

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB NUMBER 061507  
FAP NUMBER NHPP-0060(58)  
PALARM CREEK STR. & APPRS.  
ROUTE 365, SECTION 11  
PULASKI AND FAULKNER COUNTIES**

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

By the

U.S. Department of Transportation

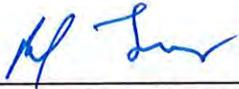
Federal Highway Administration

And the

Arkansas Department of Transportation

August 2019

August 1, 2019  
Date of Approval

  
Randal Looney  
Environmental Coordinator  
Federal Highway Administration

The Environmental Division reviewed the referenced project and has determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA 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 Bridge No. 01726 over Palarm Creek on Highway 365. Total length of the project is approximately 0.33 mile. A project location map is attached. The existing bridge is 171' long and 31.5' wide. The existing roadway has two 12' wide paved travel lanes with 4' wide paved shoulders. The existing right of way width averages 80'.

The new 202.5' x 40' bridge will be constructed just east of the current alignment. The travel lanes will remain 12' wide; however, the shoulders will be widened to 8'. The existing bridge will be used to maintain traffic during construction. The proposed average right of way/transportation easement width will be 120'. Approximately 0.49 acre of new right of way, 2.41 acres of additional transportation easement, and 0.10 acre of temporary construction easement will be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2019	5,800	6	55 mph
2039	7,200	6	55 mph

Noise predictions were made for this project using the FHWA Traffic Noise Model 2.5 procedures. A noise assessment is attached.

No impacts to wetlands or public drinking water supplies are associated with this project. No environmental justice concerns, relocations, community impacts, hazardous materials/landfills, or underground storage tanks were identified. No cultural resources are associated with this project; State Historic Preservation Officer concurrence is attached. The presence of an historic marker in the project area will require a Restraining Condition Special Provision. Approximately 0.46 acre of Prime Farmland will be converted to transportation use; Form NRCS-CPA-106 is attached. Native vegetation will be replanted on all federal property.

The project involves U.S. Army Corps of Engineers (USACE) property. Palarm Creek Park is owned by the USACE, leased by the City of Mayflower, and eligible for Section 4(f) protection as a recreational resource. The Palarm Creek Park property totals approximately 20.37 acres. The USACE regards approximately 5.92 acres of the property as existing transportation easement and 14.45 acres as park land. The project will require converting approximately 2.41 acres of park land to permanent transportation easement. The project is not anticipated to harm any of the park's recreational components. A Section 4(f) *de minimis* evaluation is attached. A mitigation plan will be developed between the ARDOT and the USACE.

