

TIER 3 CATEGORICAL EXCLUSION

ARDOT JOB NUMBER 009916

FAP NUMBER NHPP-0045(34)

MISSOURI & NORTHERN ARKANSAS RR STR. & APPRS. (SUMMIT) (S)

ROUTE 14, SECTION 2

MARION COUNTY

Submitted Pursuant to 42 U.S.C. 4332(2)

By the

U.S. Department of Transportation

Federal Highway Administration

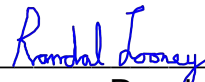
And the

Arkansas Department of Transportation

January 2021

January 11, 2021

Date of Approval



Randal Looney
Environmental Coordinator
Federal Highway Administration

The Environmental Division reviewed the referenced project and has determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Programmatic Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to construct a new Highway 14 bridge over the Missouri & Northern Arkansas Railroad within the community of Summit, in Marion County, Arkansas. Total length of the project is 0.28 mile. A project location map is attached.

The existing roadway consists of two 11' wide paved travel lanes with 1' wide paved shoulders. The existing Bridge 01483 is a 118' x 21'. Existing right of way width varies from 100' - 200'.

Proposed improvements include two 14' wide paved travel lanes with 1.5' wide concrete curb and gutter shoulders. A 3' grass berm with a 5' wide concrete sidewalk will be constructed on the west side of the highway. A 211' x 45.5' bridge with 6.5' sidewalks will be constructed east of the existing bridge. The proposed right of way width will vary from 100' - 290'. Approximately 1.1 acres of additional right of way will be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2022	1,800	4	35 mph
2042	2,100	4	35 mph

There are no relocations, environmental justice issues, wetlands, floodplains, prime farmland, or cultural resources associated with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. A Section 404 permit will not be required.

The official species list obtained from the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identified the gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Eastern Black Rail (*Laterallus jamaicensis spp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Hell Creek Cave crayfish (*Cambarus zophonastes*) and Missouri bladderpod (*Physaria filiformis*) as threatened and

endangered species potentially occurring within the project area. See the attached official species list.

Utilizing the FHWA Programmatic Biological Opinion for Transportation Projects within the range of the Indiana bat and the northern long-eared bat determination key, it has been determined that the project “may affect, and is likely to adversely affect” (LAA) the Indiana bat and northern long-eared bat. Please see the LAA Verification Letter. Tree clearing will be prohibited during the pup season, May 1 through July 31, and an Off-site Restraining Conditions for Bats Special Provision will be included in the job contract. Due to the clearing of 1.8 acres of suitable bat habitat, a deduction of \$22,514 will be made from the previously approved Arkansas Indiana Bat Migration Research Project as mitigation for the construction of this project. The USFWS concurred on June 10, 2020.

It has been determined that the project “may affect, but is not likely to adversely affect” the gray bat and the Ozark big-eared bat based on limited suitable habitat being affected along the existing roadway and the extensive time since bats were last observed in Summit Cave, which is located within a 0.5 mile of the project.

