June 2, 2017

Mr. Angel Correa  
Division Administrator  
Federal Highway Administration  
700 West Capitol, Room 3130  
Little Rock, Arkansas 72201-3298

Re: Job Number 050280  
FAP Number PEN-0073(60)  
Joy-Searcy (Safety Impvts.) (S)  
White County  
Tier 3 Categorical Exclusion

Dear Mr. Correa:

The Environmental Division has reviewed the referenced project and it falls within the definition of the Tier 3 Categorical Exclusion as defined by the AHTD/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 this project is to improve safety on Highway 36 in White County. Extending from the township of Joy to the city of Searcy, the total length of the project is 8.75 miles. A project location map is enclosed.

The existing roadway consists of two 11-foot wide paved travel lanes with 2-foot wide shoulders. The existing right of way width is approximately 80 feet.

Proposed improvements include 4-foot wide paved shoulders and shoulder rumble strips along the entire length of the project and other proposed improvements in specific areas as described below.

**Joy Area** – flattening a series of three existing curves by connecting the two outermost curve transitions with a new road cut; and installing a centerline rumble stripe.
Center Hill Area – widening the existing travel lanes to 12 feet; installing a 12-foot wide center
turn lane; widening paved shoulders to 4-foot and adding 2-foot wide gravel shoulders.

Area west of Searcy – widening the existing travel lanes to 12 feet; installing a 12-foot wide left
turn lane; widening paved shoulders to 4-foot and adding 2-foot wide gravel shoulders.

The average new right of way width will range from 115 feet to 240 feet. Approximately 15
acres of additional right of way will be required for this project.

Design data for this project is as follows:

<table>
<thead>
<tr>
<th>Design Year</th>
<th>Average Daily Traffic</th>
<th>Percent Trucks</th>
<th>Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>6,600</td>
<td>9</td>
<td>55 mph</td>
</tr>
<tr>
<td>2037</td>
<td>9,400</td>
<td>9</td>
<td>55 mph</td>
</tr>
</tbody>
</table>

There are no relocatees or Executive Order 12898 Environmental Justice issues associated with
this project. Field inspections found no evidence of underground storage tanks or hazardous
waste deposits. Impacts to cultural resources are not anticipated; concurrence from the State
Historic Preservation Officer is enclosed. Approximately 3.3 acres of Prime Farmland and
1.7 acres of Farmland of State Importance will be converted to highway right of way. Form
NRCS-CPA-106 is enclosed.

Based upon the AHTD’s Policy on Highway Traffic Noise Abatement, a noise analysis is not
required for this project. The project meets the criteria for a Type III project established in 23
CFR 772. Type III projects do not involve added capacity, construction of new through lanes or
auxiliary lanes, substantial changes in the horizontal or vertical alignment of the roadway or
exposure of noise sensitive land uses to a new or existing highway noise source. A highway
traffic noise impact analysis is therefore not required. AHTD acknowledges that a noise analysis
is required if changes to the proposed project result in reclassification to a Type I project.

White County participates in the National Flood Insurance Program. All of the floodplain
encroachments within this highway construction project will be designed to comply with the
county’s local flood damage prevention ordinance. The project lies within Zone A, Special
Flood Hazard Area. The final project design will be reviewed to confirm that the design is
adequate and that the potential risk to life and property are minimized. Adjacent properties
should not be impacted or have a greater flood risk than existed before construction of the
project. None of the encroachments will constitute a significant floodplain encroachment or a
significant risk to property or life.

Construction of this project will impact four unnamed intermittent streams and one scrub/shrub
wetland. Stream impacts include the extension of culverts at stations 125+35, 140+46, 205+55,
and 208+72; channel cleanouts at stations 125+35, 205+55 and 208+72; and stream relocations
between stations 125+35 and 127+58 and between stations 208+72 and 210+52. The stream relocations are sections within the existing roadside ditches and will be relocated to the new ditches without the loss of stream length or function. Approximately 0.05 acre of scrub/shrub wetlands near station 403+75 will be filled due to the realignment of the Highway 305/Highway 36 intersection. Construction of this project should be covered under the terms of a Nationwide Permit 14 for Linear Transportation Projects as defined in the Federal Register 82(4):1860–2008.

The US Fish and Wildlife Service (USFWS) IPaC website lists the following four threatened and four endangered species as potentially occurring within the project boundaries: northern long-eared bat (*Myotis septentrionalis*); Piping Plover (*Charadrius melodus*); Red Knot (*Calidris canutus rufa*); rabbitsfoot (*Quadrula cylindrica cylindrica*); gray bat (*Myotis grisescens*); fat pocketbook (*Potamilus capax*); pink mucket (*Lampsilis abrupta*); and the scaleshell mussell (*Leptodea leptodon*). Based on the lack of available/suitable habitat in the project area, it has been determined that the project will have no effect on the non-bat species. The USFWS concurred with the determination that the project is not likely to adversely affect the northern long-eared bat and gray bat on January 11, 2017. The concurrence was based on limited habitat adjacent to the action and no records to indicate that there are any species in the immediate vicinity. USFWS coordination is enclosed.

A public involvement meeting for this project was held on November 10, 2016 in Searcy, Arkansas. A public involvement synopsis is enclosed.

If you have any questions, please contact the Environmental Division at 569-2281.

Sincerely,

John Fleming
Division Head
Environmental Division

Enclosures

JF:MP:fc
c: Program Management
  Right of Way
  Roadway Design
  District 5
  Master File
Job 050280
Joy - Searcy (Safety Impvts.)
(Hwy. 36)
White County

Begin Job 050280
Joy - Searcy (Safety Impvts.) (Hwy. 36)
White County
October 18, 2016

Mr. Robert Scoggin
Arkansas Historic Preservation Program
1100 North Street
Little Rock, AR 72201

RE: AHTD Job No. 050280
Joy-Searcy (Safety Impvts.) (S)
White County

Dear Mr. Scoggin:

Enclosed for your review is a Project Identification Form regarding the above referenced project. Please provide your effect finding as soon as possible. If you have any questions, contact Richard Jenkins of my staff at 569-2357.

Sincerely,

[Signature]

John Fleming
Division Head
Environmental Division

Enclosure
PIF

DEC 02 2016

This undertaking will have no adverse effect on historic properties.

Frances McSwain
Deputy State Historic Preservation Officer
May 15, 2017

Mr. John Fleming
Division Head
Environmental Division
Arkansas State Highway and Transportation Department
PO Box 2261
Little Rock, AR 72203-2261

RE: White Counties – Joy-Searcy
Section 106 Review – FHWA
Request for Technical Assistance
AHTD Job Number 050280
Joy-Searcy (Safety Impvs) (S)
AHPP Tracking Number 96666.03

Dear Mr. Fleming:

This letter is written in response to your inquiry regarding properties of architectural or historical significance in the area of the proposed referenced project. The staff of the Arkansas Historic Preservation Program has reviewed the documents for the structures included in your letter of May 11, 2107. We concur that the work included in the Addendum to this undertaking will have no adverse effect on historic properties.

Tribes that have expressed an interest in the area include the Quapaw Tribe of Oklahoma (Mr. Everett Bandy) and the Shawnee Tribe of Oklahoma (Ms. Kim Jumper). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c)(2).

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Theresa Russell of my staff at (501)-324-9880.

