

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB 080711
FAP STPR-0015(33)
HIGHWAY 113 RELOCATION (CONWAY CO.) (S)
ROUTE 113, SECTION 5
CONWAY COUNTY**

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

By the

U.S. Department of Transportation

Federal Highway Administration

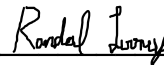
And the

Arkansas Department of Transportation

January 2024

January 30, 2024

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 project proposes to relocate 2.4 miles of Highway 113 in Conway County to improve highway safety and traffic operations. The relocation of Highway 113 will allow for access points by private drives to be reduced by 50%, travel lane widths to be increased, and for reduced potential for interactions between commercial vehicles and passenger vehicles. A project location map is attached.

The existing roadway consists of two 11' wide paved travel lanes with 6' wide paved shoulders.

Proposed conditions include two 12' wide paved travel lanes with 6' wide paved shoulders. Approximately 43 acres of new right of way and 3.1 acres temporary construction easement would be required for this project.

Design data for this project is as follows:

| Design Year | Average Daily Traffic | Percent Trucks | Design Speed |
|-------------|-----------------------|----------------|--------------|
| 2024 | 3,400 | 25 | 60 mph |
| 2044 | 4,200 | | |

There are no relocations, environmental justice issues, cultural resources, hazardous materials, or underground storage tanks associated with the project. The State Highway Preservation Officer's clearance is attached.

Noise predictions made for this project using the FHWA Traffic Noise Model Version 2.5 indicated one noise sensitive receptor would experience noise impacts under both existing and future build conditions. No additional receptors were identified along the proposed realignment section. A noise barrier would not be warranted, constructable, or cost-effective; therefore, a detailed noise analysis is not recommended for this project. The Noise Assessment Report is attached.

An in-person public involvement meeting was held for the project on December 12, 2023 at the Family Life Worship Center in Morrilton, AR. A synopsis of the meeting and comments is attached.

The attached official species list 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: Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), and Monarch Butterfly (*Danaus plexippus*).

The Arkansas Determination Key was evaluated for the referenced project. It was determined that the project "may affect but is not likely to adversely affect," the Eastern Black Rail, and the project will have "no effect" on Piping Plover and Red Knot. Utilizing the FHWA Programmatic Biological Opinion for Transportation Projects within the Range of Indiana Bat and Northern Long-eared Bat, it has been determined that the project will have "no effect" on Indiana Bat and Northern Long-eared Bat due to the limited scope of the action, lack of suitable habitat, and distance to known species locations. The USFWS concurred with this determination on January 5, 2024, and that concurrence is attached.

The Alligator Snapping Turtle is currently a proposed threatened species, and the Tricolored Bat is a proposed endangered species; however, the proposed project will not jeopardize the continued existence of either species.

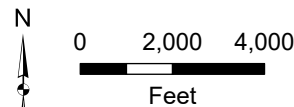
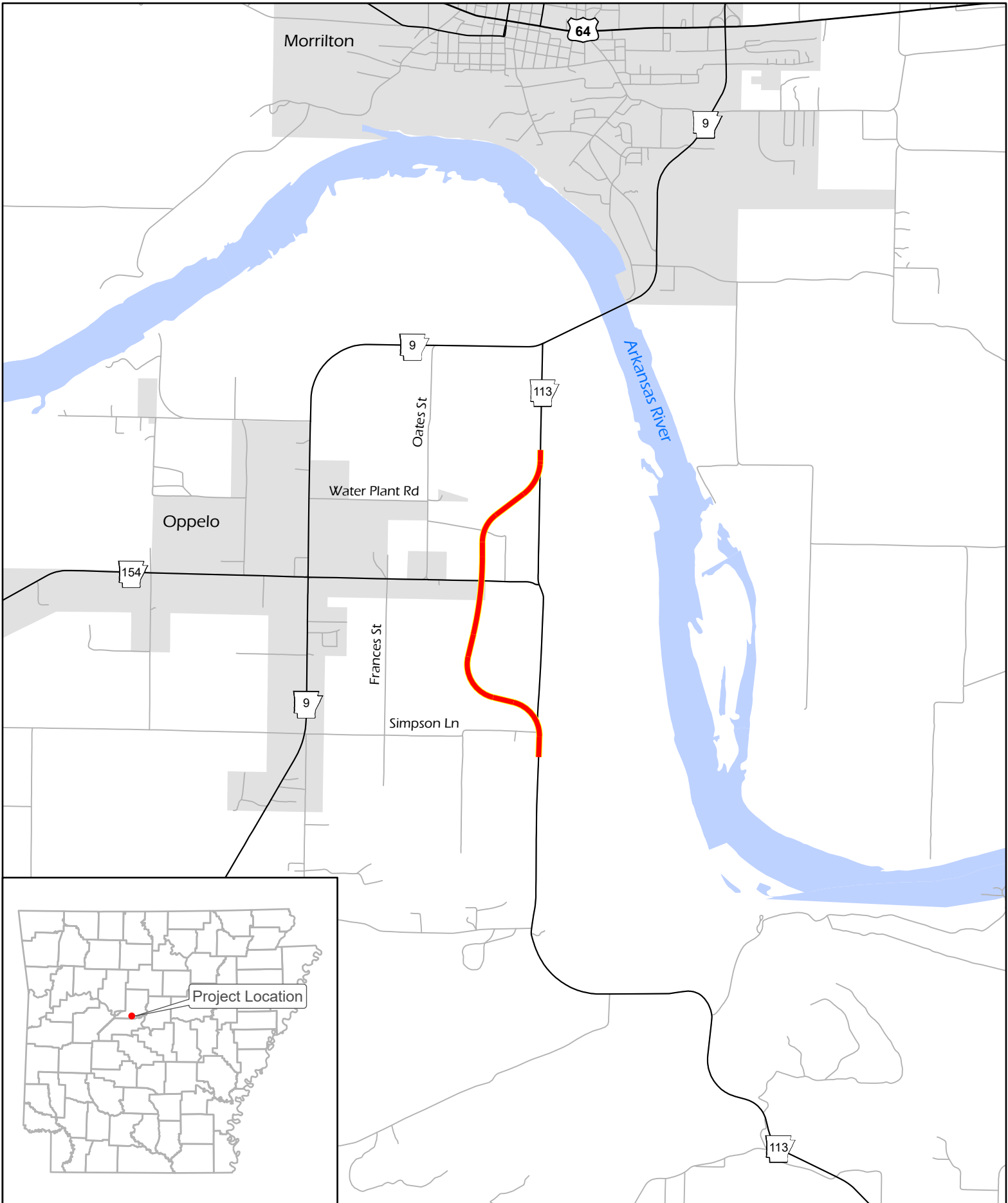
Additionally, the Monarch Butterfly is a candidate species and as such is not federally protected under the Endangered Species Act. However, The USFWS recommends agencies implement conservation measures for candidate species in action areas as these are, by definition, species that may warrant future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

The project will impact approximately 1,386 linear feet (0.12 acre) of streams, and approximately 5.29 acres of wetlands. FHWA is aware of the May 25, 2023, decision issued by the Supreme Court of the United States in Sackett vs. Environmental Protection Agency. FHWA and ARDOT will work with USACE during the Department of the Army permitting process to obtain a jurisdictional determination and to submit an application for any required permits for unavoidable impacts to wetlands and/or other waters of the U.S. under federal jurisdiction.

Approximately 30 acres of Important Farmland will be converted to highway right of way consisting of 22.2 acres of Prime Farmland and 7.8 acres of Farmland of Statewide Importance. Form NRCS-CPA-106 is attached.

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 toxics (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.