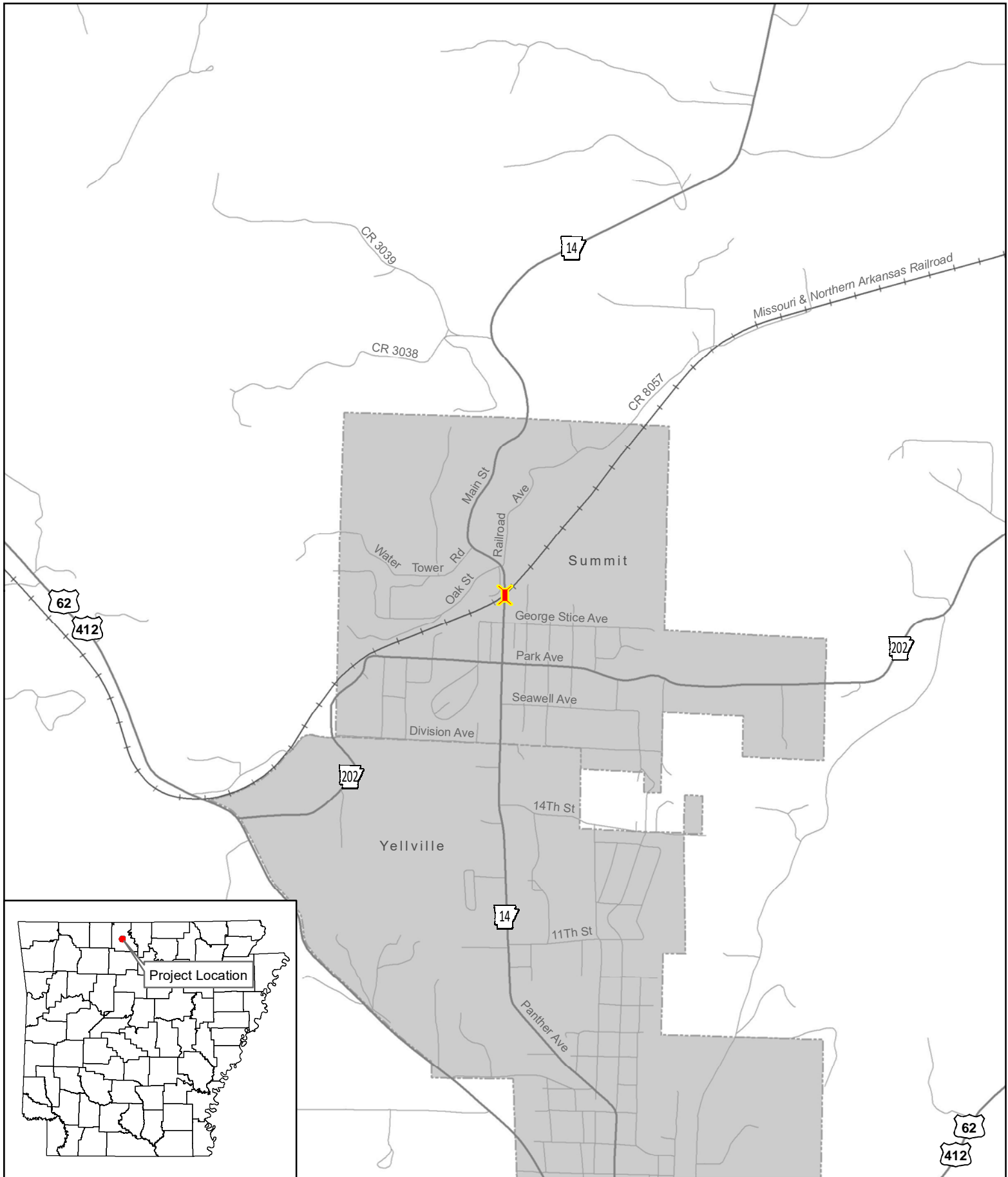
Based on the lack of habitat and distance to known species, it has been determined that the project will have “no effect” on the remaining federally listed species.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The bridge replacement will not involve adding capacity, substantially changing the roadway alignment, or exposing noise sensitive land uses to traffic noise sources. In compliance with federal guidelines, local authorities will not require notification.

This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

A Virtual Public Involvement (VPI) Meeting was held for the proposed project from November 17, 2020 through December 2, 2020. A synopsis of this VPI is attached.

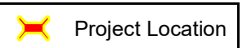
No other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts is attached.



0 1,000 2,000
Feet

ARDOT - Environmental GIS - Strawn
March 3, 2020

Job 009916
Missouri & Northern Arkansas RR Str. & Apprs.
(Summit) (Hwy. 14)
Marion County





Asa Hutchinson
Governor
Stacy Hurst
Secretary

January 1, 2021

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

Re: Marion County – Summit
Section 106 Review – FHWA
Missouri and Arkansas RR
Str. & Apprs. (Summit) (S)
ARDOT Job Number 009916
AHPP Tracking Number 105870.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Cultural Resources Survey Report for the above-referenced undertaking in Sections 32 and 33, Township 19 North, Range 16 West, Marion County, Arkansas. The undertaking entails replacement of Bridge 01483 over the Missouri Pacific Railroad on Highway 14 in Summit. The total survey area is 2.55 acres.

The field investigation associated with this undertaking documented one new archeological site partially within the construction limits: 3MR0308. Part of the site likely lies outside the construction limits. The AHPP concurs that Site 3MR0308 is undetermined for eligibility to the NRHP. Based on the results of the survey, we also agree that the undertaking will not diminish the integrity of the site such that it will affect subsequent significance determinations.