Sincerely,

Marian Boyd
Interim Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration
Dr. Andrea Hunter, Osage Nation
Dr. Ann Early, Arkansas Archeological Survey
## FARMLAND CONVERSION IMPACT RATING
### FOR CORRIDOR TYPE PROJECTS

**PART I (To be completed by Federal Agency)**

- **Job**: 050280
- **Date of Land Evaluation Request**: 5/31/17
- **Federal Agency Involved**: FHWA

### PART II (To be completed by NRCS)

- **Date Request Received by NRCS**: 
- **Person Completing Form**: 

### PART III (To be completed by Federal Agency)

- **Total Acres To Be Converted Directly**: 
- **Total Acres To Be Converted Indirectly, Or To Receive Services**: 
- **Total Acres In Corridor**: 

### PART IV (To be completed by NRCS) Land Evaluation Information

- **Total Acres Prime And Unique Farmland**: 3.3
- **Total Acres Statewide And Local Important Farmland**: 1.7
- **Percentage Of Farmland in County Or Local Govt. Unit To Be Converted**: 
- **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)

<table>
<thead>
<tr>
<th>Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</th>
<th>Maximum Points</th>
<th>Corridor A</th>
<th>Corridor B</th>
<th>Corridor C</th>
<th>Corridor D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Area in Nonurban Use</td>
<td>15</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Perimeter in Nonurban Use</td>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Percent Of Corridor Being Farmed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Protection Provided By State And Local Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Size of Present Farm Unit Compared To Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Creation Of Nonfarmable Farmland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Availability Of Farm Support Services</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>8. On-Farm Investments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Effects Of Conversion On Farm Support Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Compatibility With Existing Agricultural Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL CORRIDOR ASSESSMENT POINTS</strong></td>
<td></td>
<td>160</td>
<td>40</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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

### Note for Selection:

- **New Location Adjacent to existing**
- **Total Acres of Farmlands to be Converted by Project**: 3.3 acres of Prime Farmland & 1.7 acres Statewide Importance

**Signature of Person Completing this Part:**

```
[Signature]
```

**DATE**: 6-2-17

**NOTE**: Complete a form for each segment with more than one Alternate Corridor
In Reply Refer To:  
Consultation Code: 04ER1000-2017-SLI-0757  
Event Code: 04ER1000-2017-E-01004  
Project Name: Joy - Searcy (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

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](http://www.fws.gov/arkansas-es/IPaC/Karst.html) to determine if your project occurs in the karst region and to view karst specific-guidance. Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to 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: 04ER1000-2017-SLI-0757
Event Code: 04ER1000-2017-E-01004
Project Name: Joy - Searcy (Safety Impvts.)
Project Type: TRANSPORTATION
Project Description: Minor widening (select sections) and adding shoulders

Project Location:
Approximate location of the project can be viewed in Google Maps:
https://www.google.com/maps/place/35.266362599196796N91.89581876274258W

Counties: White, AR

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on your 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. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area. Please contact the designated FWS office if you have questions.
**Mammals**

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gray Bat <em>(Myotis grisescens)</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Northern Long-eared Bat <em>(Myotis septentrionalis)</em></td>
<td>Threatened</td>
</tr>
</tbody>
</table>

- No critical habitat has been designated for this species.
- Species profile: [https://ecos.fws.gov/ecp/species/6329](https://ecos.fws.gov/ecp/species/6329)
- Species profile: [https://ecos.fws.gov/ecp/species/9045](https://ecos.fws.gov/ecp/species/9045)

**Birds**

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piping Plover <em>(Charadrius melodus)</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>Red Knot <em>(Calidris canutus rufa)</em></td>
<td>Threatened</td>
</tr>
</tbody>
</table>

- Population: except Great Lakes watershed
- There is a **final critical habitat** designated for this species. Your location is outside the designated critical habitat.
- Species profile: [https://ecos.fws.gov/ecp/species/6039](https://ecos.fws.gov/ecp/species/6039)
- Species profile: [https://ecos.fws.gov/ecp/species/1864](https://ecos.fws.gov/ecp/species/1864)

**Clams**

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fat Pocketbook <em>(Potamilus capax)</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Pink Mucket (pearlymussel) <em>(Lampsilis abrupta)</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Rabbitsfoot <em>(Quadrula cylindrica cylindrica)</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>Scaleshell Mussel <em>(Leptodea leptodon)</em></td>
<td>Endangered</td>
</tr>
</tbody>
</table>

- No critical habitat has been designated for this species.
- Species profile: [https://ecos.fws.gov/ecp/species/2780](https://ecos.fws.gov/ecp/species/2780)
- Species profile: [https://ecos.fws.gov/ecp/species/7829](https://ecos.fws.gov/ecp/species/7829)
- Species profile: [https://ecos.fws.gov/ecp/species/5165](https://ecos.fws.gov/ecp/species/5165)
- Species profile: [https://ecos.fws.gov/ecp/species/5881](https://ecos.fws.gov/ecp/species/5881)

**Critical habitats**
There are no critical habitats within your project area.
Bill,

The Service concurs with your determination that, "the project is not likely to adversely affect threatened/endangered bat species due to the landscape in the sections of new ROW." Based on our review the affected area has limited habitat adjacent to the action and there are no records to indicate that there are any species in the immediate vicinity. Furthermore, the minimal nature of the action only occurring within existing right-of-way. Therefore, we have no recommendations and no further consultation is necessary at this time.

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.

On Tue, Jan 10, 2017 at 10:20 AM, Bailey, William <William.Bailey@ahtd.ar.gov> wrote:
Lindsey,...please review the attached Google Earth map and let us know if you concur with our opinion. The proposed project is located in White County on Hwy. 36 between Joy and Searcy. The yellow lines on the attached map indicate shoulder widening with existing ROW and the red lines indicate roadway improvements. The roadway improvement sections will contain minimal to no tree clearing. It is our opinion that the project is not likely to adversely affect threatened/endangered bat species due to the landscape in the sections of new ROW.

Bill Bailey
Arkansas Highway & Transportation Department
Environmental Division
Environmental Scientist
10324 Interstate 30
Little Rock, AR 72209
An open forum Public Involvement meeting for the proposed project was held from 4:00-7:00pm at the Valley Baptist Church, 3328 Highway 36 in Searcy on Thursday, November 10, 2016. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in *The Daily Citizen* on Sunday, October 30, 2016 and Sunday, November 6, 2016.
- Outreach letters mailed to Public Officials.
- Distribution of flyers in the project area.

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

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

Public handouts included a Citizen Comment Form and a small-scale (1 inch = 4,000 feet) project location map. Copies of the handouts are attached to this synopsis.

Table 1 summarizes public participation at the meeting.

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Participation</td>
<td></td>
</tr>
<tr>
<td>Attendance at meeting (including AHTD staff)</td>
<td>63</td>
</tr>
<tr>
<td>Citizen Comment Forms received</td>
<td>53</td>
</tr>
</tbody>
</table>

*HHTD staff reviewed and evaluated all comments received. 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.*
Table 2 provides a summary of responses to Citizen Comment Form questions.

<table>
<thead>
<tr>
<th>Survey Results</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supports Hwy. 36 safety improvements</td>
<td>50</td>
</tr>
<tr>
<td>Does not support proposed Hwy. 36 safety improvements</td>
<td>2</td>
</tr>
<tr>
<td>Knowledge of historical, archeological, or cemetery sites</td>
<td>25</td>
</tr>
<tr>
<td>Knowledge of area environmental constraints</td>
<td>4</td>
</tr>
<tr>
<td>Home or property offers limitations to the project</td>
<td>3</td>
</tr>
<tr>
<td>Suggestions to better serve the needs of the community</td>
<td>40</td>
</tr>
<tr>
<td>Beneficial impacts due to the proposed project</td>
<td>30</td>
</tr>
<tr>
<td>Adverse impacts due to the proposed project</td>
<td>3</td>
</tr>
</tbody>
</table>

Comments regarding beneficial impacts included that the proposed project will:

- Help handle traffic volume.
- Improve safety for Westview Church members and visitors.
- Improve safety for vehicles making turns.
- Decrease accidents and save lives.
- Make it more desirable to live west of Joy Mountain.