Job 080711
Highway 113 Relocation
Conway County





Sarah Huckabee Sanders
Governor
Shea Lewis
Secretary

October 09, 2023

Mr. John Fleming
Division Head
Environmental Division
Arkansas Department of Transportation
10324 Interstate 30
Little Rock, AR 72203-2261

RE: Conway County: General
Section 106 Review: FHWA
Proposed Undertaking: Highway 113 Relocation (Conway) (S)
Route 113, Section 5
Cultural Resources Survey Report: *Phase I Archaeological Survey: Highway 113 Relocation (Conway Co.) (S), Near Oppelo, Arkansas*
WSP E&I Report #: 23-042
ArDOT Job Number: 080711
AHPP Tracking Number: 111568

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the cultural resources survey (CRS) for the above-referenced undertaking in Sections 6, 7, and 18, Township 5 North, Range 16 West Conway County east of Oppelo. The project proposes to relocate Highway 113. The area of potential effect (APE) consists of 69 acres of new right-of-way (ROW). Four new archeological sites were recorded during the survey (3CN0474, 3CN0475, 3CN0476, 3CN0477) and five isolated finds. The survey team was denied access to approximately 1.56 acres where the APE crosses Highway 154 and therefore were unable to complete survey of this area.

Site 3CN0474, recommended as undetermined for inclusion in the National Register of Historic Places (NRHP), is a pre-contact lithic and historic site that likely extends outside of the APE. Site 3CN0475 is a small pre-contact lithic scatter with some late nineteenth and early twentieth century historic artifact scatter. It likely extends outside the APE and is recommended as undetermined for inclusion in the NRHP. Site 3CN0476 is a small pre-contact lithic and historic site within the APE and site 3CN0477 is a small pre-contact lithic scatter within the APE. Both 3CN0476 and 3CN0477 lack diagnostic materials and research material and are recommended as not eligible for inclusion in the NRHP.

Based on the provided information, the AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking and that no further archeological work is needed of the surveyed portions of the APE. We concur that sites 3CN0474 and 3CN0475 are undetermined for inclusion in the NRHP since portions of the site extend outside of the APE for this undertaking and were not surveyed. We also concur that sites 3CN0476 and 3CN0477 lack any research potential and are not eligible for inclusion in the NRHP. Finally, we concur that the portion of the APE that was not surveyed due to denied access to the land, does need to be surveyed in the future. In the event of a post-review discovery of historic properties within the area of potential effects, please contact the AHPP and other consulting parties in accordance with 36 CFR § 800.13(b)(3).

Thank you for the opportunity to review this CRS. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Jessica Cogburn of my staff at 501-324-9357 or email jessica.cogburn@arkansas.gov.

Sincerely,

Jessica H.
Cogburn
for

Digitally signed by Jessica
H. Cogburn
Date: 2023.10.09
11:49:18 -05'00'

Scott Kaufman

State Historic Preservation Officer and Director, AHPP

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

NOISE ASSESSMENT REPORT
SCREENING LEVEL NOISE ANALYSIS
ARDOT JOB 080711
HIGHWAY 113 RELOCATION (CONWAY CO.)

Fundamentals of Sound and Noise

Noise is defined as unwanted or undesirable sound. The three basic parameters of how noise affects people are summarized below.

Intensity is determined by the level of sound expressed in units of decibels (dB). A 3 dB change in sound level is barely perceptible to most people in a common outdoor setting. However, a 5 dB increase presents a noticeable change and a 10 dB sound level increase is perceived to be twice as loud. Outdoor conversation at normal levels at a distance of 3 feet becomes difficult when the sound level exceeds the mid-60 dBA range.

Frequency is related to the tone or pitch of the sound. The amplification or attenuation of different frequencies of sound to correspond to the way the human ear “hears” these frequencies is referred to as “A-weighting.” The A-weighted sound level in decibels is expressed as dBA.

Variation with time occurs because most noise fluctuates from moment to moment. A single level called the equivalent sound level (L_{eq}) is used to compensate for this fluctuation. The L_{eq} is a steady sound level containing the same amount of sound energy as the actual time-varying sound evaluated over the same time period. The L_{eq} averages the louder and quieter moments, but gives more weight to the louder moments.

For highway noise assessment purposes, L_{eq} is typically evaluated over the worst 1-hour period and written as $L_{eq}(h)$. The $L_{eq}(h)$ commonly describes sound levels at locations of outdoor human use and activity, and reflects the conditions that will typically produce the worst traffic noise (e.g., the highest traffic volumes traveling at the highest possible speeds).

Noise Impact and Abatement Criteria

Traffic noise impacts are determined by comparing design year $L_{eq}(h)$ values to: (1) a set of Noise Abatement Criteria (NAC) for different land use categories; and (2) existing $L_{eq}(h)$ values. A noise impact occurs when design year (future build) levels approach or exceed the NAC value or a substantial increase in noise occurs. A substantial increase is defined as 10 dBA or greater than existing noise levels. For screening level noise analysis (screening analysis) purposes,

the ARDOT *Policy on Highway Traffic Noise Abatement* (noise policy) requires determining noise levels within 4 decibels of the NAC.

A *noise sensitive receptor* (receptor) is defined as a representative location of a noise sensitive area for various land uses. Most receptors associated with highway traffic noise analysis are categorized as NAC Activity Category B (residential) and C (e.g., parks, hospitals, schools, places of worship). Since the NAC threshold for Activity Categories B and C is 67 dBA, the screening analysis threshold would be 63 dBA.

Consideration of noise abatement measures is required when the NAC threshold is approached or exceeded, or when a substantial increase is predicted. Noise barriers (e.g., walls or berms) are the most common noise abatement measures.

Screening Level Noise Analysis

The proposed project is Type 1 per the FHWA noise regulation (23 CFR 772) and the ARDOT noise policy and requires a noise assessment to identify and evaluate potential impacts and abatement measures. A screening level noise analysis (screening analysis) may be performed for Type 1 projects that are unlikely to cause noise impacts and/or where noise abatement measures are likely to be unfeasible for acoustical or engineering reasons. Factors common to these types of projects include low traffic volumes, slower speeds, the presence of few or no receptors, and the need for roadway access points (e.g., driveways, intersections, Main Street scenarios, etc.).

Screening analysis results represent a worst-case scenario with higher sound levels than would be expected in detailed modeling and may be used to determine the need for detailed analysis if noise impacts are likely and the placement of noise barriers is feasible. It may also be used for projects that lack receptors to assess impacts on undeveloped land.

The FHWA Traffic Noise Model Version 2.5 (TNM) software program is used to predict existing and future Leq(h) traffic noise levels. The TNM straight line model uses the existing year and design year traffic and roadway information. Receivers (discrete points modeled in the TNM program) are incrementally placed away from the roadway centerline to determine the distance to which impacts extend. The model assumes that the roadway and receivers were located at the same elevation with no intervening barriers such as topography or dense vegetation.

Project Evaluation and Screening Analysis Results

Activity Category B receptors were identified in the project corridor. However, noise abatement measures were determined to not be feasible because the established land uses require access points. A screening analysis was therefore considered an appropriate level of noise assessment for this project.

TNM modeling was completed using the existing year 2024 and design year 2044 (future build) traffic and roadway information. Receivers were extended from the centerline of Hwy. 113 to distances correlating to approximately 66 dBA for existing and future build conditions, and 63 dBA for future build conditions. The tenth value was used for rounding the decibel levels (e.g., 66.2 dBA reported as 66 dBA). The model calculation tables and input data are attached.