In correspondence dated May 19, 2020 the AHPP concurred that Bridge 01483 (Property 6) is not eligible for the National Register of Historic Places (NRHP) and that Property 2 (Folk Victorian home) and Property 5 (Rowden-Stice House) are eligible for inclusion in the NRHP (AHPP Tracking Number 105870). Although these eligible properties are outside the project limits, they were included in the architectural survey associated with this project. Therefore, the AHPP requests completion of an Arkansas Architectural Resource Form and submission to this office for assignment of an AHPP Resource Number.

Based on the provided information, the AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking.

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

Thank you for the opportunity to review this undertaking. If you have any questions, please contact Eric Mills of my staff at (501) 324-9784 or eric.mills@arkansas.gov..

Sincerely,

/s/ Eric Mills for

Scott Kaufman
Director, AHPP

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



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



June 10, 2020

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

Consultation Code: 04ER1000-2020-R-1009

RE: ArDOT Job # 009916 - HWY 14 Bridge Replacement

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ARDOT) Job # 009916 - HWY 14 bridge over the railroad project in Marion County, Arkansas. This action may rely on the revised February 5, 2018, Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the Indiana Bat (IBAT) (*Myotis sodalis*) and/or Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*). We received your request and the associated Project Submittal Form on June 9, 2020.

This letter provides the Service's response as to whether the Project may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) for its effects to the IBAT and/or NLEB.

The ARDOT has determined that the Project is likely to adversely affect (LAA) the IBAT and/or the NLEB. The Service concurs with these determinations because of the proximity of known species sites and foraging range to the project location and the occurrence of suitable foraging habitat for these species that exists on and adjacent to the site. A determination of LAA for IBAT and/or the NLEB is appropriate based on the amount and distance from the existing roadway of suitable habitat being lost. The conservation measures being proposed, active season clearing but with a special provision prohibiting tree clearing during the pup season from May 1 to July 31 that will be placed in the job contract, negative bridge survey results, and the proposed implementation of all required AMMs will help to mitigate the effects in accordance with the PBO. The Service concurs with your determination of "may affect, but is not likely to adversely affect" for the Ozark Big-eared Bat (*Corynorhinus (=Plecotus) townsendii ingens*) and Gray Bat (*Myotis grisescens*) based on limited suitable habitat being affected along existing roadway, bridge, and right of way, distance to known species locations, extensive time since bats were last observed in Summit Cave, and implementation of best management practices. The Service also agrees with your assessment for all other listed species identified.

This concurrence concludes your ESA Section 7 responsibilities relative to these species for this Project, subject to the Reinitiation Notice below.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the ARDOT's commitment to implement any applicable mitigation measures, as indicated on the Project Submittal Form. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that projects consistent with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the IBAT and/or the NLEB. In coordination with your agency and the other sponsoring federal transportation agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Incidental Take: Indiana Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of IBATs. As described in the Incidental Take Statement (ITS) of the BO, such taking will be difficult to detect. The Service determined that it is appropriate to measure the amount or extent of incidental taking resulting from BO projects using the proposed acreage of tree removal from IBAT suitable habitat as a surrogate for the numbers of individuals taken.

The proposed Project will remove 1.8 acres of trees from habitat that is suitable for the IBAT. All tree removal will occur during the active season but outside of the pupping season and comply with all other conservation measures in the BO. Based on the BO, 0.0 acres are anticipated to not result in adverse effects, and 1.8 acres are anticipated to result in adverse effects.

The ARDOT uses the mitigation ratio of 2.0 for each habitat type from Table 3 of the BO¹ to calculate the compensatory mitigation required to offset these adverse impacts for a total of 3.6² acres of trees that is suitable for the IBAT. Mitigation will be provided in the form of a deduction of \$21,982 from the previously approved IBAT Kings Falls Bat Mitigation Site to compensate for adverse impacts to the IBAT associated with this project.

