	<u>\$ 165,000.00</u>
Total	<b>\$1,080,000.00</b>

The general characteristics of the displacees to be relocated are listed on the Conceptual Stage Inventory Record forms in the back of this report. The general characteristics have been determined by a visual inspection of the potential displacement locations by Relocation Coordinators. The Relocation Coordinators utilize area demographic data, visual inspections, publicly available information, past experiences and knowledge in making this determination.



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**PROJECT SPECIFIC REPLACEMENT PROPERTY INVENTORY**

An available housing inventory has been compiled and it indicates there are at least nineteen comparable replacement dwellings available for sale and eighteen comparable replacement dwellings available for rent within a reasonable proximity of the project area. At least eight developed commercial properties and twenty-two vacant land commercial properties are currently for sale in the project area. There are at least twelve commercial properties for lease. A breakdown of the available properties is as follows:

Residential (For Sale)	<u>Number Of Units</u>
\$ 100,001 – 150,000	2
150,001 – 200,000	3
200,001 – 250,000	6
300,001 – 350,000	7
350,001 – 400,000	7
400,001 – 450,000	3
450,001 – 500,000	5
500,001 and up	7
<b>Total</b>	<b>19</b>

Residential (Monthly Rent)	
\$ 0 – 1,000	0
1,000 – 1,500	3
1,501 – 2,000	4
2,001 – 2,500	4
2,501 and up	1
<b>Total</b>	<b>18</b>

Commercial Properties (For Sale)	
\$ 0 – 500,000	2
500,000 – 1,000,000	3
1,000,001 – 1,500,000	2
1,500,001 and up	1
<b>Total</b>	<b>8</b>

Commercial Land (For Sale)	
\$ 0 – 250,000	5
250,001 – 500,000	7
500,001 – 750,000	4
750,001 – 1,000,000	2
1,000,001 and up	4
<b>Total</b>	<b>22</b>



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January 5, 2022

Commercial Properties (For Lease – Rental Rates are Per Year)	
\$ 0 - 50,000	4
50,001 - 100,000	3
100,001 - 500,000	4
500,001 and up	1
<b>Total</b>	<b>12</b>

This project will consist of building an interstate grade roadway from I-49 to Highway 265 in Springdale, Benton County, AR. The units contained in the housing inventory are in Benton County and Washington County. The dwellings and number of dwellings are comparable and adequate to provide replacement housing for the families displaced on the project. In the event housing cannot be found or can be found but not within the displacees' economic means at the time of displacement, Section 206 of Public Law 91-646 (Housing of Last Resort) will be utilized to its fullest practical extent.

The replacement property inventory was compiled from data obtained from real estate companies, web sites, and local newspapers for the subject area. The dwellings contained in the inventory have been determined to be comparable and decent, safe and sanitary. The locations of the comparable dwellings are not less desirable in regard to public utilities and public and commercial facilities, are reasonably accessible to the displacees' places of employment, adequate to accommodate the displacees, and in neighborhoods which are not subject to unreasonable adverse environmental factors. It has also been determined that the available housing is within the financial means of the displacees and is fair housing open to all persons regardless of race, color, sex, religion or national origin consistent with the requirements of 49 CFR, Subpart A, Section 24.2 and Title VIII of the Civil Rights Act of 1968.

A commercial property inventory indicates there are at least eight developed properties and twenty-two undeveloped properties available for sale, and at least twelve commercial properties available for lease in the subject area at this time. The businesses displaced on the project may not be able to relocate in the immediate area of their displacement resulting in termination of the operation. However, in order to assist the displaced businesses and farm operations in relocating, the State will explore all possible sources of funding or other resources that may be available to businesses and nonprofit organizations. Sources that will be considered include: State and Local entities, the Department of Housing and Urban Development, the Economic Development Commission, the Small Business Administration and other Federal Agencies. Emphasis will be given in providing relocation advisory services to the businesses and nonprofit organizations. Appropriate measures will be taken to ensure that each entity displaced is fully aware of their benefits, entitlements, courses of action that are open to it, and any special provisions designed to encourage businesses and nonprofit organizations to relocate within the same community.



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It is estimated that there will be one minority household, one minority-owned business, two elderly households, and one low income household displaced by the project. All displacees will be offered relocation assistance under provisions in the applicable FHWA regulations. At the time of displacement another inventory of available housing in the subject area will be obtained and an analysis of the market made to ensure that there are dwellings adequate to meet the needs of all displacees. Also, special relocation advisory services and assistance will be administered commensurate with displacees' needs, when necessary. Examples of these include, but are not limited to, Housing of Last Resort as previously mentioned and consultation with local officials, social and federal agencies and community groups.

### **The Residential Single Family Housing Market and Cumulative Impact of Displacements for Highway Projects in Benton and Washington Counties**

Concurrent with the production of this Conceptual Stage Study, several major capital improvement projects are in various stages of planning and design in Benton and Washington Counties in Northwest Arkansas. Coincidental with the planning and design of these projects has been a constriction of supply in the residential real estate market. The constriction of the housing supply is a national economic trend and not limited to the Northwest Arkansas real estate market.

Related specifically to Northwest Arkansas, Arvest Bank reported that its Skyline Report on residential real estate for the first half of 2021 "Indicate[s] a red-hot market straining to keep pace with job and population growth trends." Indicating factors are "The vacancy rate for apartments fell in all major cities in the region, with the overall vacancy rate at just 3.4%," "The average sales price of homes in Benton and Washington counties rose 16.2% from the first half of 2020, moving from \$263,461 to \$306,236. Five years ago, the average sales price for a home was \$212,323, yielding a five-year increase of 44.2%," and "The number of complete but unoccupied new homes for sale at the end of June was 154, the lowest level since 2012, while the number of homes listed for sale on MLS was 607, the lowest level since 2009."<sup>12</sup>

Relocation estimates for the following eight projects in Benton and Washington counties, scheduled for bid letting in 2023 and 2024, were considered:

<u>Job Number</u>	<u>Current Estimated Letting Date</u>
090069	July 2023
012326	August 2023
012305	November 2023
040746	May 2024
090621	June 2024
040860	June 2024
040752	June and August 2024

<sup>1</sup> <https://share.arvest.com/newsroom/skyline-report-first-half-2021/>

<sup>2</sup> It is noted that the use of "Average" sales prices for a population of home prices is atypical to the industry and tends to skew high. Most industry reporting for residential real estate uses "Median" home prices.



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090513

November 2024

Relocation analysis and estimates for some of these projects have not yet been reviewed or finalized. As these projects are in various stages of planning and design, fluctuation of the relocation estimates are expected, and therefore a range is estimated. It is estimated that these projects will result in the cumulative and non-concurrent displacement of between 60 and 80 residential owner occupants.

A current search on Realtor.com for all single family residential homes for sale in Benton and Washington counties, excluding those that are under contract and contingent, yields 551 total listings. It is important to recognize that not all listings are decent, safe, and sanitary, or comparable to those occupied by persons displaced. Excluding properties that fall outside 1.5 standard deviations to approximate for the exclusion of non-DSS and non-comparable homes, and the inclusion of non-MLS available homes and unlisted new construction, that number reduces to 479 listings.

