

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 100762
FAP NUMBER NHPP-0028(49)
HWY. 358 – HWY. 412 STRS. & APPRS. (S)
ROUTE 141, SECTION 2
GREENE 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

July 2019

7/10/2019
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 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 replace two bridges (Bridge Nos. M2005 and M2009) on Highway 141. Total length of the project is approximately 3.1 miles. A project location map is attached.

The existing roadway has two 11' wide paved travel lanes with 3' wide gravel shoulders at Bridge No. M2005 and two 10' wide paved travel lanes with 4' gravel shoulders at Bridge No. M2009. The bridges are weight-restricted and in poor condition. Existing right of way width is 80'.

The bridges will be replaced with reinforced concrete box culverts. The roadway will have two 11' wide paved travel lanes with 6' wide shoulders (2' paved, 4' gravel). The average proposed right of way width will vary from 80' to 200' feet at Bridge No. M2005 and 80' to 150' at Bridge No. M2009. Approximately 2.7 acres of additional right of way will be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	1,100	6	50 mph (M2005) 55 mph (M2009)
2040	1,400	6	50 mph (M2005) 55 mph (M2009)

Based on the ARDOT's noise policy, a noise analysis is not required for this project. The bridge replacements do not involve adding capacity, substantially changing the horizontal or vertical alignment of the roadway, or exposing noise sensitive land uses to new traffic noise sources. In compliance with federal guidelines, local authorities will not require notification.

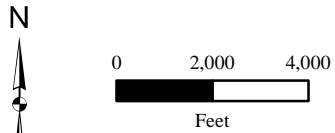
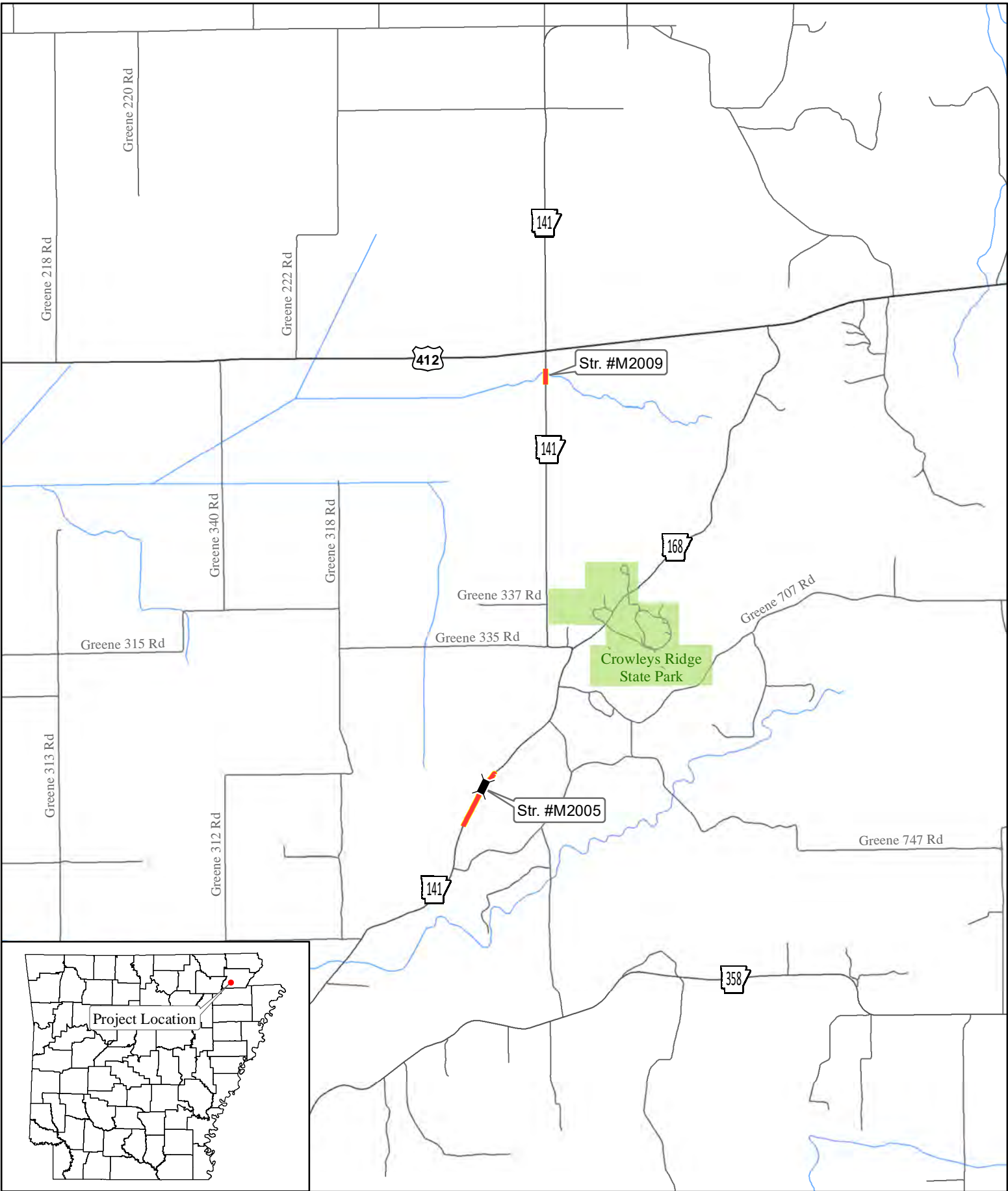
There are no relocations, floodplains, wetlands, public water supplies, environmental justice concerns, underground storage tanks/hazardous wastes, or cultural resources associated with this project. State Historic Preservation Officer clearance is attached. Approximately 2.7 acres of Prime Farmland will be converted to highway right of way. Form NRCS-CPA-106 is attached.