One receptor was predicted to experience noise impacts within a distance of 150 feet under future build conditions. This receptor was also predicted to experience noise impacts within a distance of 130 feet under existing conditions. Two additional receptors were predicted to experience noise levels within the 63 dBA screening analysis threshold at a distance of 200 feet under future build conditions. The predicted noise impact and screening analysis threshold distances and receptors are shown on the attached figure.

No substantial increases (≥ 10 dBA) were predicted. Noise levels in the project area are already dominated by traffic noise from the existing roadway network, including heavy truck traffic associated with an industrial facility.

In addition to not being warranted, it would not be possible to construct an effective noise barrier for engineering reasons, including the need for access points and required sight distances. Additionally, a noise barrier could not be cost-effective due to the low number of receptors. A noise analysis is therefore not recommended for this project.

Project construction operations typically increase noise levels. These increases would be temporary and have minimal to minor adverse effects on land uses and activities in the project area. Local ordinances may prohibit construction activities or restrict noise levels or high noise levels between certain time periods (e.g., nighttime and/or weekend work). Other temporary construction noise reduction measures may also be considered.

Planning Information for Local Officials

ARDOT encourages local communities and developers to practice noise compatibility planning. As presented in **Table 1** noise level predictions for future build conditions were made at incremental distances. As previously described, exterior areas of Activity Category B (residential) uses would be impacted within a distance of approximately 150 feet from the centerline of Hwy. 113. These predictions do not represent noise levels at every location at a particular distance back from the roadway. Noise levels will vary with changes in terrain and other site conditions.

Table 1. Noise Levels for Compatibility Planning

| Distance (ft)* | Leq(h), dBA** |
|-----------------------|----------------------|
| 75 | 70 |
| 150 | 66 |
| 200 | 63 |
| 250 | 61 |
| 300 | 59 |
| 400 | 56 |

* Perpendicular to centerline of Hwy. 113

** Rounded to tenth value

Table 2 presents the NAC. This information is included to inform local officials and planners of anticipated noise levels so that future development will be compatible. In compliance with federal guidelines, a copy of this screening analysis will be transmitted to local authorities for land use planning purposes. Guidance documents on noise compatible land use planning are available from the FHWA at the following links:

https://www.fhwa.dot.gov/ENVIRonment/noise/noise_compatible_planning/federal_approach/audible_landscape/al01.cfm

https://www.fhwa.dot.gov/ENVIRonment/noise/noise_compatible_planning/federal_approach/land_use/qz08.cfm

Table 2. Noise Abatement Criteria (NAC)

| Activity Category | L_{eq(h)} dBA | Evaluation Location | Activity Description |
|--------------------------|------------------------------|----------------------------|---|
| A | 57 | Exterior | Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. |
| B* | 67 | Exterior | Residential properties. |
| C* | 67 | Exterior | Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structure, radio stations, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings. |
| D | 52 | Interior | Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structure, radio studios, recording studios, schools, and television studios. |
| E* | 72 | Exterior | Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D, or F. |
| F | --- | --- | Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing. |
| G | --- | --- | Undeveloped lands that are not permitted. |

* Includes undeveloped lands permitted for this activity category.

RESULTS: SOUND LEVELS

Job 080711

ARDOT
M.Pearson

19 January 2024
TNM 2.5
Calculated with TNM 2.5

RESULTS: SOUND LEVELS

PROJECT/CONTRACT:

Job 080711

RUN:

Existing 2024

BARRIER DESIGN:

INPUT HEIGHTS

Average pavement type shall be used unless
a State highway agency substantiates the use
of a different type with approval of FHWA.

ATMOSPHERICS:

68 deg F, 50% RH

| Receiver | | | | | | | | | | | | | |
|-----------------------|-----|-------|--------------------|----------------------|--------|------------------------|---------------------|---------|----------------------|------------|-----------------|--|-----------------------------|
| Name | No. | #DUs | Existing LAeq1h | No Barrier LAeq1h | | Increase over existing | | Type | With Barrier | | Noise Reduction | | Calculated minus Goal |
| | | | | Calculated | Crit'n | Calculated | Crit'n Sub'l Inc | Impact | Calculated LAeq1h | Calculated | Goal | | |
| | | | dBA | dBA | dBA | dB | dB | | dBA | dB | dB | | dB |
| 35 | 1 | 1 | 35.0 | 72.7 | 66 | 37.7 | 10 | Both | 72.7 | 0.0 | 8 | | -8.0 |
| 50 | 2 | 1 | 70.0 | 71.0 | 66 | 1.0 | 10 | Snd Lvl | 71.0 | 0.0 | 8 | | -8.0 |
| 75 | 3 | 1 | 95.0 | 69.0 | 66 | -26.0 | 10 | Snd Lvl | 69.0 | 0.0 | 8 | | -8.0 |
| 100 | 4 | 1 | 120.0 | 67.6 | 66 | -52.4 | 10 | Snd Lvl | 67.6 | 0.0 | 8 | | -8.0 |
| 130 | 5 | 1 | 145.0 | 66.2 | 66 | -78.8 | 10 | Snd Lvl | 66.2 | 0.0 | 8 | | -8.0 |
| 150 | 6 | 1 | 170.0 | 65.0 | 66 | -105.0 | 10 | ---- | 65.0 | 0.0 | 8 | | -8.0 |
| 175 | 7 | 1 | 195.0 | 63.4 | 66 | -131.6 | 10 | ---- | 63.4 | 0.0 | 8 | | -8.0 |
| 200 | 9 | 1 | 230.0 | 62.0 | 66 | -168.0 | 10 | ---- | 62.0 | 0.0 | 8 | | -8.0 |
| 225 | 10 | 1 | 255.0 | 60.8 | 66 | -194.2 | 10 | ---- | 60.8 | 0.0 | 8 | | -8.0 |
| 250 | 11 | 1 | 300.0 | 59.7 | 66 | -240.3 | 10 | ---- | 59.7 | 0.0 | 8 | | -8.0 |
| 300 | 12 | 1 | 400.0 | 57.8 | 66 | -342.2 | 10 | ---- | 57.8 | 0.0 | 8 | | -8.0 |
| 400 | 13 | 1 | 500.0 | 54.9 | 66 | -445.1 | 10 | ---- | 54.9 | 0.0 | 8 | | -8.0 |
| Dwelling Units | | # DUs | Noise Reduction | | | | | | | | | | |
| | | | Min | Avg | Max | | | | | | | | |
| | | | dB | dB | dB | | | | | | | | |
| All Selected | | 12 | 0.0 | 0.0 | 0.0 | | | | | | | | |
| All Impacted | | 5 | 0.0 | 0.0 | 0.0 | | | | | | | | |
| All that meet NR Goal | | 0 | 0.0 | 0.0 | 0.0 | | | | | | | | |

RESULTS: SOUND LEVELS

Job 080711

ARDOT
M.Pearson

19 January 2024
TNM 2.5
Calculated with TNM 2.5

RESULTS: SOUND LEVELS

PROJECT/CONTRACT:

Job 080711

RUN:

Proposed 2044

BARRIER DESIGN:

INPUT HEIGHTS

Average pavement type shall be used unless
a State highway agency substantiates the use
of a different type with approval of FHWA.

