

**ARKANSAS DEPARTMENT OF TRANSPORTATION**

**INTER OFFICE MEMORANDUM**

**August 16, 2017**

**TO:** Master Files

**FROM:**  John Fleming, Division Head, Environmental Division 

**SUBJECT:** Job Number 050316  
FAP Number HSIP-1273(2)  
Hwy. 25 – Pangburn (Safety Impvts.) (S)  
Cleburne & White Counties  
Tier 1 Categorical Exclusion

The purpose of this project is to install low-cost safety improvements, including an ultrathin bonded wearing course and shoulder rumble strips, on Highway 16 between Highway 25 and the City of Pangburn in Cleburne and White counties. No new right of way will be required. A project location map is attached.

After appropriate environmental review, it has been determined that the subject job is a Tier 1 Categorical Exclusion as described by the ARDOT/FHWA Memorandum of Agreement on Categorical Exclusion Documentation and Processing. A public hearing will not be offered for this project.

The attached United States Fish and Wildlife Service IPaC Species List identifies that three endangered species and four threatened species may occur within the project area. The gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalists*), northern long-eared bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), pink mucket (*Lampsilis abrupta*), and the rabbitsfoot mussel (*Quadrula cylindrica cylindrica*) were identified as possibly occurring within the project area. Based on a lack of suitable habitat, it is our determination that the project will have no effect on the listed species.

This project is subject to the 1999 MOA and falls under the exempted Work Category “Reconstruction”. The project is not considered an undertaking and requires no further

Job Number 050316  
Tier 1 Categorical Exclusion  
Page 2 of 2

work or Section 106 review. There are no cultural resources involved with this project, all work will take place on existing paved surfaces, and there will be no earthwork involved.

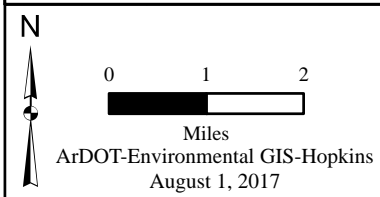
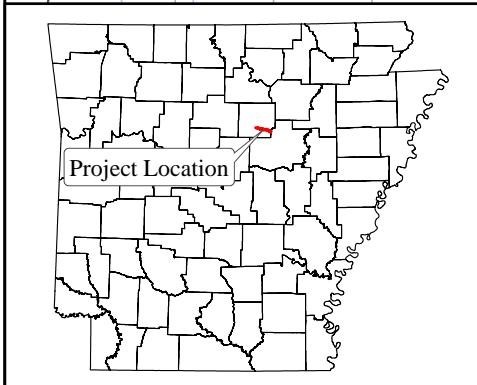
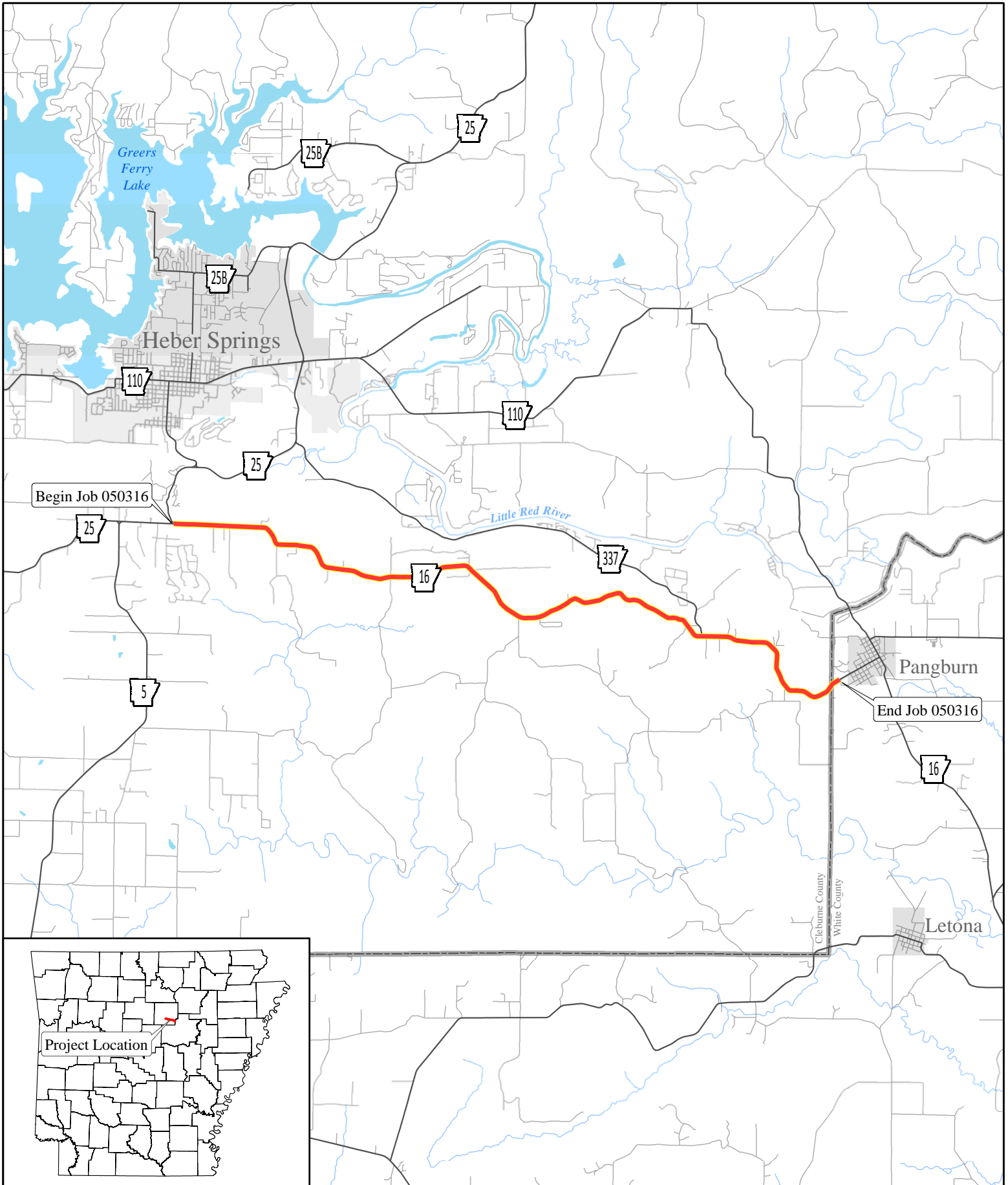
No Section 404 permit will be required for construction of this project.