#### Non-Concurrent Displacements

Were the displacements to occur simultaneously (i.e, if they were to run concurrently), the displacement of 60 – 80 residential owner occupants may demand between 8.5% and 16.7% of all of the available single-family residential dwellings for sale in Benton and Washington counties. However, to work within the letting schedule above, the displacing activities for the projects listed are likely to be dispersed over a two to three year period, resulting in an estimate of between 20 and 40 displacements per year. Adjustments to the letting schedule may compress or decompress the distribution of displacements over time. However, it is believed that the estimate of 20 to 40 displacements per year is likely to remain accurate. The dispersion of these displacements over time drastically reduces the impact on the real estate market. When dispersion is maximally compressed within the range above, the estimated market demand is approximately 2.1%, and when maximally dispersed, the demand falls to approximately 0.7%. Therefore, it is not expected that the cumulative impacts of displacement for these projects will have a substantial impact on the residential housing market.

#### Housing of Last Resort

As stated above, it is the Department's Policy that adequate replacement housing will be made available, built if necessary, before any person is required to move from their dwelling. In the event housing cannot be found or can be found but not within the displacees' economic means at the time of displacement, Section 206 of Public Law 91-646 (Housing of Last Resort) will be utilized to its fullest and practical extent.

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There are no other identified unusual conditions involved with this project.



ARKANSAS DEPARTMENT OF TRANSPORTATION  
 CONCEPTUAL STAGE RELOCATION INVENTORY  
 Job No. 090621 Job Name I-49 - Hwy 265 (Springdale Bypass) Date of Inventory January 3, 2022

Type Relocation	Number	Residential Property Values or Rental Rates	Large Family Households	Disabled Person Households	Minority Households	Elderly Households	Low Income Households	Employees Affected (Range)
Residential Owners	7	\$100,000.00 - \$500,000.00	0	0	1	2	0	
Residential Tenants	1	\$500 - \$750	0	0	0	0	1	
Businesses	8		0	0	1	0	0	50 - 90
Landlord Businesses	0							
Non-Profit Organization	0							
Totals	16	N/A	0	0	2	2	1	50 - 90



## **Appendix B: February 2023 Public Meeting Synopsis**

Appendix B is referenced in:

- [Section 5.3](#)



## PUBLIC MEETING SYNOPSIS

**Job 001966 / 090621**

**Springdale Northern Bypass P.E. / I-49 – Hwy. 265 (Springdale Bypass)**

**Benton County**

**February 21, 2023**

An open forum public involvement meeting for the proposed construction of the Springdale Northern Bypass from Interstate 49 to Highway 265 was held at the First Baptist Church of Lowell from 4:00 – 7:00 p.m. on February 21, 2023. Efforts to involve minorities and the public in the meeting included:

- A display advertisement placed in the *Northwest Arkansas Democrat Gazette* on February 12, 2023 and February 19, 2023.
- A public service announcement that ran on KMRW 98.0 FM and LA ZETA 95.7 FM from February 17-21, 2023.
- Letters mailed to public officials and minority leaders.
- Flyers mailed to citizens.

The following information was available for inspection and comment. The handouts and small-scale copies of the displays are attached.

- Project location maps
- Roll plots showing the proposed design of the Selected Alternative.
- Impact summary tables for the Selected Alternative.
- Laptop computers showing the interactive webmap with the project design.

Table 1 describes the results of the public participation at the meeting.

TABLE 1	
Public Participation	Totals
Attendance at meeting (including ARDOT staff)	172
Website registrations	30
Comments received	36

*ARDOT staff reviewed all comments received and evaluated their contents. The summary of comments listed below reflects the personal perception or opinion of the person or organization making the statement. The sequencing of the comments is random and is not intended to reflect importance or numerical values. Some of the comments were combined and/or paraphrased to simplify the synopsis process.*



Job 001966 / 090621 – Public Meeting Synopsis

February 21, 2023

Page 2 of 2

A listing of general comments concerning the proposed project follows:

- The design should consider existing flooding problems in the project area.
- The project would cause increased noise levels for adjacent property owners.
- The project would cause an increase in truck and overall vehicular traffic which would impact nearby communities.
- The alignment should be shifted to avoid property impacts.
- Noise and visual barriers should be considered to reduce noise and viewshed impacts.
- Other projects should be given funding priority over the proposed project.
- An off ramp is needed to Silent Grove, Apple Blossom, and S. Goad Springs Road to alleviate congestion in other areas.
- A comment in support of the project and its purpose and need was received.
- Additional traffic control on Highway 265 would help those living off the highway to enter and exit their property by creating breaks in the traffic.
- An exit/entrance ramp should be added near the J.B. Hunt facility in Lowell.
- The project would negatively impact the views of adjacent property owners.
- The project should end at Highway 71B.
- All of the Springdale Northern Bypass should be constructed before 2026.
- The ramp near Secretariat should instead be a tunnel.
- The Interstate 49 overpasses should be constructed to carry four lanes of traffic in both directions and the bridges to carry three lanes of traffic in each direction to accommodate growth in the region.
- All adjacent homes should be purchased by ARDOT to prevent safety and utility issues.
- The project would change the character and feel of the impacted and adjacent neighborhoods.
- ARDOT should seek to secure low-interest loans from the federal government to expedite projects in northwest Arkansas.

Attachments: Public handouts, including blank comment form  
Small-scale display copies

SS:DN:sw





## PUBLIC INVOLVEMENT MEETING NOTICE

I-49—Hwy. 265 (Springdale Bypass) (Hwy. 612)  
(Benton County)

Job 090621

### You're Invited!

Visit anytime during the scheduled hours.

**What:** The Arkansas Department of Transportation (ARDOT) will conduct a Public Involvement meeting to present the current design for the Hwy. 612 (Springdale Bypass) between I-49 and Hwy. 265 in Benton County.

**When:** February 21, 2023  
4:00 p.m. - 7:00 p.m.

**Where:** First Baptist Church of Lowell  
(Fellowship Hall)  
209A Washington Street  
Lowell, AR 72745

Link to Project Information:

[www.ardot.gov/publicmeetings](http://www.ardot.gov/publicmeetings)

Comment form availability begins **February 21, 2023**  
and ends at 4:30p.m. on **March 8, 2023**.

For further assistance, contact Karla Sims:

Phone: (501) 569-2000 or e-mail: [karla.sims@ardot.gov](mailto:karla.sims@ardot.gov)

#### Special Accommodations:

Anyone needing project information or special accommodations under the Americans with Disabilities Act (ADA) is encouraged to write to Ruby Jordan-Johnson, P.O. Box 2261, Little Rock, AR 72203-2261, call (501)569-2379, fax (501)569-2009 or email [environmentalplmeetings@ardot.gov](mailto:environmentalplmeetings@ardot.gov). Hearing or speech impaired, please contact the Arkansas Relay System at (Voice/TTY 711). Requests should be made at least four days prior to the public meeting.

#### Notice of Nondiscrimination

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance.

Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden EEO/DBE Officer (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: [joanna.mcfadden@ardot.gov](mailto:joanna.mcfadden@ardot.gov)

Free language assistance for Limited English Proficient individuals is available upon request.. This notice is available from the ADA/504/Title VI Coordinator in large print, on audio tape and in Braille.



**ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT)  
CITIZEN COMMENT FORM**

**ARDOT JOB NUMBER 090621  
I-49 – HWY. 265 (SPRINGDALE BYPASS) (HWY. 612)  
BENTON COUNTY**

**LOCATION:  
FIRST BAPTIST CHURCH OF LOWELL  
(FELLOWSHIP HALL)  
209A WASHINGTON STREET  
LOWELL, AR 72745  
4:00PM – 7:00PM**

**FEBRUARY 21, 2023**

*Please Print*

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street Address City, State, Zip

Comments:


(Use additional sheets if necessary)

**Written Comments should be left in the drop box at this hearing or received by 4:30 p.m., Wednesday,  
March 8, 2023 at the following address:**

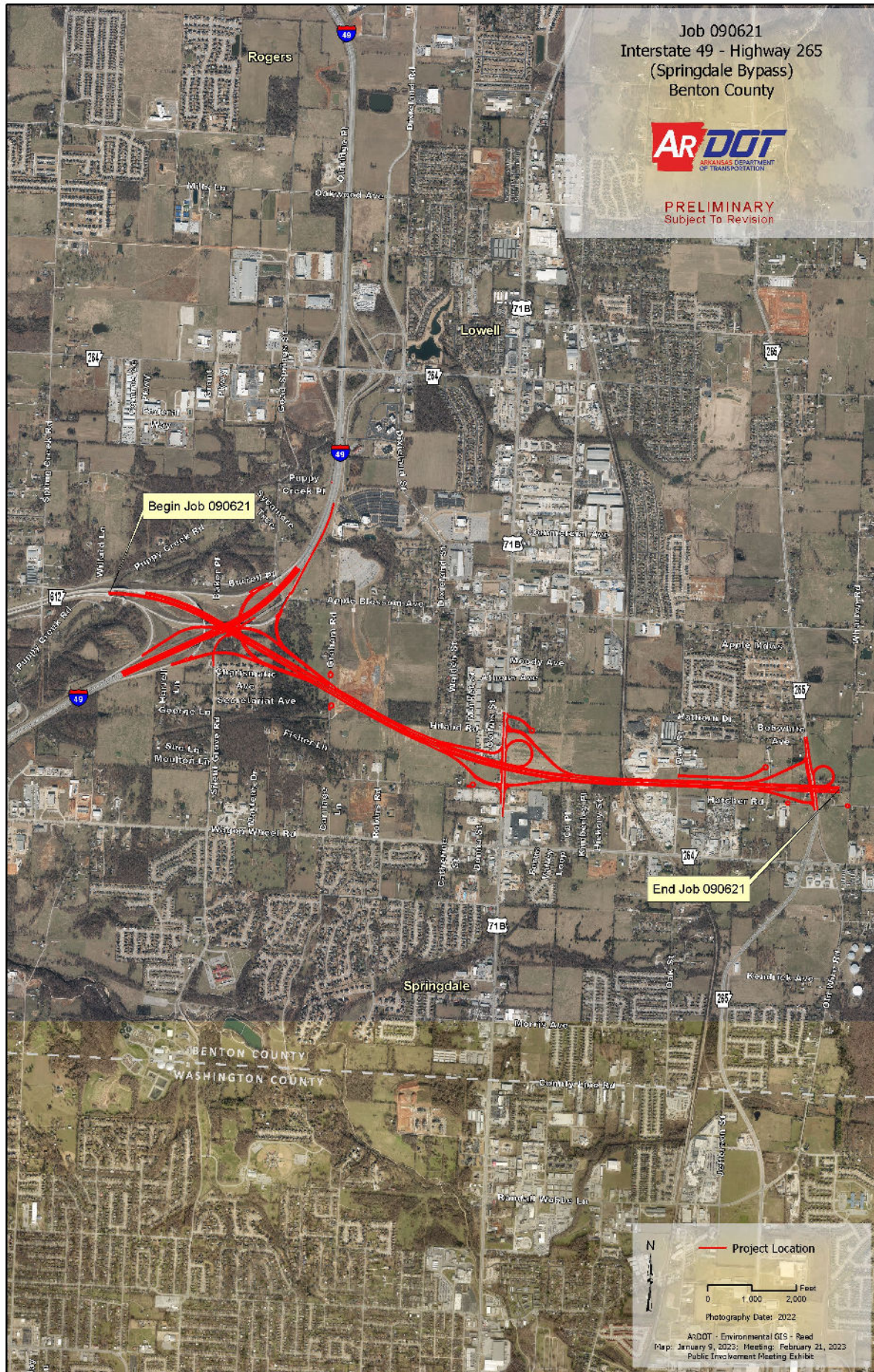
Arkansas Department of Transportation  
Environmental Division  
P.O. Box 2261  
Little Rock, Arkansas 72203-2261  
Telephone: (501) 569-2281

Fax: (501) 569-2009

Email: [environmentalpmmeetings@ardot.gov](mailto:environmentalpmmeetings@ardot.gov)

For additional information, please visit our website at [www.ardot.gov/publicmeetings](http://www.ardot.gov/publicmeetings)







## Appendix C: Natural Resources Conservation Service Coordination

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Appendix D is referenced in:

- [Section 5.4](#)





United States Department of Agriculture

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Josh Graham  
Environmental Impact Analyst  
ARDOT – Environmental Division

Dear Mr. Graham

This letter is in response to your request for information related to Prime Farmland and Farmland of Statewide Importance for the I-49 - Hwy. 265 (Springdale Bypass) (S) Project located in Benton County, Arkansas. There is 17 acres of Prime Farmland and 0.26 acres of Statewide and Local Important Farmland. Please find enclosed form CPA-106 and map.

Should you have any questions or need additional information, please call me at (501) 301-3180 or email at [rebecca.fox@usda.gov](mailto:rebecca.fox@usda.gov).

Sincerely,

Rebecca Fox  
Assistant State Soil Scientist

Enclosure



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**Natural Resources Conservation Service**  
Room 3416, Federal Building  
700 West Capitol Avenue  
Little Rock, Arkansas 72201-3215

An Equal Opportunity Provider and Employer

*Helping People Help the Land*



U.S. DEPARTMENT OF AGRICULTURE  
Natural Resources Conservation Service

NRCS-CPA-106

(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

<b>PART I (To be completed by Federal Agency)</b> Job 090621		3. Date of Land Evaluation Request 10/5/2022		Sheet of 1	
1. Name of Project   -49 - Hwy. 265 (Springdale Bypass) (S)		5. Federal Agency Involved FHWA			
2. Type of Project Road		6. County and State Benton County, Arkansas			
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS 10/5/22		2. Person Completing Form Rebecca Fox	
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		4. Acres Irrigated 231		Average Farm Size 126	
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 243,753 % 43		7. Amount of Farmland As Defined in FPPA Acres: 196,881 % 35		
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE		10. Date Land Evaluation Returned by NRCS 10/14/22		
<b>PART III (To be completed by Federal Agency)</b>		<b>Alternative Corridor For Segment</b>			
		Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly		200			
B. Total Acres To Be Converted Indirectly Or To Receive Services		0			
C. Total Acres In Corridor		200			
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>					
A. Total Acres Prime And Unique Farmland		17			
B. Total Acres Statewide And Local Important Farmland		0.26			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		0.08			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		19			
<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>		68			
<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>		Maximum Points			
1. Area in Nonurban Use		15	8		
2. Perimeter in Nonurban Use		10	5		
3. Percent Of Corridor Being Farmed		20	10		
4. Protection Provided By State And Local Government		20	0		
5. Size of Present Farm Unit Compared To Average		10	0		
6. Creation Of Nonfarmable Farmland		25	25		
7. Availability Of Farm Support Services		5	5		
8. On-Farm Investments		20	0		
9. Effects Of Conversion On Farm Support Services		25	0		
10. Compatibility With Existing Agricultural Use		10	5		
TOTAL CORRIDOR ASSESSMENT POINTS		160	58	0	0
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)		100	68	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)		150	58	0	0
TOTAL POINTS (Total of above 2 lines)		260	126	0	0
1. Corridor Selected:  Corridor A		2. Total Acres of Farmlands to be Converted by Project:  17.26 acres of Imp Farmland		3. Date Of Selection:	
				4. Was A Local Site Assessment Used?  Yes <input type="checkbox"/> No <input type="checkbox"/>	
5. Reason For Selection:					

