

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB 040926
FAP NHPP-0076(315)
DISTRICT FOUR BRIDGE PAINTING (S)
VARIOUS ROUTES, VARIOUS SECTIONS
MULTIPLE COUNTIES**

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

By the

U.S. Department of Transportation

Federal Highway Administration

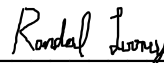
And the

Arkansas Department of Transportation

August 2023

August 1, 2023

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 Memorandum of 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 the project is to remove and replace the existing painting system on twelve bridges in District 4. The bridges involved are located in Crawford, Franklin, Logan, Polk, Scott, and Sebastian Counties. All work will be within the existing right of way. A project location map is attached.

There are no relocations, environmental justice issues, wetlands, prime farmlands, or cultural resources associated with this project. Field inspections found no evidence of existing underground storage tanks. A cultural resources clearance is attached. Hazardous waste generated in the form of lead or chromium paint debris will be removed, temporarily stored, and transported to an approved disposal facility as per Federal Regulation 40 CFR Part 260.

The official species lists obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation identified the following species as potentially occurring within the project area: Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Ozark big-eared Bat (*Corynorhinus townsendii ingens*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Red-cockaded Woodpecker (*Picoides borealis*), Alligator Snapping Turtle (*Macrochelys temminckii*), Leopard Darter (*Percina pantherina*), Arkansas Fatmucket (*Lampsilis powellii*), Rabbitsfoot (*Theliderma cylindrica*), Scaleshell Musell (*Potamilus leptodon*), American Burying Beetle (*Nicrophorus americanus*), geocarpon (*Geocarpon minimus*), Missouri bladderpod (*Physaria filiformis*), harparella (*Ptilimnium nodosum*), and Monarch butterfly (*Danaus plexippus*). This project will have "no effect" on the aforementioned species due to the limited scope of the action, lack of suitable habitat, and distance to known species locations. The official USFWS species list is attached.

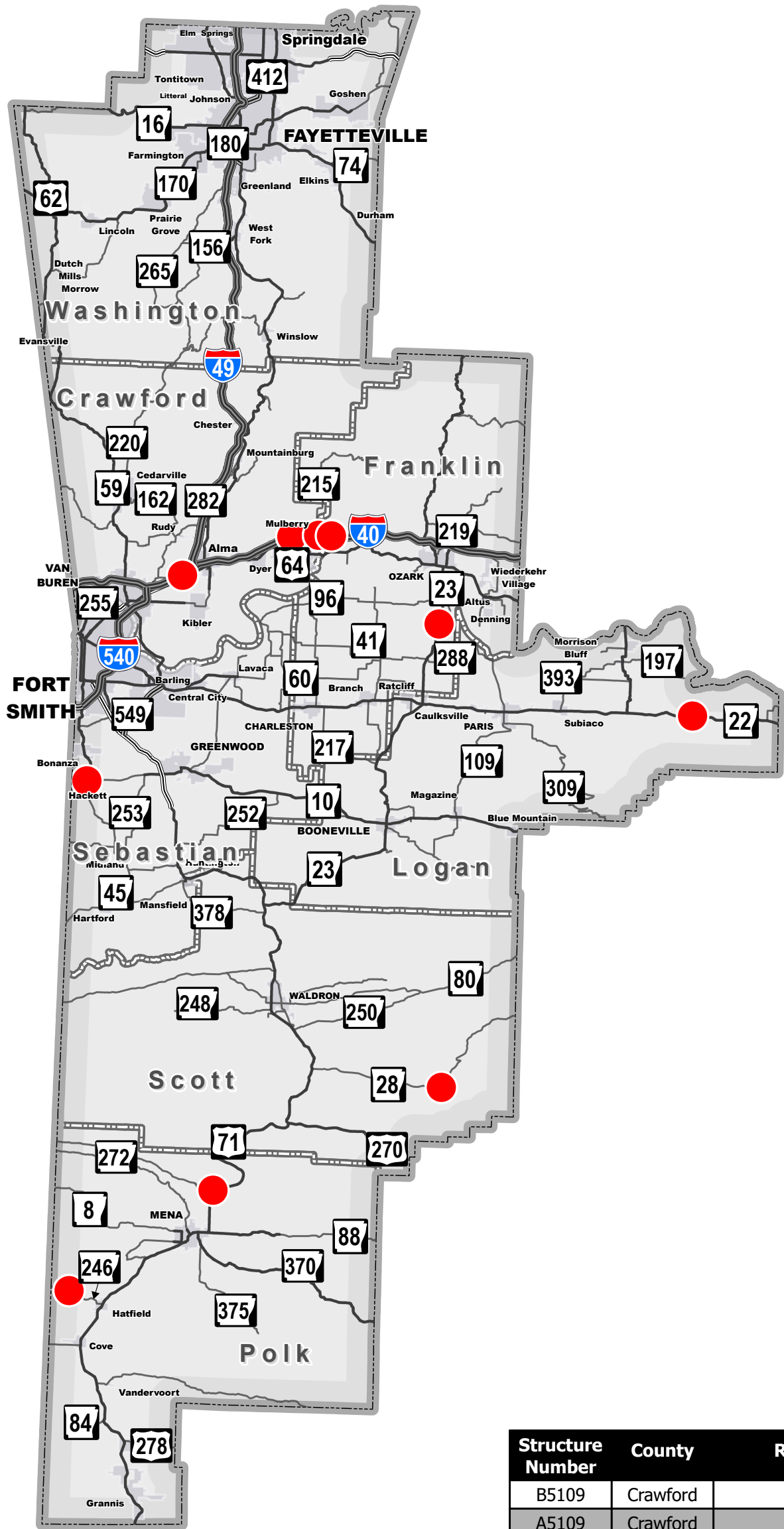
Additionally, the alligator snapping turtle is currently a proposed threatened species; the Tricolored Bat is a proposed endangered species, and the Monarch butterfly is a candidate species; however, the proposed project will not jeopardize the continued existence of these species.

