June 21, 2018

TO: Master Files

FROM: John Fleming, Division Head, Environmental Division

SUBJECT: Job Number 050313
          FAP Number PEN-0032(25)
          Route 25, Section 4
          Hwy. 230 – Hwy. 167 (Safety Impvts.) (S)
          Independence County
          Tier 2 Categorical Exclusion

The Environmental Division has reviewed the referenced project and it falls within the definition of a Tier 2 Categorical Exclusion under 23 Code of Federal Regulations, Section 771.117, and the ArDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. A public hearing will not be offered for this project.

The purpose of the project is to construct safety improvements on Highway 25 in Independence County between Highway 230 and Highway 167. This section of highway has crash rates, including serious injury crash rates, higher than the statewide average.

The project’s scope consists of shoulder widening and adding rumble stripes at select sections on Highway 25, and a left-turn lane will be installed at Site 1. The total length of the project is 6.14 miles; a project location map is attached.

The existing cross section consists of two 12-foot wide paved travel lanes with 2-foot wide unpaved shoulders. The proposed cross sections are as follows:

Highway 230 to Site 1 – Two 12-foot wide paved travel lanes with 4-foot wide paved shoulders. Shoulder and centerline rumble stripes will be installed at
select locations. All work will be performed within the existing 60-foot wide right of way.

**Site 1** – Two 12-foot wide paved travel lanes, a 12-foot wide westbound left-turn lane, and 6-foot wide (4-foot paved) shoulders. Approximately 1 acre of new right of way will be required, and the new right of way average width will be 130 feet.

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>2019</td>
<td>5,900</td>
<td>7</td>
<td>45 mph</td>
</tr>
<tr>
<td>2039</td>
<td>8,300</td>
<td>7</td>
<td>45 mph</td>
</tr>
</tbody>
</table>

There are no relocations, environmental justice issues, floodplains, prime farmlands, hazardous materials, public water supplies, or cultural resources associated with this project. Concurrence from the State Historic Preservation Officer is attached. No streams or wetlands will be impacted during construction of this project, and a Section 404 permit will not be required.

Based upon the ARDOT’s *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. Constructing turn lanes does not involve adding capacity or exposing noise sensitive land uses to a new or existing highway noise source. The noise generated when vehicles traverse rumble stripes is different than background traffic noise and occurs intermittently. Addition of rumble stripes does not result in a noise impact as defined by ARDOT’s Noise Policy.

The official species list obtained from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation website identifies the following federally-listed species as potentially affected by the proposed project: northern long-eared bat (*Myotis septentrionalis*); gray bat (*Myotis grisescens*); Indiana bat (*Myotis sodalis*); Ozark hellbender (*Cryptobranchus alleganiensis bishopi*); Fat Pocketbook (*Potamilus capax*); Pink Mucket (*Lampsilis abrupta*); Rabbitsfoot (*Theliderma cylindrica*); and running buffalo clover (*Trifolium stoloniferum*). The project will not affect these species due to the limited scope
Job Number 050313  
Tier 2 Categorical Exclusion  
Page 3 of 3

of the project and lack of suitable habitat. The USFWS species list and consistency letter are attached.

Attachments:
- Project Location Map  
- SHPO Clearance  
- USFWS Species List  
- USFWS Consistency Letter  
- Environmental Study Checklist  
- Design Sheet

Approved:

[Signature]

Kevin Thornton  
Assistant Chief Engineer-Planning

JF:MP:fc

c: Program Management  
  Right of Way  
  Roadway Design  
  District 5  
  FHWA
Job 050313
Hwy. 230 - Hwy. 167
(Safety Impvts.) (Hwy. 25)
Independence County
April 5, 2018

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

RE: Independence -- General
Section 106 Review – FHWA
Report Titled A Cultural Resources Survey of ArDOT Job Number 050313
Hwy. 230-Hwy. 167 (Safety Improvs.) (S)
AHPP Tracking Number: 96128.04

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the documents included with your letter of March 28, 2018. The cultural resources survey report details the fieldwork done and is acceptable.

We have determined that sites 3IN0647, 3IN0649, and 3IN0651 have been severely disturbed and are, therefore, not eligible for listing in the National Register of Historic Places (NRHP). If, under the current design plan, properties IN0608-Wyatt House and Property 19 are not effected, we concur that this undertaking will have no adverse effect to historic properties.

Tribes that have expressed an interest in the area include the Cherokee (Ms. Elizabeth Toombs), the Eastern Shawnee Tribe of Oklahoma (Ms. Robin Dushane), 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 (e) (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,

Scott Kaufman
Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration
Dr. Andrea Hunter, Osage Nation
Dr. Ann Early, Arkansas Archeological Survey
In Reply Refer To: Consultation Code: 04ER1000-2018-SLI-0989
Event Code: 04ER1000-2018-E-01503
Project Name: Hwy. 230 - Hwy. 167 (Safety Impvts.)

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

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.

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

Please visit our website at http://www.fws.gov/arkansas-es/IPaC/home.html for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.
If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html.

