



August 21, 2017

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

Re: Job Number 050323
FAP Number NHPP-0033(23)
Bridge Number M1267
Ditch at L.M 1.43 Str. & Apprs (S)
Izard 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 ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to replace a bridge crossing the ditch at log mile 1.43 (Caney Creek) with a box culvert on Highway 69B within the community of Sage in Izard County. Total length of the project is 0.015 mile. A project location map is enclosed.

Existing Highway 69B consists of two 10-foot paved travel lanes with no shoulders. The existing bridge (Bridge Number M1267) is a 33' x 24' concrete structure which is considered functionally obsolete with a sufficiency rating of 48.9. There is no existing right of way.

The bridge will be replaced on existing location with a triple 9' x 8' x 54' steel reinforced concrete box culvert. The new approaches will consist of two 10-foot wide paved travel lanes with 4-foot shoulders. The proposed average right of way width will be 80 feet.

Approximately 0.93 acre of additional right of way will be required for this project. A signed detour route will be provided while Highway 68B is closed during construction.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	360	10	35 mph
2040	440	10	35 mph

There are no relocatees, floodplains, wellhead protection areas, prime farmland, or *Executive Order 12898* environmental justice issues involved with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits.

The existing bridge will be replaced with a triple reinforced concrete box culvert on the existing location. The footing of the proposed box culvert will be installed one foot below the existing streambed channel to allow natural sediments to accumulate within the bottom of the box and minimize impacts to aquatic organism movement through the structure. This type of box culvert was used due to the potential presence of the Strawberry River darter (*Etheostoma fragi*), a State listed Species of Greatest Conservation Need. The project will impact 123 linear feet of Caney Creek. No compensatory mitigation will be required. Construction of the proposed project should be allowed under the terms of Nationwide Permit 14 as defined in Federal Register 77(34):10184-10290.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) identified rabbitsfoot (*Quadrula cylindrica*) mussel, scaleshell (*Leptodea leptodon*) mussel, snuffbox (*Epioblamisa triquetra*) mussel, Missouri bladderpod (*Physaria filiformis*) mussel, gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), and northern long-eared bat (*Myotis septentrionalis*) as potentially occurring at or near the project location.

On November 9, 2016, ARDOT Environmental Division personnel conducted a field survey of the proposed project area. The small size of the creek and preliminary investigation of habitat type indicates that no freshwater mussels would be present. No glades are found at or near the project canceling out the possibility of Missouri bladderpod. Gray bat and northern long-eared bat have been recorded from between 11-13 miles away of the project location. However, due to the size of Caney Creek at the highway crossing it would serve as minimal foraging habitat for any bat species. The

0.02 acre of trees appears to be marginal habitat for Indiana or northern long-eared bats comprised mainly of small trees and no visible snags, cracks, or shaggy bark.

With the distance to known records, minimal impacts to streams, limited tree clearing, and appropriate sediment and erosion controls, no effects to gray bats are anticipated. A “may affect, but not likely to adversely affect” determination was made for the Indiana bat (*Myotis sodalis*). No prohibited take will occur for northern long-eared bats following the guidance of the Programmatic Biological Opinion and Final 4(d) Rule (50 CFR §17.40(o)). On May 23, 2017, the USFWS issued their concurrence. USFWS correspondence is enclosed.

Based upon the ARDOT’s *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. The project does not involve added capacity, construction of new through lanes or auxiliary lanes, 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.