This project will not have a discharge of dredged or fill material into waters of the United States; therefore, a Section 404 permit will not be required.

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.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The bridge paintings 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.

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



Project Location



PM: PS: OP43295: 3/28/2023

Structure Number	County	Route	Section	Log Mile	Log Direction
B5109	Crawford	I-40	11	24.467	A
A5109	Crawford	I-40	11	259.980	B
03801	Crawford	Lost Beach Crossing	1	0.211	A
05079	Crawford	Old Graphic St.	1	1.060	A
B5110	Franklin	I-40	12	25.663	A
A5110	Franklin	I-40	12	258.770	B
03945	Franklin	Hwy. 23	6	6.975	A
03909	Logan	Hwy. 22	4	6.282	A
03885	Polk	Hwy. 71	9	5.791	A
05108	Polk	Hwy. 246	0	2.012	A
03337	Scott	Hwy. 28	2	12.485	A
02224	Sebastian	Hwy. 45	1	13.956	A



INTEROFFICE MEMORANDUM

January 17, 2023

TO: Environmental Job File

FROM: Mason Toms, Cultural Resources

SUBJECT: Cultural Resources Clearance
Job 040926
District Four Bridge Painting (S)
Various Routes, Various Sections
Various Counties

The job proposes to perform the repainting of twelve bridges on various routes in multiple counties. No new right-of-way (ROW) will be acquired. All work will occur within the existing roadway.

A records check at the Arkansas Archeological Survey shows seven sites near the proposed project areas (3CW0051, 3FR0013, 3FR0014, 3LO0944, 3SC2678, 3SC2764, and 3SC2765). Six historic structures were shown on the Arkansas Historic Preservation Program's structure database as listed or eligible on the National Register of Historic Places (NRHP) near the project areas (LO0097, LO0100, LO0101, LO0103, LO0104, and LO0105). One bridge (Bridge 02224) is listed in the NRHP. No cemeteries were identified within or adjacent to the project areas. Records check of historic maps and aerial imagery were not done based on the limited scope of the project.

The highway infrastructure and known construction practices were examined to assess previous ground disturbance. This type of undertaking has no potential to cause effects to historic properties. All work will be within the existing ROW, and the limited scope of the project occurs within previously disturbed areas around the bridge piers. Therefore, this project requires no Section 106 review under Appendix C, Activity 15, of the 2021 Programmatic Agreement.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480



In Reply Refer To:
Project Code: 2023-0031728
Project Name: 040926 - District 4 Bridge Painting (S)

July 21, 2023

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

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

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

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

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

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

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

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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

Attachment(s):

- Official Species List

ENDANGERED SPECIES ACT SPECIES

There is a total of 19 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.

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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
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 does not overlap 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	Endangered
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
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed 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	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 does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered

REPTILES

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

FISHES

NAME	STATUS
Leopard Darter <i>Percina pantherina</i> There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8470	Threatened

CLAMS

NAME	STATUS
Arkansas Fatmucket <i>Lampsilis powellii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2213	Threatened
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5881	Endangered

INSECTS

NAME	STATUS
American Burying Beetle <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: https://ecos.fws.gov/ecp/species/66	Threatened
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Geocarp minimum No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7699	Threatened
Harperella <i>Ptilimnium nodosum</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3739	Endangered
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 is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Leopard Darter <i>Percina pantherina</i> https://ecos.fws.gov/ecp/species/8470#crithab	Final

IPAC USER CONTACT INFORMATION

Agency: Arkansas Department of Transportation

Name: Nicholas Dial

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City: Little Rock

State: AR

Zip: 72209

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ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job 040926 FAP NHPP-0076 (315)

Job Title District Four Bridge Painting (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT impacts anticipated
Cultural Resources	X			CR clearance included
Economic	X			No adverse impacts
Endangered Species	X			A "no effect" was determined
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife	X			No impacts anticipated
Floodplains	X			No impacts to floodplains
Forest Service Property	X			Bridge 03337 within Ouachita National Forest. ONF concurred no impacts.
Hazardous Materials/Landfills		X		Lead/Chromium paint removal
Land Use	X			Will not be impacted by project
Migratory Birds		X		Migratory Bird SP included for all bridges
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			None impacted by the project
Protected Waters	X			None in the project area
Public Recreation Lands	X			None in the project area
Public Water Supply/WHPA	X			No impacts anticipated
Relocates	X			No relocations
Section 4(f)/6(f)	X			No 4f/6f resources present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No USTs in project area
Visual	X			No changes to 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 7/27/2023