Based on the mitigation identified above² and the information provided in Table 2 of Exhibit E in the In Lieu Fee (ILF) Instrument¹, the Federal Transportation Agency will deduct \$21,982 from the previously approved IBAT tracking research funding account prior to the start of construction, in order to comply with the mitigation requirements of the program of transportation projects reviewed in the BO. These calculations are based on the 2020 Land Use Values in Table 2 of Exhibit E in TCF's ILF Instrument, which are applicable even if the project construction should occur in a different calendar year.

¹ https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/IBAT_ILF_ratios_transportation_agencies.pdf

² XX acres * XX ratio

³ https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/IBAT_ExhibitE_Table2_FeeSchedule_LandValues.pdf

The Service will add the acreage of Project-related tree removal to the annual total acreage attributed to the BO as a surrogate measure of IBAT take and exempted from the prohibitions against incidental taking. Such exemption is effective as long as your agency implements the reasonable and prudent measure (RPM) and accompanying terms and conditions of the BO's ITS.

The sole RPM of the BO's ITS requires the federal transportation agencies to ensure that state/local transportation agencies who choose to include eligible projects under the programmatic action, incorporate all applicable conservation measures in the project proposals submitted to the Service for ESA section 7 compliance using the BO. The implementing terms and conditions for this RPM require the federal transportation agencies to offer training to appropriate personnel about using the BO, and about promptly reporting sick, injured, or dead bats (regardless of species) (or any other federally listed species) located in project action areas.

Northern Long-eared Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of NLEBs. However, the Project is consistent with the BO, and such projects will not cause take of NLEB that is prohibited under the ESA section 4(d) rule for this species (50 CFR §17.40(o)). Therefore, the take of NLEBs resulting from this project does not require exemption from the Service.

Reporting Dead or Injured Bats

The ARDOT, its state/local cooperators, and any contractors must take care when handling dead or injured IBATs and/or NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed.

Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.

Reinitiation Notice

This letter concludes consultation for the proposed Project, which qualifies for inclusion in the BO issued to the federal transportation agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Arkansas Department of Transportation's discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. the amount or extent of incidental take of IBAT is exceeded;
2. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO;

3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO; or
4. a new species is listed or critical habitat designated that the Project may affect.

Per condition #1 above, the anticipated incidental take is exceeded when:

- the Project removes trees from more than 1.8 acres of habitat suitable for the IBAT.
- the Project takes more than 5 IBATs resulting from work on the HWY 14 bridge.

In instances where the amount or extent of incidental take is exceeded, the Federal Highway Administration/Arkansas Department of Transportation is required to immediately request a reinitiation of formal consultation. Please note that the Service cannot exempt from the applicable ESA prohibitions any Action-caused take that exceeds the amount or extent specified in the ITS of this BO that may occur before the reinitiated consultation is concluded.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melvin L. Tobin', with a stylized flourish at the end.

Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: [C:\Users\lilewis\Documents\PROJECTS\FY2020\ARDOT\ArDOT Job # 009916 - HWY 14 Bridge Replacement\ARDOT Job # 009916 - HWY 14 Bridge Replacement - Comments.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
<http://www.fws.gov/arkansas-es>



In Reply Refer To:

June 01, 2020

Consultation Code: 04ER1000-2020-SLI-1009

Event Code: 04ER1000-2020-E-02514

Project Name: Missouri and Northern Arkansas RR Str. & Apprs. (Sumit) (S)

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2020-SLI-1009

Event Code: 04ER1000-2020-E-02514

Project Name: Missouri and Northern Arkansas RR Str. & Apprs. (Sumit) (S)

Project Type: TRANSPORTATION

Project Description: Replace the existing railroad bridge with a new bridge

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.25255398616771N92.69069156471785W>



Counties: Marion, AR

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

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

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

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

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

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7245	Endangered

Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Proposed 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 final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Crustaceans

NAME	STATUS
Hell Creek Cave Crayfish <i>Cambarus zophonastes</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1552	Endangered

Flowering Plants

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

Critical habitats

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



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: 470-22034827

June 08, 2020

Subject: Consistency letter for the 'Missouri and Northern Arkansas RR Str. & Apprs. (Sumit) (S)' project (TAILS 04ER1000-2020-R-1009) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **Missouri and Northern Arkansas RR Str. & Apprs. (Sumit) (S)** (Proposed Action) may rely on the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, and is likely to adversely affect the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). Consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required.

