



## INTEROFFICE MEMORANDUM

---

January 11, 2018

**TO:** Master Files

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

**SUBJECT:** Job Number 070444  
FAP Number STPC-9271(15)  
Hwys. 82B & 371 (Sel. Secs.) (Magnolia) (S)  
Columbia County  
Tier 1 Categorical Exclusion

The subject job would mill and inlay approximately 3.4 miles of Highway 82B and Highway 371 in the City of Magnolia, Columbia County. Four existing corrugated metal pipe culverts under Highway 82B and the North West Railroad line would have slip liners installed and an additional pipe culvert would be pushed through next to the existing structures to increase drainage. A project location map is attached.

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

The proposed drainage work is authorized by the Section 404 Nationwide Permit 14 for Linear Transportation Projects as defined in Federal Register 82(4):1860-2008 and falls below preconstruction notification requirements and all applicable general and regional conditions.

The attached US Fish and Wildlife Service (USFWS) official species list identifies the Louisiana Pearlshell (*Margaritifera hembeli*) as a species potentially affected by the proposed project. Due to the limited scope of the project, lack of habitat

present within the project area, and distance to known habitat, a determination was made that the project will not affect this species.

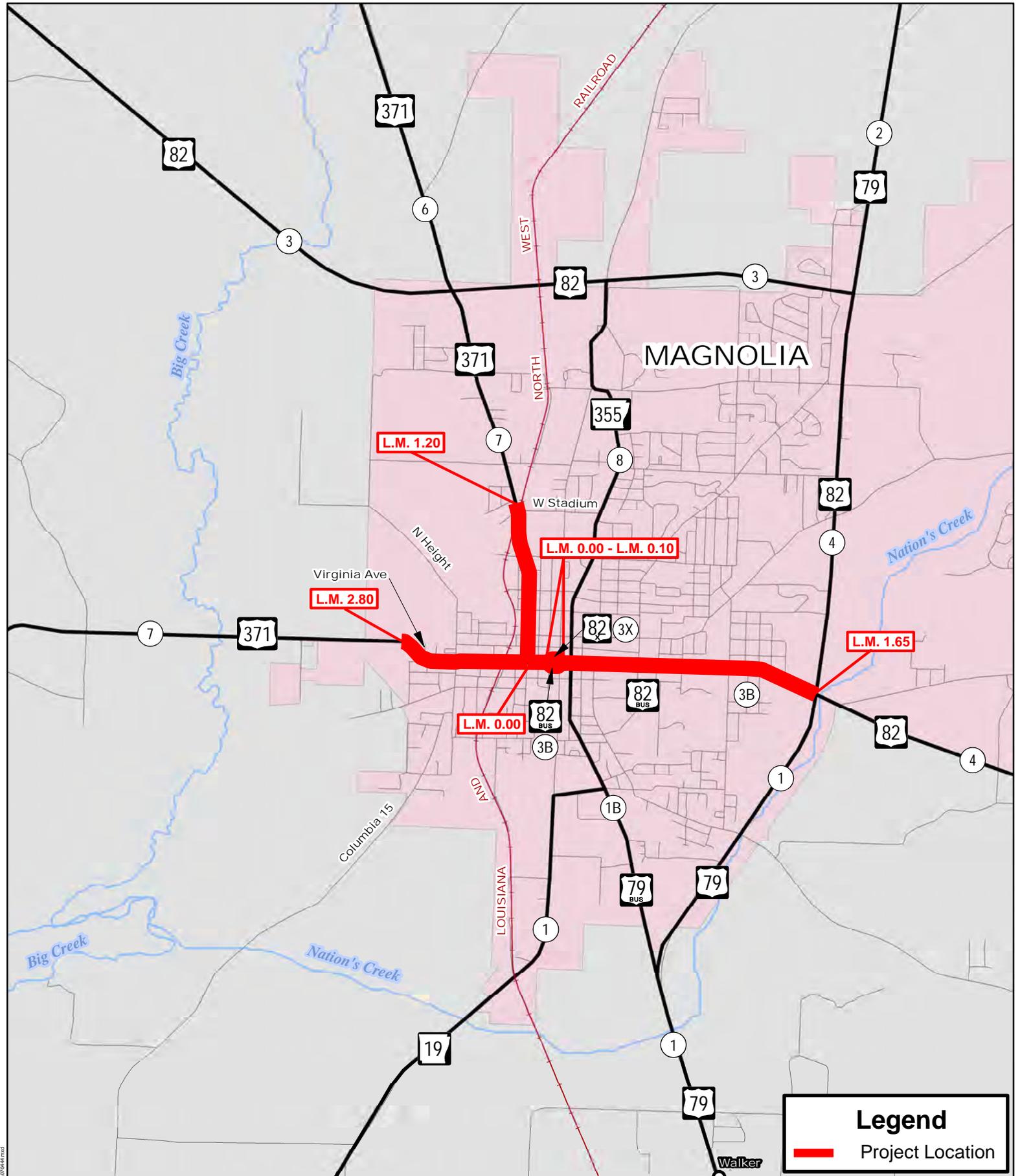
The City of Magnolia participates in the National Flood Insurance Program. The project lies within the Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life.