JF:SL:fc

Attachments:

- Project Location Map
- Section 106 Clearance
- USFWS Species List
- Environmental Study Checklist

c: Program Management  
Right of Way  
Roadway Design  
District 5  
FHWA  
Master File



**Job 050316**  
**Hwy. 25 - Pangburn**  
**(Safety Impvts.) (Hwy. 16)**  
**Cleburne and White Counties**



**ARKANSAS DEPARTMENT OF TRANSPORTATION**

**INTER OFFICE MEMORANDUM**

**August 16, 2017**

**TO:** Master files

**FROM:** M. Hughes, Environmental Division

**SUBJECT:** Cultural resource records review for:  
AHTD Job Number 050316  
Hwy 25-Pangburn (Safety Impvts.)(S)  
Cleburene County

This project will consist of “low cost safety improvements that include ultrathin bonded wearing course and shoulder rumble stripes. No additional right of way will be required”.

This project is subject to the 1999 MOA and falls under the exempted Work Category “Reconstruction”. The project is not considered an undertaking and requires no further work or Section 106 review. There are no cultural resources involved with this project, all work will take place on existing paved surfaces, and there will be no earthwork involved.

No further archeological research or fieldwork work is recommended at this time.

MH



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Arkansas Ecological Services Field Office  
110 South Amity Suite 300  
Conway, AR 72032-8975  
Phone: (501) 513-4470 Fax: (501) 513-4480  
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

August 14, 2017

Consultation Code: 04ER1000-2017-SLI-1113

Event Code: 04ER1000-2017-E-01644

Project Name: Hwy. 25 - Pangburn

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

To Whom It May Concern:

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

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

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

**If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project**

specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

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

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

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

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

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## Project Summary

Consultation Code: 04ER1000-2017-SLI-1113

Event Code: 04ER1000-2017-E-01644

Project Name: Hwy. 25 - Pangburn

Project Type: TRANSPORTATION

Project Description: safety improvement project, no new ROW

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/35.43962180323497N91.94312095642088W>



Counties: Cleburne, AR | White, AR

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## 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. 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.

### Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a>	Endangered
Indiana Bat <i>Myotis sodalis</i> There is a <b>final critical habitat</b> designated for this species. Your location is outside the designated critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Birds

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

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## Clams

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

## Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

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# ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 050316 FAP Number HSIP-1273(2)  
 Job Title Hwy. 25 – Pangburn (Safety Impvts.) (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		
Cultural Resources	X			
Economic	X			
Endangered Species	X			
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife	X			
Floodplains	X			
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds	X			
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocates	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts	X			
Water Quality	X			
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required?     N      
 Short-term Activity Authorization Required?     N      
 Section 404 Permit Required?     N     Type         

Remarks: \_\_\_\_\_  
 Signature of Evaluator *Don* Date August 16, 2017