

TIER 3 CATEGORICAL EXCLUSION

ARDOT JOB NUMBER 061439

FAP NUMBER PEN-0026(32)

HWY. 7 – DEERPARK RD. (SAFETY IMPVTS.) (S)

ROUTE 5, SECTION 6

GARLAND 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

February 6, 2019

2/6/2019

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 improve safety on a segment of Highway 5 in Garland County. The total project length is 1.28 miles. A project location map is enclosed.

The existing roadway has two 11' wide paved travel lanes with 4' wide paved shoulders. The average right of way width is 60'.

The proposed roadway will have two 12' wide paved travel lanes and a 12' wide continuous center left turn lane. Typical curb and gutter with a 3' wide berm and 5' wide sidewalk will be installed on both sides of the roadway. Approximately 5.36 acres of additional right of way and 0.15 acre of temporary construction easement will be required for this project. The proposed average right of way width will be 95'.

Design data for the project is as follows.

Design Year	Average Daily Traffic	Percent Trucks	Design Speed (mph)
2019	6,640	4	45
2039	8,680	4	45

There are no relocations, public water supplies, environmental justice issues, underground storage tanks, hazardous wastes, or cultural resources associated with this project. The State Historic Preservation Officer clearance is enclosed. Approximately 4.28 acres of Farmland of Statewide Importance will be converted to highway right of way. Form NRCS-CPA-106 for Farmland Conversion is enclosed.

Based upon the ARDOT's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. The project does not involve the construction of new through or auxiliary lanes, or expose noise sensitive land uses to a new noise source. The distance to the nearest sensitive receptor is not

reduced by half. In compliance with federal guidelines, local authorities will not require notification.

The official species list from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation website identifies the following federally listed species as having the potential to occur in the project area: northern long-eared bat (*Myotis septentrionalis*); Pink Mucket (*Lampsilis abrupta*); Arkansas Fatmucket (*Lampsilis powellii*); Rabbitsfoot (*Theliderma cylindrica*); harperella (*Ptilimnium nodosum*); and Missouri bladderpod (*Physaria filiformis*). A “no effect” determination was made for the federally listed plant species due to the lack of habitat in the project area. A “may affect, not likely to adversely affect” determination was made for the federally listed mussel species due to the proximity of the project to the South Fork of the Saline River. The USFWS concurred on January 31, 2019.

