



April 2, 2018

Mr. Peter Jilek
Acting Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number 110666
FAP Number STPR-0019(45)
Hwy. 1 – West (Drainage Impvts.)
Route 350, Section 1
Cross County
Tier 3 Categorical Exclusion

Dear Mr. Jilek:

The proposed project was previously approved on August 21, 2017 as a Tier 2 Categorical Exclusion. The Environmental Division has reviewed recent design changes for the project and determined it now 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 improve drainage and correct flooding problems near Highway 350 west of Highway 1. Total length of the project is approximately 0.6 mile, extending from approximately 0.15 mile west of Highway 1 to Lick Creek in Cross County. A project location map is enclosed.

The purpose of this project is to reduce the frequency of flooding on Highway 350 and to homes on the south side of the highway by reducing the amount of water backed up on the north side of the highway. There will be no changes made to Highway 350 as part of the proposed project. The project involves reshaping, widening, and relocating the waterway on the north side of Highway 350 to a 10-foot wide, flat-bottomed ditch with 2:1 slopes; adding two 48" x 58" corrugated metal pipe culverts beside the existing drainage structure under the railroad; and adding four 60" x 44" reinforced concrete pipe culverts under a private drive and County Road 651. Approximately 4.4 acres of additional right of way and 2.1 acres of temporary construction easements will be required for construction of the proposed project.

There are no relocations, prime farmland, wetlands, cultural resources, hazardous materials, environmental justice issues, or endangered species associated with this

project. The U.S. Fish & Wildlife Service species list and State Historic Preservation Officer clearance are enclosed.

Based upon the ARDOT *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. 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. 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. A noise analysis will be required if changes to the proposed project result in reclassification to a Type I project.

The official species list obtained through the United States Fish and Wildlife Service's Information for Planning and Consultation web tool identified three federally listed species as potentially occurring within the project area: the threatened Piping Plover (*Charadrius melodus*), the endangered Fat Pocketbook (*Potamilus capax*), and the endangered pondberry (*Lindera melissifolia*). A 'no effect' determination was made for these species due to lack of habitat.

The redesigned project will impact approximately 3,000 linear feet of an agricultural ditch that is a tributary to Lick Creek. The project was previously permitted under the terms of a Section 404 Nationwide Permit 14 for Linear Transportation as defined in the Federal Register 82(4):1860-2008. The redesigned project now exceeds the 0.5 acre limit of a Nationwide Permit 14 and will be permitted with a Section 404 Individual Permit. A commitment has been made to conduct stream mitigation in association with this project.