Responses to the question regarding historical, archeological, or cemetery sites included:

- Two cemeteries associated with the Smyrna Church.

Responses to the question regarding area environmental constraints included:

- Landfill located at the foot of Joy Mountain.
- Oil/gas pipeline and waterline/hydrant located at intersection of Hwy. 36 and Centerview.
- Tanner’s One Stop gas pumps and piping will be too close to the road.
Suggestions regarding how the proposed project could better serve the needs of the community included:

- Provide a turn lane in front of Westview Missionary Baptist Church, lower speed limit, install church speed limit signs and install flashing lights during church service.
- Provide a turn lane on Hwy. 305.
- Provide turn lanes at Center Hill.
- Do not replace the turn-in east of Tanner Road.
- Consider installing either four lanes between Hwy. 320 and Bloodworth Road or a bypass around Center Hill as compensation for the loss of a passing zone.
- Ensure adequate clearance at the store and ample room for the two-story white building in Center Hill.
- Add passing lane on Joy Mountain.
- Straighten out curves and widen shoulders on Joy Mountain.
- Cut back embankment at Donald Road to increase turning safety and install an asphalt apron.
- Improve overall safety of Donald Road.
- Add road stripes and/or redesign the Hwy. 36/Hwy. 320 intersection.
- Make the entire highway three- or four-lane.
- Improve Hwy. 305 and Crosby Road intersection.
- Widen the two bridges between Center Hill and Joy.

Attachments:
- Blank Comment Form
- Small-Scale Project Location Map

RJ
DN
MP
ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT (AHTD)

CITIZEN COMMENT FORM

AHTD JOB NUMBER 050280
Joy-Searcy (Safety Impvts.) (Hwy. 36)
WHITE COUNTY

LOCATION:
VALLEY BAPTIST CHURCH
3328 HWY. 36
SEARCY, AR
4:00 – 7:00 P.M.
THURSDAY, NOVEMBER 10, 2016

Make your comments on this form and leave it with AHTD personnel at the meeting or mail it within 15 days to: Arkansas State Highway and Transportation Department, Environmental Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261. Email: environmentalpimeetings@ahtd.ar.gov.

Yes ☐ No ☐ Do you feel there is a need for the proposed safety improvements on Highway 36 between Joy and Searcy in White 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 AHTD staff.

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 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, social, or environmental etc.)? Please explain. ________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

It is often necessary for the AHTD 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. ________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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________________________________________________________________________

For additional information, please visit our website at www.arkansashighways.com.
# AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

**AHTD Job Number** 050280  
**FAP Number** PEN-0073(60)  
**Job Title** Joy-Searcy Safety Impvts.) (S)  

<table>
<thead>
<tr>
<th>Environmental Impacts</th>
<th>None</th>
<th>Minor</th>
<th>Significant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Impacts</td>
<td>X</td>
<td></td>
<td></td>
<td>Temporary</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>X</td>
<td></td>
<td></td>
<td>USFWS concurrence 1/2017</td>
</tr>
<tr>
<td>Energy Resources</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Justice/Title VI</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish and Wildlife</td>
<td>X</td>
<td></td>
<td></td>
<td>Temporary during construction</td>
</tr>
<tr>
<td>Floodplains</td>
<td>X</td>
<td></td>
<td></td>
<td>Floodplain permit required</td>
</tr>
<tr>
<td>Forest Service Property</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous Materials/Landfills</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Use Impacts</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Migratory Birds</td>
<td>X</td>
<td></td>
<td></td>
<td>Bird SP included</td>
</tr>
<tr>
<td>Navigation/Coast Guard</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise Levels</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prime Farmland</td>
<td>X</td>
<td></td>
<td></td>
<td>3.3 acres Prime farmland 1.7 acres Statewide importance</td>
</tr>
<tr>
<td>Protected Waters</td>
<td>X</td>
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<tr>
<td>Public Recreation Lands</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Public Water Supply/WHPA</td>
<td>X</td>
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</tr>
<tr>
<td>Relocatees</td>
<td>X</td>
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<tr>
<td>Section 4(f)/6(f)</td>
<td>X</td>
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<tr>
<td>Social</td>
<td>X</td>
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</tr>
<tr>
<td>Underground Storage Tanks</td>
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</tr>
<tr>
<td>Visual Impacts</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Stream Impacts</td>
<td>X</td>
<td></td>
<td></td>
<td>Temporary during construction</td>
</tr>
<tr>
<td>Water Quality</td>
<td>X</td>
<td></td>
<td></td>
<td>Temporary during construction</td>
</tr>
<tr>
<td>Wetlands</td>
<td>X</td>
<td></td>
<td></td>
<td>Less than 0.1 acre</td>
</tr>
<tr>
<td>Wildlife Refuges</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 401 Water Quality Certification Required?**  
No  
**Short-term Activity Authorization Required?**  
Yes  
**Section 404 Permit Required?**  
Yes  
**Type** NW14  

**Remarks:**  

**Signature of Evaluator**  

**Date** 6-2-17  

5/17/2011
ROADWAY DESIGN REQUEST

Job Number 050280  FAP No. PEN-0073(60)  County White

Job Name Joy - Searcy (Safety Impvts.) (S)

Design Engineer Stephen Sichmeller  Environmental Staff

Brief Project Description Safety improvements including widening Hwy. 36 from 2 to 3 lanes, shoulder widening, C.L. rumble stripes, and curve flattening.

A. Existing Conditions:

Roadway Width: 22’  Shoulder Type/Width: Open / 2’

Number of Lanes and Width: 2 @ 11’  Proposed Right-of-Way: 80’

Sidewalks? No  Location:  Width: 

Bike Lanes? No  Location:  Width: 

B. Proposed Conditions:

Roadway Width: 22’, 36’  Shoulder Type/Width: 4’, 6’

Number of Lanes and Width: 2 @ 11’  Proposed Right-of-Way: 240’

Number of Lanes and Width: 3 @ 12’  Proposed Right-of-Way: 115’

Sidewalks? No  Location:  Width: 

Bike Lanes? No  Location:  Width: 

C. Construction Information:

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

D. Design Traffic Data:

<table>
<thead>
<tr>
<th>Year</th>
<th>ADT</th>
<th>% Trucks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>6600</td>
<td>9</td>
</tr>
<tr>
<td>2037</td>
<td>9400</td>
<td></td>
</tr>
</tbody>
</table>

Design Speed: 55 m.p.h.

E. Approximate total length of project: 8.750 mile(s)

F. Justification for proposed improvements: Safety Improvement

G. Total Relocatees: 0  Residences: 0  Businesses: 0

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

<table>
<thead>
<tr>
<th>Agency/Official</th>
<th>Person Contacted</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

June 23, 2017

Mr. Angel Correa  
Division Administrator  
Federal Highway Administration  
700 West Capitol, Room 3130  
Little Rock, Arkansas 72201-3298

Re: Job Number 050280  
FAP Numbers PEN-0073(60) &  
NHPP-0073(68)  
Joy–Searcy (Safety Improvements) (S)  
White County  
Design Reassessment

Dear Mr. Correa:

The referenced project was previously evaluated in a Tier 3 Categorical Exclusion approved on June 2, 2017. A reassessment of this project is required due to the addition of the proposal to replace two bridges along Highway 36 in White County. Job 050322, West and East Hog Thief Creek Strs. & Apprs. (S), was a separate bridge construction project that has now been included as part of the construction for Job 050280, Joy–Searcy (Safety Improvements) (S). It was decided that these jobs would be combined under Job 050280 to lessen costs, coordinate construction timing, and expedite project completion. A review of the referenced project indicates only minor additional impacts from the original determination included in the Tier 3 Categorical Exclusion due to the bridge replacements. Information about the bridge replacements and additional impacts are outlined below.