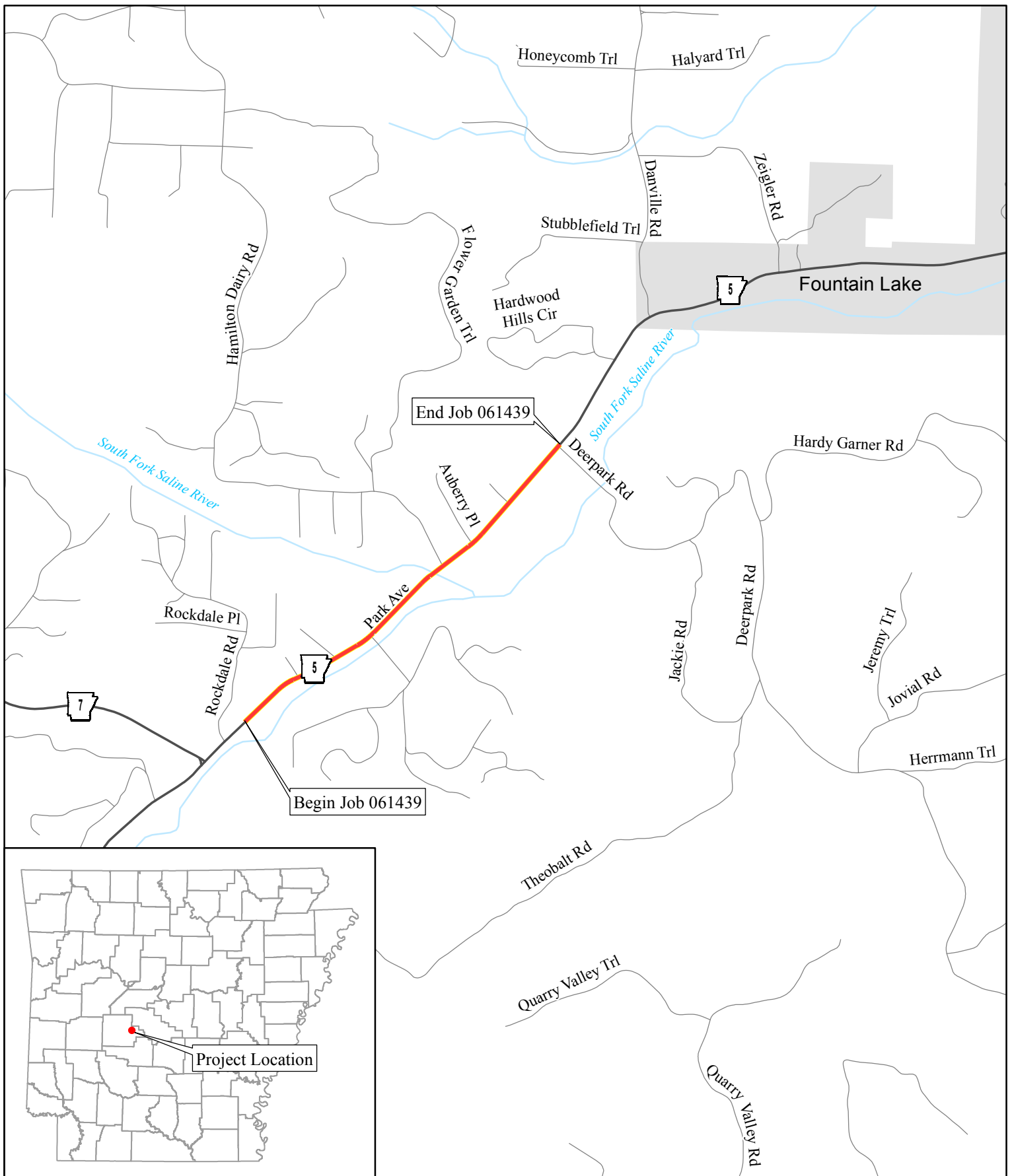
The Final 4(d) Rule applies to the project’s activities that have the potential to affect northern long-eared bats. The Final 4(d) Rule exempts the incidental take of northern long-eared bats from take prohibitions in the Endangered Species Act. The exemptions apply as long as the activities do not occur 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 any restrictions. All offsite locations will require coordination with USFWS. The official species list, northern long-eared bat 4(d) rule streamlined consultation form, and USFWS concurrence letter are enclosed. A Section 404 permit will not be required for this project.

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.

Garland County participates in the National Flood Insurance Program. A portion of the project is located in a Zone A floodplain. 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 project construction. None of the encroachments will constitute a substantial floodplain encroachment or risk to property or life.

A public involvement meeting was held for this project on May 8, 2018. A synopsis of the meeting is enclosed.

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



N



0 1,000 2,000

Feet

ARDOT - Environmental GIS - Dudley
January 8, 2019

Job 061439
Hwy. 7 - Deerpark Rd.
(Safety Impvts.) (Hwy. 5)
Garland County

Project Location



ARKANSAS DEPARTMENT OF TRANSPORTATION

AR^{DOT}.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

January 10, 2018

94377.01
FHWA

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

AHPP

JAN 10 2018

RECEIVED
ARDOT

JAN 24 2018

ENVIRONMENTAL
DIVISION

Re: Job No. 061439
Hwy. 7-Deerpark Rd.
(Safety Impvts.) (S)
Garland County

Dear Ms. Hurst,

A Project Identification Form 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,

John Fleming

John Fleming
Division Head
Environmental Division

JF:DW:JE:fc

Enclosure
PIF

Date 1/12/2018

No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.

Russell
Arkansas State Historic Preservation Officer

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

PART I (To be completed by Federal Agency) Job 061439	3. Date of Land Evaluation Request 1/10/19	4. Sheet 1 of
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1. Name of Project Hwy. 7 – Deerpark Rd. (Safety Impvts.) (Hwy. 5)	5. Federal Agency Involved FHWA
2. Type of Project Safety Improvements	6. County and State Garland AR.

