



INTEROFFICE MEMORANDUM

August 29, 2017

TO: Master Files

FROM: JF1 John Fleming, Division Head, Environmental Division *JF1*

SUBJECT: Job Number 061546
FAP Number NHPP-9210(32)
Whittington Ave. – Hwy. 7S (Hot Springs)(S)
Garland County
Tier 1 Categorical Exclusion

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 purpose of the proposed project is to improve the pavement condition on two miles of Highway 7 in the City of Hot Springs between Whittington Avenue and Highway 7 Spur (Gulpha Gorge Road). The curb-and-gutter sections will have a mill and inlay while the open shoulder sections will have an overlay. The cross section of Highway 7 will not change and all work will take place within existing right of way. State Historic Preservation Officer clearance is attached.

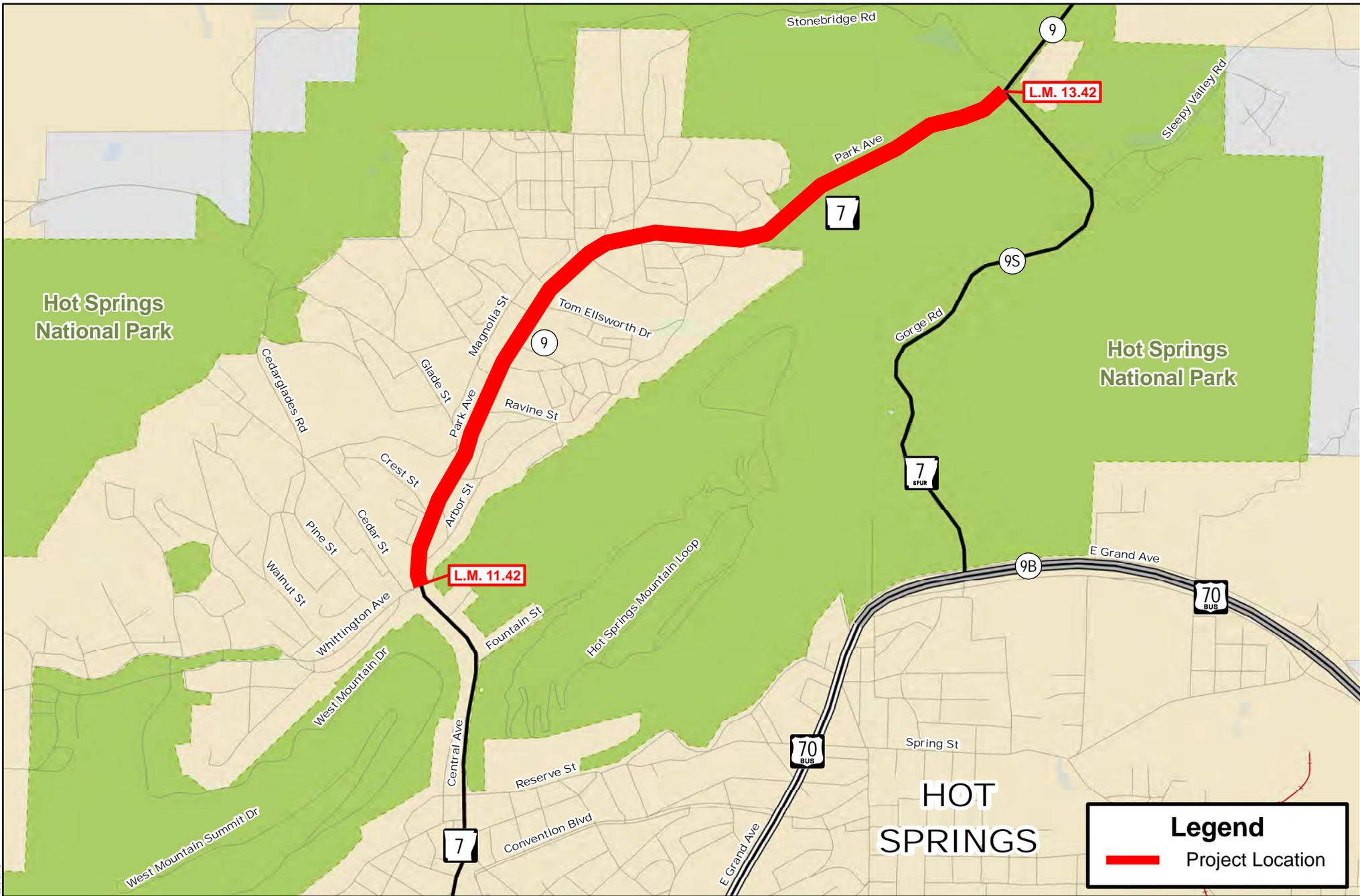
The proposed project is within the range four federally-listed species: the threatened northern long-eared bat (*Myotis septentrionalis*), the threatened rabbitsfoot (*Quadrula cylindrica cylindrica*), the endangered harperella (*Ptilimnium nodosum*), and the threatened Missouri bladderpod (*Physaria filiformis*). A 'no effect' determination was made for all federally listed species potentially within the project area due to the lack of species-specific habitats and the limited scope of the project. U.S. Fish & Wildlife Service early coordination is attached.