ATMOSPHERICS:

68 deg F, 50% RH

| Receiver | | | | | | | | | | | | |
|-----------------------|-----|-------|--------------------|------------------------------------|--------|--------------------------------------|---------------------|----------------|--------------------------------------|-------------------------------|------|-----------------------------|
| Name | No. | #DUs | Existing LAeq1h | No Barrier LAeq1h Calculated | Crit'n | Increase over existing Calculated | Crit'n Sub'l Inc | Type Impact | With Barrier Calculated LAeq1h | Noise Reduction Calculated | Goal | Calculated minus Goal |
| | | | dBA | dBA | dBA | dB | dB | | dBA | dB | dB | dB |
| 35 | 1 | 1 | 35.0 | 73.6 | 66 | 38.6 | 10 | Both | 73.6 | 0.0 | 8 | -8.0 |
| 50 | 2 | 1 | 70.0 | 71.9 | 66 | 1.9 | 10 | Snd Lvl | 71.9 | 0.0 | 8 | -8.0 |
| 75 | 3 | 1 | 95.0 | 69.9 | 66 | -25.1 | 10 | Snd Lvl | 69.9 | 0.0 | 8 | -8.0 |
| 100 | 4 | 1 | 120.0 | 68.5 | 66 | -51.5 | 10 | Snd Lvl | 68.5 | 0.0 | 8 | -8.0 |
| 130 | 5 | 1 | 145.0 | 67.2 | 66 | -77.8 | 10 | Snd Lvl | 67.2 | 0.0 | 8 | -8.0 |
| 150 | 6 | 1 | 170.0 | 66.2 | 66 | -103.8 | 10 | Snd Lvl | 66.2 | 0.0 | 8 | -8.0 |
| 175 | 7 | 1 | 195.0 | 64.6 | 66 | -130.4 | 10 | ---- | 64.6 | 0.0 | 8 | -8.0 |
| 200 | 9 | 1 | 230.0 | 63.1 | 66 | -166.9 | 10 | ---- | 63.1 | 0.0 | 8 | -8.0 |
| 225 | 10 | 1 | 255.0 | 61.9 | 66 | -193.1 | 10 | ---- | 61.9 | 0.0 | 8 | -8.0 |
| 250 | 11 | 1 | 300.0 | 60.8 | 66 | -239.2 | 10 | ---- | 60.8 | 0.0 | 8 | -8.0 |
| 300 | 12 | 1 | 400.0 | 58.9 | 66 | -341.1 | 10 | ---- | 58.9 | 0.0 | 8 | -8.0 |
| 400 | 13 | 1 | 500.0 | 56.0 | 66 | -444.0 | 10 | ---- | 56.0 | 0.0 | 8 | -8.0 |
| Dwelling Units | | # DUs | Noise Reduction | | | | | | | | | |
| | | | Min | Avg | Max | | | | | | | |
| | | | dB | dB | dB | | | | | | | |
| All Selected | | 12 | 0.0 | 0.0 | 0.0 | | | | | | | |
| All Impacted | | 6 | 0.0 | 0.0 | 0.0 | | | | | | | |
| All that meet NR Goal | | 0 | 0.0 | 0.0 | 0.0 | | | | | | | |

NOISE DATA WORKSHEET

Job No: 080711

Job Name: Highway 113 Relocation (Conway Co.)

Roadway Reference: Hwy. 113

County: Conway

Design Year: 2044

Year(s) To Be Modeled: 2024 2044

Roadway Cross-Sections: 2 11' lanes 2 6' shoulders total 34' wide

2024 EXISTING

Operating Speed: 60

Kfactor 12%

Note: DHV = (ADT)(K)
DDHV = (ADT)(K)(D)
K - Percent of ADT occuring in design hour
D - Directional Distribution

Traffic Data:

| YEAR | ADT | %TRUCK | DHV | CARS | MT | HT | CARS/2 | MT/2 | HT/2 |
|------|-------|--------|-----|------|-----|-----|--------|------|------|
| | | | | 0 | 10% | 90% | 0 | 0 | 0 |
| 2024 | 3,400 | 25% | 408 | 306 | 10 | 92 | 153 | 5 | 46 |

NOISE DATA WORKSHEET

Job No: 080711

Job Name: Highway 113 Relocation (Conway Co.)

Roadway Reference: Hwy. 113

County: Conway

Design Year: 2044

Year(s) To Be Modeled: 2024 2044

Roadway Cross-Sections: 2 12' lanes 2 6' shoulders total 36' wide

2044 PROPOSED

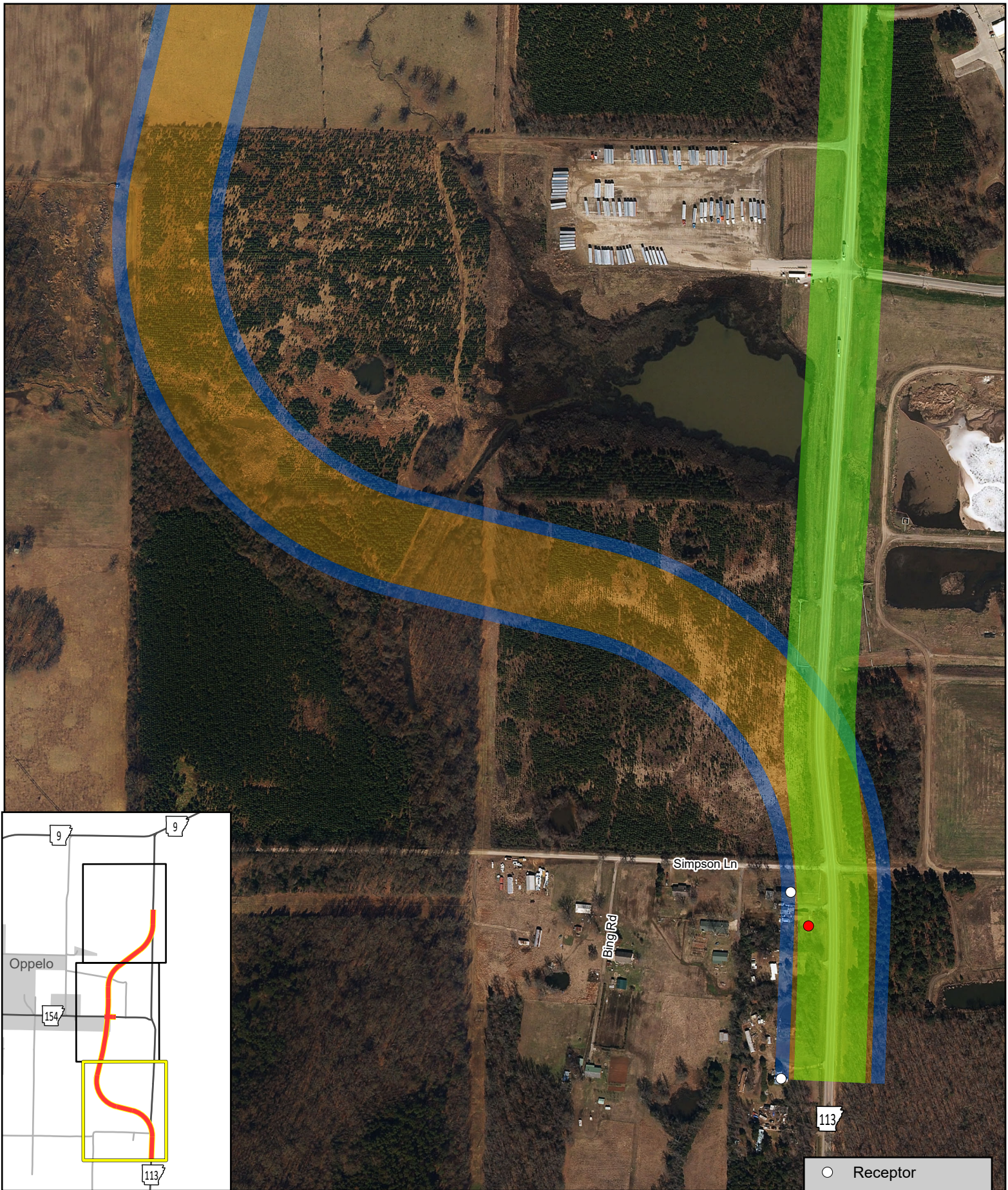
Note: DHV = (ADT)(K)
 DDHV = (ADT)(K)(D)
 K - Percent of ADT occuring in design hour
 D - Directional Distribution

