

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 090502
FAP NUMBER NHPP-0408(9)
PINEY CREEK STR. & APPRS. (S)
ROUTE 21, SECTION 5
CARROLL COUNTY**

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

January 2020

1/21/2020

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 Programmatic 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 the Piney Creek Bridge (Bridge #03309) on Highway 21 in Carroll County. Total length of the project is 0.33 mile. A project location map is attached.

The existing roadway consists of two 11' wide paved travel lanes with 2' paved shoulders. The existing Piney Creek Bridge (#03309) is a 162' x 28.7' structure. The bridge is considered to be in poor condition. Existing right of way width averages 80'.

Proposed improvements include two 12' wide paved travel lanes with 8' wide shoulders (2' paved). The proposed bridge will be 188' x 43' and built 50' downstream of the existing bridge. No detour will be necessary. The new average right of way width will be 160'. Approximately 3.4 acres of additional right of way and 0.1 acre of temporary construction easements will be required for this project.

Design data for this project is as follows:

	Design Year	Average Daily Traffic	Percent Trucks	Design Speed
Hwy. 21	2020	2,700	12	55 mph
	2040	3,400	12	55 mph

The project will not involve prime farmlands, underground storage tanks, hazardous materials, or any environmental justice issues. *Public Law 91-646, Uniform Relocation Assistance Act of 1970*, as amended, will apply due to one residential relocation. The State Historic Preservation Officer's clearance is attached.

A wellhead protection area for the Cedar Creek Country Store is within 0.3 mile of the project. The Cedar Creek Country Store well is considered a transient water system according to the Arkansas Department of Health regulations. A Wellhead Protection Special Provision will be added to the contract to ensure adequate wellhead protection.

The official species list was obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website and lists the

following species: gray bat (*Myotis grisescens*), northern long-eared bat (*Myotis septentrionalis*), Indiana bat (*Myotis sodalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus americana*), and Missouri bladderpod (*Physaria filiformis*). The species list is attached. Missouri bladderpod is a glade species not known to exist in this county and due to the lack of suitable habitat and distance to known occurrences, it has been determined that this project will have “no effect” on the bird species.

The project was determined outside the scope of the Programmatic Biological Opinion for Transportation Projects within the range of the Indiana bat and northern long-eared bat. Based on the results of the 4(d) Rule Determination Key within IPaC, a “may affect” determination with no prohibited take was made for the northern long-eared bat. The “may affect” verification letter is attached. Based on negative survey results, distance to known populations of listed species, and the use of appropriate erosion and sediment control, a determination of “may affect, not likely to adversely affect” the remaining three species. The USFWS concurrence was received on June 9, 2019 and is attached.

The project will have a discharge of dredged or fill material into waters of the United States and impact approximately 250 linear feet of Piney Creek; 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. Preconstruction notification is not required.