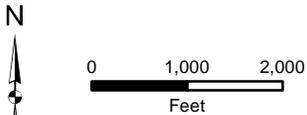
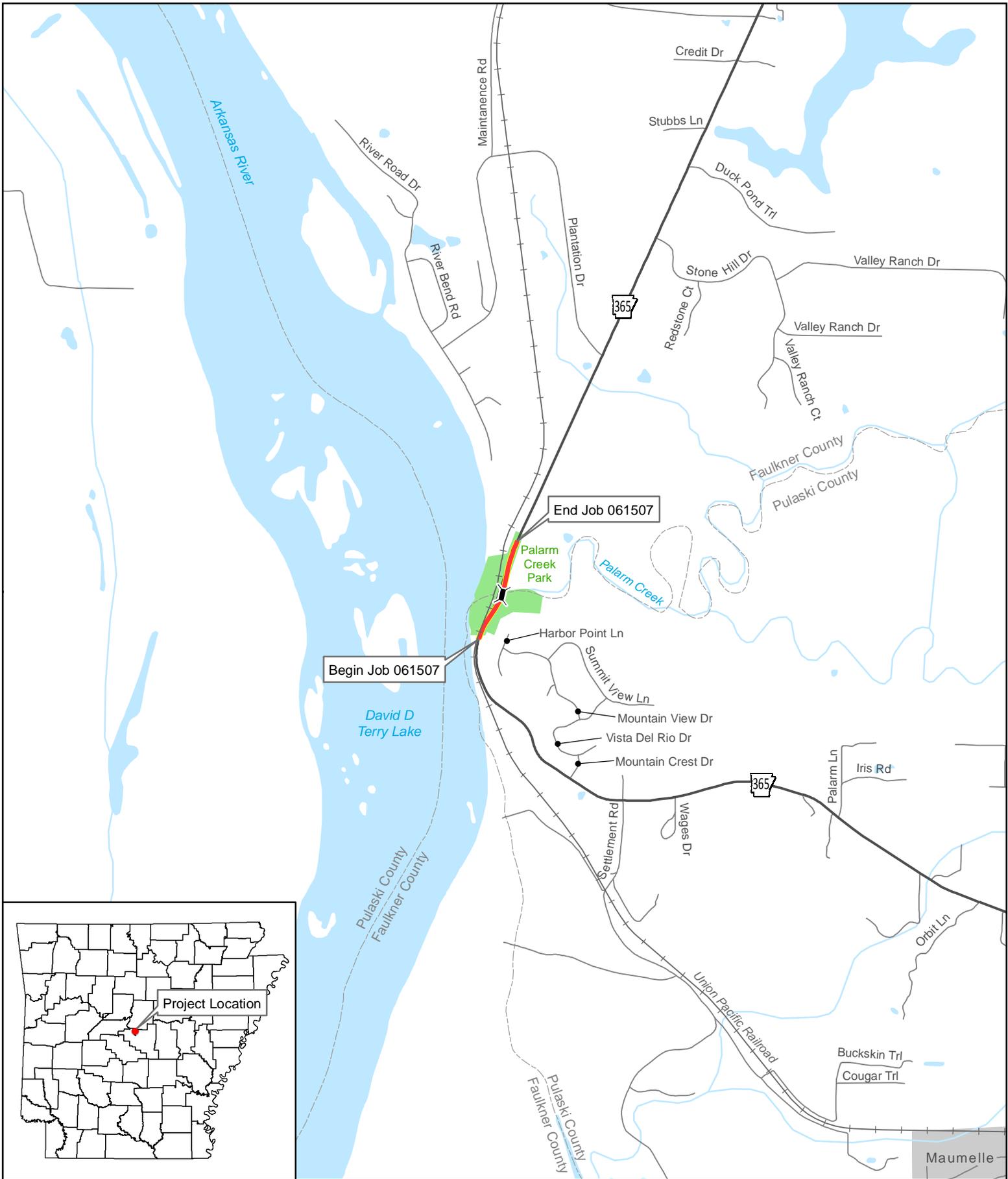
This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

Pulaski and Faulkner Counties participate in the National Flood Insurance Program. The project is located in Flood Zone AE. 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 project construction. None of the encroachments will constitute a substantial encroachment or a risk to property or life.

The official species list obtained from the U.S. Fish and Wildlife Service (USFWS) identifies three species potentially affected by this project. The Least Tern (*Sterna antillarum*) and Piping Plover (*Charadrius melodus*) are shore birds, with the former known to nest on the sandbars along the opposite side of the Arkansas River (~1km NW). The project area and adjacent areas have a variety of background disturbance from barge traffic, recreational boating, highway, and railroad traffic. Effects from construction activities at the project site should be discountable. ARDOT has determined the bridge replacement may affect, but is not likely to adversely affect, these species. USFWS concurred with this determination on December 4, 2018. Running buffalo clover (*Trifolium stoloniferum*), also included on the list, is considered extirpated from the state; therefore, the project will have no effect on it. The species list and USFWS concurrence are attached.

The project will have a discharge of dredged or fill material into waters of the United States associated with the construction of culverts; therefore, a Section 404 permit will be required. The project should be authorized by Nationwide Permit 14 for Linear Transportation Projects as defined in Federal Register 82(4): 1860-2008.

Aside from temporary construction-related impacts, no other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts is attached. A public involvement meeting was not held for this project.



**Job 061507**  
**Palarm Creek Str. & Apprs.**  
**(Hwy. 365)**  
**Pulaski and Faulkner Counties**

 Project Location



THE DEPARTMENT OF ARKANSAS  
**HERITAGE**

Asa Hutchinson  
*Governor*

Stacy Hurst  
*Director*

May 14, 2018

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

RECEIVED  
ARDOT  
MAY 15 2018  
ENVIRONMENTAL  
DIVISION

RE: Pulaski County – North Little Rock  
Section 106 Review – FHWA  
Request for Technical Assistance  
ARDOT Job Number 061507  
Palarm Creek Str. & Apprs. (S)  
AHPP Tracking Number 100988.01

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 (AHPP) has reviewed the documents for the structures included in your letter of May 10, 2018. We previously determined that the two (2) structures (Properties 1-2) are not eligible for inclusion in the National Register of Historic Place. Since 3FA0133/FA1236 is located outside the project area and no other cultural resources were discovered in the area, we continue to concur that this undertaking will have no effect to historic properties.

