



## INTEROFFICE MEMORANDUM

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February 16, 2018

**TO:** Master Files

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

**SUBJECT:** Job Number 110653  
FAP Number HSIP-CMAQ-9448(40)  
Hwy. 118/W. Service Rd./I-40 EB Ramps Signal & Inters. Impvts.  
(West Memphis)(S)  
Crittenden 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. The project consists of installing a traffic signal at the intersection of the I-40 eastbound ramp and Highway 118 in Crittenden County. The intersection will be resurfaced and a southbound turn lane will be added through striping. A public hearing will not be offered.

The above referenced job is covered under the Memorandum of Agreement with the State Historic Preservation Officer executed on June 21, 1999. The job consists of conducting work within a previously disturbed area. All work will be within the existing right of way and does not have the potential to disturb cultural resources.

The official species list obtained through the United State Fish and Wildlife Service (USFWS) IPaC website lists four endangered species and two threatened species as potentially occurring within the project area. This includes the Piping Plover (*Charadrius melodus*), pallid sturgeon (*Scaphirhynchus albus*), Fat Pocketbook (*Potamilus capax*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), Scaleshell Mussel (*Leptodea leptodon*), and pondberry (*Lindera melissifolia*).

Job Number 110653  
Tier 1 Categorical Exclusion  
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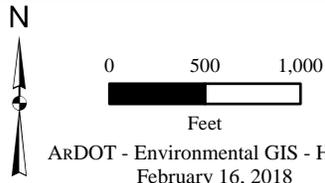
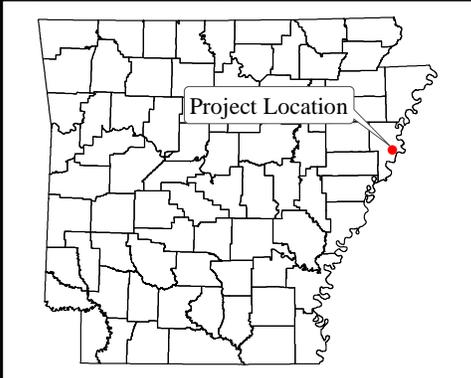
Based on the lack of habitat and distance to known species, it is our determination that the project will have no effect on the listed species. The USFWS Species List is attached. No Section 404 permit will be required for this project.

Attachments:

- Location Map
- Section 106 Clearance
- USFWS Species List
- Environmental Study Checklist

JF:SL:fc

- c: Program Management
- Right of Way
- Roadway Design
- District 1
- FHWA
- Master File



Job 110653  
 Hwy. 118/W. Service Rd./I-40  
 EB Ramps Signal & Inters. Impvts.  
 Crittenden County

Project Location



# INTEROFFICE MEMORANDUM

December 5, 2017

**TO:** Assessments



**FROM:** Scott Smallwood, Staff Archeologist, Cultural Resources Section

**SUBJECT:** Archeological Clearance  
Job No. 110653  
I-40 EB Ramps Signal & Inters.  
Impvts. (West Memphis) (S)  
Crittenden County

The Arkansas Department of Transportation (ARDOT) proposes to install four signal poles and the necessary appurtenances at the intersection of the I-40 Eastbound Ramp and Highway 118 in Crittenden County. Because this project will be constructed within the existing right-of-way (ROW) and has previously been subject to an archeological survey which resulted in negative findings (Buchner 2011; AMASDA No. 6140), this project is subject to the 1999 Memorandum of Agreement (MOA), and the proposed work falls under the exempted category "Safety/Traffic Operations."

An examination of the Arkansas Archeological Survey's (AAS) and the Department of Arkansas Heritage's Arkansas Historic Preservation Program (AHPP) records was conducted for previously recorded archeological sites and National Register of Historic Places (NRHP) properties located along each of the above referenced sealing project areas. According to AAS and AHPP records, no previously recorded archeological sites or historic properties are located immediately adjacent to the above referenced sealing projects areas.