This project will replace two existing bridges on new location over West and East Hog Thief Creeks on Highway 36 in White County. The length of the bridge replacement section is 0.57 mile. A project location map is enclosed.

The existing roadway consists of two 11-foot wide paved travel lanes with 2-foot shoulders. The existing right of way width averages 95 feet. The East Hog Thief Creek structure (Bridge Number 02800) has a sufficiency rating of 53.4 and the West Hog Thief Creek structure (Bridge
Number 02803) has a sufficiency rating of 47.0. Both the West and East Hog Thief Creek structures are considered functionally obsolete and both structures consist of 66’ x 26’ three-span continuous reinforced concrete slab bridges supported by two column concrete bents on isolated footings.

Proposed improvements include roadway approaches with two 12-foot wide paved travel lanes with 8-foot shoulders (4-foot paved, 4-foot gravel). The bridge over East Hog Thief Creek will consist of a 91’ x 43’ continuous composite W-Beam unit (30’-30’-30’) with trestle pile end bents and intermediate bents on steel shell pipe piles. The bridge over West Hog Thief Creek will consist of a 102’ x 46’ continuous composite W-Beam unit (30’-40’-30’) with trestle pile end bents and intermediate bents on steel shell pipe piles. Both bridges will be constructed on the upstream side, adjacent to the existing structures. The existing highway and bridges will serve as the detour during construction. The new right of way width will average 150 feet. Approximately 4.05 acres of additional right of way and 0.5 acre of temporary construction easement will be required for the addition of the bridges to the project.

There are no relocatees or environmental justice issues associated with this project. No impacts to cultural resources are anticipated with the addition of the bridges; concurrence from the State Historic Preservation Officer is enclosed. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. Approximately 4.05 acres of additional Prime Farmland will be converted to highway right of way. A completed Form NRCS-CPA-106 is enclosed.

No wetland impacts are anticipated due to construction of the bridges. Construction of this project should be allowed under the terms of Nationwide Permit 14 for Linear Transportation Projects as defined in the Federal Register 82 (4):1860 – 2008.

The United States Fish and Wildlife Service (USFWS) IPaC database determined that four threatened and four endangered species could be located within the project boundaries. The northern long-eared bat (Myotis septentrionalis), gray bat (Myotis griseescens), Piping Plover (Charadrius melodus), Red Knot (Calidris canutus rufa), fat pocketbook (Potamilus capax), pink mucket (Lamsilis abrupta), rabbitsfoot (Quadrula cylindrica cylindrica), and the scaleshell mussel (Leptdea leptodon) were identified as listed species that may occur within the project area. Based on the lack of available/suitable habitat in the project area and distance to known populations for the Piping Plover, Red Knot, fat pocketbook, pink mucket, rabbitsfoot, and scaleshell mussel it has been determined that the project will have no effect on these species. Based on the limited size of the area being cleared, proximity to the existing right of way, minimal adjacent habitat, and distance to known species locations for the northern long-eared bat and the gray bat it has been determined that the project is not likely to adversely affect these species. The proposed action is compliant with the USFWS programmatic biological opinion for the final 4(d) rule. Concurrence from the USFWS for the bridge addition was received on May 11, 2017 and is enclosed.

Because White County participates in the National Flood Insurance Program, all of the floodplain encroachments within the bridge construction areas will be designed to comply with
the county’s local flood damage prevention ordinance. The project lies within Zone A, Special Flood Hazard Area, see enclosed map. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life.

Noise predictions have been made for this project utilizing the Federal Highway Administration’s TNM 2.5 (Traffic Noise Model) procedures. These procedures indicate that noise levels are below the FHWA noise criteria beyond the project’s proposed right of way limits with no sensitive receptors currently impacted. Any increases in roadway noise levels will not be the result of the proposed project, but instead a result of traffic volume increases during the planning period (Year 2037). Therefore, any noise level increases will occur independently of this proposed project, and no project related noise impacts are anticipated. In compliance with Federal guidelines, local authorities will not require notification. A Noise Analysis is enclosed.

If you have any questions, please contact the Environmental Division at 569-2281.

Sincerely,

John Fleming
Division Head
Environmental Division

Enclosures

JF:TT:fc

c: Program Management
   Right of Way
   Roadway Design
   Bridge Division
   District 5
   Master File
June 1, 2017

Mr. John Fleming
Division Head
Environmental Division
Arkansas State Highway and Transportation Department
PO Box 2261
Little Rock, AR 72203-2261

RE: White County – General Section 106 Review – FHWA Request for Technical Assistance AHTD Job Number 050322 West & East Hog Thief Creek Strs. & Apprs. (S) AHPP Tracking Number 98139.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program has reviewed the additional information submitted for this undertaking.

We concur that the two (2) two archeological sites (3WH0409 and 3WH0508) just north of the bridges where the planned detour road is to be located are not eligible for listing in the National Register of Historic Places (NRHP) and that the two (2) bridges (AHTD Bridges #02800 and #02803) to be replaced are also not eligible for inclusion in the NRHP. This undertaking will have no effect on historic properties.

Tribes that have expressed an interest in the area include the Osage Nation (Dr. Andrea Hunter), the Quapaw Tribe of Oklahoma (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Kim Jumper). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Theresa Russell of my staff at (501)-324-9357.

Sincerely,

Marian Boyd
Interim Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration
    Dr. Andrea Hunter, Osage Nation
    Dr. Ann Early, Arkansas Archeological Survey
FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Federal Agency)

<table>
<thead>
<tr>
<th>Job 050322</th>
<th>3. Date of Land Evaluation Request</th>
<th>6/19/17</th>
<th>4. Sheet 1 of 1</th>
</tr>
</thead>
</table>

1. Name of Project: West & East Hog Thief Creek Sts. & Apprs. (S).
2. Type of Project: Bridge Replacement

PART II (To be completed by NRCS)

<table>
<thead>
<tr>
<th>1. Date Request Received by NRCS</th>
<th>2. Person Completing Form</th>
</tr>
</thead>
</table>

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).

4. Acres Irrigated | Average Farm Size

5. Major Crop(s)

6. Farmable Land in Government Jurisdiction

7. Amount of Farmland As Defined in FPPA

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)

<table>
<thead>
<tr>
<th>A. Total Acres To Be Converted Directly</th>
<th>Corridor A</th>
<th>Corridor B</th>
<th>Corridor C</th>
<th>Corridor D</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Total Acres To Be Converted Indirectly, Or To Receive Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Total Acres In Corridor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10.3

PART IV (To be completed by NRCS) Land Evaluation Information

<table>
<thead>
<tr>
<th>A. Total Acres Prime And Unique Farmland</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Total Acres Statewide And Local Important Farmland</td>
</tr>
<tr>
<td>C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted</td>
</tr>
<tr>
<td>D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value</td>
</tr>
</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>Maximum</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Area in Nonurban Use</td>
<td>15</td>
</tr>
<tr>
<td>B. Parameter in Nonurban Use</td>
<td>10</td>
</tr>
<tr>
<td>C. Percent Of Corridor Being Farmed</td>
<td>20</td>
</tr>
<tr>
<td>D. Protection Provided By State And Local Government</td>
<td>20</td>
</tr>
<tr>
<td>E. Size of Present Farm Unit Compared To Average</td>
<td>10</td>
</tr>
<tr>
<td>F. Creation Of Nonfarmable Farmland</td>
<td>25</td>
</tr>
<tr>
<td>G. Availability Of Farm Support Services</td>
<td>5</td>
</tr>
<tr>
<td>H. On-Farm Investments</td>
<td>20</td>
</tr>
<tr>
<td>I. Effects Of Conversion On Farm Support Services</td>
<td>25</td>
</tr>
<tr>
<td>J. Compatibility With Existing Agricultural Use</td>
<td>10</td>
</tr>
</tbody>
</table>