Signature of Person Completing this Part:

Joshua Graham

DATE

10/17/2022

NOTE: Complete a form for each segment with more than one Alternate Corridor

Clear Form



NRCS-CPA-106 (Reverse)

**CORRIDOR - TYPE SITE ASSESSMENT CRITERIA**

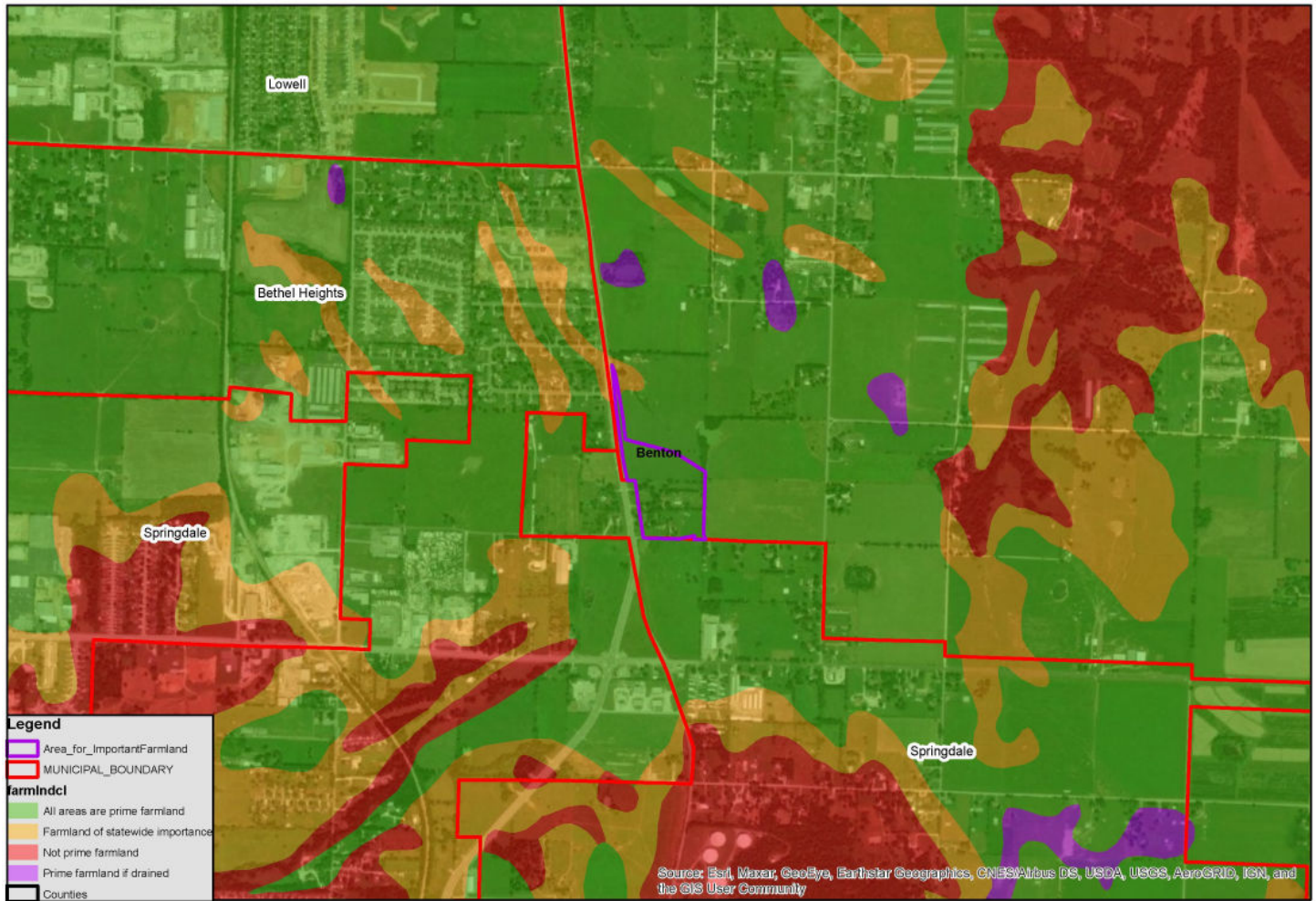
The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

- (1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?  
 More than 90 percent - 15 points  
 90 to 20 percent - 14 to 1 point(s)  
 Less than 20 percent - 0 points
- (2) How much of the perimeter of the site borders on land in nonurban use?  
 More than 90 percent - 10 points  
 90 to 20 percent - 9 to 1 point(s)  
 Less than 20 percent - 0 points
- (3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?  
 More than 90 percent - 20 points  
 90 to 20 percent - 19 to 1 point(s)  
 Less than 20 percent - 0 points
- (4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?  
 Site is protected - 20 points  
 Site is not protected - 0 points
- (5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County?  
 (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)  
 As large or larger - 10 points  
 Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points
- (6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?  
 Acreage equal to more than 25 percent of acres directly converted by the project - 25 points  
 Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)  
 Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points
- (7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?  
 All required services are available - 5 points  
 Some required services are available - 4 to 1 point(s)  
 No required services are available - 0 points
- (8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?  
 High amount of on-farm investment - 20 points  
 Moderate amount of on-farm investment - 19 to 1 point(s)  
 No on-farm investment - 0 points
- (9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?  
 Substantial reduction in demand for support services if the site is converted - 25 points  
 Some reduction in demand for support services if the site is converted - 1 to 24 point(s)  
 No significant reduction in demand for support services if the site is converted - 0 points
- (10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?  
 Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points  
 Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)  
 Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points





Farmland Classification of Soils  
I-49 - Hwy. 265 (Springdale Bypass) (S)  
Benton County, Arkansas





## Appendix D: State Historic Preservation Officer Coordination

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Appendix E is referenced in:

- [Section 5.7](#)





# The Department of Arkansas Heritage

Mike Beebe  
Governor

Cathie Matthews  
Director

Arkansas Arts Council

Arkansas Natural Heritage  
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars  
Cultural Center

Old State House Museum



## Arkansas Historic Preservation Program

1500 Tower Building

323 Center Street

Little Rock, AR 72201

(501) 324-9880

fax: (501) 324-9184

tdd: (501) 324-9811

e-mail:

[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)

website:

[www.arkansaspreservation.com](http://www.arkansaspreservation.com)

An Equal Opportunity Employer



August 21, 2009

Mr. Lynn P. Malbrough  
Division Head  
Environmental Division  
Arkansas State Highway and Transportation Department  
P.O. Box 2261  
Little Rock, Arkansas 72203-2261

RE: Multi County – Springdale  
Section 106 Review – FHWA  
Draft Report Entitled “A Cultural Resources Survey  
of the Springdale 412 Northern Bypass, Benton  
and Washington Counties, Arkansas”  
AHTD Job Number 001966  
AHPP Project Number 35183

Dear Mr. Malbrough:

My staff has reviewed the referenced draft cultural resources survey report. It is thorough, comprehensive, and well written. We also concur with the findings and conclusions presented therein. However, there were land owner access problems and some areas of the project route were not surveyed. Therefore, we are unable to complete our review of this undertaking.

