

TIER 3 CATEGORICAL EXCLUSION

ARDOT JOB NUMBER 110800

FAP NUMBER 9990

I-40 TRUCK PARKING EXPANSION PROJECT (WEST MEMPHIS) (S)

ROUTE I-40, SECTION 52

CRITTENDEN COUNTY

Submitted Pursuant to 42 U.S.C. 4332(2)

By the

U.S. Department of Transportation

Federal Highway Administration

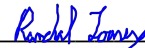
And the

Arkansas Department of Transportation

October 2020

October 20, 2020

Date of Approval



Randal Looney
Environmental Coordinator
Federal Highway Administration

The Environmental Division reviewed the referenced project and has determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Programmatic 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 expand a truck parking lot on Interstate 40 near West Memphis. Work will include expansion of truck parking spaces and construction of a Highway Police substation and public restrooms. All work will take place within the existing right of way. A project location map is attached.

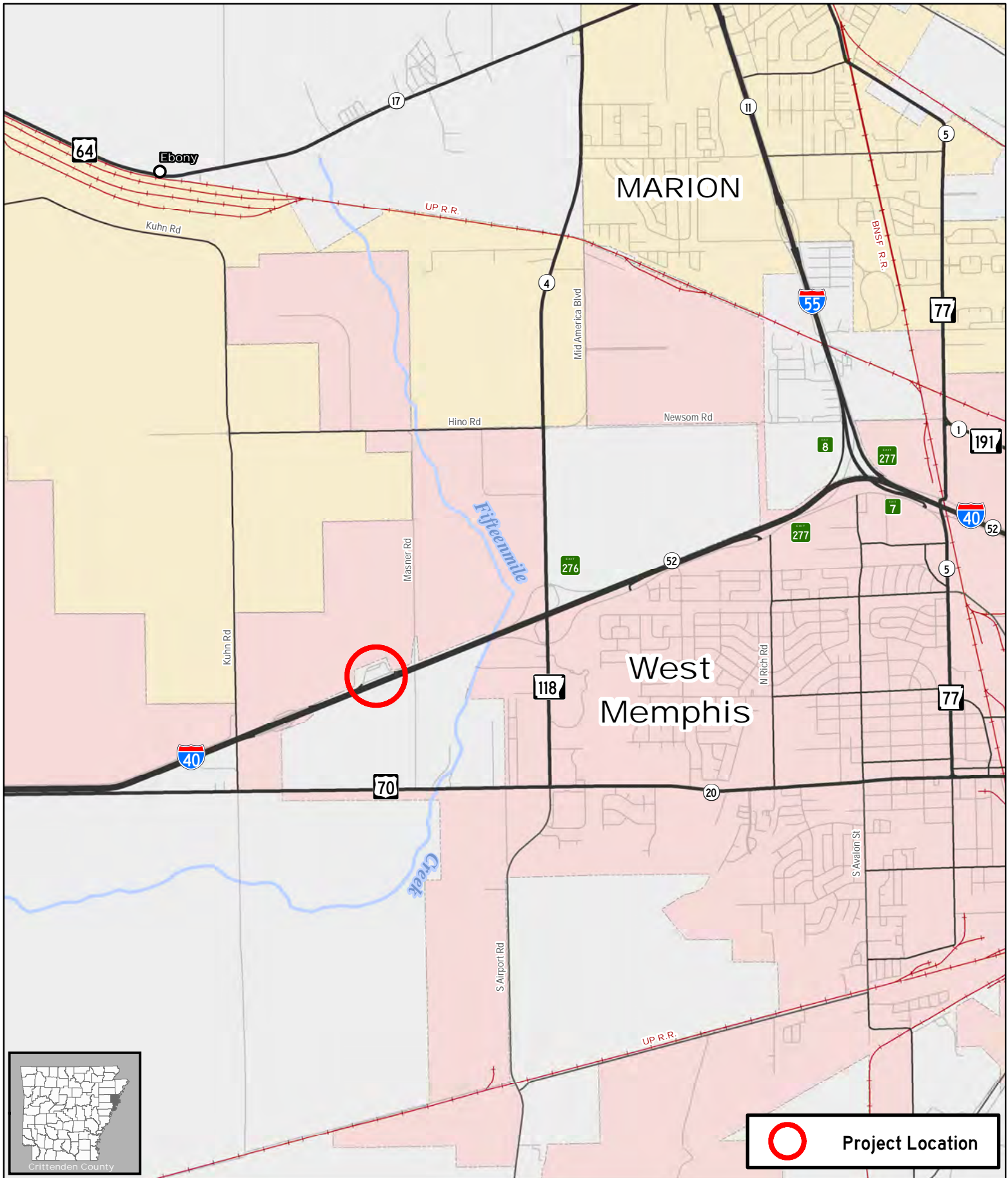
The project will not involve relocations, prime farmlands, wetlands, underground storage tanks, hazardous materials, any environmental justice issues, or cultural resources. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic concerns. The Cultural Resources clearance is attached.