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

5. Reason For Selection:

Best location for bridge replacement

Signature of Person Completing this Part:
John Baber

DATE: June 19, 2017

NOTE: Complete a form for each segment with more than one Alternate Corridor
**Fundamentals of Sound and Noise**

“Noise” is defined as an unwanted sound. Sounds are described as noise if they interfere with an activity or disturb the person hearing them. Sound is measured in a logarithmic unit called a decibel (dB). The human ear is more sensitive to middle and high frequency sounds than it is to low frequency sounds, so sound levels are weighted to more closely reflect human perceptions. These “A-weighted” sounds are measured using the decibel unit dB(A). Because the dB(A) is based on a logarithmic scale, a 10 dB(A) increase in sound level is generally perceived as twice as loud while a 3 dB(A) increase is just barely perceptible to the human ear.

Sound levels fluctuate with time depending on the sources of the sound audible at a specific location. In addition, the degree of annoyance associated with certain sounds varies by time of day, depending on other ambient sounds affecting the listener and the activities of the listener. The time-varying fluctuations in sound levels at a fixed location can be quite complex, so they are typically reported using statistical or mathematical descriptors that are a function of sound intensity and time. A commonly used descriptor of the equivalent sound level is Leq, which represents the equivalent of a steady, unvarying level over a defined period of time containing the same level of sound energy as the time varying noise environment. Leq(h) is a sound level averaged over one hour. For highway projects, the Leq(h) is commonly used to describe traffic-generated sound levels at locations of outdoor human use and activity (such as residences).

**Noise Impact Criteria**

Traffic noise impacts take place when the predicted traffic noise levels approach or exceed the noise abatement standard, or when the predicted traffic noise levels exceed the existing noise level by ten dB(A) (decibels on the A-scale). The noise abatement standard of 67 dB(A) is used for sensitive noise receptors such as residences, schools, churches, and parks. The term “approach” is considered to be one dB(A) less than the noise abatement standard.

The number of noise receptors was estimated for this project utilizing the Federal Highway Administration’s Traffic Noise Model 2.5, existing and proposed roadway information, existing traffic information, and projected traffic levels for 2037.

**Traffic noise analyses**

Traffic noise analyses were performed for the project utilizing a roadway cross-section for Highway 36 consisting of two 12-foot paved travel lanes and 4-foot wide paved shoulders.
**Effects of Project**

The traffic noise estimates for the project resulted in a noise abatement distance of 110 feet from the centerline of Highway 36. No sensitive receptors located along the proposed project location are predicted to experience noise impacts resulting from noise levels that approach or exceed 67 dB(A) during the design year.

To avoid noise levels in excess of design levels, any future receptors should be located a minimum of 10 feet beyond the distance that the noise abatement standard is projected to occur. This distance should be used as a general guide and not a specific rule since the noise will vary depending upon the roadway grades and other noise contributions.

Any excessive project noise, due to construction operations, should be of short duration and have a minimum adverse effect on land uses or activities associated with this project area.

In compliance with Federal guidelines, a copy of this analysis will be transmitted to the White River Planning and Development District for possible use in present and future land use planning.
In Reply Refer To: Consultation Code: 04ER1000-2017-SLI-0763
Event Code: 04ER1000-2017-E-01018
Project Name: West & East Hog Thief Creek Strs. & Apprs.

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

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](http://www.fws.gov/arkansas-es/IPaC/Karst.html) to determine if your project occurs in the karst region and to view karst specific-guidance. Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to 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: 04ER1000-2017-SLI-0763

Event Code: 04ER1000-2017-E-01018

Project Name: West & East Hog Thief Creek Strs. & Apprs.

Project Type: TRANSPORTATION

Project Description: Replacing 2 bridges on new location, adjacent to existing bridges, north side of highway

Project Location: Approximate location of the project can be viewed in Google Maps:  
https://www.google.com/maps/place/35.270418574896794N91.90460492739483W

Counties: White, AR

**Endangered Species Act Species**

There is a total of 8 threatened, endangered, or candidate species on your 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. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area. Please contact the designated FWS office if you have questions.
## Mammals

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gray Bat</strong> <em>(Myotis grisescens)</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a></td>
<td></td>
</tr>
<tr>
<td><strong>Northern Long-eared Bat</strong> <em>(Myotis septentrionalis)</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a></td>
<td></td>
</tr>
</tbody>
</table>

## Birds

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Piping Plover</strong> <em>(Charadrius melodus)</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>Population: except Great Lakes watershed</td>
<td></td>
</tr>
<tr>
<td>There is a <a href="https://ecos.fws.gov/ecp/species/6039">final critical habitat</a> designated for this species. Your location is outside the designated critical habitat.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a></td>
<td></td>
</tr>
<tr>
<td><strong>Red Knot</strong> <em>(Calidris canutus rufa)</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a></td>
<td></td>
</tr>
</tbody>
</table>

## Clams

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fat Pocketbook</strong> <em>(Potamilus capax)</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a></td>
<td></td>
</tr>
<tr>
<td><strong>Pink Mucket</strong> <em>(pearlymussel)</em> <em>(Lampsilis abrupta)</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/7829">https://ecos.fws.gov/ecp/species/7829</a></td>
<td></td>
</tr>
<tr>
<td><strong>Rabbitsfoot</strong> <em>(Quadrula cylindrica cylindrica)</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>There is a <a href="https://ecos.fws.gov/ecp/species/5165">final critical habitat</a> designated for this species. Your location is outside the designated critical habitat.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/5165">https://ecos.fws.gov/ecp/species/5165</a></td>
<td></td>
</tr>
<tr>
<td><strong>Scaleshell Mussel</strong> <em>(Leptodea leptodon)</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/5881">https://ecos.fws.gov/ecp/species/5881</a></td>
<td></td>
</tr>
</tbody>
</table>

## Critical habitats
There are no critical habitats within your project area.
Bill,

Due to the limited size of the area being cleared, proximity to the existing right-of-way, minimal adjacent habitat being disturbed, and distance to known species locations the Service agrees with your assessment.

The Service has reviewed your determination that the proposed action will not result in any prohibited incidental take for Northern Long-eared Bat (Myotis septentrionalis). 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.

No further action is required at this time.

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

On May 11, 2017, at 6:07 AM, Bailey, William <William.Bailey@ahtd.ar.gov> wrote:
Lindsey, I have attached the 4(d) Rule Checklist. Please let me know if you need further information.

From: Lewis, Lindsey [mailto:lindsey_lewis@fws.gov]
Sent: Wednesday, May 10, 2017 5:01 PM
To: Bailey, William
Subject: Re: ES Concurrence 050322

Bill,

I recommend that you consider using the 4(d) Rule for this action related to NLEB by filling out the checklist and resubmitting your determination along with the form.