To proceed with our review, the areas not surveyed should be investigated and a revised report submitted to this office. The alternative is for the Federal Highway Administration to develop a Programmatic Agreement to address the access issue, National Register eligibility determinations, and the resolution of any adverse effects.

Thank you for the opportunity to comment on this report. If you have any questions, please contact George McCluskey of my staff at (501) 324-9880.

Sincerely,

*George H. McCluskey*

for Frances McSwain  
Deputy State Historic Preservation Officer

cc: Federal Highway Administration  
Osage Nation  
Arkansas Archeological Survey

RECEIVED  
AHTD

AUG 24 2009

ENVIRONMENTAL  
DIVISION





**Sarah Huckabee Sanders**  
Governor  
**Mike Mills**  
Secretary

February 22, 2023

Mr. John Fleming  
Division Head  
Environmental Division  
Arkansas Department of Transportation  
P.O. Box 2261  
Little Rock, AR 72203-2261

RE: Benton County: General  
Section 106 Review: FHWA  
Proposed Undertaking: I-49 – Hwy. 265  
(Springdale Bypass) (S)  
ARDOT Number: 090621  
AHPP Tracking Number: 110829

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the submission for the abovementioned project located in Benton County, Arkansas. The proposed job entails the construction of 3.15 miles of Hwy. 615b, a 4-lane controlled access facility, from I-49 to Hwy. 265.

The job was initially surveyed by SPEARS, Inc. in 2009 (ArDOT Job Number 001966) (AHPP Tracking Number 35183); SPEARS, Inc. was denied access to two properties. Flat Earth Archeology, LLC. completed a Phase I survey on one of these properties in 2013. ArDOT is still denied access to the second property, Tract 240X, at the end of the project, east of Hwy. 265.

The AHPP concurs with and approves of ArDOT's request to defer the completion of the Phase I survey on Tract 240X until the property is acquired and before construction commences. The AHPP looks forward to receiving the Phase I survey report once the survey is completed.

Tribes that have expressed an interest in the area include the Cherokee Nation, the Osage Nation, the Shawnee Tribe, and the United Keetoowah Band of Cherokee Indians. We recommend consultation in accordance with 36 CFR § 800.2(c)(2).



110829

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, call Kathryn Bryles at 501-324-9784 or email [kathryn.bryles@arkansas.gov](mailto:kathryn.bryles@arkansas.gov).

Sincerely,

Kathryn


Bryles

*for*

Scott Kaufman

AHPP Director and State Historic Preservation Officer

cc: Dr. Melissa Zabecki, Arkansas Archeological Survey  
Mr. Randal Looney, Federal Highway Administration

 Digitally signed by  
Kathryn Bryles  
Date: 2023.12.22  
08:11:25 -08'00'



## **Appendix E: U.S Fish & Wildlife Service Coordination**

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Appendix E is referenced in:

- [Section 5.9](#)





IN REPLY REFER TO:

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office  
110 South Amity Road, Suite 300  
Conway, Arkansas 72032



May 8, 2023

Mr. John Fleming  
c/o Matt Schrum  
Arkansas Department of Transportation  
10324 Interstate 30  
Little Rock, Arkansas 72209

Consultation Code: 2023-0077861

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your request, assessment, and determinations for Arkansas Department of Transportation (ARDOT) Job #090621, Springdale Bypass between I-49 and Hwy 265 in Benton County, Arkansas. We received your re-initiation request on May 4, 2023.

ARDOT made the following assessment and determination:

The official species list obtained from the Service's Information for Planning and Consultation (IPaC) identified the following endangered and threatened species within the project boundaries; the endangered Gray Bat (*Myotis grisescens*), the endangered Indiana Bat (*Myotis sodalis*), the threatened Northern Long-eared Bat (*Myotis septentrionalis*), the endangered Ozark Big-eared Bat (*Corynorhinus* (=Plecotus) *townsendii ingens*), the threatened Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), the threatened Piping Plover (*Charadrius melodus*), the threatened Red Knot (*Calidris canutus rufa*), the threatened Ozark Cavefish (*Amblyopsis rosae*), the endangered Neosho Mucket (*Lampsilis rafinesqueana*), the candidate Monarch Butterfly (*Danaus plexippus*), and the threatened Missouri Bladderpod (*Physaria filiformis*).

*Re-initiation Addendum (May 4, 2023): I originally submitted my portions of that document in January 2022, I had your concurrence on the 4(d) rule for NLEB. In the intervening time, NLEB has been uplisted from threatened to endangered, Tricolored Bat (*Perimyotis subflavus*) was added to the species list as a proposed endangered species, and Alligator Snapping Turtle (*Macrochelys temminckii*) was added as a proposed threatened species. This project is outside of the scope of the "FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat" determination key due to clearing of suitable habitat associated with this project totaling >20 acres (20.11 acres). The nearest occurrence record (2016) is from Pigeon Roost Cave, 11.0 miles NE of the project area (ANHC 2021). The project is currently scheduled to let 01/2025. ARDOT will commit to a pup season clearing restriction on this project. ARDOT has contracted mist netting bat surveys for this summer. We propose an NLAA determination for NLEB.*



Mr. John Fleming

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*ARDOT will reinitiate Section 7 consultation this summer or fall pending negative surveys results.*

Due to a lack of suitable habitat in the project area, we propose a “no effect” determination for Alligator Snapping Turtle. ARDOT has determined that this action will not jeopardize the continued existence of Alligator Snapping Turtle and Tricolored Bat.

The Service’s “Arkansas DKey” and “FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat” determination keys were evaluated for this project via IPaC.

“No effect” determinations were given for Eastern Black Rail, Piping Plover, Red Knot, and Ozark Big-eared Bat.

“May affect, not likely to adversely affect” (NLAA) determinations were given for Gray Bat, Missouri Bladderpod, and Neosho Mucket.

A “may affect” determination was given for Ozark Cavefish. Boring will take place within the footprints of the proposed bridges. Precise locations of these borings are not currently available. The nearest location for Ozark Cavefish is 1.8 miles west of the project area, within the Cave Springs Recharge Area. The project footprint does not overlap any known karst recharge areas. Additionally, the project contract will include a Water Pollution Control Special Provision to minimize the impacts of the project to surface water quality. ARDOT proposes a NLAA determination for Ozark Cavefish.

ARDOT contests the NLAA determination for Missouri Bladderpod. There is no suitable glade habitat within the project area. Additionally, the nearest occurrence is approximately 7.1 miles SE of the project area along the shores of Beaver Lake in Washington County, Arkansas. ARDOT proposes a “no effect” determination for Missouri Bladderpod.

The Monarch Butterfly is a candidate species and as such is not federally protected under the Endangered Species Act. However, the Service recommends agencies implement conservation measures for candidate species in action areas, as these are species, by definition, that may warrant future protection under the Act. ARDOT will plant native wildflowers after construction as a conservation measure.

This project was found to be outside of the scope of programmatic consultation for Indiana Bat due to the fact that over 20 acres of potentially suitable Indiana Bat summer habitat per 5 miles of highway will be cleared. See attached ESA determination key interview. There is a historical record (1935) of Indiana Bat from Cave Springs Cave, 3.4 miles NW of the project area. The nearest contemporary record (2016) is from Pigeon Roost Cave, 11.0 miles NE of the project area (ANHC 2021). The project will require approximately 20.11 acres of suitable habitat clearing. ARDOT will commit to a pup season clearing restriction on this project. ARDOT will also commit to conducting a habitat assessment and bat survey on this project. We propose a NLAA determination for Indiana Bat.



