



INTEROFFICE MEMORANDUM

June 12, 2018

TO: Master Files

FROM: John Fleming, Division Head, Environmental Division 

SUBJECT: Job Number R40104
FAP Number FLAP-FLAP(13)
Oklahoma State Line – Hon (S)
Route 28, Section 1
Scott County
Tier 1 Categorical Exclusion

The purpose of this project is to overlay 15.88 miles of Highway 28 in Scott County and install full-width, concrete-panel crossing surfaces at two Arkansas Southern Railroad crossings. Minor shoulder work is also included in the project in order to provide 2-foot wide paved shoulders to the existing 10-foot wide travel lanes. All work will take place within existing right of way. A project location map is attached.

There are no cultural resources associated with this project. Concurrence from the State Historic Preservation Officer is attached. There will be no Section 404 Permit required for construction of this project.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Least Tern (*Sterna antillarum*), Red Knot (*Calidris canutus rufa*), Winged Mapleleaf (*Quadrula fragosa*), American burying beetle (*Nicrophorus americanus*) and Harperella (*Ptilimnium nodosum*) as species potentially affected by the proposed project. Based on the scope of the proposed project, it has been determined that the project will have "No Effect" on all listed species.

Job Number R40104
Tier 1 Categorical Exclusion
Page 2 of 2

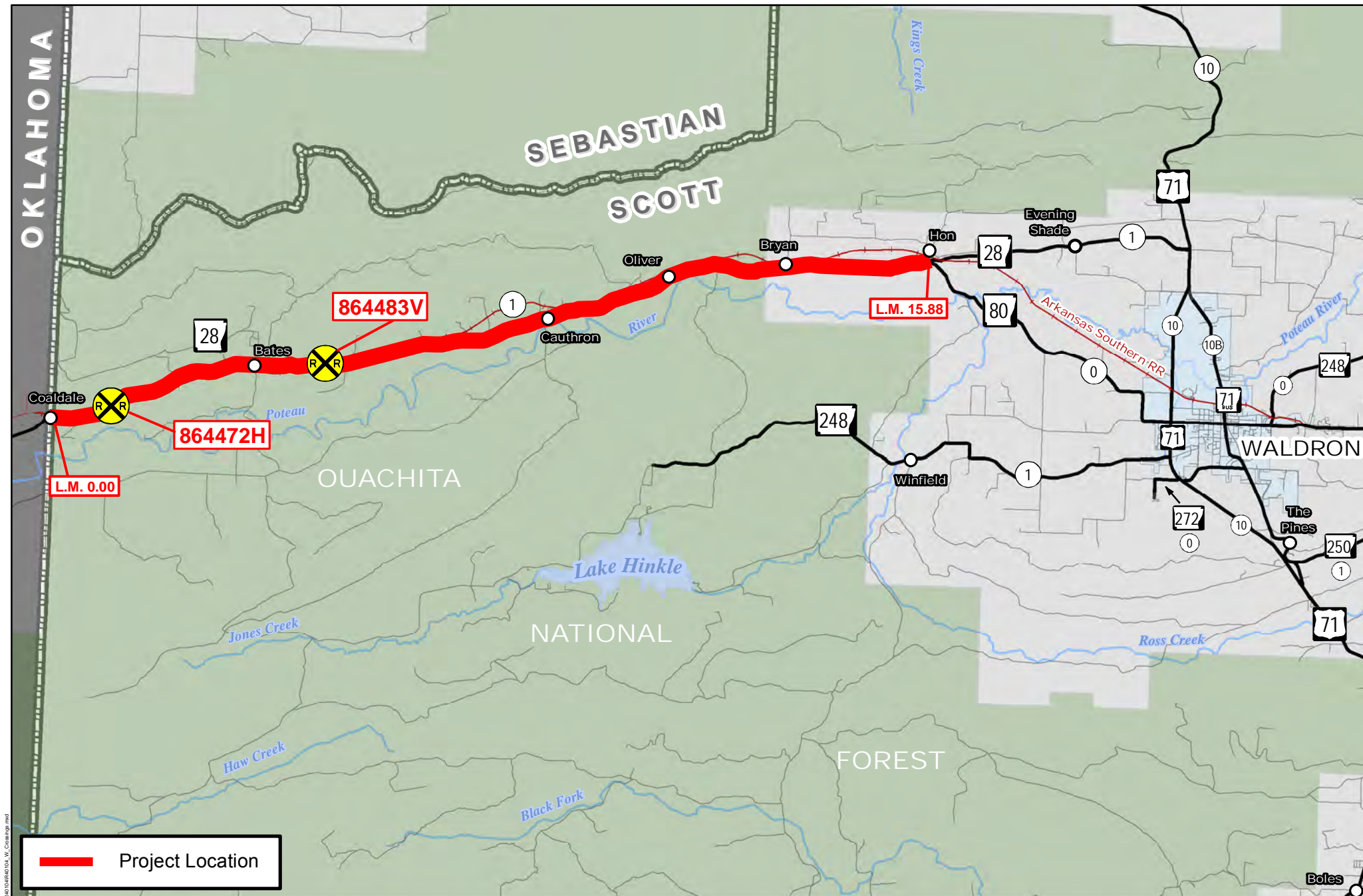
After appropriate environmental review, it has been determined that the subject job is a Tier 1 Categorical Exclusion as described by the ARDOT/FHWA Memorandum of Agreement on Categorical Exclusion Documentation and Processing. A public hearing will not be offered for this project.

