

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB NUMBER 040781**

**FAP NUMBER NHPP-0065(61)**

**PRAIRIE CREEK STR. & APPRS. (HWY. 71) (S)**

**ROUTE 71, SECTION 13**

**SEBASTIAN 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

April 2020

4/9/2020

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 replace Bridge #02240 over Prairie Creek on Highway 71 in Sebastian County. Total length of the project is less than one mile. A project location map is attached.

The existing roadway consists of two 12' wide paved travel lanes with 6' wide paved shoulders. The existing bridge is 110' x 32' and in poor condition. A relief box culvert will also be replaced.

The new bridge and box culvert will have improved approaches with two 12' wide paved travel lanes with 8' (6' paved) wide shoulders. Up to 6.0 acres of additional right of way will be required for this project. Of this additional acreage, up to 1.9 acres will be prime farmland and 0.3 acre will be Farmland of Statewide Importance. A NRCS-CPA-106 Form is attached.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2021	9,000	10	60 mph
2041	11,000	10	60 mph

There are no relocations, environmental justice issues, wellhead protection area/public water supplies, or cultural resources associated with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. A public involvement will not be held for this project.

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.

Sebastian County participates in the National Flood Insurance Program. The project lies within the Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of the encroachments will constitute a substantial floodplain encroachment or risk to property or life.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the northern long-eared bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Eastern Black Rail (*Laterallus jamaicensis*), Red Knot (*Calidris canutus rufa*), American burying beetle (*Nicrophorus americanus*), rattlesnake-master borer moth (*Papaipema eryngii*), and Geocarpon (*Geocarpon minimum*) as protected species potentially occurring in the project area. See the official species list.

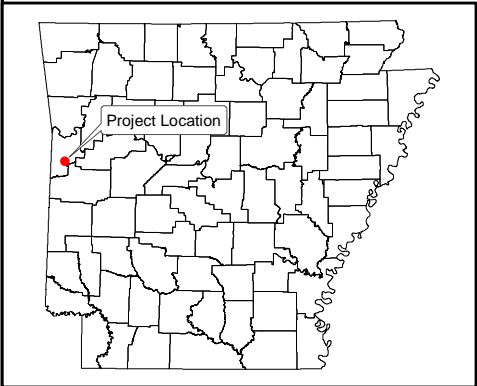
Based on the lack of habitat, scope of the project, and distance to known species, it has been determined that the proposed project will have "no effect" on the Piping Plover, Eastern Black Rail, Red Knot, rattlesnake-master borer moth, and *Geocarpon minimum*.

Based on limited habitat being affected along the existing roadway, bridge, and right of way; distance to known species locations, and implementation of best management practices, it has been determined that the proposed project "may affect, but is not likely to adversely affect" the American burying beetle. The USFWS concurred on January 31, 2020.

The Final 4(d) Rule applies to the project's activities that have the potential to affect northern long-eared bats. The Final 4(d) Rule exempts the incidental take of northern long-eared bats from take prohibitions in the Endangered Species Act. The exemptions apply as long as the activities do not occur within 0.25 mile of a known hibernaculum or within 150' of a known occupied maternity roost from June 1 to July 31. No known hibernacula or maternity roosts exist within the project limits; therefore, the project can proceed without restrictions. All offsite locations will require coordination with USFWS. Please see the attached Verification Letter.

Impacts to waters of the United States are estimated to be less than 0.1 acre. Construction should be allowed under the terms of a Nationwide Permit 14 for Linear Transportation Projects as defined in the Federal Register 82 (4):1860 – 2008. No pre-construction notification will be required.

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



Scale - 1:24,000

ARDOT - Environmental GIS - Hopkins  
February 20, 2020

Job 040781  
Prairie Creek Str. & Apprs.  
(Hwy. 71)  
Sebastian County





ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

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

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

105323  
F.H.W.R.

January 27, 2020

Secretary Stacy Hurst  
Arkansas Historic Preservation Program  
1100 North Street  
Little Rock, Arkansas 72201

AHPP

JAN 27 2020

RE: Job Number 040781  
Prairie Creek Str. & Apprs.  
(Hwy. 71) (S)  
Route 71, Section 13  
Sebastian County

Dear Secretary Hurst:

A Project Identification Form (PIF) for the referenced project is enclosed. Please review for concurrence with the findings of my staff. If you have any questions or require additional information, please contact Jason Eads of my staff at (501) 569-2181.

