



INTEROFFICE MEMORANDUM

December 20, 2017

TO: Master Files

FROM: John Fleming, Division Head, Environmental Division 

SUBJECT: Job Number 090488
FAP Number NHPP-0004(809)
Beaver Lake Bridge Deck Rehab. (S)
Benton County
Tier 1 Categorical Exclusion

The proposed project will rehabilitate Bridge #03636 on Highway 12 over Beaver Lake in Benton County, AR. Cold milling and hydrodemolition will be used on the 1,515-foot long deck. Existing joint seal will be removed, backer rods placed, and silicone joint sealant installed across the width of the deck. The deck will receive a latex modified concrete overlay with a grooved finish and a protective surface treatment. All work will take place within existing right of way. A project location map is attached along with the State Historic Preservation Officer's clearance.

The U.S. Fish and Wildlife Service (USFWS) identified gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Piping Plover (*Charadrius melodus*), Ozark cavefish (*Amblyopsis rosae*), and Rabbitsfoot (*Theliderma cylindrica*) as potentially occurring at or near the project location. The USFWS species list is attached. On June 14, 2017, ARDOT Environmental Division personnel conducted a field survey of the proposed project area. With the distance to known records and the incorporation of special provision for water pollution control, the project was determined to have "no effect" on listed species. Special Provisions for migratory birds, boater safety, and hydrodemolition activities will be included in the contract.

Job Number 090488
Tier 1 Categorical Exclusion
Page 2 of 2

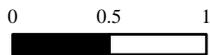
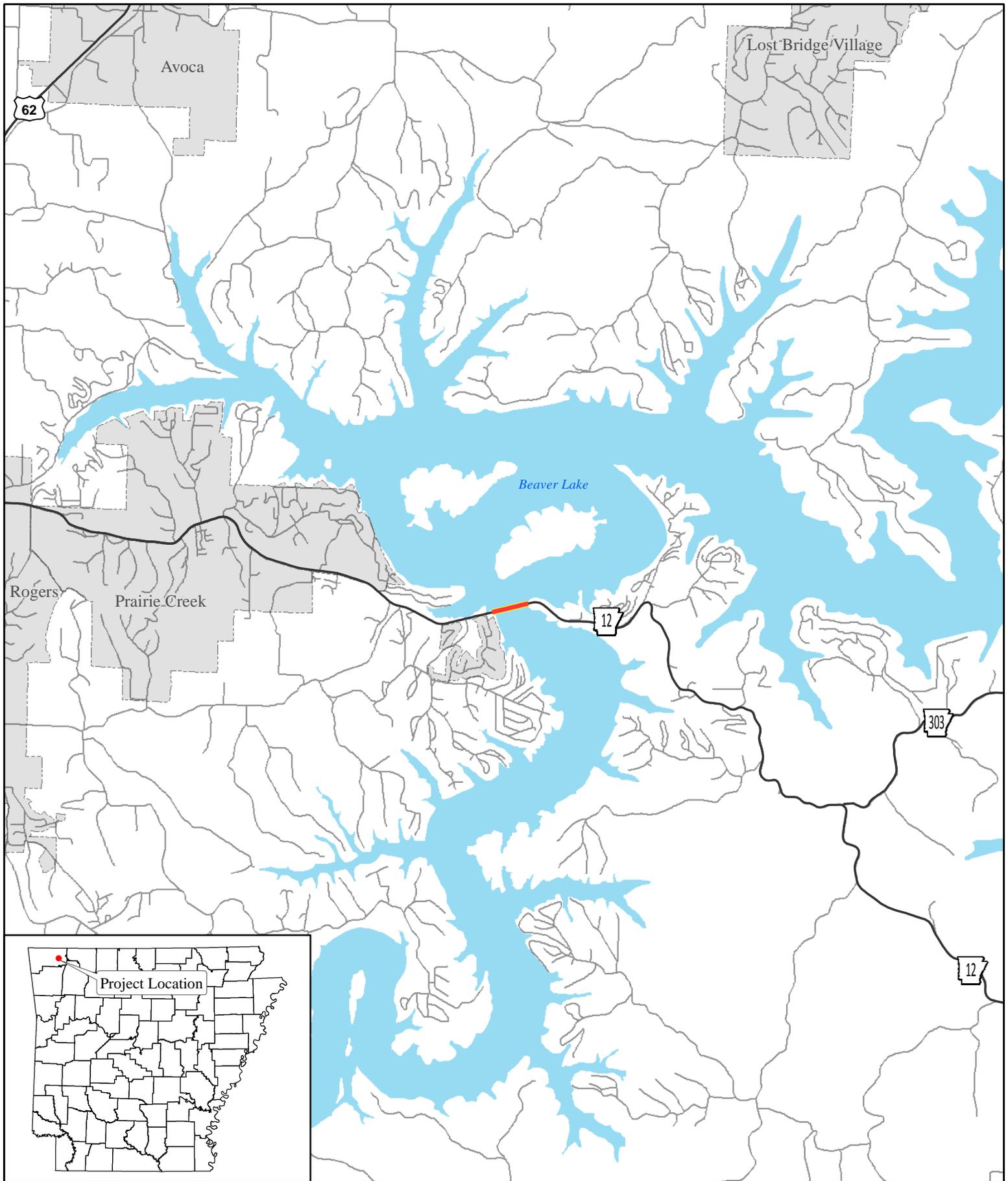
After appropriate environmental review, it has been determined that the subject job is a Tier 1 Categorical Exclusion as described by the ARDOT/FHWA Memorandum of Agreement on Categorical Exclusion Documentation and Processing. A public hearing will not be offered for this project.