Based upon the ARDOT noise policy, a noise analysis is not required for this job. Construction will take place on existing location with only minor changes to the existing roadway. Any increases in roadway noise levels would not be attributable to the proposed projects, but instead result from traffic volume increases due to growth. In compliance with federal guidelines, local authorities will not require notification.

The official species list obtained through the US Fish and Wildlife Service's Information for Planning and Consultation website lists the Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), and pondberry (*Lindera melissifolia*) as protected species potentially occurring in the proposed project area.

Based on the lack of habitat, scope of the project, and distance to known species occurrences, it has been determined that the proposed project will have "no effect" on the Eastern Black Rail, Piping Plover, and Red Knot. Based on the scope of the project and distance to known species occurrences, it has been determined that the proposed project "may affect, but is not likely to adversely affect" pondberry. The USFWS coordination information is attached.

The project will not have a discharge of dredged or fill material into waters of the United States; therefore, a Section 404 permit will not be required for the construction of this project.



Job 110800
 I-40 Truck Parking Expansion Project (West Memphis) (S)
 I-40, Sec. 52

AR DOT
 ARKANSAS DEPARTMENT OF TRANSPORTATION

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INTEROFFICE MEMORANDUM

September 22, 2020

TO: Assessments/Job File

FROM: Wm. Lane Shields, Cultural Resources Section

SUBJECT: Cultural Resources Clearance
Job Number 110800
I-40 Truck Parking Expansion Project (West Memphis)
Route I-40, Section 52
Crittenden County

The proposed project proposes to provide additional truck parking at the West Memphis truck parking site on Interstate 40 in Crittenden County. All work will occur completely inside the current right-of-way in an area that has been mechanically impacted. Due a lack of federal funding or mandated permits, the project is not considered an undertaking and requires no further work or Section 106 review.

From: [Lewis, Lindsey](#)
To: [Bailey, William](#)
Subject: Re: [EXTERNAL] 110800 I-40 Truck Parking Expansion
Date: Monday, September 14, 2020 12:51:12 PM

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Bill,

The Service has reviewed the determination key results and consistency letters you have provided and concurs with the NLAA determination(s) for the species identified as "may affect" for this action. Your agency has met consultation requirements by informing the Service of the "No Effect" determinations. No further consultation for this project is required for these species. This letter confirms you may rely on effect determinations provided in the Arkansas Determination Key for project review and guidance for federally listed species to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA).

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate this key in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information reveals the action may affect listed species or designated critical habitat; 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

The Service has no additional comments or concerns and agrees with the determinations made through the Arkansas Dkey.

Lindsey Lewis
Biologist

US Fish & Wildlife Service
Arkansas Field Office
110 South Amity Rd., Suite 300
Conway, Arkansas 72032

(501) 513-4489 - voice
(501) 513-4480 - fax
Lindsey_Lewis@fws.gov
<http://www.fws.gov/arkansas-es/>

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: Bailey, William <William.Bailey@ardot.gov>
Sent: Monday, September 14, 2020 11:16 AM
To: Lewis, Lindsey <lindsey_lewis@fws.gov>
Subject: [EXTERNAL] 110800 I-40 Truck Parking Expansion

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Lindsey....please review the attached documents and let us know if you concur with our determinations. Based on the distance to known species occurrences and scope of the project is our determination that the proposed project may affect, but is not likely to adversely affect pondberry. Based on the lack of habitat, distance to known species occurrences, and scope of the project, it is our determination that the proposed project will have no effect on the eastern black rail, piping plover, and red knot.

Bill Bailey

Advanced Water Resource Specialist
Environmental Division
Arkansas Department of Transportation
501-569-2617



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:

September 14, 2020

Consultation Code: 04ER1000-2020-SLI-1458

Event Code: 04ER1000-2020-E-03754

Project Name: I-40 Truck Parking Expansion Project (West Memphis)(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.**

If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.

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: 04ER1000-2020-SLI-1458

Event Code: 04ER1000-2020-E-03754

Project Name: I-40 Truck Parking Expansion Project (West Memphis)(S)

Project Type: TRANSPORTATION

Project Description: expand existing tractor trailer truck parking area

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.15652988480712N90.24095048188113W>



Counties: Crittenden, AR

Endangered Species Act Species

There is a total of 4 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
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Proposed Threatened
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
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

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.