Sincerely,

for John Fleming  
Division Head  
Environmental Division

JF:KB:JE:cb

Enclosure  
PIF

Date 1.31.20  
No known historic properties will be  
affected by this undertaking. This  
effect determination could change  
should new information come to light.  
  
Jason Eads  
Arkansas State Historic Preservation Officer

**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b> Job 040781		3. Date of Land Evaluation Request		4. Sheet 1 of _____	
1. Name of Project		5. Federal Agency Involved			
2. Type of Project		6. County and State			
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS		2. Person Completing Form	
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 type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated   Average Farm Size	
5. Major Crop(s)		6. Farmable Land in Government Jurisdiction Acres: %		7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used		9. Name of Local Site Assessment System		10. Date Land Evaluation Returned by NRCS	
<b>PART III (To be completed by Federal Agency)</b>		<b>Alternative Corridor For Segment</b>			
		<b>Corridor A</b>			
		<b>Corridor B</b>			
		<b>Corridor C</b>			
		<b>Corridor D</b>			
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly, Or To Receive Services					
C. Total Acres In Corridor					
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide And Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
<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>					
<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>		<b>Maximum Points</b>			
1. Area in Nonurban Use		15			
2. Perimeter in Nonurban Use		10			
3. Percent Of Corridor Being Farmed		20			
4. Protection Provided By State And Local Government		20			
5. Size of Present Farm Unit Compared To Average		10			
6. Creation Of Nonfarmable Farmland		25			
7. Availability Of Farm Support Services		5			
8. On-Farm Investments		20			
9. Effects Of Conversion On Farm Support Services		25			
10. Compatibility With Existing Agricultural Use		10			
TOTAL CORRIDOR ASSESSMENT POINTS		160			
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)		100			
Total Corridor Assessment (From Part VI above or a local site assessment)		160			
<b>TOTAL POINTS (Total of above 2 lines)</b>		260			
1. Corridor Selected:		2. Total Acres of Farmlands to be Converted by Project:		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:

DATE

*Joshua Graham*

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





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



January 31, 2020

Mr. John Fleming  
c/o William Bailey  
Arkansas Department of Transportation  
10324 Interstate 30  
Little Rock, AR 72209

Consultation Code: 04ER1000-2020-R-0448

RE: Job 040781 ESTS

Dear Mr. Fleming,

The U.S. Fish and Wildlife Service (Service) is responding to your request dated January 28, 2020 to verify that the proposed Arkansas Department of Transportation (ArDOT) Job Number 040781 Prairie Creek Str. & Apprs., Sebastian County, Arkansas (Project) may rely on the February 5, 2018, Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the federally listed endangered Indiana Bat (*Myotis sodalis*) and/or federally listed threatened Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*).

The project was described and assessed as follows (abbreviated):

The IPaC generated species list determined that the Northern Long-eared Bat, Eastern Black Rail, Piping Plover, Red Knot, American Burying Beetle, rattlesnake-master borer moth, and *Geocarpon minimum* could be present within the limits of the proposed project. Based on the lack of habitat, distance to known species, and scope of the project, it is our determination that the proposed project will have no effect on the Eastern Black Rail, Piping Plover, Red Knot, Rattlesnake-master Borer Moth, and *Geocarpon minimum*. Based on the distance to known species, limited impact acreage, and scope of the project, it is our determination that the proposed project may affect, but is not likely to adversely affect the American Burying Beetle. Based on the IPaC determination key and the use of the 4 (d) rule it was determined that the proposed project may affect, but is not likely to adversely affect the Northern Long-eared Bat.

The Service received your concurrence verification letter and request to verify that the Proposed Action may rely on the concurrence provided in the revised February 5, 2018, Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (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.).



Mr. John Fleming

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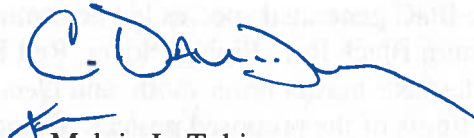
Based on the information ArDOT provided, ArDOT determined the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, may affect, but is not likely to adversely affect (NLAA) Indiana Bat and Northern Long-eared Bat. The Service concurs that this action may rely on the PBO.

Please keep in mind that ArDOT must report any departures from the plans submitted; results of any surveys conducted; or any dead, injured, or sick listed bats to this office. If this project is not completed within one year of this letter, you must update your determination and resubmit the required information.