Operating Speed: 60

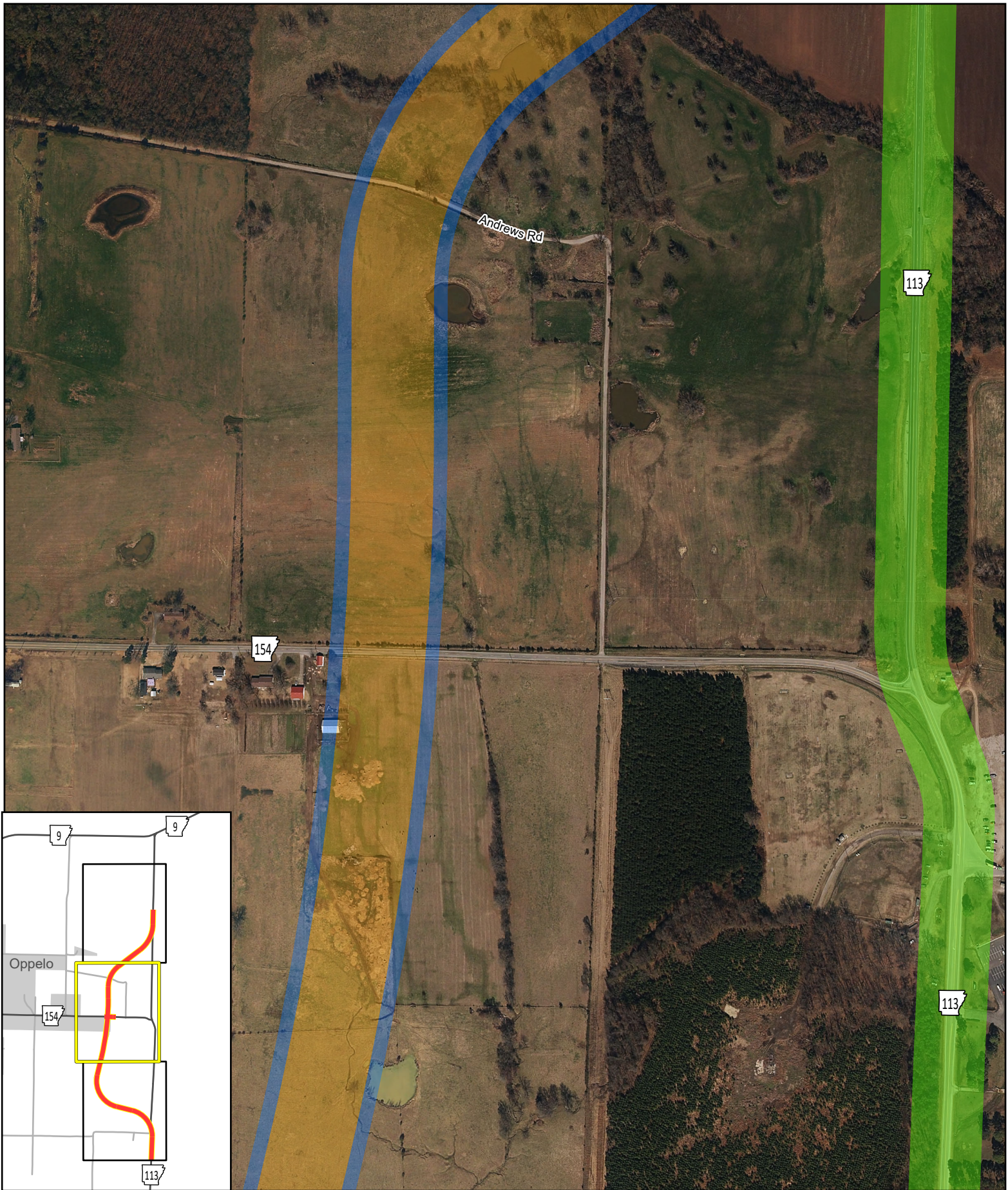
Kfactor 12%

Traffic Data:

| YEAR | ADT | %TRUCK | DHV | CARS | MT | HT | CARS/2 | MT/2 | HT/2 |
|------|-------|--------|-----|------|----|-----|--------|------|------|
| | | | | 0 | 0 | 0 | 0 | 0 | 0 |
| 2044 | 4,200 | 25% | 504 | 378 | 13 | 113 | 189 | 6 | 57 |



- Receptor
- Impacted Receptor
- 130 ft - Existing
- 150 ft - Proposed
- 200 ft - Proposed