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

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 8/23/2017

Sincerely,

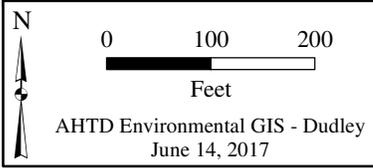
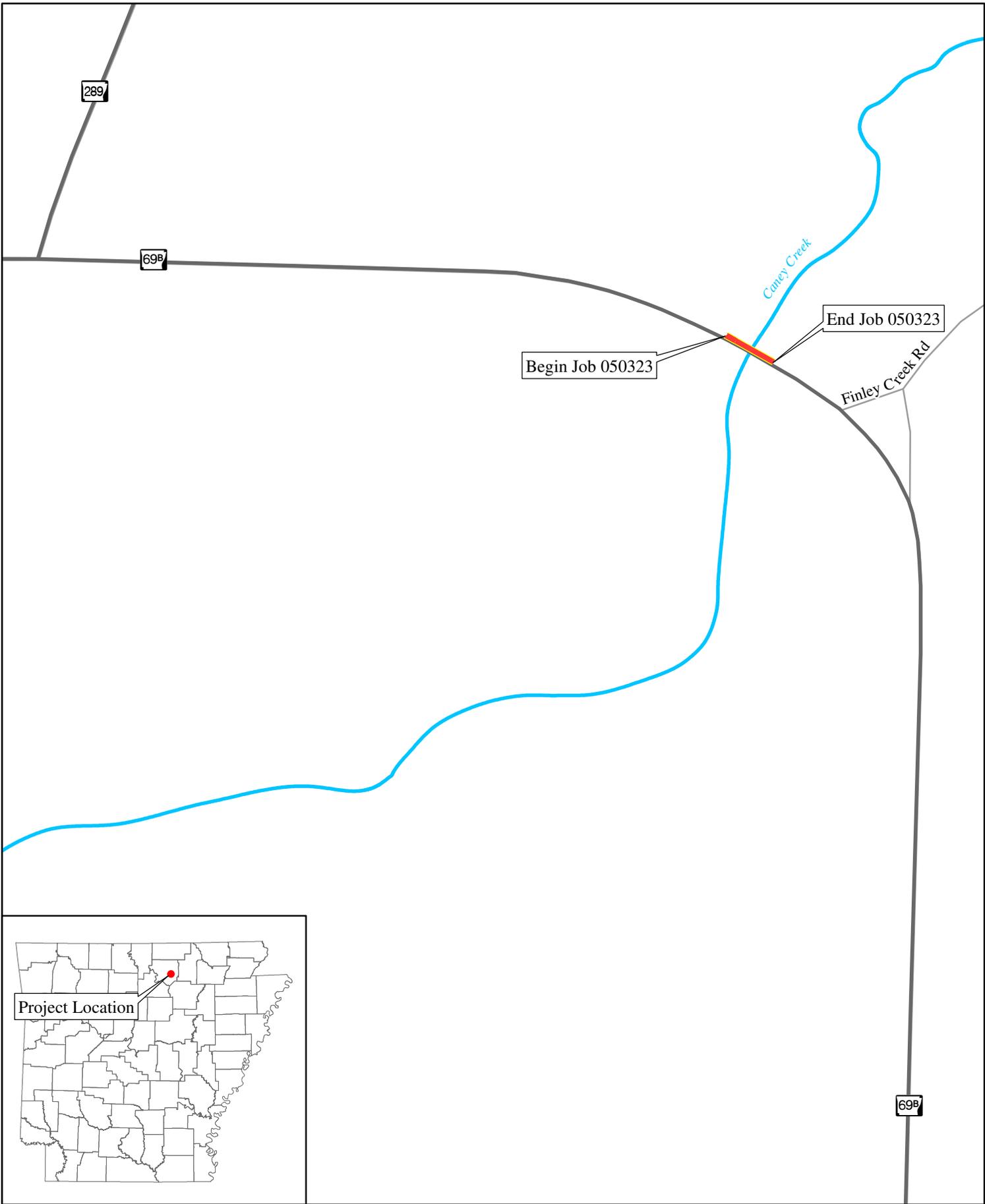


John Fleming
Division Head
Environmental Division

Enclosures

JF:TT:fc

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



Job 050323
Ditch at L.M. 1.43
Str. & Apprs. (Hwy. 69B)
Izard County





ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

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FHW4

August 15, 2017

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

RECEIVED
AHTD
AUG 21 2017
ENVIRONMENTAL
DIVISION

AHPP
AUG 16 2017

RE: ARDOT Job No. 050323
Ditch at L.M. 1.43 Str. & Apprs. (S)
Izard County

Dear Ms. Hurst:

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 William McAlexander of my staff at 569-2078.

