



INTEROFFICE MEMORANDUM

August 16, 2018

TO: Master Files

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

SUBJECT: Job Number 100959
FAP Number NHPP-555-3(1)40
Hwy. 63B - Hwy. 18 (S)
Route I-555, Section 3
Craighead 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 ARDOT/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 reconstruct 4.72 miles of Interstate 555 in Craighead County. Additional proposed improvements include polymer overlay on five bridges and hydro demolition of four bridges. A project location map is attached.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists Indiana bat (*Myotis sodalis*), Fat Pocketbook (*Potamilus capax*), Rabbitsfoot (*Theliderma cylindrica*), Scaleshell Mussel (*Leptodea leptodon*), and pondberry (*Lindera melissifolia*) as species potentially affected by the proposed project. This project will not affect these species due to the limited scope of the action (e.g. polymer overlay), lack of suitable habitat, and distance to known species locations. A "no effect" determination (for Indiana bat) was generated using the IPaC Effects Key for the FHWA programmatic biological opinion on August 8, 2018. The consistency letter is attached.

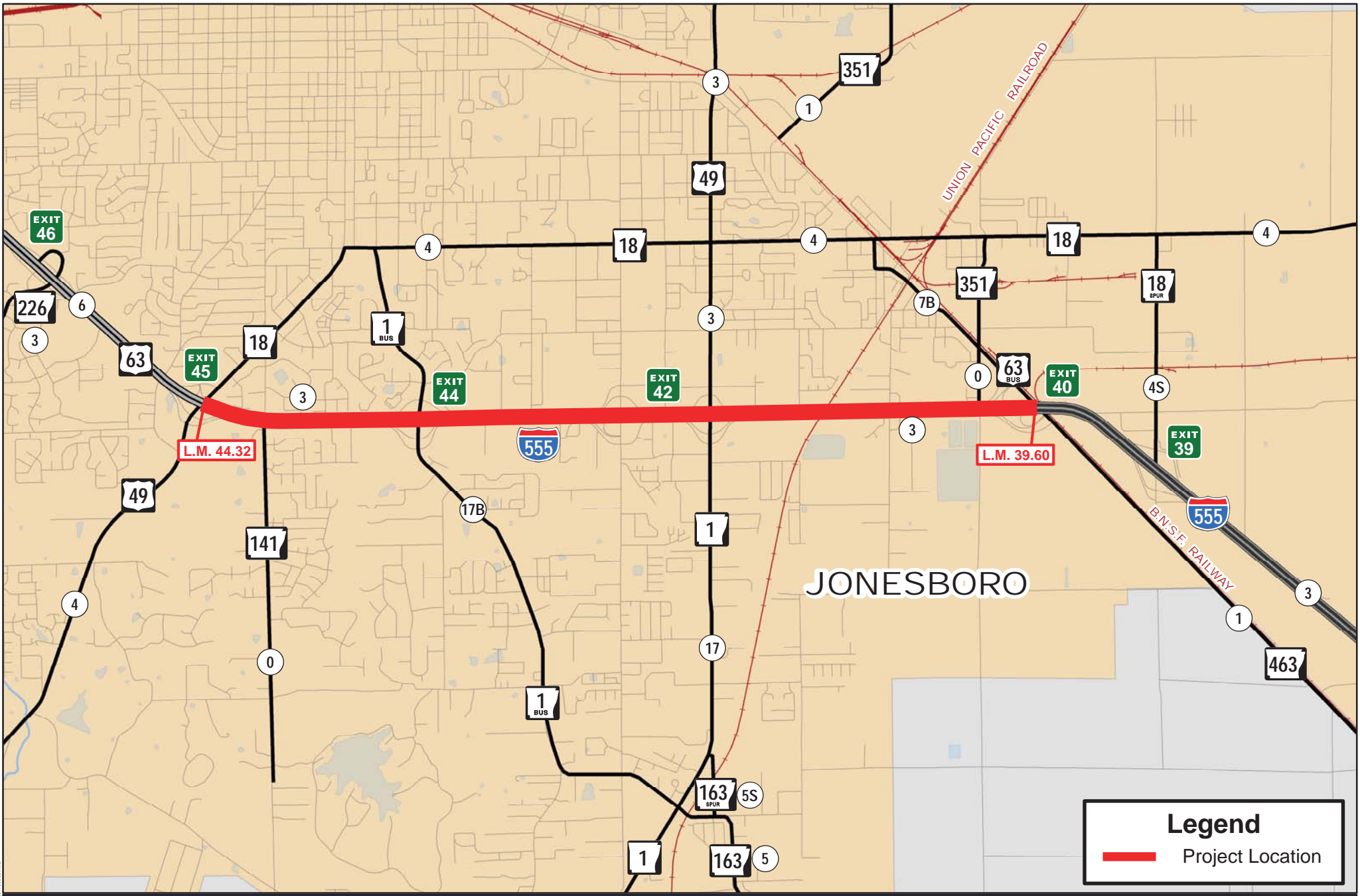
No Section 404 permit will be required. An archeological clearance is attached.

