

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

INTER OFFICE MEMORANDUM

July 19, 2017

TO: Master Files

FROM: JFM John Fleming, Division Head, Environmental Division

B. Price

SUBJECT: Job Number 090503
FAP Number ER-0051(20)
Hwy. 74 Slide Repair (Newton Co.) (S)
Newton 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 AHTD/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 repair a slide on Highway 74 caused by flooding events in the fall and winter of 2015. Total length of the project is 0.134 mile. The slide is located approximately 1.9 mile west of Highway 327 in Newton County. A project location map is attached.

The project will involve using a soil nail wall, a method of landslide stabilization that internally reinforces soil by "nailing" an external wall through the soil to deeper shale or rock. A temporary construction easement of less than 0.1 acre will be required for driveway reconstruction. All other work will occur within existing right of way.

There are no hazardous materials, wetlands, underground storage tanks, relocatees, or public water supplies associated with this project. Clearance from the State Historic Preservation Officer is attached. No Section 404 Permit will be required.

Although the project is within the range of listed threatened and endangered species, there is no suitable habitat for them in the project area that will be impacted by the proposed work. U.S. Fish and Wildlife Service coordination materials are attached.

Based upon the AHTD's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. The project meets the criteria for a Type III project established in 23 CFR 772. Therefore, the project requires no analysis for highway traffic noise impacts. Type III projects do not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway or exposure of noise sensitive land uses to a new or existing highway noise source. A noise analysis will be required if changes to the proposed project result in reclassification to a Type I project.