Sincerely,

Brenda Price

for John Fleming
Division Head
Environmental Division

Enclosure
PIF

JF:DW:WM:ym

Date 8/16/2017
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.
Christie
Arkansas State Historic Preservation Officer

AUG 16 2017



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:

May 15, 2017

Consultation Code: 04ER1000-2017-SLI-0774

Event Code: 04ER1000-2017-E-01040

Project Name: AHTD Job 050323 - Ditch at L.M. 1.43 Str. & Apprs. (S)

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2017-SLI-0774

Event Code: 04ER1000-2017-E-01040

Project Name: AHTD Job 050323 - Ditch at L.M. 1.43 Str. & Apprs. (S)

Project Type: TRANSPORTATION

Project Description: Replacement of Bridge on Highway 69B in Sage, AR.

Project Location:

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

<https://www.google.com/maps/place/36.04583080905758N91.81592334017428W>



Counties: Izard, AR

Endangered Species Act Species

There is a total of 7 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

NAME	STATUS
<p>Gray Bat (<i>Myotis grisescens</i>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329</p>	Endangered
<p>Indiana Bat (<i>Myotis sodalis</i>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5949</p>	Endangered
<p>Northern Long-eared Bat (<i>Myotis septentrionalis</i>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045</p>	Threatened

Clams

NAME	STATUS
<p>Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>)</p> <p>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/5165</p>	Threatened
<p>Scaleshell Mussel (<i>Leptodea leptodon</i>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5881</p>	Endangered
<p>Snuffbox Mussel (<i>Epioblasma triquetra</i>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4135</p>	Endangered

Flowering Plants

NAME	STATUS
<p>Missouri Bladderpod (<i>Physaria filiformis</i>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5361</p>	Threatened

Critical habitats

There are no critical habitats within your project area.

Tucker, Terry

From: Lewis, Lindsey <lindsey_lewis@fws.gov>
Sent: Tuesday, May 23, 2017 8:41 AM
To: Thesing, Ben
Subject: Re: 050323 Ditch at L.M. 1.43 Str. & Apprs. (S) Consultation

Ben,

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 and concurs with your determination of "may affect, but not likely to adversely affect" for Indiana bat.

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

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

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ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 050323 FAP Number NHPP-0033(23)

Job Title Ditch at L.M. 1.43 Str. & Apprs. (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary
Cultural Resources	X			SHPO attached
Economic	X			
Endangered Species	X			
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife		X		Temporary during construction
Floodplains	X			
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds		X		Bird SP
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocatees	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		NWP 14
Water Quality		X		Temporary during construction
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? Yes

Section 404 Permit Required? Yes Type NWP 14

Remarks: USFWS concurred that the project will not likely adversely affect listed species.

NLEB 4(d). No stream mitigation required.

Signature of Evaluator *Jan Davis* Date August 21, 2017

ROADWAY DESIGN REQUEST

Job Number 050323 FAP No. NHPP-0033(23) County Izard

Job Name Ditch at L.M. 1.43 Str. & Apprs. (S)

Design Engineer David W. Baker Environmental Staff _____

Brief Project Description The project consists of replacing the existing bridge at Log Mile 1.43 along State Highway 69 (Business) in Izard County.

A. Existing Conditions:

Roadway Width: 20' Shoulder Type/Width: N/A

Number of Lanes and Width: 2-10' Existing Right-of-Way: N/A

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 28' Shoulder Type/Width: 4' Paved

Number of Lanes and Width: 2-10' Proposed Right-of-Way: 80'

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: N/A Length: _____

D. Design Traffic Data:

2020 ADT: 360 2040 ADT: 440 % Trucks: 10
Design Speed: 35 m.p.h.

E. Approximate total length of project: 0.015 mile(s)

F. Justification for proposed improvements: Refer to Planning and Research study reports, Bridge ratings, etc.

G. Total Relocates: N/A Residences: N/A Businesses: N/A

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? yes

Agency/Official	Person Contacted	Date
Izard County Judge	Judge Eric Smith	March 13, 2017