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/

On Wed, May 10, 2017 at 3:42 PM, Bailey, William <William.Bailey@ahtd.ar.gov> wrote:
Lindsey....please review the attached project map and USFWS IPaC threatened/endangered species list and let us know if you concur with our opinion. The proposed project is located in White County approximately 10 miles west of Searcy on Highway 36. The proposed project is just east of the Joy community. The project proposes to replace the bridges over West & East Hog Thief Creeks with new bridges on new location. The new bridges will be constructed adjacent to the existing bridges on the upstream side (north). The IPaC Search revealed eight threatened/endangered species that may be located within the project area. See attached IPaC Species List. Based on the lack of available/suitable habitat in the project area and distance to known populations for the piping plover, red knot, fat pocketbook, pink mucket, rabbitsfoot, and scaleshell mussel it has been determined that the project will have no effect on these species. The IPaC search also revealed that the northern long-eared bat and gray bat may be located within the project area. The proposed project will clear approximately 0.5 acres of trees that are located at or near the stream crossings. Based on the USFWS determination on a previous job (050280) in the immediate area, it is our opinion that the proposed project is not likely to adversely affect threatened/endangered bat species due to construction activities.

Bill Bailey
Arkansas Highway & Transportation Department
Environmental Division
Environmental Scientist
# AHTD Environmental Impacts Assessment Form

**AHTD Job Number:** 050280  
**FAP Number:** PEN-0073(60) & NHPP-0073(68)  
**Job Title:** Joy – Searcy (Safety Improvements) (S) Design Reassessment

<table>
<thead>
<tr>
<th>Environmental Impacts</th>
<th>None</th>
<th>Minor</th>
<th>Significant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Impacts</td>
<td>X</td>
<td></td>
<td></td>
<td>Temporary</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>X</td>
<td></td>
<td></td>
<td>SHPO clearance attached</td>
</tr>
<tr>
<td>Economic</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>X</td>
<td></td>
<td></td>
<td>USFWS concurrence 5/11/2017</td>
</tr>
<tr>
<td>Energy Resources</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Justice/Title VI</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish and Wildlife</td>
<td>X</td>
<td></td>
<td></td>
<td>During construction</td>
</tr>
<tr>
<td>Floodplains</td>
<td>X</td>
<td></td>
<td></td>
<td>FIRM map attached</td>
</tr>
<tr>
<td>Forest Service Property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous Materials/Landfills</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Use Impacts</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Migratory Birds</td>
<td>X</td>
<td></td>
<td></td>
<td>Bird SP to be included in contract</td>
</tr>
<tr>
<td>Navigation/Coast Guard</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise Levels</td>
<td>X</td>
<td></td>
<td></td>
<td>Noise Analysis attached</td>
</tr>
<tr>
<td>Prime Farmland</td>
<td>X</td>
<td></td>
<td></td>
<td>4.05 acres, NRCS-CPA-106 Form attached</td>
</tr>
<tr>
<td>Protected Waters</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Recreation Lands</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Water Supply/WHPA</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relocatees</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 4(f)/6(f)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground Storage Tanks</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visual Impacts</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream Impacts</td>
<td>X</td>
<td></td>
<td></td>
<td>During construction</td>
</tr>
<tr>
<td>Water Quality</td>
<td>X</td>
<td></td>
<td></td>
<td>During construction</td>
</tr>
<tr>
<td>Wetlands</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wildlife Refuges</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 401 Water Quality Certification Required?  **No**

Short-term Activity Authorization Required?  **Yes**

Section 404 Permit Required?  **Yes**  Type **NW14**

Remarks: Impacts outlined here are for the safety improvements and bridge construction

Signature of Evaluator  
Date  **June 22, 2017**
ROADWAY DESIGN REQUEST

Job Number 050322  FAP No. NHPP-0073(68)  County White
Job Name West & East Hog Thief Creek Sts. & Apprs. (S)
Design Engineer Stephen Sichmeller  Environmental Staff TT/JE/BB

Brief Project Description Replacement of two bridges on a new location.

A. Existing Conditions:

Roadway Width: 22’  Shoulder Type/Width: 2’
Number of Lanes and Width: 2 @ 11’  Proposed Right-of-Way: 95’
Sidewalks? No  Location:  Width: 
Bike Lanes? No  Location:  Width: 

B. Proposed Conditions:

Roadway Width: 24’  Shoulder Type/Width: 8’ Total
Number of Lanes and Width: 2 @ 12’  Proposed Right-of-Way: 150’
Sidewalks? No  Location:  Width: 
Bike Lanes? No  Location:  Width: 

C. Construction Information:
If detour: Where: N/A  Length: N/A

D. Design Traffic Data:

<table>
<thead>
<tr>
<th>Year</th>
<th>ADT</th>
<th>2017 ADT:</th>
<th>2037 ADT:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2900</td>
<td>4000</td>
</tr>
</tbody>
</table>
% Trucks: 9
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.568 mile(s)

F. Justification for proposed improvements: Bridges are structurally deficient.

G. Total Relocatees: 0  Residences: 0  Businesses: 0

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

<table>
<thead>
<tr>
<th>Agency/Official</th>
<th>Person Contacted</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BRIDGE INFORMATION – PRELIMINARY

Job Number: 050280       FAP Number: NHPP-0073(68)       County: White County
Job Name: West & East Hog Thief Creek Strs. & Apprs. (s)
Design Engineer: Jim Pool       Environmental Staff: Bill Bailey

A. Description of Existing Bridge:
1. Bridge Number 02803 over West Hog Thief Creek
2. Location: Rte.: 36 Section: 3 Log Mile: 11.347
4. Type Construction: Three Span Continuous Reinforced Concrete Slab Supported By Two Column Concrete Bents On Isolated Footings
5. Deficiencies: Functionally Obsolete
6. HBRRP Eligibility: Qualif. Code: N/A Sufficiency Rating: 47.0
7. Are any Condition Component Ratings at 3 or less? No

B. Proposed Improvements:
1. Length: 102.17 ft Br. Rdwy. Width: 42.5 ft Deck Width (Out-to-Out): 45.667 ft
2. Travel Lanes: Two 12 ft. Lanes
3. Shoulder Width: Left 8 ft. Shoulder, Right 10.5 ft. Shoulder
4. Sidewalks? No Location: Width: ___ ft

C. Construction Information:
1. Location in relation to existing bridge: Approx. 50’ Upstream of the Existing Bridge
2. Superstructure Type: Continuous Composite W-Beam Unit
3. Span Lengths: 100’ Unit (30’-40’-30’)
4. Substructure Type: Trestle Pile Bents
5. Ordinary High Water Elev. (OHW): 269 No. of Bents inside OHW Contours: 1
6. Concrete Vol. below OHW: 0 yd³ Vol. Bent Excavation: 0 yd³ Vol. Backfill 0 yd³
7. Is Channel Excavation below OHW Required? No Surface Area: 0 ft² Volume: 0 yd³
8. Is Fill below OHW Req’d? No Surface Area: 0 ft² Volume: 0 yd³
9. Is Riprap below OHW Required? No Volume: 0 yd³

D. Work Road Information:
1. Is Work Road(s) required? TBD Location: Top Width: ___ ft
2. Is Fill below OHW required? TBD Surface Area: ___ ft² Volume: ___ yd³
3. Are Pipes required to meet Backwater Criteria? TBD Waterway Opening: ___ ft²

E. Detour Information:
1. Is a detour bridge required? No Location in relation to Existing Br.: 
2. Length: _____ ft Br. Rdwy. Width: _____ ft Deck Elevation: 
3. Volume of Fill below OHW: _____ yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):
Has Bridge Division coordinated with any outside agencies? No

<table>
<thead>
<tr>
<th>Agency</th>
<th>Person Contacted</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BRIDGE INFORMATION – PRELIMINARY