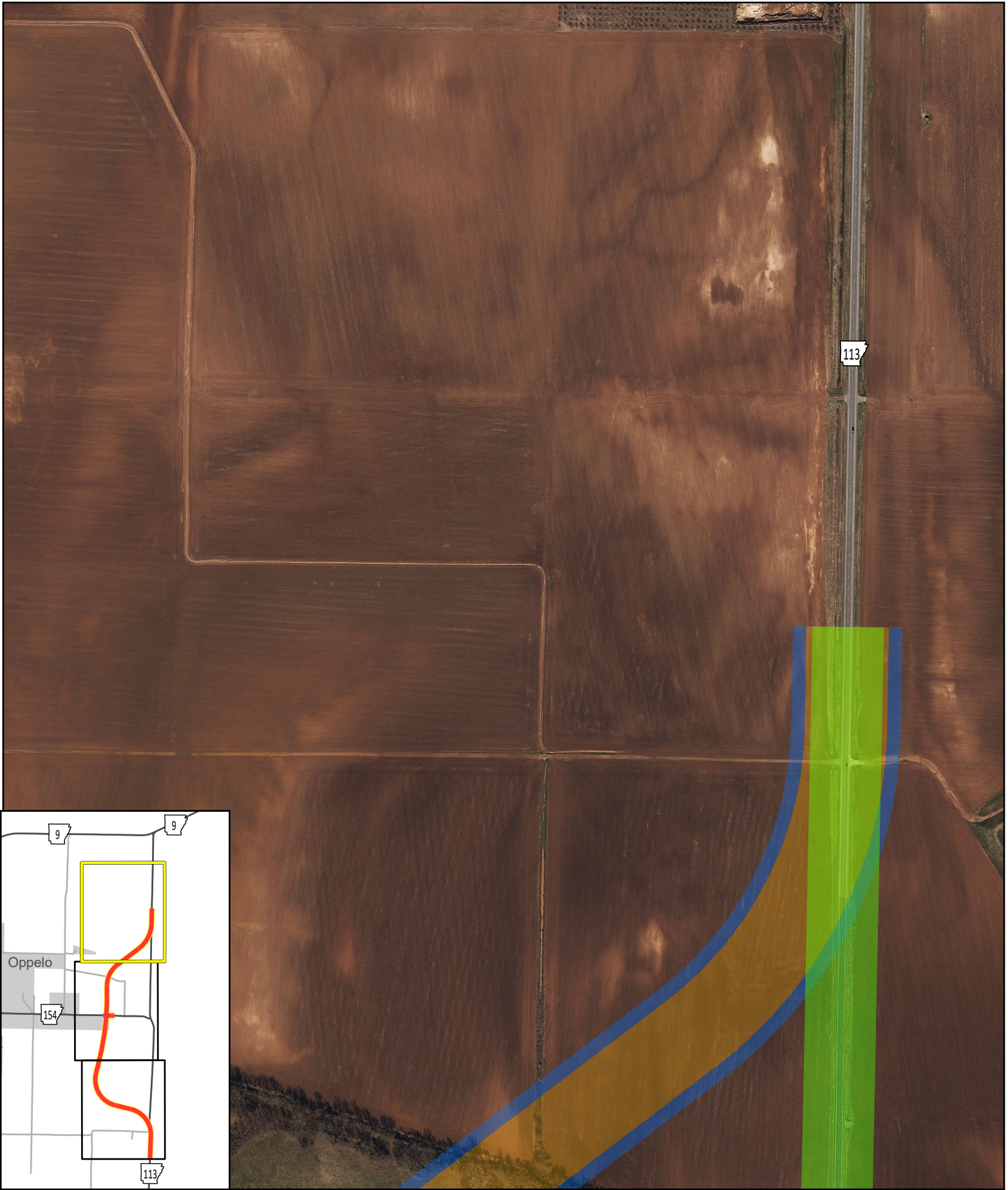
0 150 300
Feet

Noise Level Distances Page 2 of 3

Job 080711
ARDOT - Environmental GIS - Strawn
January 22, 2024

- 130 ft - Existing
- 150 ft - Proposed
- 200 ft - Proposed

Photography: ADOP 2017



0 150 300
Feet

Job 080711
ARDOT - Environmental GIS - Strawn
January 22, 2024

Noise Level Distances Page 3 of 3

| |
|-------------------|
| 130 ft - Existing |
| 150 ft - Proposed |
| 200 ft - Proposed |

Photography: ADOP 2017

PUBLIC INVOLVEMENT SYNOPSIS

Job 080711

Highway 113 Relocation (Conway Co.) (S)

Conway County

Tuesday, December 12, 2023

A Phase III “In-Person” Public Involvement (PI) meeting was held for the proposed relocation of Highway 113 in Conway County at the Family Life Worship Center, located at 1309 Highway 9 in Morrilton, Arkansas, on Tuesday, December 12, 2023 from 4:00 – 7:00 p.m. Project Information was made available on ARDOT’s website from December 7 - 27, 2023. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in the *Arkansas Democrat Gazette* for publication on December 3 & 10, 2023.
- Advertisement was placed in Petit Jean Country Headlight for publication on December 6, 2023.
- Letters were mailed to Public Officials on November 30, 2023.
- Flyers were mailed to citizens on December 7, 2023.

The following information was available for inspection and comment at the meeting:

- A project design map at a scale of 1” = 50’
- Project location maps
- Interactive GIS map of project design and area
- Typical cross-section display figure

Copies of the public meeting notice, comment form, and the project display are attached.

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

| TABLE 1 | |
|----------------------------------|---------------|
| Public Participation | Totals |
| Online comment forms received | 5 |
| In-Person comment forms received | 1 |
| Mailed/Emailed Comment Forms | 5/1 |
| Total responses received | 13 |

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

An analysis of the survey questions on comment forms received is shown in Table 2.

| TABLE 2 | |
|--|--------|
| Public Survey Results | Totals |
| Feels there is a need for relocation of highway | 6 |
| Does not feel there is a need for relocation | 4 |
| Feels the project will have a beneficial impact | 4 |
| Feels the project will have an adverse impact | 4 |
| Has a suggestion for project to better serve community | 4 |

Suggestions for project to better serve the community:

- Leave the road as is, provide alternate routes that lessen impact to residential areas, and conduct purpose and needs assessment.
- Construct an earthen berm on the west side of the road to benefit those who live near the new highway to lessen road noise and noise from the mill. Also, plant trees along the berm.
- Work with impacted property owners or farm operators as much as possible.
- Fix existing state highways around Perry and Conway counties instead.

General comments:

- It appears the proposed route will impact prime farmland and other environmental and possibly cultural significant areas.
- In the long run, it will be good for our community creating jobs while the construction [of mill expansion] happens and good jobs after it's completed. It should also be a boost to our local school system.
- I strongly support this project. Safety will be much improved by this project. The proposed relocation will be a huge improvement.
- I approve and support ARDOT's Highway 113 Relocation Project. The aspect that I love about ARDOT's project is that the highway will be relocated away from the Green Bay Packaging Facility which will improve safety and reduce congestion.

- Thank you for involving those of us that live in this area. Thank you for explaining everything clearly.
- Good project for the community, necessary for proposed major expansion project for our largest industry. Good partnership between State Highway Department and Conway County as we will be assuming maintenance and upkeep of completed project and also a section of Highway 154.
- It will have an impact because when everything is move[d] it will be too noisy (sic) here in Oppelo.
- The existing road is straight and a good road. A new road will be curvy and cause accidents. It will cause problems with traffic.
- We have no objection to this expansion [of Green Bay Packaging], but we have serious concerns about noise and its impact on us and our neighbors. We are requesting an earthen berm be constructed on the west side of the road as well as tree planting.
- Is ARDOT succumbing to an industry dominating the area and reducing the enjoyment and tranquility of the citizens of Oppelo, Arkansas and the surrounding community?

Attachments

DN:DH:sw

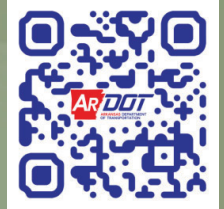


PUBLIC INVOLVEMENT MEETING NOTICE

Hwy. 113 Relocation (Conway Co.)

(Conway County)

Job 080711



You're Invited!

Visit anytime during the scheduled hours.

What: The Arkansas Department of Transportation (ARDOT) will conduct a Public Involvement Meeting to discuss the proposed relocation of Hwy. 113 near Oppelo, AR (Conway County).

When: Tuesday, December 12, 2023
4:00 p.m.- 7:00 p.m.

Where: Family Life Worship Center
1309 Highway 9
Morrliton, AR 72110

Link to Project Information:

www.ardot.gov/publicmeetings

Website availability begins **December 7, 2023**
and ends at 4:30 p.m. on **December 27, 2023.**

For further assistance, contact Ricardo Ramirez:
Phone: (501) 569-2085 or e-mail: Ricardo.Ramirez@ardot.gov

Special Accommodations:

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

NOTICE OF NONDISCRIMINATION: The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding ARDOT's nondiscrimination policies may be directed to Civil Rights Officer Joanna P. McFadden (ADA/504/Title VI Coordinator), PO Box 2261, Little Rock, Arkansas 72203-2261, (501) 569-2298, (Voice/TTY 711), or to the following email address: Joanna.Mcfadden@ardot.gov

Free language assistance for Limited English Proficient individuals is available upon request..

This notice is available from the ADA/504/Title VI Coordinator in large print, on audio tape and in Braille.

**ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT)
PUBLIC INVOLVEMENT MEETING
COMMENT FORM**

**ARDOT Job 080711
Hwy. 113 Relocation (Conway Co.)
CONWAY COUNTY**

**LOCATION:
FAMILY LIFE WORSHIP CENTER
1309 HIGHWAY 9
MORRILTON, AR 72110
4:00 PM – 7:00 PM
TUESDAY, DECEMBER 12, 2023**

Make your comments on this form and mail it by 4:30 p.m. on **Wednesday, December 27, 2023** to: Arkansas Department of Transportation, Environmental Division, P.O. Box 2261, Little Rock, AR, 72203-2261. Email: environmentalpimeetings@ardot.gov.