PART II (To be completed by NRCS)		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 NO	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	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	4.28			
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				

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)				
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PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	10			
2. Perimeter in Nonurban Use	10	5			
3. Percent Of Corridor Being Farmed	20	10			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	0			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	30			

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	30			
X of above 2 lines)	260	130			

ing	2. Total Acres of Farmlands to be Converted by Project: 4.28 acres of Prime Farmland	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part:

DATE

John Baber

1/10/19

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



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:

January 30, 2019

Consultation Code: 04ER1000-2019-SLI-0318

Event Code: 04ER1000-2019-E-00611

Project Name: 061439 Hwy 7 - Deerpark Rd. (Safety Impvts.)

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.**

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

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

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

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

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be

completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2019-SLI-0318

Event Code: 04ER1000-2019-E-00611

Project Name: 061439 Hwy 7 - Deerpark Rd. (Safety Impvts.)

Project Type: TRANSPORTATION

Project Description: Geometric improvements, construction of a center turn lane, and shoulder widening along an 1.28-mile section of Highway 5 in Garland County.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.58486193787317N92.97168084635969W>



Counties: Garland, AR

Endangered Species Act Species

There is a total of 6 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
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

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
Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7829	Endangered
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened

Flowering Plants

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

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:

YES NO

1. Does the project occur wholly outside of the WNS Zone ¹ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency ² to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³ (Name, Email, Phone No.): Kayti Ewing, anne.ewing@ardot.gov, 501-569-2083

Project Name: 061439, Hwy. 7 – Deerpark Rd. (Safety Impvts.)

Project Location (include coordinates if known): Garland County, 34.583728°, -92.972965°

Basic Project Description (provide narrative below or attach additional information): ArDOT plans to increase safety along an 1.28-mile stretch of Highway 5 by construction geometric improvements, installing a center turn lane, and widening shoulders. **A winter clearing restriction will be placed on the job.**

General Project Information

YES NO

¹ <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

² See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

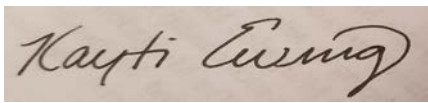
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	~ 2.75 acres	
If known, estimated acres ⁵ of forest conversion from April 1 to October 31	~ 2.75 acres	
If known, estimated acres of forest conversion from June 1 to July 31 ⁶	~ 2.75 acres	
Does the project include timber harvest? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of timber harvest	~2.75 acres	
If known, estimated acres of timber harvest from April 1 to October 31	~ 2.75 acres	
If known, estimated acres of timber harvest from June 1 to July 31	~ 2.75 acres	
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

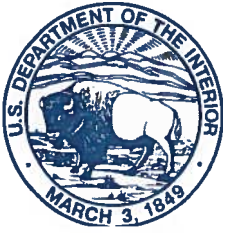
The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature:  Date Submitted: 1/30/2019

⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.



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, 2019

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

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ArDOT) Job Number 061439 Hwy. 7 - Deerpark Rd. (Safety Improvements), Garland County, Arkansas. The project was described and assessed as follows (abbreviated):

The Arkansas Department of Transportation (ArDOT) is proposing safety improvements along Highway 5, from Highway 7 to Deerpark Rd., in Garland County. Proposed safety improvements include geometric improvements, shoulder widening, and installation of a center turn lane along a 1.28 mile section of Highway 5. A project location map and a design kmz file is attached.

Garland County is within the consultation area of the federally listed Northern Long-eared Bat (*Myotis septentrionalis*). The Final 4(d) Rule and Programmatic Biological Opinion (BO) 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 feet 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 any restrictions. All offsite locations will require coordination with USFWS. Please see the 4(d) Rule Streamlined Checklist.

A species list, see attached, for this project was generated using the Information for Planning and Conservation (IPaC) system, which also included: Arkansas Fatmucket (*Lampsilis powellii*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*), Harperella (*Ptilimnium nodosum*), and Missouri Bladderpod (*Physaria filiformis*).