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

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 4/2/2018

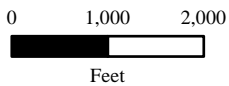
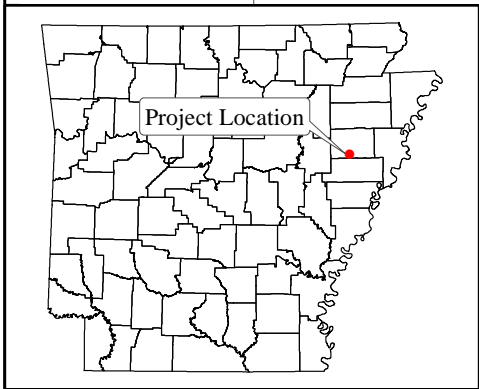
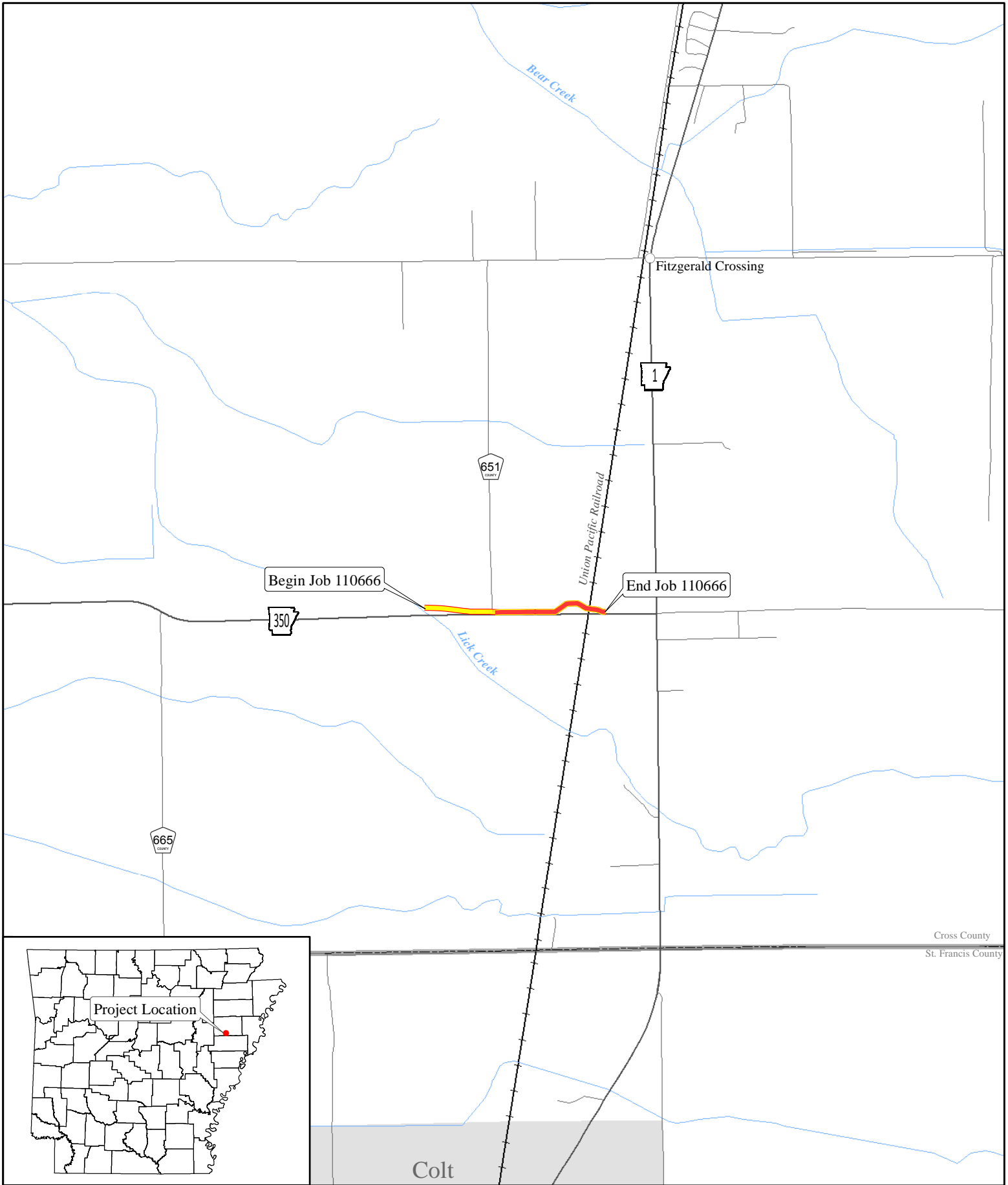
Sincerely,



John Fleming
Division Head
Environmental Division

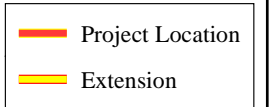
Enclosures
JF:SS:fc

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



ARDOT - Environmental GIS - Hopkins
March 26, 2018

Job 110666
Hwy. 1 - West
(Drainage Impvts.) (Hwy. 350)
Cross County





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

98587.01
FHVA

August 15, 2017

Ms. Stacy Hurst
Arkansas Historic Preservation Program
1100 North Street
Little Rock, AR 72201

RECEIVED
AHTD

AUG 21 2017

ENVIRONMENTAL
DIVISION

AHPP

AUG 16 2017

RE: ARDOT Job No. 110666
Hwy. 1 – West (Drainage Impvts.) (S)
Cross County

Dear Ms. Hurst:

Enclosed for your review is a Project Identification Form regarding the above referenced project. Please provide your effect finding as soon as possible. If you have any questions, contact Richard Jenkins of my staff at 569-2357.

Sincerely,

Brenda Price

for John Fleming
Division Head
Environmental Division

Enclosure
PIF

JF:DW:RJ:ym

Date 8/16/2017
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.
Russell
Arkansas State Historic Preservation Officer

AUG 16 2017



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

98587.02
FHWA

March 15, 2018

Ms. Stacy Hurst
Arkansas Historic Preservation Program
1100 North Street
Little Rock, AR 72201

AHPP

MAR 15 2018

RECEIVED
ARDOT
MAR 20 2018
ENVIRONMENTAL
DIVISION

Re: Job Number 110666
Hwy. 1-West (Drainage Impvts.)
Route 350, Section 1
Cross County

Dear Ms. Hurst:

Please find enclosed an addendum to the Project Identification Form (PIF) previously submitted for the above referenced project. If you have any questions or require additional information about the projects, contact Richard Jenkins of my staff at 569-2357.