The proposed resurfacing will occur along already paved highways, and will occur within the existing ROW. No additional ROW will be acquired for these projects. As such, this activity does not have the potential to affect any undisturbed land surfaces or potential cultural resources. Therefore, this project is subject to the 1999 MOA and falls under the exempted category "Safety/Traffic Operations." This project is requires no further work or Section 106 Review.

Job No. 110653  
Archeological Clearance  
Page 2 of 2

**Reference Cited**

Buchner, C. Andrew

2011 Phase I Cultural Resources Survey of High-Probability Locations on the Proposed ARE-ON and ATOM Fiber Optic Network Upgrades, Multiple Counties, Arkansas. Prepared for ENERCON Services, Inc., Tulsa, Oklahoma. Prepared by Panamerican Consultants, Inc., Memphis, Tennessee.



## 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-0255

Event Code: 04ER1000-2018-E-00422

Project Name: Hwy. 118/W. Service Rd./I40 EB Ramps Signal & Inters. Impvts.

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](http://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

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## Project Summary

Consultation Code: 04ER1000-2018-SLI-0255

Event Code: 04ER1000-2018-E-00422

Project Name: Hwy. 118/W. Service Rd./I40 EB Ramps Signal & Inters. Impvts.

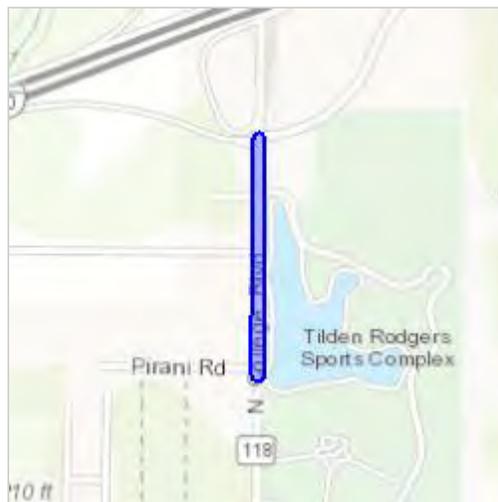
Project Type: TRANSPORTATION

Project Description: construct signal and interchange improvements

Project Location:

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

<https://www.google.com/maps/place/35.15624479223331N90.22440969944W>



Counties: Crittenden, AR

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## Endangered Species Act Species

There is a total of 6 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.

### Birds

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

### Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7162">https://ecos.fws.gov/ecp/species/7162</a>	Endangered

### Clams

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

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## Flowering Plants

NAME

STATUS

Pondberry *Lindera melissifolia*

Endangered

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/1279>

## Critical habitats

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



**ROADWAY DESIGN REQUEST**Job Number 110653 FAP No. HSIP-CMAQ-9448(40) County CrittendenJob Name Hwy. 118/W. Service Rd./I-40 EB Ramps Signal & Inters. Impvts. (West Memphis) (S)Design Engineer Stephen Sichmeller Environmental Staff \_\_\_\_\_Brief Project Description Intersection Improvements with traffic signal

## A. Existing Conditions:

Roadway Width: 44'-56' Shoulder Type/Width: Curb & GutterNumber of Lanes and Width: 4-11', 1-12' Existing Right-of-Way: 125' – 195.52'Sidewalks? Yes Location: LT. & RT. Width: 5'Bike Lanes? No Location: N/A Width: N/A

## B. Proposed Conditions:

Roadway Width: 56' Shoulder Type/Width: Curb & GutterNumber of Lanes and Width: 4-11', 1-12' Proposed Right-of-Way: 125' – 195.52'Sidewalks? Yes Location: LT. & RT. Width: 5'Bike Lanes? No Location: N/A Width: N/A

## C. Construction Information:

If detour: Where: N/A Length: N/A

## D. Design Traffic Data:

2018 ADT: 7700 2038 ADT: 8300 % Trucks: 7  
Design Speed: 45 m.p.h.E. Approximate total length of project: 0.108 mile(s)F. Justification for proposed improvements: Safety improvementsG. Total Relocates: 0 Residences: 0 Businesses: 0

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? \_\_\_\_\_

Agency/Official	Person Contacted	Date