A "no effect" determination was made for both federally listed plant species-- *Ptilimnium nodosum* and *Physaria filiformis*—due to the lack of habitat and known occurrences in the project area.

Arkansas Fatmucket (*Lampsilis powellii*) is known to occur in four major habitat types: long pools with cobble and rock substrates, backwater areas downstream of islands

covered with water willow and with cobble and sand substrates, slow moving pools upstream from water willow islands with sand, gravel, and cobble substrates, and overflow, secondary channel pools and tributary confluences with sand, cobble, and some rock substrates (ECOS 2017). Habitat has been significantly reduced and continues to be threatened by habitat alteration and degradation of water quality from river impoundments, channel modification, dredging, mining, and sedimentation (NatureServe Explorer 2019). *L. powellii* is endemic to the Ouachita Mountain streams of the Ouachita River drainage in Arkansas; it is known from the Alum, Middle, North and South Forks of the Saline River, as well as the Saline River proper, the Ouachita River upstream of Lake Ouachita, and the Caddo River upstream of Lake DeGray (Harris et al. 2009, ECOS 2017).

Pink Mucket (*Lampsilis abrupta*) is found in relatively silt-free substrates of sand, gravel, and cobble in riffles or areas of good flows of smaller streams (ECOS 2017). This species is found in large rivers with gravel or rocky substrates. *L. abrupta* has adapted to various habitat conditions and may be found in rivers at depths of one foot up to 20 feet and in substrates composed of coarse gravel, sand, and/or mud (NatureServe Explorer 2017). Suitable habitat for this species is in decline due to dredging and increased sedimentation (NatureServe Explorer 2019). Primary threats to this species include habitat modification from dams and dredging, degradation of water quality due to mining, farming, logging, and road construction (NatureServe Explorer 2019). *L. abrupta* is known from the Upper Saline Watershed, which the project area is located in, but is locally rare in upstream river systems. This species is more frequently encountered in the downstream reaches of larger river systems; e.g., the Saline, Ouachita, and Little Missouri Rivers (Harris et al. 2009).

Rabbitsfoot (*Theliderma cylindrica*) is typically found in small to medium rivers with gravel, cobble, and sand substrates in moderate to swift currents. *T. cylindrica* has been found in depths up to three meters (NatureServe Explorer 2019). The primary reasons for its decline are impoundments, channelization, chemical contaminants, mining, and sedimentation (NatureServe Explorer 2019). Development is largely the contributing factor that increases the threats to Rabbitsfoot populations, including habitat alteration. Sedimentation, including siltation, has been identified as one of the factors leading the decline of mussel populations by increasing turbidity levels, which can interfere with reproductive strategies, habitat and food web disruptions, among other things (NatureServe Explorer 2019). *T. cylindrica* is known from the South Fork of the Saline River further downstream, near Lonsdale in Saline County.

The aforementioned federally listed mussel species should not be directly affected while safety improvements are made to Highway 5. Sedimentation is the largest concern, especially to known mussel populations downstream of the project area; however, ArDOT will ensure that proper sediment and erosion control BMPs are in place during construction. Although construction will take place in close proximity to the South Fork of the Saline River, ArDOT will ensure that preventative sediment and erosion control measures are in place to reduce sediment entering waterbodies; therefore, it is our determination that the project “may affect, but not likely to adversely affect” the federally listed *L. abrupta*, *L. powellii*, and *T. cylindrica*. We request your concurrence in our determination.

Based on the location of this action, the minimal habitat being affected, the habitat being removed within or immediately adjacent to the existing road and right of way, the distance to known species locations, and application of standard sediment and erosion controls; the Service agrees with your assessment and concurs with your determinations for Arkansas Fatmucket, Pink Mucket, and Rabbitsfoot mussels. Additionally, the Service agrees with your assessment for all other species identified within your review. No further consultation regarding these species is necessary at this time.