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 (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.


The official species list obtained through the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists Indiana bat (*Myotis sodalis*), Rabbitsfoot (*Theliderma cylindrica*), and pondberry (*Lindera melissifolia*) as species potentially affected by the proposed project. Bridge No. M2009 is outside the Indiana bat consultation area provided by the USFWS's Arkansas Ecological Services office. Bridge No. M2005 is within the consultation area. The project was determined to be within the scope and adheres to the criteria of the Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat, and *may affect, but is not likely to adversely affect* the Indiana bat. A *no affect* determination was made for the other two species due to the lack of suitable habitat, limited scope of the project, and distance to known species locations. The USFWS's official species list and concurrence letter are attached.

The project will have a discharge of dredged or fill material into waters of the United States associated with the bridge; therefore, a Section 404 permit will be required. The project should be authorized by Nationwide Permit 14 for Linear Transportation Projects as defined in Federal Register 82(4):1860-2008. A Migratory Bird Special Provision will be required.

No other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts is attached.



Job 100762
 Hwy. 358 - Hwy. 412 Strs. & Apprs.
 (Hwy. 141)
 Greene County

 Project Location



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

March 28, 2019

Mr. John Fleming
Division Head
Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Arkansas Arts Council

Arkansas Historic
Preservation Program

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

RE: Greene County — General
Section 106 Review — FHWA
Response Letter: Hwy. 358-Hwy. 412 Str. & Apprs. (S)
Route 141, Section 2
Bridge Replacements: #M2005 and M2009
ARDOT Job Number: 100762
AHPP Tracking Number: 100695.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for the above-referenced project. The proposed undertaking entails replacing two deficient bridges: #M2005 and M2009 on Highway 141 in Greene County. ARDOT will replace both bridges with R.C. Box Culverts. The new structure for Bridge M2005 will be constructed west of the existing bridge. Replacement of Bridge M2009 will require a temporary detour road and construction on the location of the existing structure.

In correspondence dated March 19, 2018, the AHPP concurred with a determination that Bridges #M2005 and M2009 are not eligible for inclusion in the National Register of Historic Places. Based on the provided report detailing the background research, methodology and results of the field investigation, we concur with the finding of No Historic Properties Affected pursuant to 36 CFR § 800.4(d)(1).

Tribes that have expressed an interest in the area include the Delaware Nation (Ms. Kim Penrod), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton). We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Eric Mills of my staff at 501-324-9784 or email eric.mills@arkansas.gov.

Sincerely,


Scott Kaufman
Director, AHPP

cc: Mr. Randall Looney, Federal Highway Administration
Dr. Ann Early, Arkansas Archeological Survey



ARKANSAS HISTORIC
PRESERVATION PROGRAM



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Little Rock, AR 72201

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FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Federal Agency) Job 100762	3. Date of Land Evaluation Request 4/22/19	4. Sheet 1 of
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1. Name of Project Hwy. 358 – Hwy. 412 Strs. & Apprs.	5. Federal Agency Involved FHWA
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2. Type of Project Bridge Replacement	6. County and State Greene AR.
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PART II (To be completed by NRCS)	1. Date Request Received by NRCS	2. Person Completing Form
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3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES NO	4. Acres Irrigated Average Farm Size
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5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
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PART III (To be completed by Federal Agency) **Alternative Corridor For Segment**

	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

PART IV (To be completed by NRCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland	2.7
B. Total Acres Statewide And Local Important Farmland	
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	10			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	0			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	40			

