



INTEROFFICE MEMORANDUM

August 19, 2021

TO: Master Files

FROM:  John Fleming, Division Head, Environmental Division 

SUBJECT: Job 080580
FAP NHPP-40-2(82)
Hwy. 331 – Atkins (S)
Route I-40, Section 22
Pope County
Tier 1 Categorical Exclusion

After appropriate environmental review, it has been determined that the subject jobs are a Tier 1 Categorical Exclusion as described by the ARDOT/FHWA Programmatic Agreement on Categorical Exclusion Documentation and Processing. Public hearings will not be offered for these projects.

The purpose of this project is to rehabilitate 10.1 miles of Interstate 40 from Highway 331 to the city of Atkins. Road work will include a 4" mill and overlay of the roadway including the shoulders and ramps. Bridge work will include polymer overlay of three bridges and hydro-demolition of two bridges. In addition, work will include special clearing of the trees and vegetation within the right of way. All work will take place within existing right of way. A project location map is attached.

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

The official species list was obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website and lists the following

species as possibly occurring within the project area: gray bat (*Myotis grisescens*), northern long-eared bat (*Myotis septentrionalis*), Indiana bat (*Myotis sodalis*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Red Knot (*Calidris canutus rufa*), Piping Plover (*Charadrius melodus*), and Missouri bladderpod (*Physaria filiformis*).

It has been determined that the project will have “no effect” on the Missouri bladderpod, Eastern Black Rail, Piping Plover, and Red Knot due to lack of habitat and distance to known populations. Utilizing the Arkansas Determination Key, it has been determined that the project “may affect, but is not likely to adversely affect” the gray bat.

Utilizing the FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) determination key, it has been determined that the project will have a “may affect, but is not likely to adversely affect” on the Indiana bat and northern long-eared bat. The USFWS concurred with these determinations on July 1, 2021.

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.

JF:JG:sw

Attachments:

- Project Location Map
- Cultural Resources Clearance
- Environmental Study Checklist

c: Program Management
Right of Way
Roadway Design
Districts 8
FHWA