Yes No
☐ ☐

Do you feel there is a need for the relocation of Hwy. 113 near Oppelo, AR (Conway County)? Comment (optional)

Do you feel that the proposed project will have any impacts

(☐ Beneficial or ☐ Adverse) on your property and/or community (economic, environmental, social, etc.)? Please explain. _____

☐ ☐

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

☐ ☐

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

(Continue on Back)

Yes

No

☐☐

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

☐☐

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

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

Name: _____ (Please Print)

Address: _____ Phone: (____) _____--_____

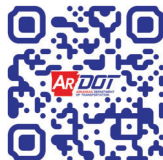
E-mail: _____

Please make additional comments here. _____

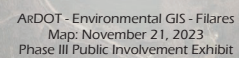


For additional information, please visit our website at

www.ardot.gov/publicmeetings



Preliminary Subject to Revision



Herron, Danielle E.

From: Lewis, Lindsey <lindsey_lewis@fws.gov>
Sent: Friday, January 5, 2024 3:32 PM
To: Dial, Nicholas T.
Subject: Re: [EXTERNAL] 080711 NLAA Concurrence Request

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nick,

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

The Service has 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, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.). Based on the information you provided, you have determined that the Proposed Action will have "No Effect" on the Indiana Bat (*Myotis sodalis*) or the Northern Long-eared Bat (*Myotis septentrionalis*). If the Proposed Action is not modified, no consultation is required for these two species. If the Proposed Action is modified, or new information reveals that it may affect the Indiana Bat and/or Northern Long-eared Bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required.

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

The Service has no additional comments or concerns and agrees with the determinations and concurrences made through the Arkansas Dkey and the FHWA PBO Dkey.

Thanks,

Lindsey Lewis
Biologist

US Fish & Wildlife Service
Arkansas Field Office
110 South Amity Rd., Suite 300
Conway, Arkansas 72032

(501) 513-4489 - voice
(501) 513-4480 - fax

Lindsey_Lewis@fws.gov
<http://www.fws.gov/arkansas-es/>

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: Dial, Nicholas T. <Nicholas.Dial@ardot.gov>
Sent: Friday, January 5, 2024 3:17 PM
To: Lewis, Lindsey <lindsey_lewis@fws.gov>
Subject: RE: [EXTERNAL] 080711 NLAA Concurrence Request

Hey Lindsey,

So I was informed this morning by the Administration that Green Bay Packaging has harvested all of the trees in the project area for their operations, and therefore there was no longer any suitable habitat in the project area. This is what led me to the 'no effect' determination for Indiana Bat.

Let me know if there are any issues there, and we can discuss it further next week if you would like.

Thanks!

From: Lewis, Lindsey <lindsey_lewis@fws.gov>
Sent: Friday, January 5, 2024 3:14 PM
To: Dial, Nicholas T. <Nicholas.Dial@ardot.gov>
Subject: Re: [EXTERNAL] 080711 NLAA Concurrence Request

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nick,

I'm confused about this project. Previously you said there would be habitat removal and now you are saying there isn't which gave you a NE determination in the PBO. Are you only wanting concurrence for the bird and not the bats? Please clarify. Thanks.

Lindsey Lewis
Biologist

US Fish & Wildlife Service
Arkansas Field Office
110 South Amity Rd., Suite 300
Conway, Arkansas 72032

(501) 513-4489 - voice
(501) 513-4480 - fax
Lindsey_Lewis@fws.gov
<http://www.fws.gov/arkansas-es/>

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: Dial, Nicholas T. <Nicholas.Dial@ardot.gov>
Sent: Friday, January 5, 2024 11:07 AM
To: Lewis, Lindsey <lindsey_lewis@fws.gov>
Subject: [EXTERNAL] 080711 NLAA Concurrence Request

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Lindsey,

I am requesting concurrence on an NLAA determination for Eastern Black Rail for the referenced project. The footprint is impacting a very small, isolated herbaceous wetland which led to this determination.

Thanks!

Nicholas Dial
Botanist
Environmental Division – Natural Resources Section
Arkansas Department of Transportation
10324 Interstate 30 P.O Box 2261
Little Rock, Arkansas 72203
(501) 569-2617





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: 2024-0033023
Project Name: 080711 - Hwy. 113 Relocation (S)

January 05, 2024

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 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 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:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.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/program/migratory-bird-permit/what-we-do>.

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/library/collections/threats-birds>.

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/partner/council-conservation-migratory-birds>.

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

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

Project Code: 2024-0033023
Project Name: 080711 - Hwy. 113 Relocation (S)
Project Type: Road/Hwy - New Construction
Project Description: New location highway construction.
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.0988385,-92.74566899393061,14z>



Counties: Conway County, Arkansas

ENDANGERED SPECIES ACT SPECIES

There is a total of 8 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 |
|--|------------------------|
| 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 |
| 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 |
| Rufa 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 |

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 |

INSECTS

| NAME | STATUS |
|--|-----------|
| 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 |

CRITICAL HABITATS

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

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

IPAC USER CONTACT INFORMATION

Agency: Arkansas Department of Transportation

Name: Nicholas Dial

Address: 10324 I-30

City: Little Rock

State: AR

Zip: 72209

Email: nicholas.dial@ardot.gov

Phone: 5015692617



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: 2024-0033023
Project Name: 080711 - Hwy. 113 Relocation (S)

January 05, 2024

Subject: Consistency letter for '080711 - Hwy. 113 Relocation (S)' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear Nicholas Dial:

The U.S. Fish and Wildlife Service (Service) received on **January 05, 2024** your effect determination(s) for the '080711 - Hwy. 113 Relocation (S)' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

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

| Species | Listing Status | Determination |
|---|----------------|---------------|
| Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>) | Threatened | NLAA |
| Indiana Bat (<i>Myotis sodalis</i>) | Endangered | May affect |
| Piping Plover (<i>Charadrius melodus</i>) | Threatened | No effect |
| Rufa Red Knot (<i>Calidris canutus rufa</i>) | Threatened | No effect |

Status

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

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

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

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

This letter only covers the listed species in the above table. The following species may also occur in the Action area:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

If you determine your project may affect additional listed or proposed listed species not covered by the Arkansas ESFO DKey, please contact our office at 501-513-4470, arkansas_es_clearance@fws.gov, or your agency point of contact Arkansas ESFO to discuss methods to avoid or minimize potential adverse effects to those species. Candidate species are not afforded protection under the ESA; however, we recommend they be considered in project planning and that conservation measures be implemented to avoid or minimize impacts to individuals or their habitat as much as possible.

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

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the Bald and Golden Eagle Protection Act may apply to their activities. The guidelines should be consulted prior to conducting new or

intermittent activity near an eagle nest. Activity specific guidelines begin on page 10 of the document. To access a copy of the National Bald Eagle Management Guidelines please visit the Service's Bald and Golden Eagle Management webpage and scroll down to the Guidance and Tools section: <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. To obtain an application form or contact information for Regional Migratory Bird Permit Offices please visit the Service's Bald and Golden Eagle Management webpage and scroll down to the Permits section: <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Action Description

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

1. Name

080711 - Hwy. 113 Relocation (S)

2. Description

The following description was provided for the project '080711 - Hwy. 113 Relocation (S)':

New location highway construction.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.0988385,-92.74566899393061,14z>



Species Protection Measures

QUALIFICATION INTERVIEW

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").

No

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

Yes

3. Are you the the action agency or the designated non-federal representative?

Yes

4. Choose the agency you represent in this consultation with the U.S. Fish and Wildlife Service:

d. Federal Highway Administration

5. Will project proponents follow [Special Provisions for avoidance and minimization](#) measures for listed species in Arkansas?

Yes

6. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?

Automatically answered

No

7. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?

Automatically answered

No

8. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?