JF:SS:fc

Attachments:

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

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



# Job 070444

Hwys. 82B & 371 (Sel. Secs.) (Magnolia) (S)  
 Hwy. 82, Secs. 3B & 3X  
 Hwy. 371, Sec. 7  
 Columbia County



PM: PS: dmsp211: 2/3/2017



Document Path: \\sant\lgs\Programs\Comm\GIS\Projects\070444\070444.mxd

98584  
FHWA

ARKANSAS STATE HIGHWAY  
AND  
TRANSPORTATION DEPARTMENT

Scott E. Bennett, P.E.  
Director  
Telephone (501) 569-2000  
Voice/TTY 711



P.O. Box 2261  
Little Rock, Arkansas 72203-2261  
Telefax (501) 569-2400  
www.arkansashighways.com

June 20, 2017

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

AHPP

JUN 21 2017

Re: AHTD Job Number 070444  
Hwys. 82B & 371 (Sel. Secs.)  
(Magnolia)  
Columbia County

Dear Ms. Hurst:

A Project Identification Form for the referenced project is enclosed. Please review for concurrence with the findings of my staff. If you have any questions or require additional information, please contact Milton Hughes of my staff at 501-569-2080.

Sincerely,

John Fleming  
Division Head  
Environmental Division

RECEIVED  
AHTD

JUN 27 2017

ENVIRONMENTAL  
DIVISION

JF:DW:MH:ym

Enclosure  
PIF

JUN 26 2017

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

JUN 26 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:

January 02, 2018

Consultation Code: 04ER1000-2018-SLI-0316

Event Code: 04ER1000-2018-E-00516

Project Name: 070444

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

## Official Species List

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

This species list is provided by:

**Arkansas Ecological Services Field Office**

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

---

## Project Summary

Consultation Code: 04ER1000-2018-SLI-0316

Event Code: 04ER1000-2018-E-00516

Project Name: 070444

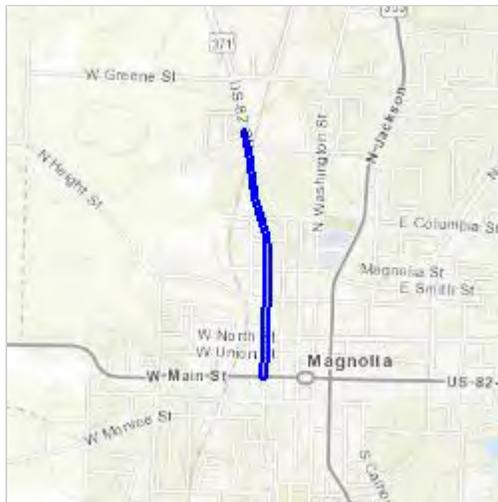
Project Type: TRANSPORTATION

Project Description: Mill and overlay. adding an additional culvert under railroad tracks and hwy at the intersection both.