JF:JB:fc

Attachments:

- Location Map
- Archeological Clearance
- USFWS Species List
- Consistency Letter
- Environmental Study Checklist



c: Program Management
Right of Way
Roadway Design
District 10
FHWA



Legend
 Project Location

Job 100959
 Hwy. 63B - Hwy. 18 (S)
 I-555, Sec. 3
 Craighead County

PM: PS: dmsp211: 11/16/2016


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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 100959
Hwy. 63B-Hwy. 18 (S)
Craighead County

This job proposes to rehabilitate concrete on an existing 4.72 miles of road surface on Interstate 555, from Hwy. 63B (Exit 40) to Hwy. 18 (Exit 45) 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.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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IPaC Record Locator: 702-13527928

August 08, 2018

Subject: Consistency letter for the '100959 - Hwy. 63B - Hwy. 18 (S)' project (TAILS 04ER1000-2018-R-1379) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **100959 - Hwy. 63B - Hwy. 18 (S)** (Proposed Action) may rely on the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the threatened Northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species.**

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency for the Proposed Action accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Fat Pocketbook, *Potamilus capax* (Endangered)
 - Pondberry, *Lindera melissifolia* (Endangered)
 - Rabbitsfoot, *Quadrula cylindrica cylindrica* (Threatened)
 - Scaleshell Mussel, *Leptodea leptodon* (Endangered)
-

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

100959 - Hwy. 63B - Hwy. 18 (S)

Description

Reconstruction of existing roadway, polymer overlay on five bridges and hydrodemolition of four bridges.

Determination Key Result

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for these two species.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

No

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of an Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

No

9. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

10. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

11. Does the project include slash pile burning?

No

12. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

13. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

No

14. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

15. Will the project involve the use of **temporary** lighting *during* the active season?

No

16. Will the project install new or replace existing **permanent** lighting?

No

17. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge or structure removal, replacement, and/or maintenance, lighting, or use of percussives, limited to actions that DO NOT cause any stressors to the bat species, including as described in the BA/BO (i.e. activities that do not involve ground disturbance, percussive noise, temporary or permanent lighting, tree removal/trimming, nor bridge/structure activities)?

Examples: lining roadways, unlighted signage, rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

18. Will the project raise the road profile **above the tree canopy**?

No

19. Is the location of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the project action area is outside of suitable Indiana bat and/or NLEB summer habitat

20. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge is more than 1,000 feet from the nearest suitable habitat and is therefore considered unsuitable for use by bats

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

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

ARDOT Job Number 100954 FAP Number NHPP-555-2(1)40

Job Title Crittenden Co. Line – Hwy. 149 (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts anticipated
Cultural Resources	X			None in project area
Economic	X			Will not be impacted by project
Endangered Species	X			None indicated in project area
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife	X			No impacts expected
Floodplains	X			None occur in project area
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			No structures with nests
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			None in project area
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No public water supplies in project area
Relocatees	X			No relocations
Section 4(f)/6(f)	X			4f 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			None in project area
Water Quality	X			No runoff issues expected
Wetlands	X			None in project area
Wildlife Refuges	X			None in the area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? No
 Section 404 Permit Required? No Type _____

Remarks: _____

Signature of Evaluator *John Baber* Date 8/14/18