Job Number: 050280       FAP Number: NHPP-0073(68)       County: White County
Job Name: West & East Hog Thief Creek Strs. & Apprs. (s)
Design Engineer: Jim Pool       Environmental Staff: Bill Bailey

A. Description of Existing Bridge:
1. Bridge Number 02800 over East Hog Thief Creek
2. Location: Rte.: 36       Section: 3       Log Mile: 11.487
4. Type Construction: Three Span Continuous Reinforced Concrete Slab Supported By Two Column Concrete Bents On Isolated Footings
5. Deficiencies: Functionally Obsolete
6. HBRRP Eligibility: Qualif. Code: N/A       Sufficiency Rating: 53.4
7. Are any Condition Component Ratings at 3 or less? No

B. Proposed Improvements:
2. Travel Lanes: Two 12 ft. Lanes
3. Shoulder Width: Two 8 ft. Shoulders
4. Sidewalks? No

C. Construction Information:
1. Location in relation to existing bridge: Approx. 50’ Upstream of the Existing Bridge
2. Superstructure Type: Continuous Composite Integral W-Beam Unit
3. Span Lengths: 90’ Unit (30’-30’-30’)
4. Substructure Type: Trestle Pile Bents
5. Ordinary High Water Elev. (OHW): 266       No. of Bents inside OHW Contours: 1
6. Concrete Vol. below OHW: 0 yd³       Vol. Bent Excavation: 0 yd³       Vol. Backfill 0 yd³
7. Is Channel Excavation below OHW Required? No
8. Is Fill below OHW Req’d? Yes       Surface Area: TBD ft²      Volume: TBD yd³

D. Work Road Information:
1. Is Work Road(s) required? TBD       Location:                Top Width: _________ ft
2. Is Fill below OHW required? TBD       Surface Area: _________ ft²      Volume: _________ yd³
3. Are Pipes required to meet Backwater Criteria? TBD       Waterway Opening: _________ ft²

E. Detour Information:
1. Is a detour bridge required? No       Location in relation to Existing Br.: __________________________
3. Volume of Fill below OHW: _________ yd³       Surface Area: _________ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):
Has Bridge Division coordinated with any outside agencies? No

<table>
<thead>
<tr>
<th>Agency</th>
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<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Mr. John Fleming  
ArDOT  
P.O. Box 2261  
Little Rock, Arkansas 72203-2261  

Dear Mr. Fleming  

This is in response to your request to replace the existing bridges and culverts on Highway 305 (AHTD Job Number 050280) in White County, Arkansas, as shown on the attached map and in the table below:  

<table>
<thead>
<tr>
<th>Station</th>
<th>Location (Lat/Long)</th>
<th>Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Hog Thief Creek</td>
<td>35.270749, -91.906097</td>
<td>Replacement of existing bridge</td>
</tr>
<tr>
<td>West Hog Thief Creek</td>
<td>35.270076, -91.903724</td>
<td>Replacement of existing bridge</td>
</tr>
<tr>
<td>125 +35</td>
<td>35.262805, -91.888109</td>
<td>Culvert extension, stream relocation, and channel cleanout</td>
</tr>
<tr>
<td>140+46</td>
<td>35.262764, -91.883047</td>
<td>Culvert Extension</td>
</tr>
<tr>
<td>205+55</td>
<td>35.255164, -91.863931</td>
<td>Culvert Extension and channel cleanout</td>
</tr>
<tr>
<td>208+72</td>
<td>35.255144, -91.863179</td>
<td>Culvert Replacement</td>
</tr>
<tr>
<td>403+75</td>
<td>35.262875, -91.889077</td>
<td>Realignment of Highway 305 &amp; 36</td>
</tr>
</tbody>
</table>

Based on a review of recent maps, aerial photography, and the information submitted by you, the proposed work meets the criteria of Nationwide Permit (NWP) No. 14 (Linear Transportation Projects), pursuant to the Federal Register, Volume 82, Number 4, dated January 6, 2017.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to be modified, reissued or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

No impacts to federally listed threatened or endangered species are expected to occur. The attached general and state conditions must be met. Note specifically General
Conditions 9, 12, 18 and 20 concerning management of water flows, soil erosion and sediment control, endangered species and historic properties. If all conditions cannot be met an individual permit may be required.

This permit conveys no property rights, either in real estate or material or any exclusive privileges. Furthermore, no injury to property or invasion of rights or any infringement of federal, state or local laws or regulations is authorized.

The enclosed certification form must be signed and returned to the Corps of Engineers within 30 days after project completion.

The Memphis District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, we invite you to complete our customer service survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/?p=regulatory_survey. Your comments, positive or negative, will not affect any current or future dealing with the Corps of Engineers.

If you have questions, please contact Emily McCann at (901) 544-0731 and refer to File No. MVM-2017-257.

Sincerely,

Roger S. Allan
Supervisor
Regulatory Branch

Enclosures
Certificate of Completion

Permit Name: MVM-2017-257

Name of Permittee: Arkansas State Highway and Transportation Department

Date of Issuance: September 6, 2017

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Regulatory Branch
Corps of Engineers Memphis District
167 N Main Street Room B202
Memphis, TN 38103-1894

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit and required mitigation (if needed) was completed in accordance with the permit conditions.

__________________________
Signature of Permittee
14. **Linear Transportation Projects.** Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate. This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.)

**(Authorities:** Sections 10 and 404)

**Note 1:** For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

**Note 2:** Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

**Note 3:** For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require preconstruction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).
...
Gadgets. They are held as an exemption of normal and under normal circumstances

__Vocabulary:__

1. Exempted _gear_: items that are not included in the normal duties of the job.
2. Exemption: the act of excluding something from a rule or category.

Local authorities in some countries may use "exempted gear" as part of their normal duties, while others strictly enforce the rules regarding the use of such gear. The term "exempted gear" is also used in the context of exempted areas, where certain regulations do not apply.

__Example:__

Local authorities in some countries may use "exempted gear" as part of their normal duties, while others strictly enforce the rules regarding the use of such gear. The term "exempted gear" is also used in the context of exempted areas, where certain regulations do not apply.
DEPARTMENT OF THE ARMY
Little Rock District
Corps of Engineers
Post Office Box 867
Little Rock, Arkansas 72203-0867

FINAL
NATIONWIDE PERMIT REGIONAL CONDITIONS
IN ARKANSAS

Regional Condition No. 1. For Nationwide Permits (NWP) 7 and 12, intake structures shall be constructed with screening to prevent the entry of fish.

Regional Condition No. 2. For NWP 4, 5, 12, 13, 14, 15, 18, 19, 20, 23, 25, 29, 30, 35, 36, 39, 40, 42, 43, 51, 52, and 53 in the following listed waters, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to General Condition No. 32 (Federal Register, Vol. 82, No. 4, FR 1860-2008).

- Fens - A peat-accumulating wetland that receives some drainage from surrounding mineral soil and usually supports marshlike vegetation.

- Bogs - A peat-accumulating wetland that has no major inflows or outflows and supports acidophilic mosses, particularly sphagnum.

- Groundwater seeps - Wetlands at the base of steep slopes where the groundwater surface intersects with the land surface.

- Dune depressional wetlands - Wetlands in shallow depressions that have no major outflows but receive runoff from the surrounding land, located between sandy ridges in northeast Arkansas and southeast Missouri. These wetlands often support pondberry (Lindera melissifolia), a federally-listed endangered plant.

- Cache River and adjacent wetlands - From the mouth upstream to AR Highway 18 near Grubbs.