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)	100	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	40			
X _____ (of above 2 lines)	260	140			

ing	2. Total Acres of Farmlands to be Converted by Project: 2.7 acres of Prime Farmland	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part: _____ DATE _____

John Baber 4/22/19

NOTE: Complete a form for each segment with more than one Alternate Corridor



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:

April 12, 2019

Consultation Code: 04ER1000-2019-SLI-0756

Event Code: 04ER1000-2019-E-01425

Project Name: 100762 Hwy. 358 - Hwy. 412 Strs. & Apprs. (S) Site 1

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: 04ER1000-2019-SLI-0756

Event Code: 04ER1000-2019-E-01425

Project Name: 100762 Hwy. 358 - Hwy. 412 Strs. & Apprs. (S) Site 1

Project Type: TRANSPORTATION

Project Description: Replace the structure on existing alignment while detouring to the west

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.03032521993117N90.6804421684515W>



Counties: Greene, 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.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered

Clams

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	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
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<http://www.fws.gov/arkansas-es>

In Reply Refer To:

April 23, 2019

Consultation Code: 04ER1000-2019-I-0756

Event Code: 04ER1000-2019-E-01507

Project Name: 100762 Hwy. 358 - Hwy. 412 Strs. & Apprs. (S) Site 1

Subject: Concurrence verification letter for the '100762 Hwy. 358 - Hwy. 412 Strs. & Apprs. (S) Site 1' project 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 **100762 Hwy. 358 - Hwy. 412 Strs. & Apprs. (S) Site 1** (Proposed Action) may rely on the concurrence provided in the 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 is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

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 is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation 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 contact this Service Office.

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

- Pondberry, *Lindera melissifolia* (Endangered)
 - Rabbitsfoot, *Quadrula cylindrica cylindrica* (Threatened)
-

Project Description

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

Name

100762 Hwy. 358 - Hwy. 412 Strs. & Apprs. (S) Site 1

Description

Replace the structure on existing alignment while detouring to the west

Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, 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. However, also based on your answers provided, this project may rely on the concurrence provided in 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.

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 a known 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](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

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

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

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

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

15. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

16. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

No

17. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

18. Are *all* trees that are being removed clearly demarcated?

Yes

19. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

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

No

21. Does the project include slash pile burning?

No

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

Yes

23. 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.

Yes

24. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

No

25. Is the bridge **within** a known maternity colony's home range^[1]?

[1] Contact your local FWS office for more information if you are uncertain about where the nearest known maternity colony is located.

No

26. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted for this project with at least one survey point **within** suitable habitat and **within** 0.25 miles of the bridge^{[3][4]}?

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

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No, neither a Bridge Assessment nor P/A surveys were conducted and therefore it will be assumed that bats are using the bridge

27. Will the bridge removal, replacement, and/or maintenance activities disturb the maternity colony (or assumed maternity colony) of bats using the bridge?

Note: If a Bridge Assessment was not conducted, P/A surveys were not accepted by the local FWS office to show absence, and/or the bridge is within a known maternity colony's home range, then in addition to assuming Indiana bats and/or NLEBs are using the bridge, it is also assumed a maternity colony of bats are using the bridge.

No

28. Will *any* bridge removal, replacement, and/or maintenance activities be done *outside* of the Indiana bat and/or NLEB active season? (i.e., will bridge activities be done *during* the winter hibernation period^[1])

[1]Coordinate with the local Service Field Office for appropriate dates.

Yes

29. Will *any* bridge removal, replacement, and/or maintenance activities be done *during* the Indiana bat and/or NLEB active season? (i.e., will bridge activities be done during the spring, summer, and/or fall^[1])

[1] Coordinate with the local Service Field Office for appropriate dates.

No

30. Will *any* bridge removal, replacement, and/or maintenance activities disturb or harass roosting bats in any way *outside* of the Indiana bat and/or NLEB active season?

No

31. Will the bridge removal, replacement, and/or maintenance activities maintain suitable bat roosting habitat? (note: suitable roosting sites may be incorporated into the design of a replacement bridge)

Yes

32. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

33. 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

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

No

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

No

36. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

37. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

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

Yes

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

No

39. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

40. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost

41. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the activities are not expected to disturb or harass roosting bats in any way and suitable roosting sites will be maintained

42. General AMM 1

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

43. Tree Removal AMM 1

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

44. Tree Removal AMM 2

Can *all* tree removal activities be restricted to when Indiana bats are not likely to be present (e.g., the inactive season)^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

Automatically answered

Yes

45. Tree Removal AMM 3

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

46. Tree Removal AMM 4

Can the project avoid cutting down/removal of *all* (1) **documented**^[1] Indiana bat or NLEB roosts^[2] (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

47. Lighting AMM 1

Will *all* **temporary** lighting used during the removal of suitable habitat and/or the removal/trimming of trees within suitable habitat be directed away from suitable habitat during the active season?

