



## INTEROFFICE MEMORANDUM

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March 7, 2018

**TO:** Master Files

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

**SUBJECT:** Job Number 070265  
FAP Number STPF-0010(34)  
Hwy. 51 – I-30 (S)  
Route 53, Section 0  
Clark 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 this project is to overlay 5.7 miles of Highway 53 in Clark County and extend nine box culverts. All work will take place within existing right of way. A project location map is attached.

There are no relocatees, hazardous waste, or environmental justice issues associated with this project. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is attached.

The construction of this project will extend nine existing box culverts on unnamed tributaries of Terre Noire Creek. Total impacts to waters of the United States are estimated at less than 0.1 acre. The construction of this project should be allowed under the terms of a Nationwide Permit 14 for Linear Transportation Crossings as defined in Federal Register 82(4):1860-2008. Since impacts to waters of the United States are less than 0.1 acre, pre-construction notification to the Corp of Engineers will not be required.

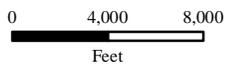
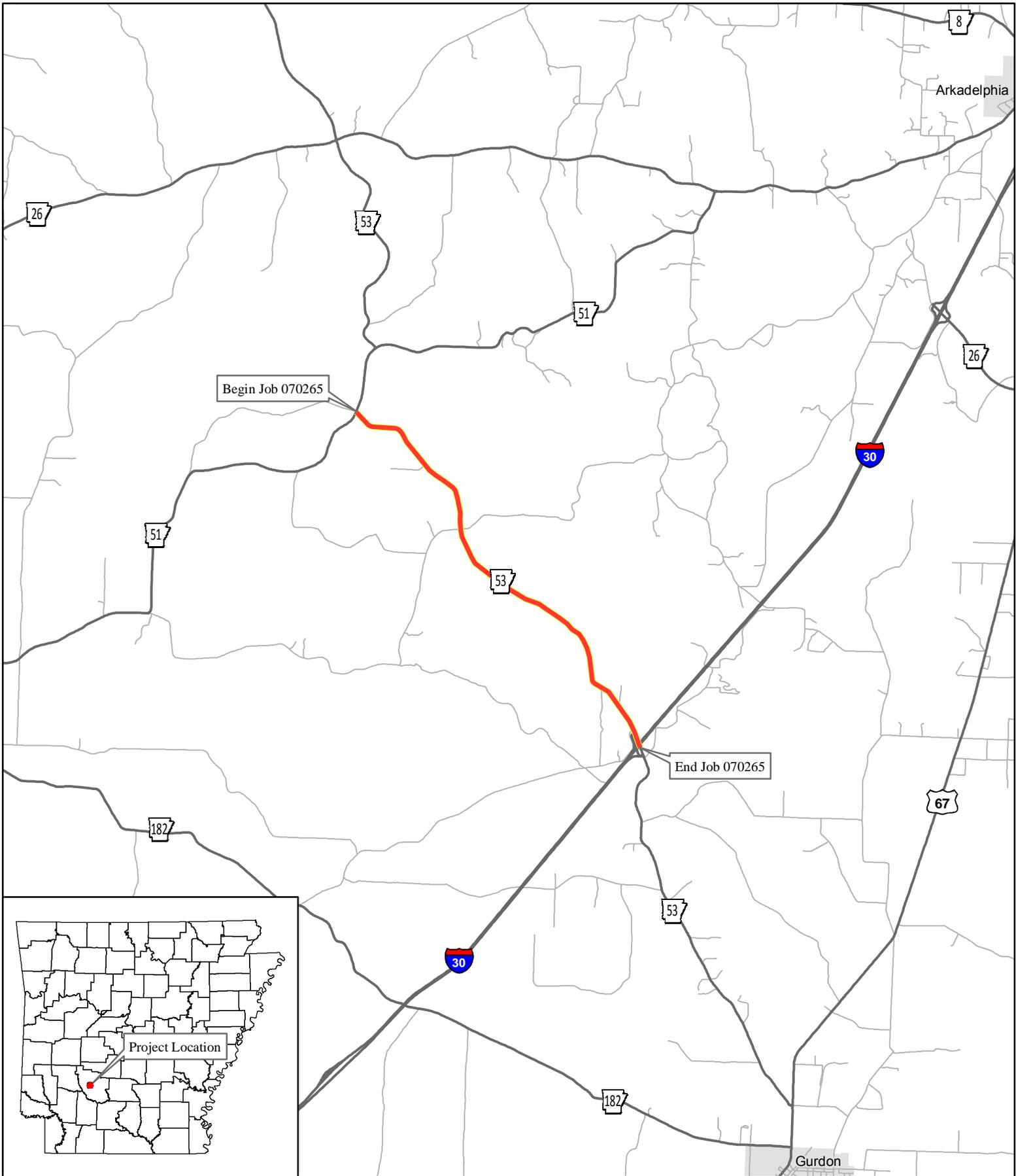
The official species list obtained for the project through the US Fish and Wildlife Service's Information for Planning and Consultation website identified three threatened species and four endangered species as potentially occurring within the project boundaries. The northern long-eared bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Ouachita Rock Pocketbook (*Arcidens wheeleri*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*), Winged Mapleleaf (*Quadrula fragosa*) and American burying beetle (*Nicrophorus americanus*) were identified as listed species that may occur within the project area. Based on the lack of habitat and distance to known locations for these species it is our determination that the proposed project will have a no effect on them.