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>

IPaC Record Locator: 801-23450560

September 14, 2020

Subject: Consistency letter for 'I-40 Truck Parking Expansion Project (West Memphis)(S)' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear William Bailey:

The U.S. Fish and Wildlife Service (Service) received on **September 14, 2020** your effect determination(s) for the 'I-40 Truck Parking Expansion Project (West Memphis)(S)' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance in the Service's Arkansas DKey, the proposed Action, including species protective measures that you confirmed will be implemented, is consistent with a determination(s) of "no effect" and/or "may affect, but not likely to adversely affect (NLAA)" for the following species.

Species	Determination
Proposed Threatened Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	No Effect
Threatened Red Knot (<i>Calidris canutus rufa</i>)	No Effect
Threatened Piping Plover (<i>Charadrius melodus</i>)	No Effect
Endangered Pondberry (<i>Lindera melissifolia</i>)	NLAA

Status

Consultation with the Service is not complete. The above effect determination(s) becomes applicable when the lead Federal action agency or designated non-federal representative submits them as a request to the Service to rely on the Arkansas DKey in order to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead Federal action agency or designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator". They will need to enter the record locator 801-23450560.

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information reveals the action may affect listed species or designated critical habitat; 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

Bald and Golden Eagle Protection Act: The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/southeast/our-services/permits/eagles/>

To determine if your proposed activity is likely to take or disturb Bald Eagles, complete our step-by-step online self-certification process, which is located at <https://www.fws.gov/southeast/our-services/eagle-technical-assistance/>.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

I-40 Truck Parking Expansion Project (West Memphis)(S)

2. Description

The following description was provided for the project 'I-40 Truck Parking Expansion Project (West Memphis)(S)':

expand existing tractor trailer truck parking area

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.15652988480712N90.24095048188113W>



Species Protection Measures

Qualification Interview

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").

No

2. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

3. Choose the Federal agency you represent in this consultation with the U.S. Fish and Wildlife Service:

d. Federal Highway Administration

4. Will project proponents follow [Special Provisions for avoidance and minimization](#) measures for listed species in Arkansas?

Yes

5. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?

Automatically answered

No

6. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?

Automatically answered

No

7. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?

Automatically answered

No

8. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?

Automatically answered

No

9. [Semantic] Does the project intersect the American burying beetle consultation area ?

Automatically answered

No

10. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?
Automatically answered
No
11. [Semantic] Does the project intersect the Eastern black rail AOI?
Automatically answered
Yes
12. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?
No
13. Does the project take place in marshy or flooded open field habitat?
No
14. [Semantic] Does the project intersect the red knot AOI?
Automatically answered
Yes
15. [Semantic (same answer as "8.1.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?
Automatically answered
No
16. [Semantic (same answer as "8.2")] Does the project take place in marshy or flooded open field habitat?
Automatically answered
No
17. [Semantic] Does the project intersect the Piping Plover AOI?
Automatically answered
Yes
18. [Semantic (same answer as "8.1.3 or 9.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?
Automatically answered
No
19. [Semantic] Does the project intersect the Whooping Crane AOI?
Automatically answered
No
-

20. [Semantic] Does the project intersect the interior least tern AOI?
Automatically answered
No
21. [Semantic] Does the project intersect the Gray Bat AOI?
Automatically answered
No
22. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?
Automatically answered
No
23. [Semantic] Does the project intersect the Indiana bat AOI?
Automatically answered
No
24. [Semantic] Does the project intersect the Northern Long-eared bat AOI?
Automatically answered
No
25. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?
Automatically answered
No
26. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?
Automatically answered
No
27. [Semantic] Does the project intersect the Ozark cavefish AOI?
Automatically answered
No
28. [Semantic] Does the project intersect the Missouri bladderpod AOI?
Automatically answered
No
29. [Semantic] Does the project intersect the Geocarpon AOI?
Automatically answered
No
-

30. [Semantic] Does the project intersect the running buffalo clover AOI?

Automatically answered

No

31. [Semantic] Does the project intersect the Pondberry AOI?

Automatically answered

Yes

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

ARDOT Job Number 110800 FAP Number 9990

Job Title I-40 Truck Parking Expansion Project (West Memphis) (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No air quality/MSAT impacts
Cultural Resources	X			CR clearance memo is attached
Economic	X			No adverse impacts
Endangered Species		X		USFWS correspondence attached
Environmental Justice/Title VI	X			No impacts anticipated
Fish and Wildlife	X			No impacts anticipated
Floodplains	X			No floodplain impacts
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 the project
Migratory Birds	X			No impacts anticipated
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			None impacted by the project
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			None in project area
Relocatees	X			No relocations
Section 4(f)/6(f)	X			4f/6f 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 the project area
Water Quality	X			No impacts anticipated
Wetlands	X			None in the project area
Wildlife Refuges	X			None in the project area

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

Remarks:

Signature of Evaluator  Date 10/1/2020