Mr. John Fleming

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As stated in the Consistency Letter, the Service concurs with the "no effect" and "may affect, not likely to adversely affect" determination(s) for the listed species identified and your statement regarding Monarch Butterfly. The Service also concurs with ARDOT's supplemental determination of "no effect" for Missouri Bladderpod. No further consultation for this project is required for these species.

The verification letter confirms you may rely on effect determinations provided in the Arkansas determination key for project review and guidance for federally listed species to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA)."

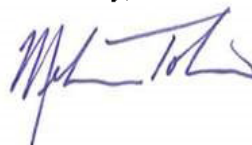
Furthermore, due to the location of the area being affected occurring within an urban environment, little to no suitable habitat within the footprint of the action, limited and poor habitat located immediately adjacent to the action, ongoing constant noise and disturbance, pup seasonal clearing restrictions, the distance to known species locations, distance to known karst recharge areas, commitment to conducting and obtaining a negative presences bat survey on this project prior to construction, and the implementation of BMPs, the Service concurs with your determination of "may affect, but is not likely to adversely affect" for the Indiana Bat and Northern Long-eared Bat. This concurrence concludes your ESA Section 7 responsibilities for this action.

ARDOT has determined that this action will not jeopardize the continued existence of Alligator Snapping Turtle and Tricolored Bat. The Service concurs with your non-jeopardy determinations.

The Service recommends that your agency contact the Arkansas Ecological Services Field Office to re-initiate consultation or re-evaluate this key in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information/surveys reveal the action may affect listed species or designated critical habitat; and 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or [lindsey\\_lewis@fws.gov](mailto:lindsey_lewis@fws.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. L. Tobin', is written over a horizontal line.

Melvin L. Tobin  
Field Supervisor



Mr. John Fleming

4

cc: Project File

Read File

Filename: <https://doimspp->

[my.sharepoint.com/personal/lindsey\\_lewis\\_fws\\_gov/Documents/Documents/PROJECTS/FY2023/ARDOT/ArDOT Job 090621 - Springdale Bypass/20230508\\_Ltr\\_Concurrence\\_ArDOT Job 090621\\_Reinitiation\\_LCL.docx](https://doimspp-my.sharepoint.com/personal/lindsey_lewis_fws_gov/Documents/Documents/PROJECTS/FY2023/ARDOT/ArDOT%20Job%20090621%20-%20Springdale%20Bypass/20230508_Ltr_Concurrence_ArDOT%20Job%20090621_Reinitiation_LCL.docx)





## 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



In Reply Refer To:

May 12, 2023

Project code: 2023-0077861

Project Name: 090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

Federal Nexus: yes

Federal Action Agency (if applicable): Federal Highway Administration

**Subject:** Federal agency coordination under the Endangered Species Act, Section 7 for  
'090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)'

Dear Matthew Schrum:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 12, 2023, for '090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)' (here forward, Project). This project has been assigned Project Code 2023-0077861 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

### Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (DKey), invalidates this letter.

### Determination for the Northern Long-Eared Bat



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Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of “May Affect, Not Likely to Adversely Affect” the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

### **15-Day Review Period**

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* Threatened
- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Missouri Bladderpod *Physaria filiformis* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Neosho Mucket *Lampsilis rafinesqueana* Endangered
- Ozark Big-eared Bat *Corynorhinus (=Plecotus) townsendii ingens* Endangered
- Ozark Cavefish *Amblyopsis rosae* Threatened
- Piping Plover *Charadrius melodus* Threatened
- Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new



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species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the Arkansas Ecological Services Field Office and reference Project Code 2023-0077861 associated with this Project.



05/12/2023

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

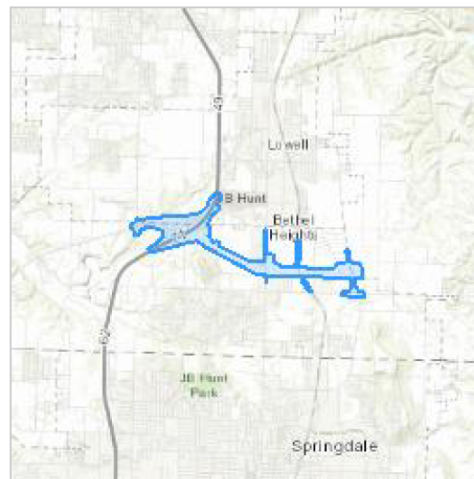
090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

**2. Description**

The following description was provided for the project '090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)':

This project is a copy for the purposes of evaluating the IBAT/NLEB determination key.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.235291000000004,-94.16423545846474,14z>





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## DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

Yes



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6. FHWA, FRA, and FTA have completed a range-wide programmatic consultation for transportation- related actions within the range of the Indiana bat and northern long-eared bat.

Does your proposed action fall within the scope of this programmatic consultation?

**Note:** If you have previously consulted on your proposed action with the Service under the NLEB 4dRule, answer 'no' to this question and proceed with using this key. If you have not yet consulted with the Service on your proposed action and are unsure whether your proposed action falls within the scope of the FHWA, FRA, FTA range-wide programmatic consultation, please select "Yes" and use the FHWA, FRA, FTA Assisted Determination Key in IPaC to determine if the programmatic consultation is applicable to your action. Return to this key and answer 'no' to this question if it is not.

*No*

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

*Yes*

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

*No*

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

*No*



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10. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

11. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

12. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

13. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?  
(If unsure, answer "Yes.")

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags  $\geq 3$  inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

14. Will the action cause effects to a bridge?

No

15. Will the action result in effects to a culvert or tunnel?

No



05/12/2023

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16. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

*No*

17. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

*No*

18. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*Yes*

19. Will any new road go through any area of contiguous forest that is greater than or equal to 10 acres in total extent?

**Note:** "Contiguous forest" of 10 acres or more may include areas where multiple forest patches are separated by less than 1,000 feet of non-forest if the forested patches, added together, comprise at least 10 acres.

*Yes*

20. For every 1,000 feet of new road that crosses between contiguous forest patches, will there be at least one place where bats could cross the road corridor by flying less than 33 feet (10 meters) between trees whose tops are at least 66 feet (20 meters) higher than the road surface?

*No*

21. Will the proposed action result in the cutting or other means of knocking down, bringing down, or trimming of any trees suitable for northern long-eared bat roosting?

**Note:** Suitable northern long-eared bat roost trees are live trees and/or snags  $\geq 3$  inches dbh that have exfoliating bark, cracks, crevices, and/or cavities.

*Yes*



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## PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

355.0

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

20.1

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

20.1

Will all potential northern long-eared bat (NLEB) roost trees (trees  $\geq 3$  inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

20.1

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0.0

Will any snags (standing dead trees)  $\geq 3$  inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

Yes

Will all project activities be completed by April 1, 2024?

No



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## **IPAC USER CONTACT INFORMATION**

Agency: Arkansas Department of Transportation

Name: Matthew Schrum

Address: 10324 I30

City: Little Rock

State: AR

Zip: 72209

Email: matthew.schrum@ardot.gov

Phone: 5015692083

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Highway Administration



5/4/23, 11:12 AM

IPaC: ESA Determination Key interview - 090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

**IPaC****U.S. Fish & Wildlife Service**

# Endangered Species Act Review

DETERMINATION KEY

## FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting NLEB or Indiana Bat

Release date: April 22, 2021

You completed the latest version of this key, published December 29, 2020, and reached a determination of not applicable for species or critical habitats covered by the key.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects. The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

## Species covered by this key

This key covers the following species expected to occur in this project area:

Indiana Bat *Myotis sodalis*

Northern Long-eared Bat *Myotis septentrionalis*



5/4/23, 11:12 AM

IPaC: ESA Determination Key interview - 090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

## Critical habitats covered by this key

This key covers the critical habitats for the following species expected to occur in this project area:

None

For more information about this determination key, including a list of all potential questions, refer to the [detailed overview](#).