The Service has reviewed your determination that the proposed action will not result in any prohibited incidental take for Northern Long-eared Bat. This project may affect the Northern Long-eared Bat; however, there are no effects beyond those previously disclosed in the Service's programmatic biological opinion for the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR§17.40(o)).

This project is consistent with the description of the proposed action in the programmatic biological opinion, and the 4(d) rule does not prohibit incidental take of the Northern Long-eared Bat that may occur as a result of this project. Therefore, the programmatic biological opinion satisfies the "action agency" responsibilities under ESA section 7(a)(2) relative to the Northern Long-eared Bat for this project.

Please keep in mind that you must report any departures from the plans submitted; results of any surveys conducted; or any dead, injured, or sick Northern Long-eared Bats that are found 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.

For further assistance or if you have any questions, 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', is written over a horizontal line.

Melvin L. Tobin
Field Supervisor

cc: Project File

Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2019\ARDOT\061439 Hwy. 7 -
Deerpark Rd. (Safety Improvements)\AFO Letter - ArDOT Job# 061439 Hwy. 7 - Deerpark
Rd. (Safety Improvements) - Comments.docx

PUBLIC INVOLVEMENT SYNOPSIS

Job Number 061439

Hwy. 7 – Deerpark Rd. (Safety Impvts.) (S)

Garland County

Tuesday, May 8, 2018

An open forum Public Involvement meeting for the proposed project was held at the Fountain Lake School District (Safe Room – A), 4207 Park Ave. in Hot Springs, from 4:00 – 7:00 p.m. on Tuesday, May 8, 2018. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in the *Sentinel Record* on Sunday, April 29 and Sunday, May 6, 2018.
- Public Service Announcement (PSA) ran on Cumulus Power 92.3 FM from Saturday, May 5 through Tuesday, May 8, 2018.
- PSA ran on La Zeta 95.7 FM from Saturday, May 5 through Tuesday, May 8, 2018.
- Outreach with letters mailed to public officials.
- Distribution of flyers in the project area.

The purpose of the proposed project is to provide safety improvements on Hwy. 5 between Hwy. 7 and Deerpark Road. The following information was available at the meeting for public review and comment:

- Displays of an aerial-based project location map (scale: 1 inch = 500 feet).
- Preliminary project design plans (scale: 1 inch = 100 feet).

Public handouts included a Citizen Comment Form and a small-scale project location map. Copies of the handouts are attached to this synopsis.

Table 1 summarizes public participation at the meeting.

TABLE 1	
Public Participation	Totals
Attendance at meeting (including ARDOT staff)	58
Citizen Comment Forms received	8
Letters received	1
Total comments received	9

ARDOT staff reviewed and evaluated all comments received. The summary below reflects the perception or opinion of the person or organization making the comment(s). The order in which the comments are listed is random and does not reflect the number

of times comments were made or their significance. Not all commenters responded to every Comment Form question, and some responses were ambiguous. A few of the comments were combined and/or paraphrased to simplify this synopsis.

Table 2 summarizes responses to Citizen Comment Form questions.

TABLE 2	
Survey Results	Totals
Feel proposed improvements are needed	7
Do not feel proposed improvements are needed	1
Suggestions to better serve the needs of the community	3
Beneficial impacts due to the proposed project	6
Adverse impacts due to the proposed project	1

Comments regarding why Hwy. 5 safety improvements are needed included stopping vehicles from using the roadway shoulders for passing.

Suggestions regarding how the proposed project could better serve the needs of the community and/or additional comments included:

- Provide widened/banked curves.
- Increase traffic patrols during peak traffic hours.
- Consider installing a traffic light at the Hwy. 5/Hwy. 7 intersection.
- Hwy. 7 improvements are needed.
- Home/business will be too close to the roadway and construction and access will be limited during construction.

Comments regarding beneficial impacts included improving traffic conditions and safety, and positive effects for school district-related travel.

Comments regarding adverse impacts included:

- Traffic noise will be increased.
- Excessive speeding will be encouraged.
- Crash severity will be increased.

Job Number 061439 – Public Involvement Synopsis

May 8, 2018

Page 3 of 3

Attachments:

Blank Comment Form

Small-Scale Project Location Map

RJ
DN

Handwritten initials 'RJ' and 'DN' are written over a signature line. The initials are in dark ink and appear to be written over a light-colored signature.