Sincerely,

John Fleming
Division Head
Environmental Division

JF:DW:RJ:fc

Enclosure
Addendum

Date 3/19/2018
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.

Arkansas State Historic Preservation Officer



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:

March 21, 2018

Consultation Code: 04ER1000-2017-SLI-0863

Event Code: 04ER1000-2018-E-01063

Project Name: 110666 Drainage improvements

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.**

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/engangered/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-0863

Event Code: 04ER1000-2018-E-01063

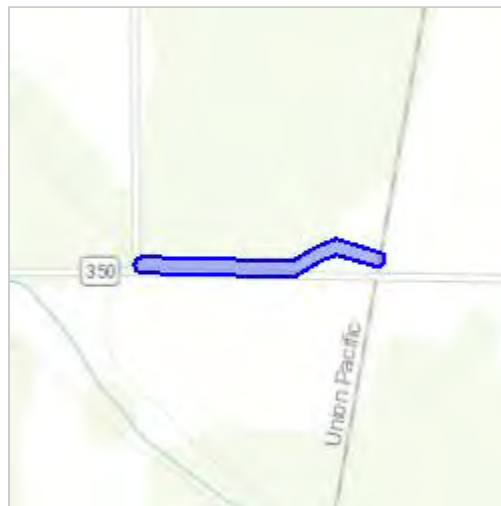
Project Name: 110666 Drainage improvements

Project Type: TRANSPORTATION

Project Description: The project will add additional culverts under the farm access and railroad crossing as well as increase the ditch capacity. The project goal is to reduce flooding of Hwy 350.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.16317618763417N90.81049384989139W>



Counties: Cross, AR

Endangered Species Act Species

There is a total of 3 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.

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 final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039 | Threatened |

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 |

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.

ROADWAY DESIGN REQUEST

Job Number 110666 FAP No. _____ County Cross

Job Name Hwy. 1 – West(Drainage Impvts.) (S)

Design Engineer Mark Earl Environmental Staff _____

Brief Project Description Drainage improvement at Railroad crossing and channel improvement downstream.

A. Existing Conditions:

Roadway Width: 19' Shoulder Type/Width: 0

Number of Lanes and Width: 2 @ 9.5' Existing Right-of-Way: 60' - 72'

Sidewalks? no Location: _____ Width: _____

Bike Lanes? no Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: NA Shoulder Type/Width: NA

Number of Lanes and Width: NA Proposed Right-of-Way: 60' – 211'

Sidewalks? no Location: _____ Width: _____

Bike Lanes? no Location: _____ Width: _____

C. Construction Information:

If detour: Where: NA Length: _____

D. Design Traffic Data:

NA ADT: NA ADT: NA % Trucks: NA

Design Speed: NA m.p.h.

E. Approximate total length of project: 0.566 mile(s)

F. Justification for proposed improvements: Reduce frequency of flooding

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

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

| Agency/Official | Person Contacted | Date |
|-----------------|------------------|------|
| | | |
| | | |
| | | |

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM


ARDOT Job Number 110666 FAP Number STPR-0019(45)

Job Title Hwy. 1 – West (Drainage Impvts.) (S)

| Environmental Impacts | None | Minor | Significant | Comments |
|--------------------------------|------|-------|-------------|--|
| Air Quality | X | | | |
| Construction Impacts | X | | | |
| Cultural Resources | X | | | |
| Economic | X | | | |
| Endangered Species | X | | | |
| Energy Resources | X | | | |
| Environmental Justice/Title VI | X | | | |
| Fish and Wildlife | X | | | |
| Floodplains | X | | | Floodplains not mapped in project area |
| Forest Service Property | X | | | |
| Hazardous Materials/Landfills | X | | | |
| Land Use Impacts | | X | | 4.4 acres ROW, 2.1 acres TCE |
| 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 | | | Wellhead protection SP added |
| Relocatees | X | | | |
| Section 4(f)/6(f) | X | | | |
| Social | X | | | |
| Underground Storage Tanks | X | | | |
| Visual Impacts | X | | | |
| Stream Impacts | | X | | 3000 linear feet of agricultural ditch |
| Water Quality | | X | | Temporary during construction |
| Wetlands | X | | | |
| Wildlife Refuges | X | | | |

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

Remarks: Design reassessment of the Tier 2 CE approved 8/21/2017.

Signature of Evaluator  Date March 28, 2017
 5/17/2011