Furthermore, due to the limited habitat being affected along existing roadway, bridge, and right of way, negative listed bat bridge assessment, the distance to known species locations or hibernacula, the implementation of best management practices, inactive season clearing, and the standard provisions for stream sediment control and water quality conservation measures, the Service concurs with ArDOT's determination of may affect, not likely to adversely affect for the American Burying Beetle and agrees with your assessment for all other identified listed species. This concurrence concludes your ESA Section 7 responsibilities relative to these species for this action.

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

Sincerely,



Melvin L. Tobin  
Field Supervisor

cc: Project File  
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2020\ARDOT\ArDOT Job 040781 ESTS  
Concurrence\AFO Letter -Job 040781 ESTS - 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:  
Consultation Code: 04ER1000-2020-SLI-0448  
Event Code: 04ER1000-2020-E-01023  
Project Name: 040781 Prairie Creek Str. & Apprs.

January 27, 2020

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](http://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

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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

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## Project Summary

Consultation Code: 04ER1000-2020-SLI-0448

Event Code: 04ER1000-2020-E-01023

Project Name: 040781 Prairie Creek Str. & Apprs.

Project Type: TRANSPORTATION

Project Description: replace structure

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.10965796364786N94.26738917827608W>



Counties: Sebastian, AR

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## Endangered Species Act Species

There is a total of 7 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.

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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
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>	Threatened

### 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>	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 <b>final</b> critical habitat for this species. Your location is outside 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> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

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## Insects

NAME	STATUS
<b>American Burying Beetle</b> <i>Nicrophorus americanus</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/66">https://ecos.fws.gov/ecp/species/66</a>	Endangered
<b>Rattlesnake-master Borer Moth</b> <i>Papaipema eryngii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7863">https://ecos.fws.gov/ecp/species/7863</a>	Candidate

## Flowering Plants

NAME	STATUS
<b>Geocarpon minimum</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7699">https://ecos.fws.gov/ecp/species/7699</a>	Threatened

## Critical habitats

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

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## 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:

February 05, 2020

Consultation Code: 04ER1000-2020-TA-0485

Event Code: 04ER1000-2020-E-01111

Project Name: Prairie Creek Str. & Apprs.

Subject: Verification letter for the 'Prairie Creek Str. & Apprs.' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear William Bailey:

The U.S. Fish and Wildlife Service (Service) received on February 05, 2020 your effects determination for the 'Prairie Creek Str. & Apprs.' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"<sup>[1]</sup> prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- American Burying Beetle, *Nicrophorus americanus* (Endangered)
- Eastern Black Rail, *Laterallus jamaicensis ssp. jamaicensis* (Proposed Threatened)
- Geocarbon minimum, (Threatened)
- Piping Plover, *Charadrius melodus* (Threatened)
- Rattlesnake-master Borer Moth, *Papaipema eryngii* (Candidate)
- Red Knot, *Calidris canutus rufa* (Threatened)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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**Action Description**

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

**1. Name**

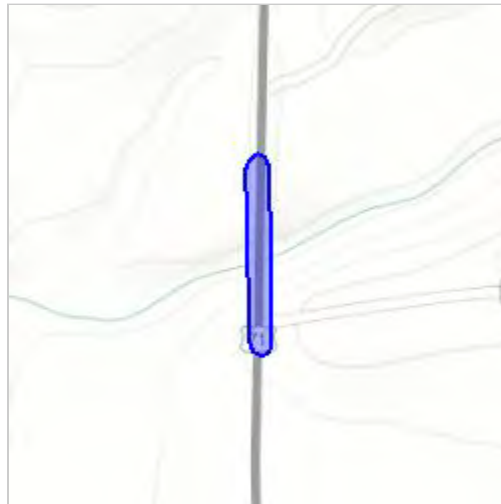
Prairie Creek Str. & Apprs.

**2. Description**

The following description was provided for the project 'Prairie Creek Str. & Apprs.':

replace drainage structure

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.10964040903785N94.26741600036623W>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

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The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

## Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. Is the project action area located wholly outside the White-nose Syndrome Zone?