JF:MP:fc

Attachments:

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

c: Program Management
Right of Way
Roadway Design
District 9
FHWA



ARDOT - Environmental GIS - Hopkins
October 30, 2017

Job 090488
Beaver Lake Bridge
Deck Rehab. (Hwy. 12)
Benton County





THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

December 18, 2017

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

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AHTD

DEC 20 2017

ENVIRONMENTAL
DIVISION

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: Benton County – General
Section 106 Review – FHWA
Request for Technical Assistance
AHTD Job Number 090488
Beaver Lake Bridge Deck Rehab. (S)
AHPP Tracking Number 99799

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 structure included in your letter of December 13, 2017 and has determined that the Beaver Lake Bridge (ARDOT Bridge Number 03636 is eligible for inclusion in the National Register of Historic Places. However, we have determined that this undertaking will have no adverse effect to historic properties.

Tribes that have expressed an interest in the area include the Cherokee Nation (Ms. Elizabeth Toombs), the Osage Nation (Dr. Andrea Hunter), the Shawnee Tribe of Oklahoma (Ms. Kim Jumper), and the United Keetoowah Band of Cherokee Indians (Mr. Eric Oosahwee-Voss). 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 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:

October 31, 2017

Consultation Code: 04ER1000-2018-SLI-0104

Event Code: 04ER1000-2018-E-00173

Project Name: Job 090488 Beaver Lake Bridge Deck Rehab. (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: 04ER1000-2018-SLI-0104

Event Code: 04ER1000-2018-E-00173

Project Name: Job 090488 Beaver Lake Bridge Deck Rehab. (S)

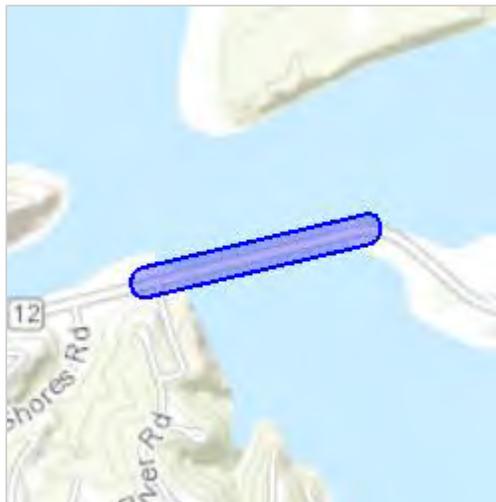
Project Type: TRANSPORTATION

Project Description: Bridge rehabilitation

Project Location:

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

<https://www.google.com/maps/place/36.33256014946903N94.01756286621097W>



Counties: Benton, AR

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
<p>Gray Bat <i>Myotis grisescens</i> 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> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949</p>	Endangered
<p>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</p>	Threatened
<p>Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7245</p>	Endangered

Birds

NAME	STATUS
<p>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 final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039</p>	Threatened

Fishes

NAME	STATUS
<p>Ozark Cavefish <i>Amblyopsis rosae</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/6490</p>	Threatened

Clams

NAME	STATUS
<p>Rabbitsfoot <i>Quadrula cylindrica cylindrica</i></p> <p>There is final critical habitat for this species. Your location is outside the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/5165</p>	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 090488 FAP Number NHPP-0004(809)

Job Title Beaver Lake Bridge Deck Rehab. (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary
Cultural Resources	X			
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			
Migratory Birds	X			Bird SP will be prepared
Navigation/Coast Guard		X		Boater Safety SP will be prepared
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			Public water supply coordination initiated
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; Hydrodemolition SP will be prepared
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? No

Section 404 Permit Required? No Type _____

Remarks: _____

Signature of Evaluator Mary G. Pearson Date December 5, 2017