Tribes that have expressed an interest in the area include the Caddo Nation (Mr. Phil Cross), the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Dr. Ian Thompson), the Jena Band of Choctaw Indians (Ms. Alina J. Shively), 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).

Thank you for the opportunity to review this undertaking. If you have any questions, please call Theresa Russell of my staff at (501)-324-9357. Please refer to the AHPP Tracking Number listed above in all correspondence.

Sincerely,

Scott Kaufman  
Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration  
Dr. Andrea Hunter, Osage Nation  
Dr. Ann Early, Arkansas Archeological Survey

- Arkansas Arts Council
- Arkansas Natural Heritage Commission
- Arkansas State Archives
- Delta Cultural Center
- Historic Arkansas Museum
- Mosaic Templars Cultural Center
- Old State House Museum



ARKANSAS HISTORIC  
PRESERVATION PROGRAM



1100 North Street  
Little Rock, AR 72201

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fax: (501) 324-9184  
tdd: 711

e-mail:

[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)

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[www.arkansaspreservation.com](http://www.arkansaspreservation.com)

An Equal Opportunity Employer

**ARDOT JOB NUMBER 061507**  
**SCREENING LEVEL NOISE ANALYSIS**

***Fundamentals of Sound and Noise***

“Noise” is defined as 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 1 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 10 dB(A). 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 1 dB(A) less than the noise abatement standard. For screening level analyses, a noise abatement evaluation standard of 63 dB(A) is used to determine the need for a noise abatement analysis.

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 2039.

### ***Traffic noise analyses***

Traffic noise analyses were performed for the project utilizing a roadway cross-section for Highway 365, Section 11 consisting of two 12-foot paved travel lanes and 8-foot paved shoulders.

### ***Effects of Project***

The traffic noise estimates for the project resulted in a noise abatement distance of 150 feet from the centerline of Highway 365. Two sensitive receptors located along the proposed project location are predicted to experience noise impacts resulting from noise levels that approach or exceed 63 dBA during the design year. These two receptors are currently experiencing noise impacts and should only experience a 1 or 2 decibel increase.

### ***Traffic Noise Abatement***

Since noise impacts are predicted within 500 feet of the proposed project, the feasibility and reasonableness of potential noise abatement measures must be evaluated. Based upon ARDOT's "Policy on Highway Traffic Noise Abatement", any noise abatement effort using barrier walls or berms is not warranted for this project. In order to provide direct access to the highway from adjacent properties, breaks in the barrier walls or berms would be required. These necessary breaks for highway access would render any noise barrier ineffective and therefore not feasible. Therefore, no further analyses are warranted.

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 Central Arkansas Planning and Development District for possible use in present and future land use planning.

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

<b>PART I (To be completed by Federal Agency)</b> Job 061507	3. Date of Land Evaluation Request 12/6/18	4. Sheet 1 of
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1. Name of Project Palarm Creek Str. & Apprs. (Hwy. 365)	5. Federal Agency Involved FHWA
--	---------------------------------

2. Type of Project Bridge Replacement	6. County and State Pulaski AR.
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<b>PART II (To be completed by NRCS)</b>	1. Date Request Received by NRCS	2. Person Completing Form
--	----------------------------------	---------------------------

3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES NO	4. Acres Irrigated   Average Farm Size
---	--

5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
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**PART III (To be completed by Federal Agency)** **Alternative Corridor For Segment**

	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

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

A. Total Acres Prime And Unique Farmland	0.46
B. Total Acres Statewide And Local Important Farmland	
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	

**PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)**

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	5			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	0			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>35</b>			

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

Relative Value Of Farmland (From Part V)	100	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	35			
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>135</b>			

1. Corridor Selected: New <input type="checkbox"/> Existing <input checked="" type="checkbox"/>	2. Total Acres of Farmlands to be Converted by Project: 0.46 acre of Prime Farmland.	3. Date Of Selection:	4. Was A Local Site Assessment Used?  YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part: \_\_\_\_\_ DATE: \_\_\_\_\_

*John Baber* 07/29/19  
NOTE: Complete a form for each segment with more than one Alternate Corridor

**EVALUATION AND DOCUMENTATION OF A  
DE MINIMIS FINDING TO SECTION 4(F) PROPERTY  
FOR PUBLIC PARKS, RECREATION LANDS, AND  
WILDLIFE AND WATERFOWL REFUGES**

ARDOT Job Number 061507  
FAP Number NHPP-0060(58)  
Palarm Creek Str. & Apprs.  
Pulaski and Faulkner Counties

Palarm Creek Park  
U.S. Army Corps of Engineers

July 2019

Federal Highway Administration  
Arkansas Department of Transportation

**What is Section 4(f)?**

Section 4(f) is part of a law that was passed to protect public parks, recreation areas, wildlife/waterfowl refuges, and important historic sites from being harmed by transportation projects.