Regional Condition No. 3. NWP No. 44 cannot be used to authorize mining activities within areas of government-managed navigation systems on rivers designated as navigable under the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

Regional Condition No. 4. For NWP 4, 5, 12, 13, 14, 15, 18, 19, 20, 23, 25, 27, 29, 30, 35, 36, 39, 40, 41, 42, 43, 44, 51, 52, and 53 in the waters listed below, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to General Condition No. 32 (Federal Register, Vol. 82, No. 4, FR 1860-2008). This notification shall be used to review the project to ensure that the proposed project will have "no effect" on federally listed threatened or endangered (T&E) species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with
the U.S. Fish and Wildlife Service and other agencies as determined appropriate by the Corps of Engineers. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed (refer to NWP General Condition No. 18). The list of waters may be revised periodically in the case of future updates to the status of T&E species.

In addition to the waterbodies listed below, the following federal concern species are known to occur in various wetland areas, or cave streams:

Ashley, Clay, Jackson, Lawrence, Woodruff, and Craighead Counties; Species: *Lindera melissifolia*, Pondberry - LE

Benton County; Species: *Amblyopsis rosae*, Ozark Cavefish - LE

Benton and Stone Counties; Species: *Cambarus aculabrum*, Cave Crayfish - LE

**Alum Fork Saline River** - Saline County – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Antoine River** - Clark and Pike Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT


**Big Brushy Creek** - Montgomery County – Species: *Ptilimnium nodosum*, harperella - LE

**Big Creek** - Cleburne, Independence, and White Counties – Species: *Lampsilis streckeri*, Speckled Pocketbook - LE


**Brush Creek** - Perry and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Buffalo Creek** - Polk County – Species: *Percina pantherina*, leopard darter - LT

**Buffalo River** - Baxter, Marion, Newton, and Searcy Counties – Species: *Epioblasma triquestra*, Snuffbox - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Caddo River Above DeGray Lake** - Clark, Montgomery, and Pike Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT
Caddo River Below DeGray Lake - Clark County – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Clear Fork** - Scott County – Species: *Ptilimnium nodosum*, harperella - LE

**Cossatot River Above Gillham Lake** - Howard and Polk Counties – Species: *Percina pantherina*, leopard darter - LT


**Dry Fork Fourche LaFave River** - Perry and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE


**Fiddlers Creek** - Montgomery and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Fourche LaFave River** - Perry, Scott, and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Frog Bayou** - Crawford County – Species: *Leptodea leptodon*, Scaleshell - LE


**Irons Fork** - Polk County – Species: *Ptilimnium nodosum*, harperella - LE

**Irons Fork Ouachita River** - Garland, Montgomery, and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE


**L’ Anguille River** - Lee and St. Francis Counties: - Species: *Potamilus capax*, Fat Pocketbook - LE

**Left Hand Chute Little River** - Mississippi and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE
Lewis Creek - Polk County – Species: *Lampsilis powelli*, Arkansas Fatmucket - LT

Little Brushy Creek - Montgomery County – Species: *Ptilimnium nodosum*, harperella - LE


Little River Below Millwood Lake - Hempstead and Little River Counties – Species: *Arcidens wheeleri*, Ouachita Rock Pocketbook - LE


Middle Fork Saline River - Garland, Perry, and Saline Counties – Species: *Lampsilis powelli*, Arkansas Fatmucket - LT


Mountain Fork River - Polk County – Species: *Percina pantherina*, leopard darter - LT

Muddy Creek - Montgomery County – Species: *Ptilimnium nodosum*, harperella - LE


Myatt Creek - Fulton County – Species: *Leptodea leptodon*, Scaleshell - LE

North Fork Creek - Garland County – Species: *Ptilimnium nodosum*, harperella - LE

North Fork Ouachita River - Montgomery County – Species: *Lampsilis powelli*, Arkansas Fatmucket - LT

North Fork Saline River - Perry and Saline Counties – Species: *Lampsilis powelli*, Arkansas Fatmucket - LT

Ouachita River, Upper - Montgomery and Polk Counties – Species: Lampsis powellii, Arkansas Fatmucket - LT, Quadrula cylindrica cylindrica, Rabbitsfoot - LT

Rainy Creek - Montgomery County – Species: Ptilimnium nodosum, harperella - LE

Red River - Hempstead, Lafayette, Little River and Miller Counties – Species: Sternula antillarum athalassos, Interior Least Tern - LE

Right Hand Chute Little River & Ditches - Craighead, Mississippi, and Poinsett Counties – Species: Leptodea leptodon, Scaleshell - LE, Potamillus capax, Fat Pocketbook - LE

Robinson Creek - Polk and Sevier Counties – Species: Percina pantherina, leopard darter - LT

Rolling Fork Below DeQueen Reservoir - Sevier County – Species: Quadrula cylindrica cylindrica, Rabbitsfoot - LT

Saline River - Ashley, Bradley, Cleveland, Dallas, Drew, Grant and Saline Counties – Species: Lampsis abrupta, Pink Mucket - LE, Lampsis powellii, Arkansas Fatmucket - LT, Leptodea leptodon, Scaleshell - LE, Quadrula cylindrica cylindrica, Rabbitsfoot - LT, Quadrula fragosa, Winged Mapleleaf - LE

Saline River Below Dierks Reservoir - Howard and Sevier Counties – Species: Quadrula cylindrica cylindrica, Rabbitsfoot - LT

South Fork Little Red River - Van Buren County – Species: Etheostoma moorei, yellowcheek darter - LE, Lampsis streckeri, Speckled Pocketbook - LE

South Fork Ouachita River - Montgomery County – Species: Lampsis powellii, Arkansas Fatmucket - LT

South Fork Saline River - Garland and Saline Counties – Species: Lampsis powellii, Arkansas Fatmucket - LT

South Fork Spring River - Fulton and Sharp Counties – Species: Epioblasma florentina curtisii, Curtis Pearlymussel - LE, Leptodea leptodon, Scaleshell – LE, Quadrula cylindrica cylindrica, Rabbitsfoot - LT

South Fourche LaFave River - Perry and Yell Counties – Species: Leptodea leptodon, Scaleshell - LE, Ptilimnium nodosum, harperella - LE


St. Francis River, Clark Corner Cutoff - St. Francis County – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Cross County Ditch - Cross County – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Ditch No 10 - Craighead and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Ditch No 123 - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Ditch No 60 - Craighead and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Ditch No 61 - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Ditch No 9 - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Iron Mines Creek - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Little Bay Ditch - Craighead and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, Little Slough Ditch - Craighead County – Species: *Potamilus capax*, Fat Pocketbook - LE

St. Francis River, St. Francis Bay - Cross County – Species: *Potamilus capax*, Fat Pocketbook - LE


St. Francis River, Straight Slough - Cross and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE


Tyronza River - Crittenden, Cross, Mississippi, and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

War Eagle Creek - Benton, Madison and Washington Counties – Species: *Quadrula cylindrica*, Rabbitsfoot - LT

Legend:
LE - Listed Endangered; the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.
LT - Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

**Regional Condition No. 5.** For NWPs 6, 12, 14, and 18 in waters of the United States located in the following Fayetteville Shale Play region counties: Cleburne, Van Buren, Conway, Faulkner, and White (See Enclosed Map), the prospective permittee shall provide written pre-construction notification (PCN) to the appropriate district. PCN will be to the District Engineer according to *General Condition No. 32 (Federal Register, Vol. 82, No. 4, FR 1860-2008)*. This PCN shall be used to review the project to determine if it will result in more than minimal effects to the watersheds within the listed counties of the Fayetteville Shale Play region. This condition does not lessen the restrictions provided by any General Conditions of the NWPs.