Project Location:

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

<https://www.google.com/maps/place/33.273557406046336N93.24325097681496W>



Counties: Columbia, AR

---

## Endangered Species Act Species

There is a total of 1 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.

### Clams

NAME	STATUS
Louisiana Pearlshell <i>Margaritifera hembeli</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8468">https://ecos.fws.gov/ecp/species/8468</a>	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 070444 FAP Number STPC-9271(15)

Job Title Hwys. 82B & 371 (Sel. Secs.) (Magnolia) (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			"No effect" on any listed species
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife	X			
Floodplains		X		In Zone A
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		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 Nationwide Permit #14

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

Signature of Evaluator Susan Staffeld Date January 4, 2018

# PCN Checklist

Job Number and Name: \_\_\_\_\_

Natural Resource Employee: \_\_\_\_\_

**(1)** Does your project occur within (*or within a mile of*) a special resource waterbody (e.g. ERW, ESW, Natural and Scenic or Wild and Scenic)?

Yes  No

\*\*\*If yes, PCN required and Individual Water Quality Certification\*\*\*

Name of waterbody: \_\_\_\_\_

**(2)** Is this a maintenance project involving removal of accumulated sediments near a bridge or culvert?

Yes  No

**(3)** A NWP No 14:

A) With more than 0.1 acre impacts OR

B) A discharge into special aquatic site including wetlands OR

C) In one of the following counties: *Cleburne, Van Buren, Conway, Faulkner, or White?*

Yes  No

**(4)** Is the project a NWP23?

Yes  No

**(5)** Is the project in wetlands:

A) In *Ashley, Clay, Jackson, Lawrence, Woodruff or Craighead County* OR

B) Any of the following waters of the US: Fens, Bogs, Seeps, Dune Depressions OR

C) Cache River and adjacent wetlands downstream of Hwy 18?

Yes  No

**(6)** Is the project in one of the following counties: *Benton or Stone?*

Yes  No

**(7)** Is the project impacting one of the following creeks or rivers?

Antoine River	Frog Bayou	Little Missouri River (Below Greeson)		Saline River (below Dierks Reservoir) *Western	
Arkansas River	Illinois River	Little River (above and below Millwood)		Saline River	
Big Brushy Creek (Montgomery)	Muddy Fork	Little Red River		Alum Fork	Middle Fork
Black River	Irons Fork (Polk)	Devil's Forks	Big Creek	North Fork	South Fork
Brush Creek (Perry and Yell)	Ouachita River	Beech Creek	Middle Fork	Spring River	
Buffalo Creek (Polk)	Iron Fork	Turkey Creek	South Fork	South Fork	
Buffalo River	North Fork	Archey Creek		St. Francis River and Floodway	
Caddo River	South Fork	Mississippi River		Clark Corner Cutoff	Little Bay Ditch
Clear Fork (Scott)	Kings River	Mountain Fork River (Polk)		Cross County Ditch	Little Slough Ditch
Cassatot River	L'Anguille River	Muddy Creek		Ditches 10, 123, 60, 61, 9	St. Francis Bay
Current River	Lewis Creek (Polk)	Myatt Creek		Iron Mines Creek	Straight Slough
Eleven Point River	Little River (Northeast St. Francis Trib)	Rainy Creek (Montgomery)		Strawberry River	
Fiddlers Creek (Montgomery and Yell)	Left Hand Chute	Red River		Tyronza River	
Fourche LaFave River	Right Hand Chute	Robinson Creek (Polk and Sevier)		War Eagle Creek	
Dry Fork	All Ditches	Rolling Fork (Below DeQueen Reservoir)		White River	
South Fork	Little Brushy Creek (Montgomery)				

Yes  No

\*\*\*If you selected yes to any of the questions above a PCN is required\*\*\*

**(8)** IF PCN is required, is the project in an impaired waterbody for turbidity/siltation, a waterbody with a TMDL for turbidity/siltation or within a mile of one the above?

Yes  No

If yes individual Water Quality Certification Required.

Name of Waterbody: \_\_\_\_\_