This "may affect - likely to adversely affect" determination becomes effective when the lead Federal action agency or designated non-federal representative requests the Service rely on the PBO to satisfy the agency's consultation requirements for this project. Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative for review, and as the agency deems appropriate, transmit to this Service Office for verification that the project is consistent with the PBO.

This Service Office will respond by letter to the requesting Federal action agency or designated non-federal representative within 30 calendar days to:

- verify that the Proposed Action is consistent with the scope of actions covered under the PBO;
- verify that all applicable avoidance, minimization, and compensation measures are included in the action proposal;
- identify any action-specific monitoring and reporting requirements, consistent with the monitoring and reporting requirements of the PBO, and
- identify anticipated incidental take.

ESA Section 7 compliance for this Proposed Action is not complete until the Federal action agency or its designated non-federal representative receives a verification letter from the Service.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Eastern Black Rail, *Laterallus jamaicensis ssp. jamaicensis* (Proposed Threatened)
 - Gray Bat, *Myotis grisescens* (Endangered)
 - Hell Creek Cave Crayfish, *Cambarus zophonastes* (Endangered)
 - Missouri Bladderpod, *Physaria filiformis* (Threatened)
 - Ozark Big-eared Bat, *Corynorhinus (=Plecotus) townsendii ingens* (Endangered)
 - Piping Plover, *Charadrius melodus* (Threatened)
 - Red Knot, *Calidris canutus rufa* (Threatened)
-

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

Missouri and Northern Arkansas RR Str. & Apprs. (Sumit) (S)

Description

Replace the existing railroad bridge with a new bridge

Determination Key Result

Based on your answers provided, this project is likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the conclusion and Incidental Take Statement provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

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

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[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^[1] 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^[1]?

[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

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

[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

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

Yes

8. Will the project include *any* type of activity that could impact a **known** hibernaculum^[1], 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

9. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (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](#).

Yes

10. Will the project remove *any* suitable summer habitat^[1] 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

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

No

12. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

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

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

13. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

Yes

14. Will the project remove or trim *any* habitat or trees that occur **within documented Indiana bat roosting/foraging habitat**^[1] or travel corridors^[2]?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

Yes

15. What time of year will the removal or trimming of habitat or trees **within documented Indiana bat roosting/foraging habitat or travel corridors** occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat roosting/foraging habitat or travel corridors**?

Yes

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat roosting/foraging habitat or travel corridors** occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

18. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

Yes

19. Will the removal or trimming of habitat or trees occur **within documented NLEB** roosting/foraging habitat^[1] or travel corridors^[2]?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

Yes

20. What time of year will the removal or trimming of habitat or trees **within documented NLEB** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

21. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

22. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

23. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

24. Will the tree removal alter *any* **documented** Indiana bat roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

No

25. Will the tree removal alter *any* **documented** NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

No

26. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

Yes

27. Are *all* trees that are being removed clearly demarcated?

Yes

28. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

29. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

30. Does the project include slash pile burning?

No

31. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

32. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

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

Yes

33. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- 009916 Bridge report.pdf <https://ecos.fws.gov/ipac/project/TOJMGQYK6RA2NNV6Z3CPW4QQ6Y/projectDocuments/22056786>

34. Did the bridge assessment detect *any* signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)^[1]?

[1] If bridge assessment detects signs of *any* species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing *any* work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

35. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

36. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

37. Will the project involve the use of **temporary** lighting *during* the active season?

No

38. Will the project install new or replace existing **permanent** lighting?

No

39. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

40. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage, rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

41. Will the project raise the road profile **above the tree canopy**?

No

42. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

43. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because tree removal that occurs within documented Indiana bat roosting/foraging habitat or travel corridors outside the active season will be done ≤ 300 feet from the existing road/rail surface

44. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because tree removal that occurs within documented NLEB roosting/foraging habitat or travel corridors outside the active season will be done ≤ 300 feet from the existing road/rail surface

45. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

46. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs outside the Indiana bat's active season is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors.

47. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

48. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs outside the NLEB's active season is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors.

49. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected

50. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

51. **Hibernacula AMM 1**

Will the project ensure that on-site personnel will use best management practices^[1], secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula?