MP:cb

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

**ARDOT JOB NUMBER 061439
Hwy. 7 – Deerpark Rd. (Safety Impvts.) (Hwy. 5)
GARLAND COUNTY**

**LOCATION:
FOUNTAIN LAKE SCHOOL DISTRICT
(SAFE ROOM - A)
4207 PARK AVENUE
HOT SPRINGS, AR
4:00 – 7:00 P.M.
TUESDAY, MAY 8, 2018**

Make your comments on this form and leave it with ARDOT personnel at the meeting or mail it by 4:30 p.m. on **Wednesday, May 23, 2018** to: Arkansas Department of Transportation, Environmental Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261. Email: environmentalpimeetings@ardot.gov.

Yes

☐

No

☐

Do you feel there is a need for the proposed safety improvements on Hwy. 5 between Hwy. 7 and Deerpark Road in Garland County? Comment (optional) _____

☐☐

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. _____

(Continued on back)

Yes ☐ No ☐

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

☐ ☐

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

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

It is often necessary for 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

ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job Number 061439 FAP Number PEN-0026(32)

Job Title Hwy. 7 – Deerpark Rd. (Safety Impvts.)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts; located in AQ attainment area
Cultural Resources	X			SHPO clearance enclosed (rec'd 1/24/18)
Economic	X			No adverse impacts
Endangered Species		X		USFWS Consultation enclosed (rec'd 1/31/19). No effect, NLAA determinations, and 4(d) Rule applies for NLEB.
Environmental Justice/Title VI	X			No EJ populations identified in area
Fish and Wildlife		X		Temporary during construction
Floodplains		X		Floodplain SP required
Forest Service Property	X			None in the project area
Hazardous Materials/Landfills	X			None identified in the project area
Land Use		X		5.36 acres ROW; 0.15 acre TCE
Migratory Birds	X			No structures with nests
Navigation/Coast Guard	X			No navigable waterways in project area
Noise Levels	X			No impacts identified
Prime Farmland		X		4.28 acres
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
Relocatees	X			No relocations necessary
Section 4(f)/6(f)	X			No 4(f) / 6(f) resources in project footprint
Social	X			No adverse social impacts identified
Underground Storage Tanks	X			None located in project area
Visual	X			No adverse visual quality impacts
Streams	X			None; 404 Permit not required
Water Quality		X		Temporary during construction
Wetlands	X			None in the project limits
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? No

Section 404 Permit Required? No Type N/A

Remarks:

Due to the project's proximity to the South Fork of the Saline River, minor water quality impacts may occur.

Signature of Evaluator Mary Pearson Date 1-31-19

Date Sent: January 5, 2019

ROADWAY DESIGN REQUEST

Job Number 061439 FAP No. HSIP-0026(32) County Garland

Job Name Hwy. 7 – Deerpark Rd. (Safety Imprvts.) (S)

Design Engineer George Davison Environmental Staff

Brief Project Description Widen Hwy. 5 for approximately 1.28 miles to three lanes with a continuous center left turn lane and curb & gutter.

A. Existing Conditions:

Roadway Width: 30' Shoulder Type/Width: Pav. 4'

Number of Lanes and Width: 2 – 11' Existing Right-of-Way: 60'

Sidewalks? No Location: N/A Width: N/A

Bike Lanes? No Location: N/A Width: N/A

B. Proposed Conditions:

Roadway Width: 36' Shoulder Type/Width: C&G

Number of Lanes and Width: 3 – 12' Proposed Right-of-Way: 95'

Sidewalks? Yes Location: Both Width: 5'

Bike Lanes? No Location: N/A Width: N/A

C. Construction Information:

If detour: Where: N/A Length: N/A

D. Design Traffic Data:

2019 ADT: 6640 2039 ADT: 8680 % Trucks: 4
Design Speed: 45 m.p.h.

E. Approximate total length of project: 1.28 mile(s)

F. Justification for proposed improvements: Safety improvements

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