



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

January 12, 2018

Mr. Angel Correa
Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number 100958
FAP Number NHPP-0016(76)
Poinsett Co. Line – Hwy. 63B (S)
Craighead County
Tier 3 Categorical Exclusion

Dear Mr. Correa:

The Environmental Division has reviewed the referenced project and it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Memorandum of 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 provide a three-inch overlay on I-555 from the Poinsett County Line to Highway 63B. The existing cross-section will not change as a result of the proposed project and no additional right of way will be required. A project location map is enclosed.

There are no relocations, wetlands, hazardous materials, or prime farmland impacts associated with this project. No impacts to cultural resources are anticipated; the Section 106 Clearance is enclosed. No Section 404 permit will be required.

The US Fish and Wildlife Service (USFWS) IPaC website lists Indiana bat (*Myotis sodalis*), Rabbitsfoot (*Theliderma cylindrica*), Scaleshell Mussel (*Leptodea leptodon*), Pondberry (*Lindera melissifolia*), and Missouri bladderpod as 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 these listed species. Fat Pocketbook (*Potamilus capax*) is also listed as a potentially affected species and Ditch 10 is known to have a population of Fat Pocketbook. This project, with the added Water Pollution Prevention Special Provision,

Job Number 100958
Tier 3 Categorical Exclusion
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“may affect, but is not likely to adversely affect” the Fat Pocketbook. USFWS concurrence was received December 22, 2017.

Based upon the ARDOT’s Policy on Highway Traffic Noise Abatement, a noise analysis is not required for this project. This project does 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.

If you have any questions, please contact the Environmental Division at 569-2281.

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 1/12/2018

Sincerely,


for John Fleming
Division Head
Environmental Division

Enclosures

JF:JB:fc

c: Program Management
Right of Way
District 10
Master File

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

INTEROFFICE MEMORANDUM

June 21, 2017

TO: Job File

FROM: Jason Eads, Cultural Resources Section, Environmental Division

SUBJECT:  Previously Approved
Job Number 100958
Poinsett Co. Line-Hwy. 63B (S)
Craighead County

This job proposes to overlay an existing 8.94 miles of road surface with asphalt on Interstate 555, from the Poinsett Co. Line to Hwy. 63B in Jonesboro, in Craighead County. This project originally fell under AHTD Job 012267 and was approved by SHPO on November 18, 2016. This project is also subject to the 1999 MOA and falls under the exempted Work Category "Resurfacing." The project is not considered an undertaking and requires no further work or Section 106 review.



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



December 22, 2017

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

Dear Mr. Fleming,

The U.S. Fish and Wildlife Service (Service) is responding to your request dated December 14, 2017, regarding ArDot Job 100958 Poinsett Co. Line - Hwy. 63B (S) in Craighead/Poinsett County, Arkansas. The project was described and assessed as follows (abbreviated):

The 100958 Poinsett Co. Line - Hwy. 63B (S) will consist of a 3" overlay of I-555 beginning at the Craighead/Poinsett County line and end approximately 9 miles north. Due to a known population of Fat Pocketbook (*Potamilus capax*) in Ditch 10, the Department will be implementing the attached special provision as a conservation measure. The department is requesting concurrence with a determination of "may affect, not likely to adversely affect" the Fat Pocketbook.

Due to the limited scope of the action (i.e., paving/overlaying existing roadway), minimal adjacent habitat effect, distance to known species locations, the standard special provision for sediment control, and the special provision for water pollution control, the Service concurs with the determination of "may affect, not likely to adversely affect" for Fat Pocketbook. No further consultation for this action and regarding this species is necessary at this time.

If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,

Melvin L. Tobin
Field Supervisor



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 11, 2017

Consultation Code: 04ER1000-2018-SLI-0253

Event Code: 04ER1000-2018-E-00418

Project Name: 100958 Poinsett Co. Line - Hwy. 63B (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-0253

Event Code: 04ER1000-2018-E-00418

Project Name: 100958 Poinsett Co. Line - Hwy. 63B (S)

Project Type: TRANSPORTATION

Project Description: 3" overlay with polymer overlay of bridges on I-555

Project Location:

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

<https://www.google.com/maps/place/35.75633538731505N90.57840297950122W>



Counties: Craighead, AR

Endangered Species Act Species

There is a total of 5 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
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

Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2780	Endangered
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5881	Endangered

Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1279	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

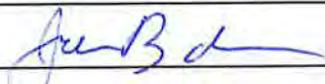
AHTD Job Number 100958 FAP Number NHPP-0016(76)

Job Title Poinsett Co. Line - Hwy. 63B (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Minor during construction
Cultural Resources	X			
Economic	X			
Endangered Species	X			Not Likely to Adversely Affect (NLAA)
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			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			
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  Date December 7, 2017