[1] Coordinate with the appropriate Service Field Office on recommended best management practices for karst in your state.

Yes

52. **Hibernacula AMM 1**

Will the project ensure that, where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography?

Yes

53. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

54. Tree Removal AMM 3

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

55. For Indiana bat, if applicable, compensatory mitigation measures are required to offset adverse effects on the species (see Section 2.10 of the BA). Please select the mechanism in which compensatory mitigation will be implemented:

3. Conservation Bank

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

No

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

Yes

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

1.3

4. How many acres^[1] of trees are proposed for removal between 100-300 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0.5

5. Please verify:

All tree removal will occur greater than 0.5 mile from any hibernaculum.

Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

6. Is the project location 0-100 feet from the edge of existing road/rail surface?

Yes

7. Is the project location 100-300 feet from the edge of existing road/rail surface?

Yes

8. **Please verify:**

No documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted between May 1 and July 31.

Yes, I verify that no documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted during this period.

9. **Please verify:**

No documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31.

Yes, I verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted during this period.

10. Please describe the proposed bridge work:

Replacing existing rail road bridge on Highway 14 in Summit, Arkansas

11. Please state the timing of all proposed bridge work:

May, 2022

12. Please enter the date of the bridge assessment:

6/25/2019

13. What is the name of the Conservation Bank that will be used for mitigation?

Kings River Falls Bat Conservation Mitigation Area

14. What is the location of the Conservation Bank that will be used for mitigation?

Madison County, Arkansas

15. You have indicated that the following Avoidance and Minimization Measures (AMMs) will be implemented as part of the proposed project:

- *General AMM 1*
 - *Hibernacula AMM 1*
 - *Tree Removal AMM 1*
 - *Tree Removal AMM 3*
-

Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

HIBERNACULA AMM 1

For projects located within karst areas, on-site personnel will use best management practices, secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

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.

VIRTUAL PUBLIC INVOLVEMENT SYNOPSIS

Job Number 009916

Missouri & Northern Arkansas RR Str. & Apprs. (Summit) (S)

Marion County

November 17 through December 2, 2020

A Virtual Public Involvement (VPI) meeting for the proposed bridge replacement of the Missouri & Northern Arkansas RR Overpass Bridge on Highway 14 in the City of Summit, Arkansas was held from November 17, 2020 through December 2, 2020. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in *The Mountaineer Echo* on Thursday, November 12, 2020 and Thursday, November 19, 2020
- Letters mailed to Public Officials on November 9, 2020
- Flyers mailed to citizens

The following information and links were available on the ARDOT website:

- Short video presentation about the project
- Public meeting notice
- Project location map
- Project design plans
- Online comment form
- Interactive project map
- Frequently asked questions with answers

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

TABLE 1	
Public Participation	Totals
Online registration of attendance at website	11
Number of website viewers (English/Spanish)	203/26
Total comments received	5

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.

An analysis of the responses received as a result of the public survey is shown in Table 2.

TABLE 2	
Survey Results	Totals
Feel proposed project is needed	4
Do not feel proposed project is needed	0
Beneficial impacts due to the proposed project	3
Adverse impacts due to the proposed project	1
Knowledge of historical or archaeological sites in the project area	1

A listing of general comments concerning the proposed project follows:

- It is going to devalue my property! ... I'm crying over my trees!!!!
- The aspect that I love about the Missouri & Northern Arkansas Railroad Structure & Approaches project is that the existing bridge will be replaced with one that is up to current design standards.

Attachments: Blank comment form
VPI Exhibit

DN:TT:am

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

**ARDOT JOB NUMBER 009916
MISSOURI & NORTHERN ARKANSAS RR STR. & APPRS. (SUMMIT) (HWY. 14)
MARION COUNTY**

**LOCATION:
ONLINE VIRTUAL PUBLIC INVOLVEMENT MEETING
TUESDAY, NOVEMBER 17, 2020 TO WEDNESDAY, DECEMBER 2, 2020**

Make your comments on this form and mail it **by 4:30 p.m. on Wednesday, December 2, 2020** to: Arkansas Department of Transportation, Environmental Division, P.O. Box 2261, Little Rock, AR, 72203-2261. Email: environmentalmeetings@ardot.gov.