Yes

48. Bridge AMM 1

Can the project perform any bridge removal, replacement, and/or maintenance work during the winter hibernation period unless a hibernating colony of bats is present?

Note: Bridge AMM 1 is an avoidance measure for direct effects, the full implementation of which may not be practicable. If bridge removal, replacement, and/or maintenance work must be performed outside of the winter hibernation period, then follow Bridge AMMs 2-4.

Automatically answered

Yes

49. Bridge AMM 1

If a colony of hibernating bats is detected during bridge removal, replacement, and maintenance activities will you cease all activities until further coordination with the local Fish and Wildlife Service Office has been completed?

Yes

50. Bridge AMM 4

Can the project ensure suitable roosting habitat is maintained?

Note: Suitable roosting sites may be incorporated into the design of a new bridge.

Automatically answered

Yes

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

No

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

No

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

2.4

4. Please describe the proposed bridge work:

replace on new alignment to the west with culverts.

5. Please state the timing of all proposed bridge work:

anticipated to be winter 2020.

Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

BRIDGE AMM 1

To completely avoid direct effects to roosting bats, perform any bridge removal, replacement, and/or maintenance work during the winter hibernation period unless a hibernating colony of bats is present.

BRIDGE AMM 4

If assuming presence of bats, or if bridge assessment or P/A survey suggests presence of bats, ensure suitable roosting habitat is maintained. Suitable roosting sites may be incorporated into the design of a new bridge.

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

Determination Key Description: FHW A, 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 100762 FAP Number NHPP-0028(49)

Job Title Hwy. 358 - Hwy. 412 Strs. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No air quality/MSAT concerns
Cultural Resources	X			SHPO concurrence (3/28/19) attached
Economic	X			No adverse impacts
Endangered Species		X		NLAA Indiana Bat (4/23/19) attached
Environmental Justice/Title VI	X			EJ populations not identified in project area
Fish and Wildlife		X		Minor impacts during construction
Floodplains	X			None in project footprint
Forest Service Property	X			None within project area
Hazardous Materials/Landfills	X			None identified in project footprint
Land Use		X		Approx. 2.7 acres new ROW
Migratory Birds		X		Migratory Bird SP added
Navigation/Coast Guard	X			No navigable waterways in project area
Noise Levels	X			No permanent noise impacts
Prime Farmland		X		Approx. 2.7 PF; NRCS Form attached
Protected Waters	X			None within project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No public water supply concerns
Relocatees	X			No relocations required
Section 4(f)/6(f)	X			4(f)/6(f) resources not in project area
Social	X			No adverse impacts
Underground Storage Tanks	X			None identified in project footprint
Visual	X			No adverse impacts
Streams		X		Minor impacts during construction
Water Quality		X		Minor impacts during construction
Wetlands	X			None within project area
Wildlife Refuges	X			None within project area

Section 401 Water Quality Certification Required? N
 Short-term Activity Authorization Required? Y
 Section 404 Permit Required? Y Type NWP14

Remarks: .

Signature of Evaluator Mary Pearson Date 6/28/19

ROADWAY DESIGN REQUEST

Job Number 100762 FAP No. _____ County Greene

Job Name Highway 358 – Highway 412 Strs. & Apprs. (S)

Design Engineer Bridgefarmer Environmental Staff _____

Brief Project Description Replace 2 bridges with box culverts

A. Existing Conditions:

Roadway Width: 28' Shoulder Type/Width: 3'/Gravel
4'/Gravel

Number of Lanes and Width: 2@11' Existing Right-of-Way: 80'
2@10'

Sidewalks? No Location: _____ Width: _____

Bike Lanes? No Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 34' Shoulder Type/Width: 6' (2' Paved)

Number of Lanes and Width: 2@11' Proposed Right-of-Way: 80'-200'
80'-150'

Sidewalks? No Location: _____ Width: _____

Bike Lanes? No Location: _____ Width: _____

C. Construction Information:

If detour: Where: Site 2 on Lt. Length: 1006.08'

D. Design Traffic Data:

2020 ADT: 1100 2040 ADT: 1400 % Trucks: 6

Design Speed: 55 mph m.p.h.

E. Approximate total length of project: 3.08 mile(s)

F. Justification for proposed improvements: Existing bridges are structurally deficient

G. Total Relocatees: 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