JF:SL:fc

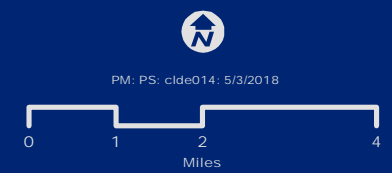
Attachments:

- Location Map
- USFWS Species List
- SHPO Clearance
- Environmental Study Checklist

c: Program Management
Right of Way
Roadway Design
District 4
FHWA



Job R40104
 Oklahoma State Line - Hon (S)
 Hwy. 28, Sec. 1
 Scott County



PM: PS: clde014: 5/3/2018



Document Path: \\sca102\Programs\Contractors\Sebastian\864472H\864472H_01_W_Coating.mxd

Couser, Felicia

From: Wilks, Diana
Sent: Tuesday, June 12, 2018 12:33 PM
To: Couser, Felicia
Cc: Nichols, Don; Price, Brenda
Subject: FW: Job No. R40104 – Overlay or Resurface & Shoulder Widening – Scott County – AHPP No. 59105.01

From: Theresa Russell [mailto:Theresa.Russell@arkansas.gov]
Sent: Tuesday, June 12, 2018 12:01 PM
To: Wilks, Diana; Environmental Clearance
Cc: Theresa Russell
Subject: Job No. R40104 – Overlay or Resurface & Shoulder Widening – Scott County – AHPP No. 59105.01

The staff of the Arkansas Historic Preservation Program has reviewed the documentation submitted for Overlay or Resurface & Shoulder Widening for Job R40104. Based on the information provided, we concur that the proposed undertaking will have no adverse 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

A division 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:

June 12, 2018

Consultation Code: 04ER1000-2018-SLI-1131

Event Code: 04ER1000-2018-E-01681

Project Name: Oklahoma Line - Hon

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

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Oklahoma Ecological Services Field Office

9014 East 21st Street

Tulsa, OK 74129-1428

(918) 581-7458

Project Summary

Consultation Code: 04ER1000-2018-SLI-1131

Event Code: 04ER1000-2018-E-01681

Project Name: Oklahoma Line - Hon

Project Type: TRANSPORTATION

Project Description: shoulder widening, all work will be completed within existing right-of-way

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.91535261342348N94.31627037794917W>



Counties: Scott, AR | Le Flore, OK

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.

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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.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
American Burying Beetle <i>Nicrophorus americanus</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/66	Endangered

Flowering Plants

NAME	STATUS
Harperella <i>Ptilimnium nodosum</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3739	Endangered

Critical habitats

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

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number R40104 FAP Number FLAP-FLAP(13)

Job Title Oklahoma State Line – Hon (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			
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
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? N

Short-term Activity Authorization Required? N

Section 404 Permit Required? N Type _____

Remarks: _____

Signature of Evaluator Sherry LeBlanc Date June 12, 2018