**Does Section 4(f) Apply to Palarm Creek Park?**

The Arkansas Department of Transportation (ARDOT) has proposed a project that involves Palarm Creek Park property. Section 4(f) protections are applicable because Palarm Creek Park is a publically accessible park managed and used for recreational purposes.

Certain types of Section 4(f) impacts can be recognized as “*de minimus*,” which means relatively minor. The intent of this evaluation is to demonstrate that impacts to Palarm Creek Park will be relatively minor. We can have a *de minimis* finding on projects that meet the conditions shown in Table 1.

<b>Table 1</b>	
<b>When Can We Use A <i>De Minimis</i> Finding on Section 4(f) Properties?</b>	<b>Does It Apply To This Project?</b>
Did we specially design the project to protect the park as much as possible? Did we use mitigation and enhancement where it was suitable?	Yes
Did the officials with authority over the park have a chance to consider this information and agree that the project will not greatly harm the characteristics that make the park important?	Yes
Did the public have an opportunity to review and comment on the effects of the project on the park and the characteristics that make it important to them?	Yes

**What is the proposed project?**

The Highway 365 bridge crossing Palarm Creek is structurally deficient. The ARDOT, in conjunction with the Federal Highway Administration, is proposing to replace the bridge. Due to hydraulic requirements, the proposed bridge’s elevation will be approximately 5 feet higher than the existing bridge; therefore, the approaches will require reconstruction.

The sharp curve south of the bridge will be flattened, and 8-foot wide shoulders will be added. The access road from Highway 365 to the Boat Launch Area will also be improved. The new alignment will be east of the existing alignment, allowing the bridge to remain in place to maintain traffic during construction. The existing bridge will be removed upon construction completion.

### **Why is Palarm Creek Park Important?**

Owned by the U.S. Army Corps of Engineers (USACE), Palarm Creek Park has been leased to the City of Mayflower (Mayflower) since July 1996. Mayflower plans to renew the lease when the current term expires in 2021. Palarm Creek bisects the 17-acre park into north and south sections, and Highway 365 and the Union Pacific Railroad line further divide the park into east and west sections. The areas south of Palarm Creek are in Pulaski County, while the north areas are in Faulkner County. Recreational activities in the park include fishing, boating, and picnicking. Amenities include:

- Boat ramp (see **Figure 1**)
- Boat Ramp Area parking
- Courtesy dock
- South Picnic Area
- North Picnic Area and parking (see **Figure 2**)
- Picnic tables and grills (Figure 2 and see **Figure 3**)
- Bank fishing docks
- Trails providing east-west access (see **Figure 4**)
- Historic Marker
- Restroom facility (currently closed).



**Figure 1**



Figures 2 and 3



Figure 4

### **Can We Avoid the Park?**

There are no feasible and prudent alternatives to replacing the existing bridge and reconstructing the approaches without impacting park land. The location of the railroad line prevents the alignment from shifting west. Replacing the bridge on existing alignment would still require additional transportation easement from the park.

### **What Will the Project Do To the Park?**

The new bridge and approaches will require the conversion of approximately 2.41 acres of park property to transportation easement. An additional 0.10 acre will be temporarily required as construction easement. As shown in **Figure 5**, the acreage to be converted is comprised of the upper section of the Boat Launch Area parking, as well as the access road and roadway-adjacent undeveloped land south of the Boat Launch Area.



**Figures 6 and 7** show these areas of the park, respectively. Impacts resulting from project construction will include:



**Figure 6**



**Figure 7**

#### *Adverse Impacts*

- 2.41 acres of Palarm Creek Park will be converted to transportation easement.
- Boat Ramp Area parking capacity will be reduced.
- The trail from the Boat Ramp Area to the South Picnic Area will be temporarily closed.
- River traffic on Palarm Creek will be temporarily restricted during construction and bridge demolition.

- Depending on construction staging, access to the North Picnic Area may be temporarily restricted.
- Noise levels will temporarily increase during construction and bridge demolition.