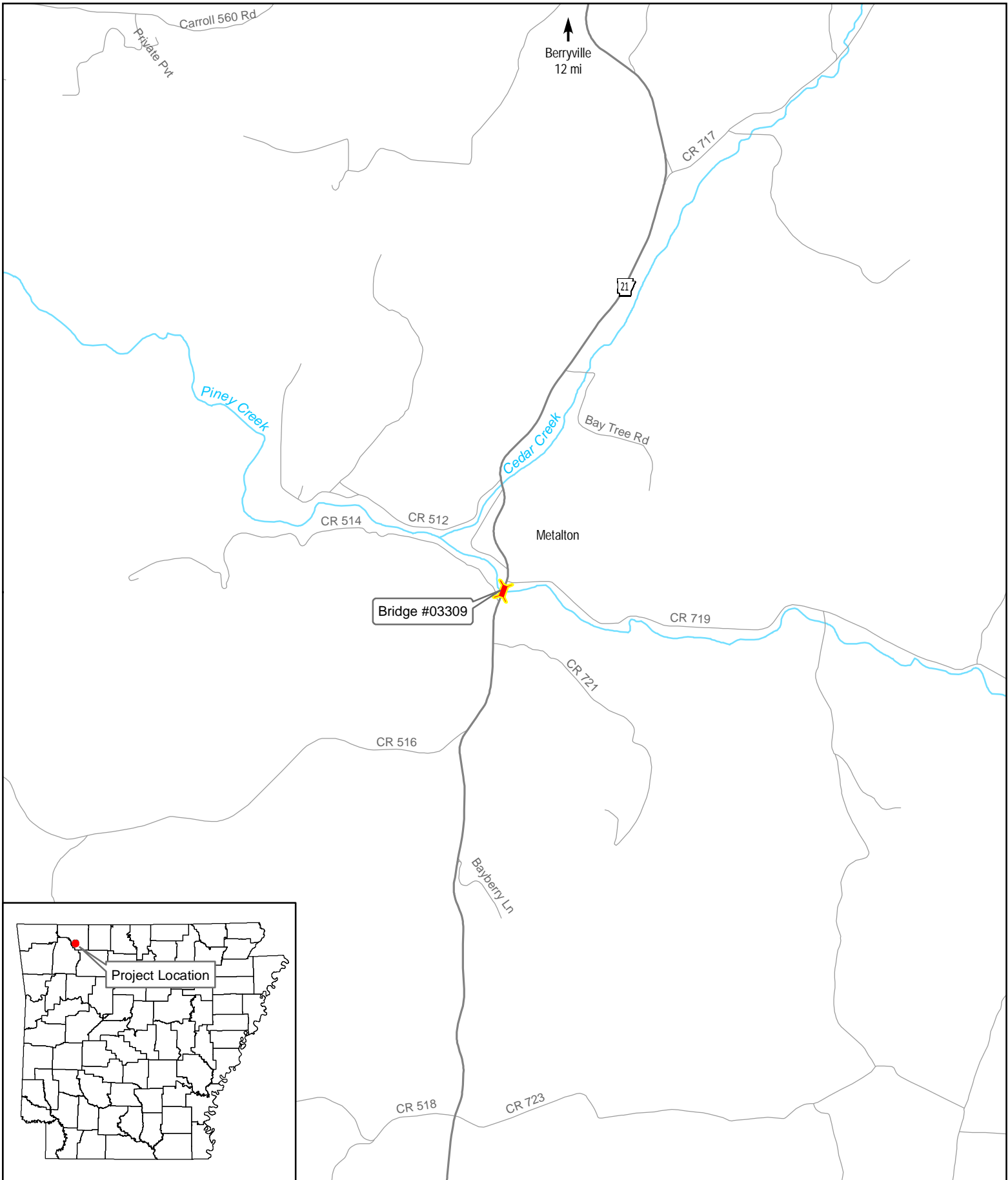
Noise predictions were made for this project using the FHWA Traffic Noise Model Version 2.5. The predicted noise level increases are below applicable noise impact criteria; therefore, noise impacts are not anticipated. In compliance with federal guidelines, local authorities will not require notification.

Carroll County 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 would constitute a substantial floodplain encroachment or a risk to property or life.

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.

Job Number 090502
Tier 3 Categorical Exclusion
Page 3 of 3

No other adverse environmental impacts were identified. No public involvement will be needed for the project. The checklist used to verify consideration of potential environmental impacts is attached.




Berryville
12 mi

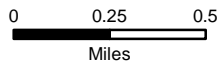
Bridge #03309

Metalton

Project Location

Job 090502
Piney Creek Str. & Apprs.
Carroll County

 Project Location





ARKANSAS HERITAGE



January 16, 2020

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

RE: Carroll County – General
Section 106 Review – FHWA
Piney Creek Str. & Apprs. (S)
Route 21, Sec. 5
ARDOT Job Number: 090502
AHPP Tracking Number: 101267.04

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form (PIF) for the above-referenced job in Carroll County. As described, the undertaking entails replacing Bridge 03309 that spans Piney Creek on Highway 21. In correspondence dated June 7, 2018, the AHPP concurred that Bridge 03309 (referred to as Property 2 in the letter) is not eligible for inclusion in the National Register of Historic Places (NRHP).

The AHPP concurs that Sites 3CR0374 and 3CR0375 are not eligible for inclusion in the NRHP. Documentation of Site 3CR0373 presented in the PIF notes that testing was limited to the right-of-way and it is unknown how far the site may extend to the west and north. Therefore, the AHPP cannot concur with the determination that Site 3CR0373 is not eligible for the NRHP. The AHPP recommends Site 3CR0373 undetermined for NRHP eligibility. However, based on the results of the cultural resources investigation documenting the portion of the site within the area of potential effects, we agree that the proposed undertaking will not cause effects to the site as defined in 36 CFR §800.16(i).

The AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)**. In the event of a post-review discovery of historic properties within the area of potential effects, please contact the AHPP and other consulting parties in accordance with 36 CFR § 800.13(b)(3).

Tribes that have expressed an interest in the area include the Cherokee Nation (Ms. Elizabeth Toombs), the Delaware Nation (Ms. Nekole Alligood), the Osage Nation (Dr. Andrea Hunter), and the Shawnee Tribe (Ms. Tonya Tipton). We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

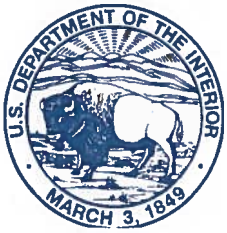
Thank you for the opportunity to review this PIF and undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Eric Mills of my staff at 501-324-9784 or email eric.mills@arkansas.gov.

Sincerely,



Scott Kaufman
Director, AHPP

cc: Mr. Randall Looney, Federal Highway Administration
Dr. Ann Early, Arkansas Archeological Survey



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



June 19, 2019

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

Dear Mr. Fleming:

Thank you for your email of June 12, 2019. The U.S. Fish and Wildlife Service (Service) is responding to your request, regarding Job Number 090502(c) Piney Creek Strs. & Apprs. (S), Carroll County, Arkansas. The project was described and assessed as follows (abbreviated and summarized):

Piney Creek (Carroll County) affected species: Gray Bat (*Myotis grisescens*), Northern Long-eared Bat (*Myotis septentrionalis*), Indiana Bat (*Myotis sodalis*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Rabbitsfoot (*Theliderma cylindrica*), and Missouri Bladderpod (*Physaria filiformis*). The nearest site of Rabbitsfoot is over 20 miles downstream in the lower Kings River. Missouri Bladderpod is a glade species not known to exist in this county.

FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) determination key within IPaC provided not likely to adversely affect concurrence letter for the site. The Piney Creek site includes the taking of a house within the proposed ROW. The project was determined outside the scope of the PBO. AMM's will be applied to the site of the job and is seeking concurrence with the determination of not likely to adversely affect Ozark Big-eared Bat, Northern Long-eared Bat (IPaC NLEB 4(d) Rule Determination Provided), Indiana Bat, and Gray Bat.

The Service has reviewed your determination that the proposed action will not result in any prohibited incidental take for Northern Long-eared Bat. This project may affect the Northern Long-eared Bat; however, there are no effects beyond those previously disclosed in the Service's programmatic biological opinion for the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR§17.40(o)).

This project is consistent with the description of the proposed action in the programmatic biological opinion, and the 4(d) rule does not prohibit incidental take of the Northern Long-eared Bat that may occur as a result of this project. Therefore, the programmatic biological opinion satisfies the "action agency" responsibilities under ESA section 7(a)(2) relative to the Northern Long-eared Bat for this project.

Mr. John Fleming

2

Please keep in mind that you must report any departures from the plans submitted; results of any surveys conducted; or any dead, injured, or sick Northern Long-eared Bats that are found to this office. If this project is not completed within one year of this letter, you must update your determination and resubmit the required information.

Based on the location of this action, the minimal habitat being affected, the negative findings of the bat surveys and assessments, the distance to known species locations, and the application of standard sediment and erosion controls, the Service agrees with your assessment and concurs with your determinations of "may affect, but not likely to adversely affect" for Ozark Big-eared Bat, Indiana Bat, and Gray Bat. Additionally, the Service agrees with your assessment for all other species identified within your review. No further consultation regarding these species is necessary 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.

Sincerely,



Melvin L. Tobin
Field Supervisor

cc: Project File

Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2019\ARDOT\090502(c) Piney Creek\AFO Letter - ArDOT Job 090502(c) Dry Fork Creek_USFWS Consultation - 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:

December 10, 2019

Consultation Code: 04ER1000-2019-SLI-0997

Event Code: 04ER1000-2020-E-00629

Project Name: 090502 - Dry Fork, Little Sugar & Piney Creeks Strs. & Apprs. (S) Piney Creek

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.**

If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.