JF:SL:fc

Attachments:

- Location Map
- SHPO Clearance
- USFWS Species List
- Environmental Study Checklist

c: Program Management  
Right of Way  
Roadway Design  
District 7  
FHWA



Job 070265  
Hwy. 51 - I-30  
(Hwy. 53)  
Clark County

 Project Location



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

*Loop 500. #1  
FHWA*

February 28, 2018

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

**AHPP**  
MAR 01 2018

RECEIVED  
ARDOT  
MAR 05 2018  
ENVIRONMENTAL  
DIVISION

Re: Job Number 070265  
Hwy. 51 – I-30 (Hwy.53)  
Clark County

Dear Ms. Hurst:

Please find enclosed an addendum to the Project Identification Form (PIF) previously submitted for the above referenced project. If you have any questions or require additional information about the project, please contact Milton Hughes of my staff at 501-569-2080.

Sincerely,

*Brenda Price*  
for John Fleming  
Division Head  
Environmental Division

Enclosures  
PIF Addendum

JF:DW:MH:fc

Date 3/1/2018  
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.  
*Thursell*  
Arkansas State Historic Preservation Officer



## 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:

February 23, 2018

Consultation Code: 04ER1000-2018-SLI-0612

Event Code: 04ER1000-2018-E-00862

Project Name: 070265 Highway 51 - I-30 (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/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

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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-0612

Event Code: 04ER1000-2018-E-00862

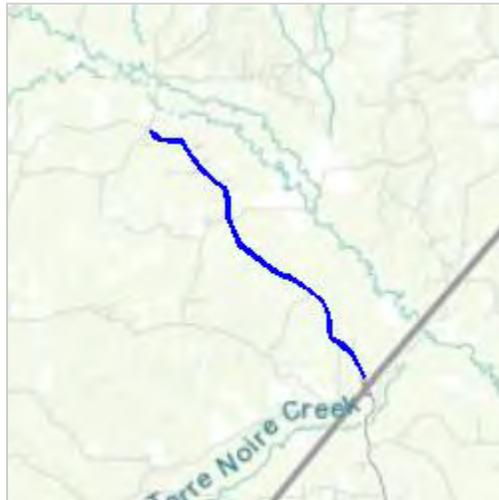
Project Name: 070265 Highway 51 - I-30 (S)

Project Type: TRANSPORTATION

Project Description: Overlay with nine box culvert extensions

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.02719428907136N93.21585199729991W>



Counties: Clark, 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
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: [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

### Clams

NAME	STATUS
Ouachita Rock Pocketbook <i>Arkansia wheeleri</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4509">https://ecos.fws.gov/ecp/species/4509</a>	Endangered
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>	Endangered
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> 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/5165">https://ecos.fws.gov/ecp/species/5165</a>	Threatened
Winged Mapleleaf <i>Quadrula fragosa</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4127">https://ecos.fws.gov/ecp/species/4127</a>	Endangered

## Insects

NAME	STATUS
<b>American Burying Beetle</b> <i>Nicrophorus americanus</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/66">https://ecos.fws.gov/ecp/species/66</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 IMPACTS ASSESSMENT FORM

ARDOT Job Number 070265 FAP Number STPF-0010(34)

Job Title Hwy. 51 – I-30 (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		During construction
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		Bird SP required
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		NW 14 Permit
Water Quality		X		Temporary during construction
Wetlands	X			
Wildlife Refuges	X			

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

Remarks: \_\_\_\_\_

Signature of Evaluator Sherry C. LeBlanc Date March 6, 2018