### *Beneficial Impacts*

- Flattening the southern curve and improving the Boat Ramp Area access road will improve safety for all users.
- A mitigation plan will be developed between the USACE and the ARDOT. Preliminary discussions regarding mitigation have included resurfacing and improving areas in the park and removing the closed restroom in the Boat Ramp Area. The final mitigation plan will be included in the final request from the ARDOT to the USACE for modifications to the outgrant and Regulatory Section 10/404 permit.

### **What Did We Do to Reduce Harm to the Park?**

The following measures were included in the proposed project to reduce harm to the park:

- The additional transportation easement acreage was minimized to the extent practicable.
- Boat Ramp Area access will be maintained throughout project construction.
- Coordination with USACE and Mayflower officials about construction timing, clear zones, and park user diversions around the construction zone will be ongoing.
- Special provisions for boater safety, limiting the length of time Palarm Creek can be closed to river traffic, and protecting the historic marker will be included in the construction contract.
- Trails providing east-west access will be restored upon project completion.

### **How Did We Involve the Public In This Evaluation?**

Public Notices in the *Arkansas Democrat-Gazette* and the *Log Cabin Democrat* on Sunday, April 14, 2019 invited the public to review and comment on the proposed project's effects on Palarm Creek Park. The Draft Section 4(f) Evaluation document was available on the ARDOT website, the Mayflower Public Library, and the Maumelle Public Library. The public comment period extended from April 15 through April 30, 2019. No public comments were received.

The USACE and Mayflower have agreed that this project will not have a harmful effect on Palarm Creek Park. Copies of the concurrences are included in Appendix A.

**What is the Decision?**

This evaluation concludes that the proposed project will not adversely affect the protected features, qualities, or activities that qualify the park for protection under Section 4(f), thus qualifying for a *de minimis* finding on Palarm Creek Park.

**APPENDIX A**  
**CONCURRENCE STATEMENTS**

**U.S. Army Corps of Engineers**

I concur with the assessment and the proposed minimization and mitigation of impacts to Parlarm Creek Park as detailed in the enclosed Section 4(f) Evaluation and Documentation of De Minimis Findings to Section 4(f) Property for Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges.

EPPERSONJOELL.12299  
97773

Digitally signed by  
EPPERSON, JOEL L.1229997773  
Date: 2019.07.22 14:50:09 -05'00'

\_\_\_\_\_  
Signature

Deputy Operations Project Manager

\_\_\_\_\_  
Title

22 July 2019

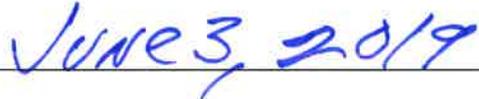
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Date

**City of Mayflower**

I concur with the assessment and the proposed minimization and mitigation of impacts to Parlarm Creek Park as detailed in the enclosed Section 4(f) Evaluation and Documentation of De Minimis Findings to Section 4(f) Property for Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Date



IN REPLY REFER TO

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office  
110 South Amity Road, Suite 300  
Conway, Arkansas 72032



December 4, 2018

Mr. John Fleming  
c/o Mickey Matthews  
Arkansas Department of Transportation  
10324 Interstate 30  
Little Rock, AR 72209

Dear Mr. Fleming,

The Fish and Wildlife Service (Service) has reviewed your email dated November 26, 2018, concerning the proposed ArDOT Job# 061507 Palarm Creek project to replace the current Arkansas Highway 365 Bridge over Palarm Creek, Faulkner and Pulaski Counties, Arkansas. Our comments are in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The Service has reviewed the information you provided along with your records for the affected area of this action. The Service concurs with your determination of "may affect, but is not likely to adversely affect for Piping Plover (*Charadrius melodus*) and Interior Least Tern (*Sterna antillarum*). Our concurrence is based on the limited size of the construction area, proximity to the existing right-of-way, minimal adjacent habitat being disturbed, minimal ground disturbance, proximity to existing adjacent noise, other anthropogenic disturbance factors (park, roadway, recreational boat traffic, railroad, and commercial navigation), and distance to known species locations. Furthermore, the Service has no information to suggest that any other listed species would be affected by this action; therefore, the Service agrees with your assessment for all other species identified. No further action is required at this time.

For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or [lindsey\\_lewis@fws.gov](mailto:lindsey_lewis@fws.gov).