## Qualification interview

1. Is the project within the range of the Indiana bat<sup>[1]</sup>?

[1] See [Indiana bat species profile](#)

☒ Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat<sup>[1]</sup>?

[1] See [Northern long-eared bat species profile](#)

☒ Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

☒ A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction<sup>[1]</sup> activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

☒ No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces<sup>[1]</sup>?



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IPaC: ESA Determination Key Interview - 090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

☒ Yes

6. Are *all* project activities **greater than 300 feet** from existing road/rail surfaces<sup>[1]</sup>?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

☒ No

7. Does the project include *any* activities **within 0.5 miles** of a known Indiana bat and/or NLEB hibernaculum<sup>[1]</sup>?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

☒ No

8. Is the project located **within** a karst area?

☒ Yes

9. Will the project include *any* type of activity that could impact a **known** hibernaculum<sup>[1]</sup>, or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a **known** hibernaculum?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

☒ No

10. Is there *any* suitable<sup>[1]</sup> summer habitat for Indiana Bat or NLEB **within** the project action area<sup>[2]</sup>? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).



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IPaC: ESA Determination Key interview - 090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

☒ Yes

11. Will the project remove *any* suitable summer habitat<sup>[1]</sup> and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

☒ Yes

12. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

☐ Yes

Your project is outside of the scope of the programmatic consultation for this key because the maximum acreage cleared for any given project addressed in this programmatic range-wide consultation is approximately 20 acres of suitable habitat (generally per 5-mile section of road/rail), unless approved by a local USFWS Field Office on case-by-case basis that the effects of the action fit in the programmatic. Please contact the appropriate U.S. Fish and Wildlife Service office for additional assistance with your project.

If you no longer wish to use this key for your project, you can delete your evaluation.





## United States Department of the Interior

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



IPaC Record Locator: 757-107992013

December 14, 2021

Subject: Consistency letter for '090621 - I49 - Hwy. 265 (Springdale Bypass) (S)' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear Matthew Schrum:

The U.S. Fish and Wildlife Service (Service) received on **December 14, 2021** your effect determination(s) for the '090621 - I49 - Hwy. 265 (Springdale Bypass) (S)' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance in the Service's Arkansas DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Black Rail ( <i>Laterallus jamaicensis ssp. jamaicensis</i> )	Threatened	No effect
Gray Bat ( <i>Myotis grisescens</i> )	Endangered	NLAA
Indiana Bat ( <i>Myotis sodalis</i> )	Endangered	May affect
Missouri Bladderpod ( <i>Physaria filiformis</i> )	Threatened	NLAA
Neosho Mucket ( <i>Lampsilis rafinesqueana</i> )	Endangered	NLAA
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened	May affect
Ozark Big-eared Bat ( <i>Corynorhinus (=Plecotus) townsendii ingens</i> )	Endangered	No effect
Ozark Cavefish ( <i>Amblyopsis rosae</i> )	Threatened	May affect
Piping Plover ( <i>Charadrius melodus</i> )	Threatened	No effect
Red Knot ( <i>Calidris canutus rufa</i> )	Threatened	No effect

Status



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**Consultation with the Service is not complete.** Further consultation or coordination with the Arkansas Ecological Services Office is necessary for those species with a determination of “may affect” (MA) listed above. Please contact our office at 501-513-4470, [arkansas\\_es\\_clearance@fws.gov](mailto:arkansas_es_clearance@fws.gov), or your agency point of contact in the Arkansas Ecological Services Office to discuss methods to avoid or minimize potential adverse effects to those species.

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

FHWA projects should not use the Arkansas Dkey for the Northern Long-eared Bat (NLEB) or Indiana Bat. Please complete the FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting NLEB or Indiana Bat determination key. This key is intended for projects funded or authorized by FHWA, FRA, or FTA, that may affect the endangered Indiana bat and/or the threatened NLEB, which requires consultation with the Service under Section 7 of the ESA.

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate this key in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information reveals the action may affect listed species or designated critical habitat; 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

**Bald and Golden Eagle Protection Act:** The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/southeast/our-services/permits/eagles/>

To determine if your proposed activity is likely to take or disturb Bald Eagles, complete our step-by-step online self-certification process, which is located at <https://www.fws.gov/southeast/our-services/eagle-technical-assistance/>.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.



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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

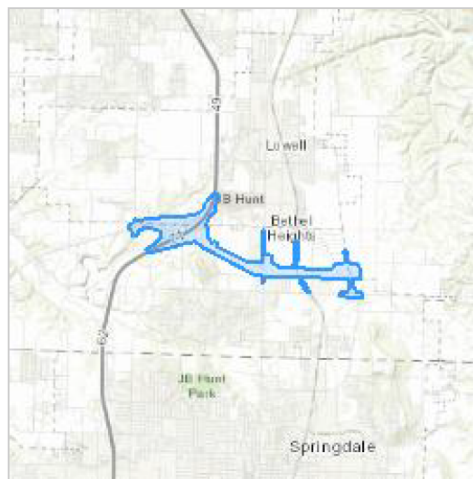
090621 - I49 - Hwy. 265 (Springdale Bypass) (S)

**2. Description**

The following description was provided for the project '090621 - I49 - Hwy. 265 (Springdale Bypass) (S)':

This project is the eastern portion of the Springdale Bypass, between I49 and AR Hwy. 265.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.2353594,-94.16414923937427,14z>





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### **Species Protection Measures**

Bridges and Culverts

<https://www.fws.gov/southeast/pdf/species-protective-measures/bridge-and-culvert-projects.pdf>

Pipeline and Linear Projects

<https://www.fws.gov/southeast/pdf/species-protective-measures/pipeline-and-linear-projects.pdf>

Stream or Ditch Relocation

<https://www.fws.gov/southeast/pdf/species-protective-measures/stream-or-ditch-relocation-projects.pdf>



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## Qualification Interview

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").  
*No*
2. Is the action authorized, funded, or being carried out by a Federal agency?  
*Yes*
3. Are you the the action agency or the designated non-federal representative?  
*Yes*
4. Choose the agency you represent in this consultation with the U.S. Fish and Wildlife Service:  
*d. Federal Highway Administration*
5. Will project proponents follow [Special Provisions for avoidance and minimization](#) measures for listed species in Arkansas?  
*Yes*
6. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?  
**Automatically answered**  
*No*
7. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?  
**Automatically answered**  
*No*
8. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?  
**Automatically answered**  
*No*
9. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?  
**Automatically answered**  
*No*
10. [Semantic] Does the project intersect the American burying beetle consultation area?  
**Automatically answered**  
*No*
11. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?  
**Automatically answered**  
*No*