JF:SS:fc

Attachments:

- Location Map
- Environmental Study Checklist
- SHPO Clearance
- USFWS Coordination

c: Program Management
Right of Way
Roadway Design
District 6
FHWA
Master File



Legend
 Project Location

Job 061546

Whittington Ave. - Hwy. 7S (Hot Springs) (S)

Hwy. 7, Sec. 9

Garland County



PM: PS: dmsp211: 11/10/2016



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THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

August 25, 2017

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AUG 29 2017

**ENVIRONMENTAL
DIVISION**

**ENVIRONMENTAL
DIVISION**

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

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

RE: Garland County – Hot Springs
Section 106 Review – FHWA
Request for Technical Assistance
ARDOT Job Number 061546
Whittington Ave. – Hwy. 7S (Hot Springs) (S)
AHPP Tracking Number 99174

Dear Mr. Fleming:

This letter is written in response to your inquiry regarding properties of architectural or historical significance in the area of the proposed referenced project. The staff of the Arkansas Historic Preservation Program has reviewed the documents included with your letter of August 24, 2107 and has determined that this undertaking will have no adverse effect on historic properties.

Tribes that have expressed an interest in the area include the Caddo Nation (Mr. Phil Cross), 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).

If you should have any questions or comments, please do not hesitate to contact Theresa Russell of my staff at (501)-324-9357. Please refer to the AHPP Tracking Number listed above in all correspondence.

Sincerely,

Stacy Hurst
Director and State Historic Preservation Officer

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



ARKANSAS HISTORIC
PRESERVATION PROGRAM



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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 09, 2017

Consultation Code: 04ER1000-2017-SLI-1103

Event Code: 04ER1000-2017-E-01628

Project Name: 061546 Whittington Ave-Hwy 7 S (Hot Springs)

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-1103

Event Code: 04ER1000-2017-E-01628

Project Name: 061546 Whittington Ave-Hwy 7 S (Hot Springs)

Project Type: TRANSPORTATION

Project Description: The proposed project includes a mill and overlay job completely within the existing roadway. Re-striping of the roadway will include bike lanes; however, the footprint of the roadway will remain the same. No trees will be cleared. No new right-of-way will be acquired.

Project Location:

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

<https://www.google.com/maps/place/34.52702662758449N93.05196231676402W>



Counties: Garland, AR

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. 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
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> 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	Threatened

Flowering Plants

NAME	STATUS
Harperella <i>Ptilimnium nodosum</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3739	Endangered
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5361	Threatened

Critical habitats

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

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 061546 FAP Number NHPP-9210(32)

Job Title Whittington Ave. – Hwy. 7S (Hot Springs) (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary and minor during construction
Cultural Resources	X			SHPO clearance attached
Economic	X			
Endangered Species	X			USFWS coordination attached
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			All work within existing right of way
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? No

Short-term Activity Authorization Required? No

Section 404 Permit Required? No Type None

Remarks: _____

Signature of Evaluator  Date August 29 2017

ROADWAY DESIGN REQUESTJob Number 061546 FAP No. _____ County GarlandJob Name Whittington Ave. – Hwy. 7S (Hot Springs) (S)Design Engineer Stephen Sichmeller Environmental Staff _____Brief Project Description System Preservation

A. Existing Conditions:

Roadway Width: 40'-0" Urban Shoulder Type/Width: C.C.C.&G
22'-0" Rural Paved/2'-0"
 Number of Lanes and Width: 2@11' Existing Right-of-Way: 60'
 Sidewalks? Yes Location: Urban Width: 5'-0"
 Bike Lanes? Yes Location: Urban Width: 5'-0"

B. Proposed Conditions:

Roadway Width: 40'-0" Urban Shoulder Type/Width: C.C.C.&G
22'-0" Rural Paved/2'-0"
 Number of Lanes and Width: 2@11' Proposed Right-of-Way: 60'
 Sidewalks? Yes Location: Urban Width: 5'-0"
 Bike Lanes? Yes Location: Urban Width: 5'-0"

C. Construction Information:

If detour: Where: _____ Length: _____

D. Design Traffic Data:

2034 ADT: 17,000 2014 ADT: 14,000 % Trucks: 2
 Design Speed: 55 m.p.h.

E. Approximate total length of project: 2.00 mile(s)F. Justification for proposed improvements: System PreservationG. Total Relocates: N/A Residences: N/A Businesses: N/AH. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? Yes

Agency/Official	Person Contacted	Date
City of Hot Springs	Denny McPhate	5/11/2017
City of Hot Springs	Gary Carnahan	5/11/2017
Tri-Lakes MPO	Robert Tucker	5/11/2017