Sincerely,

Melvin L. Tobin  
Field Supervisor

cc: Read File

Filename: C:\Users\lilewis\Documents\PROJECTS FY2019\ARDOT\061507 Palarm Creek\AFO Letter - 061507 Palarm Creek - Comments.docx



## 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:  
Consultation Code: 04ER1000-2018-SLI-0778  
Event Code: 04ER1000-2019-E-00285  
Project Name: 061507 Palarm Creek Str. & Apprs. (S)

November 16, 2018

Subject: Updated 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/engangered/esa-library/index.html#consultations](http://www.fws.gov/engangered/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: 04ER1000-2018-SLI-0778

Event Code: 04ER1000-2019-E-00285

Project Name: 061507 Palarm Creek Str. & Apprs. (S)

Project Type: TRANSPORTATION

Project Description: Replacing the Palarm Creek bridge.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.90381133652686N92.44805414847826W>



Counties: Faulkner, AR | Pulaski, AR

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## Endangered Species Act Species

There is a total of 4 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<sup>1</sup>, 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.

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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.

### Birds

NAME	STATUS
Least Tern <i>Sterna antillarum</i> Population: interior pop. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8505">https://ecos.fws.gov/ecp/species/8505</a>	Endangered
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened

### Insects

NAME	STATUS
Rattlesnake-master Borer Moth <i>Papaipema eryngii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7863">https://ecos.fws.gov/ecp/species/7863</a>	Candidate

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## Flowering Plants

NAME	STATUS
<b>Running Buffalo Clover</b> <i>Trifolium stoloniferum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2529">https://ecos.fws.gov/ecp/species/2529</a>	<b>Endangered</b>

## Critical habitats

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

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**ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST  
FOR CONSIDERATION OF POTENTIAL IMPACTS**

ARDOT Job Number 061507 FAP Number NHPP-0060(58)

Job Title Palarm Creek Str. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts; projected located in AQ attainment area
Cultural Resources	X			SHPO clearance received 5/18/2018; Restraining Condition Special Provision required for historical marker
Economic	X			No adverse impacts
Endangered Species		X		Concurrence received 12/4/2018
Environmental Justice/Title VI	X			EJ populations not located in area
Fish and Wildlife		X		Minimal fish disturbance during construction
Floodplains		X		Zone AE
Forest Service Property	X			None in the project area
Hazardous Materials/Landfills	X			None identified in project area
Land Use		X		2.41 acre new easement; 0.49 acre new ROW; 0.10 acre TCE
Migratory Birds		X		Special Provision added
Navigation/Coast Guard		X		Bridge has contacted USCG
Noise Levels	X			No impacts identified
Prime Farmland		X		0.46 acres
Protected Waters	X			None in the project area
Public Recreation Lands	X			See Section 4(f)/6(f) impacts
Public Water Supply/WHPA	X			None in the project area
Relocatees	X			No relocations necessary
Section 4(f)/6(f)		X		Section 4(f) evaluation attached
Social	X			No adverse social impacts identified
Underground Storage Tanks	X			None located in project area
Visual	X			No adverse visual quality impacts
Streams		X		Minor impacts during construction
Water Quality		X		Minor impacts during construction
Wetlands	X			None in the project limits
Wildlife Refuges	X			None in the project area

Section 401 Water Quality Certification Required? N  
 Short-term Activity Authorization Required? Y  
 Section 404 Permit Required? Y Type NWP 14

Remarks: .

Signature of Evaluator Mary L. Pearson Date 12/10/18

**ROADWAY DESIGN REQUEST**

Job Number 061507 FAP No. \_\_\_\_\_ County Pulaski

Job Name Palarm Creek Str. & Apprs. (S)

Design Engineer Stephen Sichmeller Environmental Staff \_\_\_\_\_

Brief Project Description Replace 1 Structure

A. Existing Conditions:

Roadway Width: 32' Shoulder Type/Width: 4' Paved

Number of Lanes and Width: 2 @ 12' Existing Right-of-Way: 80'

Sidewalks? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

B. Proposed Conditions:

Roadway Width: 40' Shoulder Type/Width: 8' Paved

Number of Lanes and Width: 2 @ 12' Proposed Right-of-Way: 120'

Sidewalks? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

C. Construction Information:

If detour: Where: \_\_\_\_\_ Length: \_\_\_\_\_

D. Design Traffic Data:

2019 ADT: 5800 2039 ADT: 7200 % Trucks: 6  
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.327 mile(s)

F. Justification for proposed improvements: Bridge Replacement

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

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

Agency/Official	Person Contacted	Date