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: 04ER1000-2019-SLI-0997

Event Code: 04ER1000-2020-E-00629

Project Name: 090502 - Dry Fork, Little Sugar & Piney Creeks Strs. & Apprs. (S) Piney Creek

Project Type: TRANSPORTATION

Project Description: replace the existing Hwy. 21 Bridge on new location adjacent to the west.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.22268567817841N93.52998554706573W>



Counties: Carroll, AR

Endangered Species Act Species

There is a total of 8 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 Fisheries¹, 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.

-
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.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
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	Endangered
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
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7245	Endangered

Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Proposed Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

Flowering Plants

NAME	STATUS
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.



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:

June 17, 2019

Consultation Code: 04ER1000-2019-TA-0997

Event Code: 04ER1000-2019-E-02007

Project Name: 090502 - Dry Fork, Little Sugar & Piney Creeks Strs. & Apprs. (S) Piney Creek

Subject: Verification letter for the '090502 - Dry Fork, Little Sugar & Piney Creeks Strs. & Apprs. (S) Piney Creek' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Mickey Matthews:

The U.S. Fish and Wildlife Service (Service) received on June 17, 2019 your effects determination for the '090502 - Dry Fork, Little Sugar & Piney Creeks Strs. & Apprs. (S) Piney Creek' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Gray Bat, *Myotis grisescens* (Endangered)
- Indiana Bat, *Myotis sodalis* (Endangered)
- Missouri Bladderpod, *Physaria filiformis* (Threatened)
- Ozark Big-eared Bat, *Corynorhinus (=Plecotus) townsendii ingens* (Endangered)
- Rabbitsfoot, *Quadrula cylindrica cylindrica* (Threatened)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

090502 - Dry Fork, Little Sugar & Piney Creeks Strs. & Apprs. (S) Piney Creek

2. Description

The following description was provided for the project '090502 - Dry Fork, Little Sugar & Piney Creeks Strs. & Apprs. (S) Piney Creek':

replace the existing Hwy. 21 Bridge on new location adjacent to the west.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.22268567817841N93.52998554706573W>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

5. Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

6. Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0.9

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?
0

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

ARDOT Job Number 090502 FAP Number NHPP-0408(9)

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

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT impacts anticipated
Cultural Resources	X			SHPO clearance attached
Economic	X			Will not be impacted by project
Endangered Species		X		See USFWS coordination
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		Temporary impacts during construction
Floodplains		X		Floodplain SP required
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No sites in project area
Land Use	X			Will not be impacted by project
Migratory Birds		X		Migratory Bird SP to be placed in contract
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			No prime farmland
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA		X		Wellhead SP added
Relocatees		X		1 residential relocatee
Section 4(f)/6(f)	X			4(f)/6(f) resources not present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No USTs in project area
Visual	X			No changes to visual environment
Streams		X		Temporary impacts during construction
Water Quality		X		Temporary impacts during construction
Wetlands	X			None in project area
Wildlife Refuges	X			None in 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  Date January 7, 2020

ROADWAY DESIGN REQUEST

Job Number 090502 FAP No. NHPP-0408(9) County Carroll

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

Design Engineer Crafton Tull Environmental Staff _____

Brief Project Description Bridge Replacement at Piney Creek

A. Existing Conditions:

Roadway Width: 26' Shoulder Type/Width: 2' (Paved)

Number of Lanes and Width: 2-11' Existing Right-of-Way: 80'

Sidewalks? No Location: _____ Width: _____

Bike Lanes? No Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 40' Shoulder Type/Width: 8' (2' Paved)

Number of Lanes and Width: 2-12' Proposed Right-of-Way: 160'

Sidewalks? No Location: _____ Width: _____

Bike Lanes? No Location: _____ Width: _____

C. Construction Information:

If detour: Where: _____ Length: _____

D. Design Traffic Data:

2020 ADT: 2,700 2040 ADT: 3,400 % Trucks: 12%
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.329 mile(s)

F. Justification for proposed improvements: Bridge Replacement

G. Total Relocates: 1 Residences: 1 Businesses: 0

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

Agency/Official	Person Contacted	Date