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

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

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

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

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

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

Attachment(s):

- Official Species List
Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
(501) 513-4470
Project Summary
Consultation Code: 04ER1000-2018-SLI-0989
Event Code: 04ER1000-2018-E-01503
Project Name: Hwy. 230 - Hwy. 167 (Safety Impvts.)
Project Type: TRANSPORTATION
Project Description: shoulder widening sections and rumble stripes

Project Location:
Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/35.7312560238674N91.72550887791579W

Counties: Independence, AR
Subject: Consistency letter for the 'Hwy. 230 - Hwy. 167 (Safety Impvts.)' project (TAILS 04ER1000-2018-R-0989) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the Hwy. 230 - Hwy. 167 (Safety Impvts.) (Proposed Action) may rely on the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (Myotis sodalis) or the threatened Northern long-eared bat (Myotis septentrionalis). If the Proposed Action is not modified, no consultation is required for these two species.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency for the Proposed Action accordingly.
The following species may occur in your project area and **are not** covered by this determination:

- Gray Bat, *Myotis grisescens* (Endangered)
- Ozark Hellbender, *Cryptobranchus alleganiensis bishopi* (Endangered)
- Pink Mucket (pearlymussel), *Lampsilis abrupta* (Endangered)
- Rabbitsfoot, *Quadrula cylindrica cylindrica* (Threatened)
- Running Buffalo Clover, *Trifolium stoloniferum* (Endangered)
Project Description

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

Name

Hwy. 230 - Hwy. 167 (Safety Impvts.)

Description

shoulder widening sections and rumble stripes
Determination Key Result

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required for these two species.

Qualification Interview

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

   [1] See Indiana bat species profile
   Automatically answered
   Yes

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

   [1] See Northern long-eared bat species profile
   Automatically answered
   Yes

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

   A) Federal Highway Administration (FHWA)

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

   [1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.
   No

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

   [1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.
   No
6. Does the project include any activities within 0.5 miles of an Indiana bat and/or NLEB hibernaculum\[^1\]?

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

No

7. Is the project located within a karst area?

No

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

\[^1\] See the Service’s summer survey guidance for our current definitions of suitable habitat.

\[^2\] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the national consultation FAQs.

No

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

No

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

No

11. Does the project include slash pile burning?

No

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

No

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

No
14. Will the project involve the use of temporary lighting during the active season?
   No

15. Will the project install new or replace existing permanent lighting?
   No

16. Will the project raise the road profile above the tree canopy?
   No

17. Is the location of this project consistent with a No Effect determination in this key?
   Automatically answered
   Yes, because the project action area is outside of suitable Indiana bat and/or NLEB summer habitat
Determination Key Description: FHWA, FRA, FTA
Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

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

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

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. **NOAA Fisheries**, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

<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></td>
<td>No critical habitat has been designated for this species.</td>
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<td></td>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a></td>
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</table>

<table>
<thead>
<tr>
<th>Indiana Bat <em>Myotis sodalis</em></th>
<th>Endangered</th>
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</thead>
<tbody>
<tr>
<td>There is final critical habitat for this species. Your location is outside the critical habitat.</td>
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</table>

<table>
<thead>
<tr>
<th>Northern Long-eared Bat <em>Myotis septentrionalis</em></th>
<th>Threatened</th>
</tr>
</thead>
<tbody>
<tr>
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### Amphibians

<table>
<thead>
<tr>
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<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozark Hellbender <em>Cryptobranchus alleganiensis bishopi</em></td>
<td>Endangered</td>
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<td>No critical habitat has been designated for this species.</td>
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Clams

<table>
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<th>STATUS</th>
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<tbody>
<tr>
<td>Pink Mucket (pearlymussel) <em>Lampsilis abrupta</em></td>
<td>Endangered</td>
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<td>No critical habitat has been designated for this species.</td>
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<tr>
<td>Rabbitsfoot <em>Quadrula cylindrica cylindrica</em></td>
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<td>There is final critical habitat for this species. Your location is outside the critical habitat.</td>
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Flowering Plants

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<th>STATUS</th>
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<tbody>
<tr>
<td>Running Buffalo Clover <em>Trifolium stoloniferum</em></td>
<td>Endangered</td>
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<tr>
<td>No critical habitat has been designated for this species.</td>
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</table>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.
### ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

**ARDOT Job Number** 050313  
**FAP Number** PEN-0032(25)  
**Job Title** Hwy. 230 – Hwy. 167 (Safety Impvts.) (S)

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<th>Environmental Impacts</th>
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<td>Construction Impacts</td>
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<td>Cultural Resources</td>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<td>Social</td>
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<td>Underground Storage Tanks</td>
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<td>Water Quality</td>
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<tr>
<td>Wetlands</td>
<td>X</td>
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<tr>
<td>Wildlife Refuges</td>
<td>X</td>
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</table>

**Section 401 Water Quality Certification Required?** No  
**Short-term Activity Authorization Required?** No  
**Section 404 Permit Required?** No  
**Type** None

**Remarks:**

**Signature of Evaluator** Mary Pearson  
**Date** June 21, 2018
ROADWAY DESIGN REQUEST

Job Number 050313  FAP No. __________________________  County Independence
Job Name Hwy. 230 – Hwy. 167 (Safety Impvts.) (S)
Design Engineer Stephen Sichmeller  Environmental Staff
Brief Project Description

A. Existing Conditions:
   Roadway Width: 24’  Shoulder Type/Width: 2’
   Number of Lanes and Width: 2 @ 12’  Existing Right-of-Way: 60’
   Sidewalks? No  Location:  Width: 
   Bike Lanes? No  Location:  Width: 

B. Proposed Conditions:
   Roadway Width: 24’  Shoulder Type/Width: 4’ Paved
   Number of Lanes and Width: 2 @ 12’  Proposed Right-of-Way: 130’
   Sidewalks? No  Location:  Width: 
   Bike Lanes? No  Location:  Width: 

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

D. Design Traffic Data:
   2019 ADT: 5900  2039 ADT: 8300  % Trucks: 7
   Design Speed: 45 m.p.h.

E. Approximate total length of project: 6.14 mile(s)

F. Justification for proposed improvements: Safety Improvements

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>
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(2) Log Mile 10.60 to Log Mile 10.75