Automatically answered

No

9. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?

Automatically answered

No

10. [Semantic] Does the project intersect the American burying beetle consultation area?

Automatically answered

No

11. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?

Automatically answered

No

12. [Semantic] Does the project intersect the Eastern black rail AOI?
Automatically answered
Yes
13. Will the project take place in freshwater herbaceous wetlands and/or wet prairies?
Yes
14. Will any part of the project take place between March 15 and May 15 OR between July 15 and October 1?
Yes
15. [Semantic] Does the project intersect the red knot AOI?
Automatically answered
Yes
16. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?
No
17. Does the project take place in marshy or flooded open field habitat?
No
18. [Semantic] Does the project intersect the Piping Plover AOI?
Automatically answered
Yes
19. [Semantic] Does the project intersect the Whooping Crane AOI?
Automatically answered
No
20. [Semantic] Does the project intersect the interior least tern AOI?
Automatically answered
No
21. [Semantic] Does the project intersect the Gray Bat AOI?
Automatically answered
No
22. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?
Automatically answered
No
23. [Semantic] Does the project intersect the Indiana bat AOI?
Automatically answered
Yes
24. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?
Automatically answered
No
25. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?
Automatically answered
No

26. [Semantic] Does the project intersect the Ozark cavefish AOI?

Automatically answered

No

27. [Semantic] Does the project intersect the Missouri bladderpod AOI?

Automatically answered

No

28. [Semantic] Does the project intersect the Geocarpon AOI?

Automatically answered

No

29. [Semantic] Does the project intersect the running buffalo clover AOI?

Automatically answered

No

30. [Semantic] Does the project intersect the Pondberry AOI?

Automatically answered

No

IPAC USER CONTACT INFORMATION

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Name: Nicholas Dial

Address: 10324 I-30

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State: AR

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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



In Reply Refer To:
Project code: 2024-0033023
Project Name: 080711 - Hwy. 113 Relocation (S)

January 05, 2024

Subject: Consistency letter for the '080711 - Hwy. 113 Relocation (S)' project under the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB).

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated January 05, 2024 to verify that the **080711 - Hwy. 113 Relocation (S)** (Proposed Action) may rely on the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the endangered northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species**. If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge/culvert or structure assessment failed to detect Indiana bats and/or NLEBs use or occupancy, yet later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of the incident. In these instances, potential incidental take of Indiana bats and/or NLEBs may be exempted provided that the take is reported to the Service.

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

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

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Piping Plover *Charadrius melodus* Threatened
- Rufa Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

PROJECT DESCRIPTION

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

NAME

080711 - Hwy. 113 Relocation (S)

DESCRIPTION

New location highway construction.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.0988385,-92.74566899393061,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the endangered northern long-eared bat.

Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for these two species.

QUALIFICATION INTERVIEW

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

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

Automatically answered

Yes

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

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

Automatically answered

Yes

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

A) Federal Highway Administration (FHWA)

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

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

No

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

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

Yes

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

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

No

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

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

No

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

No

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

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

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [User's Guide for the Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat](#).

No

10. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

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

No

12. Does the project include slash pile burning?

No

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

No

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

No

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

No

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

No

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

No

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

No

19. Is the location of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the project action area is not within suitable Indiana bat and/or NLEB summer habitat and is outside of 0.5 miles of a hibernaculum.

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

This key was last updated in IPaC on October 30, 2023. Keys are subject to periodic revision.

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

This decision key should only be used to verify project applicability with the Service's [amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion \(dated March 23, 2023\) for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

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

| | | | | | |
|--|---|-----------------------|--|---------------------------|-------------------|
| PART I (To be completed by Federal Agency) | | Job 080711 | 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 | | |
| 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 <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 | | |
| PART III (To be completed by Federal Agency) | | | Alternative Corridor For Segment _____ | | |
| | | | Corridor A | Corridor B | Corridor C |
| 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 | | | | | |
| 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) | | | | | |
| 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 | | |
| 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 | | |
| PART VII (To be completed by Federal Agency) | | | | | |
| Relative Value Of Farmland (From Part V) | | | 100 | | |
| Total Corridor Assessment (From Part VI above or a local site assessment) | | | 160 | | |
| TOTAL POINTS (Total of above 2 lines) | | | 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

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

ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job 080711 FAP STPR-0015(33)

Job Title Highway 113 Relocation (Conway Co.) (S)

| Environmental Resource | None | Minimal | Major | Comments |
|--------------------------------|------|---------|-------|-------------------------------------|
| Air Quality | X | | | No impacts anticipated |
| Cultural Resources | X | | | SHPO clearance attached |
| Economic | X | | | No impacts anticipated |
| Endangered Species | | X | | NLAA and No effect determinations |
| Environmental Justice/Title VI | X | | | No impacts anticipated |
| Fish and Wildlife | | X | | Temporary during construction |
| Floodplains | | X | | Part of project lies in SFHA Zone X |
| Forest Service Property | X | | | None in project area |
| Hazardous Materials/Landfills | X | | | No impacts anticipated |
| Land Use | | X | | Approx 43 ac of ROW and 3.1 ac TCE |
| Migratory Birds | X | | | No impacts anticipated |
| Navigation/Coast Guard | X | | | None in project area |
| Noise Levels | X | | | Report attached |
| Important Farmland | | X | | 30 acres total converted to ROW |
| Protected Waters | X | | | None in project area |
| Public Recreation Lands | X | | | None in project area |
| Public Water Supply/WHPA | X | | | No impacts |
| Relocatees | X | | | No relocations |
| Section 4(f)/6(f) | X | | | No properties in area |
| Social | X | | | No impacts anticipated |
| Underground Storage Tanks | X | | | None in project area |
| Visual | X | | | No impacts anticipated |
| Streams | | X | | 1,386 linear feet (0.12) acres |
| Water Quality | | X | | Temporary during construction |
| Wetlands | | X | | 5.29 acres |
| Wildlife Refuges | X | | | None in project area |

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? Yes

Section 404 Permit Required? Yes Type Standard Individual Permit

Remarks: .

Signature of Evaluator *David E. Henry* Date 01/24/2024

Date Returned: December 13, 2023

ROADWAY DESIGN REQUEST

Job Number 080711 FAP No. STPR-0015(33) County Conway

Job Name Highway 113 Relocation (Conway Co.) (S)

Design Engineer Nick Dail Environmental Staff _____

Detailed Project Description Job 080711 consists of relocating 2.37 miles of Hwy. 113 in Conway County. The existing roadway includes 2-11' travel lanes with 6' paved shoulders on each side.

The relocated roadway will be 2-12' travel lanes with 6' paved shoulders on each side. This project will also include cross drains, erosion control, earthwork, and ACHM pavement.

A. Existing Conditions:

Roadway Width: 34' Shoulder Type/Width: 6' Paved

Number of Lanes and Width: 2 @ 11' Existing Right-of-Way: N/A⁽¹⁾

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

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

B. Proposed Conditions:

Roadway Width: 36' Shoulder Type/Width: 6' Paved

Number of Lanes and Width: 2 @ 12' Proposed Right-of-Way: 164'

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

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

C. Construction Information:

If Detour: Where: N/A Length: N/A

D. Design Traffic Data:

2024 ADT: 3,400 2044 ADT: 4,200 % Trucks: 25

Design Speed: 60 mph

E. Approximate total length of project: 2.37 mile(s)

F. Justification for proposed improvements: Improve freight mobility and enhance the region's economic competitiveness.

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

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

| Agency/Official | Person Contacted | Date |
|-----------------|------------------|------|
| | | |

⁽¹⁾ This is a new location project