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12. [Semantic] Does the project intersect the Eastern black rail AOI?  
**Automatically answered**  
*Yes*
13. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
*No*
14. Does the project take place in marshy or flooded open field habitat?  
*No*
15. [Semantic] Does the project intersect the red knot AOI?  
**Automatically answered**  
*Yes*
16. [Semantic (same answer as "8.1.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
**Automatically answered**  
*No*
17. [Semantic (same answer as "8.2")] Does the project take place in marshy or flooded open field habitat?  
**Automatically answered**  
*No*
18. [Semantic] Does the project intersect the Piping Plover AOI?  
**Automatically answered**  
*Yes*
19. [Semantic (same answer as "8.1.3 or 9.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
**Automatically answered**  
*No*
20. [Semantic] Does the project intersect the Whooping Crane AOI?  
**Automatically answered**  
*No*
21. [Semantic] Does the project intersect the interior least tern AOI?  
**Automatically answered**  
*No*
22. [Semantic] Does the project intersect the Gray Bat AOI?  
**Automatically answered**  
*Yes*
23. Does the project involve changes to an existing bridge or large culvert?  
*No*
24. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?  
**Automatically answered**  
*Yes*



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25. Are there any caves within 0.5 mile of the project area?  
*No*
26. Does the project occur in a subdivision or urban area?  
*Yes*
27. [Semantic] Does the project intersect the Indiana bat AOI?  
**Automatically answered**  
*Yes*
28. [Semantic] Does the project intersect the Northern Long-eared bat AOI?  
**Automatically answered**  
*Yes*
29. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?  
**Automatically answered**  
*No*
30. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?  
**Automatically answered**  
*No*
31. [Semantic] Does the project intersect the Ozark cavefish AOI?  
**Automatically answered**  
*Yes*
32. Does the project involve boring?  
*Yes*
33. [Semantic] Does the project intersect the Missouri bladderpod AOI?  
**Automatically answered**  
*Yes*
34. [Semantic] Does the project intersect the Geocarpon AOI?  
**Automatically answered**  
*No*
35. [Semantic] Does the project intersect the running buffalo clover AOI?  
**Automatically answered**  
*No*
36. [Semantic] Does the project intersect the Pondberry AOI?  
**Automatically answered**  
*No*
37. [Semantic] Does the project occur within the survey coordination area?  
**Automatically answered**  
*No*



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38. Does the project contain any of the following activity types:  
Boat Ramps,  
Bridges,  
Culverts,  
Development,  
Dams or Impoundments (including berms and levees),  
Streambank Stabilization (or other streambank work),  
Pipeline and linear projects,  
Water intakes/withdrawals, or  
Stream or ditch relocation?  
*Yes*
39. Does the project include Streambank Stabilization (or other streambank work)?  
*No*
40. Does the project include Boat Ramps?  
*No*
41. Does the project include Bridges and Culverts?  
*Yes*
42. Does the project include the Bridges and Culverts species [protective measures](#), as applicable to the project and site characteristics?  
*Yes*
43. Does the project include Dams and Impoundments (including berms or levees)?  
*No*
44. Does the project include Development?  
*No*
45. Is the project a Pipeline or Linear Project?  
*Yes*
46. Does the project include the Pipeline and Linear Projects species [protective measures](#), as applicable to the project and site characteristics?  
*Yes*
47. Does the project include Water Intakes/Withdrawals?  
*No*
48. Does the project include Stream or Ditch Relocation?  
*Yes*
49. Does the project include the Stream or Ditch Relocation species [protective measures](#), as applicable to the project and site characteristics?  
*Yes*
50. [Semantic] Does the project intersect the rabbitsfoot AOI?  
**Automatically answered**  
*No*



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51. [Semantic] Does the project intersect the neosho mucket AOI?  
**Automatically answered**  
*Yes*
52. [Semantic] Does the project intersect the Spectaclecase AOI?  
**Automatically answered**  
*No*
53. [Semantic] Does the project intersect the snuffbox AOI?  
**Automatically answered**  
*No*
54. [Semantic] Does the project intersect the speckled pocketbook AOI?  
**Automatically answered**  
*No*
55. [Semantic] Does the project intersect the ouachita rock pocketbook AOI?  
**Automatically answered**  
*No*
56. [Semantic] Does the project intersect the fat pocketbook AOI?  
**Automatically answered**  
*No*
57. [Semantic] Does the project intersect the Curtis pearlymussel AOI?  
**Automatically answered**  
*No*
58. [Semantic] Does the project intersect the scaleshell AOI?  
**Automatically answered**  
*No*
59. [Semantic] Does the project intersect the pink mucket AOI?  
**Automatically answered**  
*No*
60. [Semantic] Does the project intersect the Arkansas fatmucket AOI?  
**Automatically answered**  
*No*
61. [Semantic] Does the project intersect the winged mapleleaf AOI?  
**Automatically answered**  
*No*
62. [Semantic] Does the project intersect the leopard darter AOI?  
**Automatically answered**  
*No*
63. [Semantic] Does the project intersect the Yellowcheek darter AOI?  
**Automatically answered**  
*No*



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64. [Semantic] Does the project intersect the Ozark hellbender AOI?

**Automatically answered**

*No*

65. [Semantic] Does the project intersect the harperella AOI?

**Automatically answered**

*No*

66. [Semantic] Does the project intersect the pallid sturgeon AOI?

**Automatically answered**

*No*





## 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



In Reply Refer To:

May 04, 2023

Project Code: 2023-0077861

Project Name: 090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

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

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, 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.*).

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.

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.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological



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evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/eo-13186.php>.

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 Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.



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Attachment(s):

- Official Species List



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## 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



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## PROJECT SUMMARY

Project Code: 2023-0077861

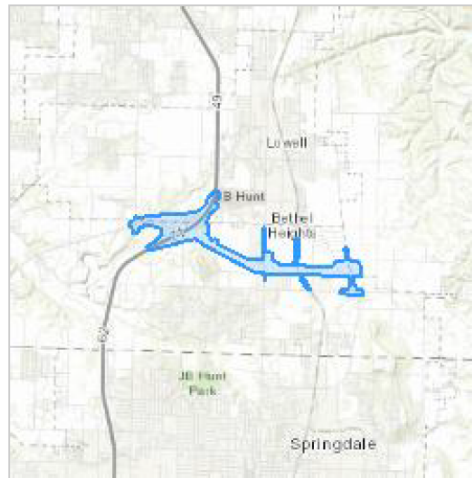
Project Name: 090621 - I49 - Hwy. 265 (Springdale Bypass) (S) (BATS)

Project Type: Road/Hwy - New Construction

Project Description: This project is a copy for the purposes of evaluating the IBAT/NLEB determination key.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.235291000000004,-94.16423545846474,14z>



Counties: Benton County, Arkansas



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## ENDANGERED SPECIES ACT SPECIES

There is a total of 13 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 Fisheries<sup>1</sup>, 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: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a>	Endangered
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7245">https://ecos.fws.gov/ecp/species/7245</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered



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**BIRDS**

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
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 <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

**REPTILES**

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4658">https://ecos.fws.gov/ecp/species/4658</a>	Proposed Threatened

**FISHES**

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

**CLAMS**

NAME	STATUS
Neosho Mucket <i>Lampsilis rafinesqueana</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3788">https://ecos.fws.gov/ecp/species/3788</a>	Endangered

**INSECTS**

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate



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**FLOWERING PLANTS**

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

**CRITICAL HABITATS**

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.



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## **IPAC USER CONTACT INFORMATION**

Agency: Arkansas Department of Transportation

Name: Matthew Schrum

Address: 10324 I30

City: Little Rock

State: AR

Zip: 72209

Email: matthew.schrum@ardot.gov

Phone: 5015692083

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Highway Administration