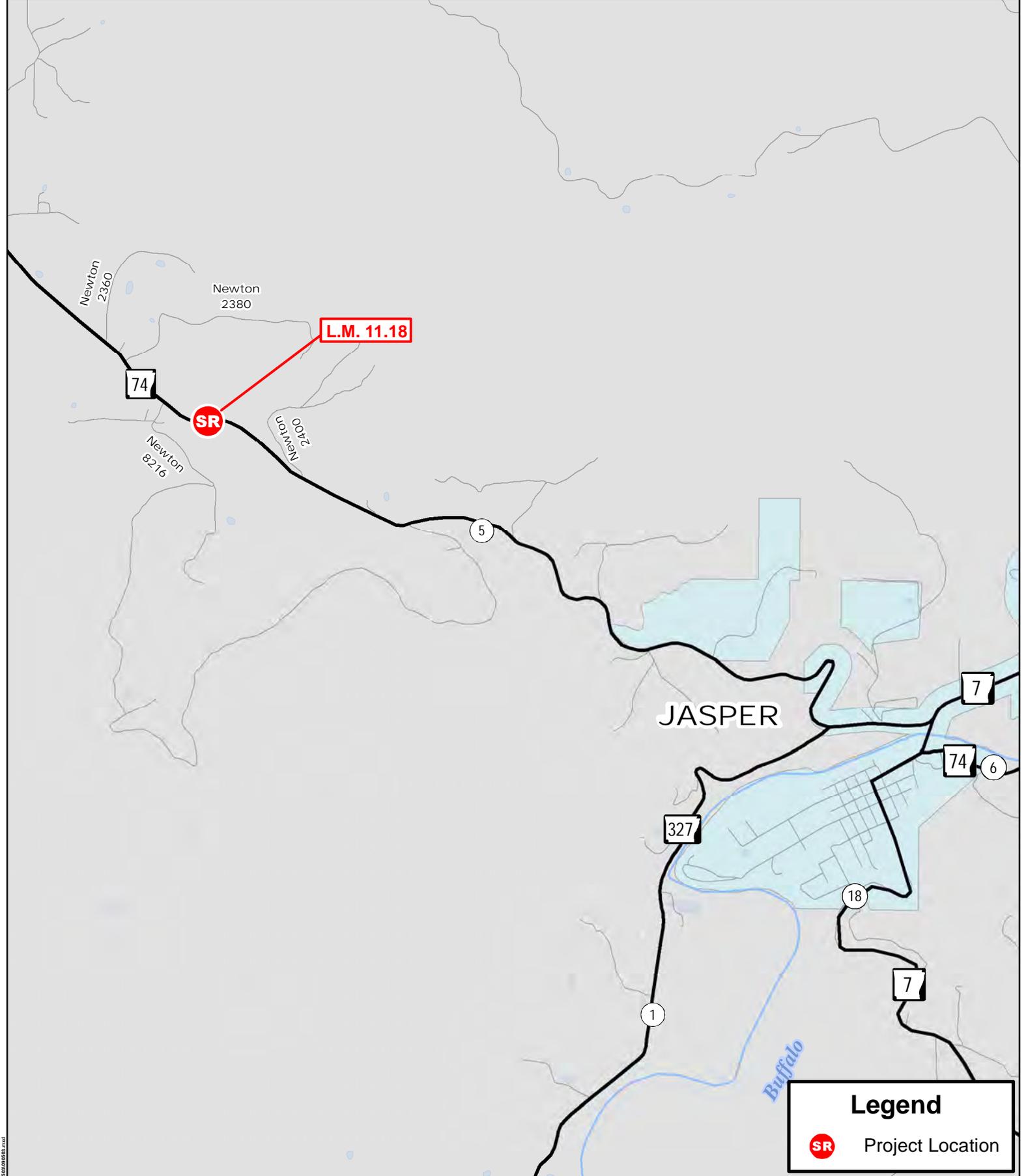
JF:SS:fc

Attachments:

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

c: Program Management

- Right of Way
- Roadway Design
- District 9
- FHWA
- Master File



Legend

 Project Location

Job 090503

Hwy. 74 Slide Repair (Newton Co.) (S)

Hwy. 74, Sec. 5

Newton County



PM: PS: clde014: 5/22/2017



Document Path: \\sart\GIS\Programs\Contract\Sketch\map090503090503.mxd

From: [Theresa Russell](#)
To: [Wilks, Diana](#); [Environmental Clearance](#)
Cc: [Theresa Russell](#)
Subject: Job No. 090503 - Newton County - AHPP No. 98778
Date: Tuesday, July 18, 2017 8:38:32 AM

The staff of the Arkansas Historic Preservation Program has reviewed the documentation submitted for a slide repair for Job 090503. Based on the information provided, we concur that the proposed undertaking will have no effect on historic properties. This effect determination could change should additional information come to light. Your hard copy should go out soon.

Theresa Russell
Section 106 Structure Reviewer



Arkansas Historic Preservation Program

an agency of the Department of Arkansas Heritage

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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:

July 17, 2017

Consultation Code: 04ER1000-2017-SLI-1008

Event Code: 04ER1000-2017-E-01475

Project Name: 090503 Hwy. 74 Slide Repair (Newton County) (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: 04ER1000-2017-SLI-1008

Event Code: 04ER1000-2017-E-01475

Project Name: 090503 Hwy. 74 Slide Repair (Newton County) (S)

Project Type: TRANSPORTATION

Project Description: A landslide has impaired a small portion of Highway 74 in Newton County, between Jasper and Mt. Sherman. The AHTD proposes the use of a soil nail to repair and stabilize the landslide to prevent additional damage to the highway.

Project Location:

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

<https://www.google.com/maps/place/36.01993021241066N93.21374697482723W>



Counties: Newton, AR

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on your 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. Please contact the designated FWS office if you have questions.

Mammals

| NAME | STATUS |
|--|------------|
| <p>Gray Bat (<i>Myotis grisescens</i>)</p> <p>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>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5949</p> | Endangered |
| <p>Northern Long-eared Bat (<i>Myotis septentrionalis</i>)</p> <p>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>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7245</p> | Endangered |

Clams

| NAME | STATUS |
|--|------------|
| <p>Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>)</p> <p>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</p> | Threatened |
| <p>Snuffbox Mussel (<i>Epioblasma triquetra</i>)</p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4135</p> | Endangered |

Critical habitats

There are no critical habitats within your project area.

AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

AHTD Job Number 090503 FAP Number ER-0051(20)

Job Title Hwy. 74 Slide Repair (Newton Co.) (S)

| Environmental Impacts | None | Minor | Significant | Comments |
|--------------------------------|------|-------|-------------|-------------------------------|
| Air Quality | X | | | |
| Construction Impacts | | X | | Temporary and minor |
| 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 | | | 0.1 acre TCE, no proposed ROW |
| Migratory Birds | X | | | |
| Navigation/Coast Guard | X | | | |
| Noise Levels | X | | | |
| Prime Farmland | X | | | |
| Protected Waters | X | | | |
| Public Recreation Lands | X | | | |
| Public Water Supply/WHPA | | | | |
| 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 Susan Steffeld Date July 19, 2017