**Automatically answered**

No

5. Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

**Automatically answered**

No

6. Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

**Automatically answered**

No

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## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0.5

5. If known, estimated acres of timber harvest from April 1 to October 31

0.5

6. If known, estimated acres of timber harvest from June 1 to July 31

0.5

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

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10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

# ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job Number 040781 FAP Number NHPP-0065(61)

Job Title Prairie Creek Str. & Apprs.(Hwy. 71) (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			Will not be impacted by project
Endangered Species		X		See USFWS concurrence 1/31/2020
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		Temporary during construction
Floodplains		X		Floodplain SP will be required
Forest Service Property	X			None in the project area
Hazardous Materials/Landfills	X			None in the project area
Land Use	X			Will not be impacted by project
Migratory Birds		X		Migratory Bird SP included
Navigation/Coast Guard	X			None in the project area
Noise Levels	X			No increases due to project
Prime Farmland		X		NRCS-CPA-106 Form attached
Protected Waters	X			None in the project area
Public Recreation Lands	X			None in the project area
Public Water Supply/WHPA	X			None in the project area
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 USTs in the project area
Visual	X			No changes to visual environment
Streams		X		Temporary during construction
Water Quality		X		Temporary decline during construction
Wetlands	X			Less than 0.1 acre of wetland impacts
Wildlife Refuges	X			None in the project area

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? Yes

Section 404 Permit Required? Yes Type NW14

Remarks: \_\_\_\_\_

Signature of Evaluator  Date April 2, 2020

**PROJECT DESIGN CRITERIA**DATE: March 20, 2020  
REV.: \_\_\_\_\_

JOB NO:	<u>040781</u>	ROUTE / SECTION:	<u>71 / 13</u>	LENGTH:	<u>0.61 mile</u>	COUNTY:	<u>Sebastian</u>
JOB NAME:	<u>Prairie Creek Str. &amp; Apprs. (Hwy. 71) (S)</u>					MIN ORDER:	<u>2018-080</u>
2021 ADT:	<u>9,000</u>	2041 ADT:	<u>11,000</u>	TRUCK:	<u>10%</u>	4-LANE GRID SYSTEM:	<u>No</u>
APHN:	<u>Yes</u>	INCENTIVE/DISINCENTIVE:	<u>No</u>	FUNCTIONAL CLASSIFICATION:	<u>Principal Arterial</u>		

EXISTING CONDITIONS			
ROADWAY WIDTH:	<u>36'</u>	WIDTH OF TRAVELED WAY:	<u>24'</u>
BIKE/PED ACCOMMODATIONS:	<u>N/A</u>	CRASH RATE:	<u>0.96</u>
		STATEWIDE CRASH RATE:	<u>1.05</u>

BRIDGE INFORMATION								
Bridge No.	Log Mile	Length x Width	Structure Type	BCI	Deck/Culvert Rating	Superstructure Rating	Substructure Rating	Posted
02240	3.48	110' x 32'	Concrete Tee Beam	64.13	6	4	4	5

\* Refer to PDC Bridge Information Codes

RECOMMENDED CRITERIA			
NO. OF LANES:	<u>2</u>	WIDTH:	<u>12'</u>
DIVIDED:	<u>No</u>	MEDIAN WIDTH:	<u>N/A</u>
BRIDGE WIDTHS:	<u>40'</u>	DESIGN SPEED - RURAL:	<u>60 mph</u>
DEGREE OF ACCESS CONTROL:	<u>None</u>	URBAN:	<u>N/A</u>
LOCATION OF INTERCHANGES:	<u>N/A</u>	CHANNELIZED INTERSECTION:	<u>As Warranted</u>
TRAFFIC SIGNALS:	<u>As Warranted</u>	RR X-ING PROTECTION:	<u>N/A</u>
BIKE/PED ACCOMMODATIONS:	<u>None</u>		
PREVIOUS PLANNING STUDY:	<u>None</u>		
STUDY FINDING:	<u>N/A</u>		

RECOMMENDED TYPE FUNDS:	<u>NHPP</u>
PRELIM COST ESTIMATE:	ROADWAY: <u>\$3,500,000</u> BRIDGE: <u>\$1,000,000</u> TOTAL: <u>\$4,500,000</u>

**REMARKS:**

Use AASHTO Green Book (2018)

\* 2' Full Depth Paving into Shoulder

Bridge Replacement

**RECOMMENDED BY:**Charles Ellis: Charles R EllisTrinity Smith: Trinity SmithDate: 3-23-2020Date: 3-20-2020**APPROVED BY:**Mike Fugett: Date: 3-23-2020

ACE Design

(ATTACH NEW PROJECT MEMO, LOCATION MAP, AND CRASH ANALYSIS)