Yes No
☐ ☐

Do you feel there is a need for the proposed replacement of the Railroad Overpass on Hwy. 14 in Summit, Marion County? Comment (optional) _____

Do you feel that the proposed project will have any impacts
(☐ Beneficial or ☐ Adverse) on your property and/or community
(economic, environmental, social, etc.)? Please explain. _____

☐ ☐

Do you have a suggestion that would make this proposed project better serve the needs of the community? _____

☐ ☐

Does your home or property offer any limitations to the project, such as septic systems, that the Department needs to consider in its design? _____

(Continue on Back)

Yes No

☐☐

Do you know of any historical sites, family cemeteries, or archaeological sites in the project area? Please note and discuss with staff. _____

☐☐

Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with ARDOT staff. _____

It is often necessary for the ARDOT to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name: _____ (Please Print)

Address: _____ Phone: (____) _____--

E-mail: _____

Please make additional comments here. _____

For additional information, please visit our website at www.ardot.gov



Job 009916
Missouri & Northern Arkansas Railroad
Structure & Approaches
(Hwy. 14)
Marion County



— Project Location

Preliminary
Subject to Revision

N
0 50 100 Feet
ARDOT - Environmental GIS - Hopkins
Map Date - November 10, 2020
Virtual Public Involvement Exhibit

ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job Number 009916 FAP Number NHPP-0045(34)

Job Title Missouri & Northern Arkansas RR Str. & Apprs. (Summit) (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT impacts anticipated
Cultural Resources	X			SHPO clearance attached
Economic	X			No impacts anticipated
Endangered Species		X		LAA determination; See USFWS consultation
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		Temporary during construction
Floodplains	X			No floodplain impacts
Forest Service Property	X			None in the project area
Hazardous Materials/Landfills	X			No impacts anticipated
Land Use		X		1.1 acres of additional ROW
Migratory Birds	X			Migratory Bird SP included
Navigation/Coast Guard	X			None in the project area
Noise Levels	X			No noise impacts anticipated
Prime Farmland	X			No prime farmland impacts
Protected Waters	X			None in the project area
Public Recreation Lands	X			No recreational lands in the project area
Public Water Supply/WHPA		X		Wellhead Protection SP included
Relocates	X			No relocations
Section 4(f)/6(f)	X			4(f)/6(f) resources not present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No UST's in the project area
Visual	X			No changes to the visual environment
Streams	X			No impacts anticipated
Water Quality	X			No impacts anticipated
Wetlands	X			None in the project area
Wildlife Refuges	X			None in the project area

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? No

Section 404 Permit Required? No Type N/A

Remarks: _____

Signature of Evaluator  Date January 6, 2021

Date Sent: October 26, 2020

ROADWAY DESIGN REQUEST

Job Number 009916 FAP No. NHPP-0045(34) County Marion

Job Name Missouri & Northern Arkansas RR Str. & Apprs. (Summit) (S)

Design Engineer Jacobs Environmental Staff TT/JK/CH

Detailed Project Description The purpose of this project is to replace the existing railroad overpass with a new railroad overpass. The new overpass will be constructed on new location to the East of the existing overpass so traffic can be maintained during construction. The typical section for this project will include two travel lanes, curb & gutter, and a sidewalk on one side.

A. Existing Conditions:

Roadway Width: 24' Shoulder Type/Width: 1' / Paved

Number of Lanes and Width: 2 @ 11' Existing Right-of-Way: 100'-200'

Sidewalks? No Location: _____ Width: _____

Bike Lanes? No Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 30' F-F Shoulder Type/Width: 1'-6" C&G

Number of Lanes and Width: 2 @ 14' Proposed Right-of-Way: 100'-290'

Sidewalks? Yes Location: West (Rt.) Side Width: 5'

Bike Lanes? No Location: _____ Width: _____

C. Construction Information:

If detour: Where: N/A Length: _____

D. Design Traffic Data:

2022 ADT: 1800 2042 ADT: 2100 % Trucks: 4

Design Speed: 35 m.p.h.

E. Approximate total length of project: 0.279 mile(s)

F. Justification for proposed improvements: The existing bridge is posted and needs replacing.

G. Total Relocates: 0 Residences: 0 Businesses: 0

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date