



November 13, 2017

Mr. Angel Correa
Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number 070271
FAP Number STPR-0020(46)
I-30 – Nevada Co. Line (Sel. Secs.)(S)
Clark County
Tier 3 Categorical Exclusion

Dear Mr. Correa:

The Environmental Division has reviewed the referenced project and 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 rehabilitate a portion of Highway 53 in Clark County. Work will include mill and inlay of the roadway in the curb and gutter section of the highway and overlay on the remaining roadway. The existing cross-section will not change as a result of the proposed project and no additional right of way will be required. A project location map is enclosed.

There are no relocations, wetlands, hazardous materials, or prime farmland impacts associated with this project. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is enclosed.

The US Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) website lists five federally protected species as potentially affected by the project; American burying beetle (*Nicrophorus americanus*), Ouachita Rock Pocketbook (*Arcidens wheeleri*), Pink Mucket (pearlymussel) (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*), and Winged Mapleleaf (*Quadrula fragosa*). Due to the limited scope of the project and special provision for water pollution protections, a determination of 'may affect but not likely to adversely affect' was made for this project.

Job Number 070271
Tier 3 Categorical Exclusion
Page 2 of 2

The USFWS concurred with our determination on October 30, 2017. The species list and concurrence are enclosed.

IPaC also listed Piping Plover (*Charadrius melodus*) as a species potentially affected by the proposed project, but due to the limited scope of the project, lack of habitat present within the project area, and distance to known habitat, a determination was made that the project will not affect this listed species.

Based upon the ARDOT's Policy on Highway Traffic Noise Abatement, a noise analysis is not required for this project. This project does not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway, or exposure of noise sensitive land uses to a new or existing highway noise source.

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

Sincerely,

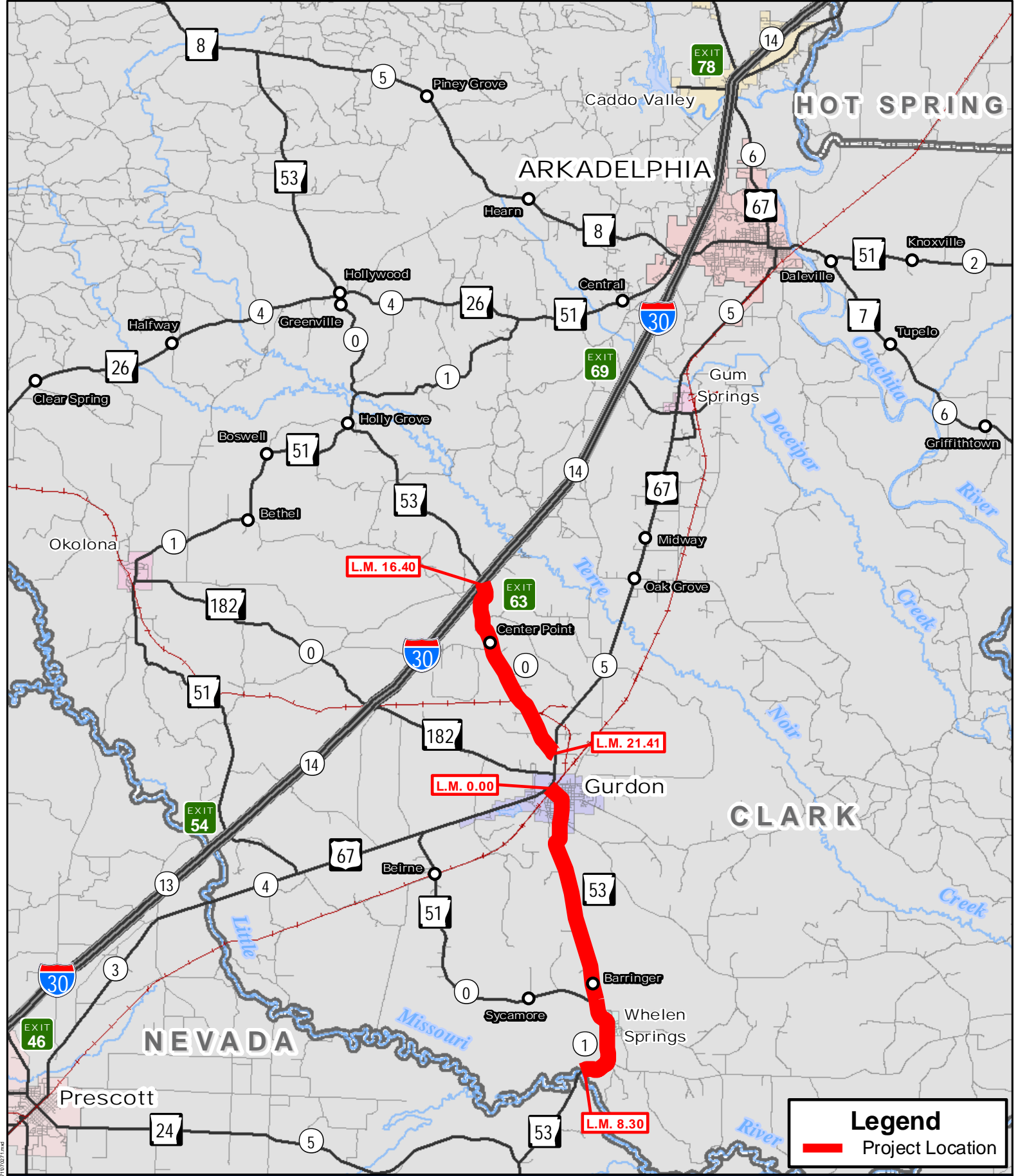
APPROVED
M. S.
Environmental Specialist
Federal Highway Administration
Date: *11/27/2017*

for *Brenda Price*
John Fleming
Division Head
Environmental Division

Enclosures

JF:SL:fc

c: Program Management
Right of Way
District 7
Master File



Job 070271
I-30 - Nevada Co. Line (Sel. Secs.) (S)
 Hwy. 53, Secs. 0 & 1
 Clark County



Document Path: \\an\apps\programs\contracts\awc\hwy070271\070271.mxd



ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

99576
FHWA

October 31, 2017

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

AHPP

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AHTD

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ENVIRONMENTAL
DIVISION

RE: Job Number 070271
I-30 – Nevada County Line
(Sel. Secs.) (S)
Clark County

Dear Ms. Hurst:

A Project Identification Form (PIF) for the above referenced project is enclosed. Please review for concurrence with the findings of my staff. If you have any questions or require additional information about the project, please contact Milton Hughes of my staff at 501-569-2080.

Sincerely,

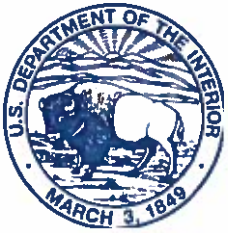
John Fleming
Division Head
Environmental Division

Enclosures
PIF

JF:DW:MH:ym

Date 11/1/2017
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.

Arkansas State Historic Preservation Officer



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



October 30, 2017

Mr. John Fleming
c/o Mickey Matthews
Arkansas Department of Transportation
10324 Interstate 30
Little Rock, Arkansas 72209

Dear Mr. Fleming,

The U.S. Fish and Wildlife Service (Service) is responding to your request dated October 23, 2017, regarding Arkansas Department of Transportation (ARDOT) Job Number 070271 I-30 - Nevada Co. Hwy 53 pavement preservation consisting of mill and inlay and overlay in Clark County, Arkansas. The project was described and assessed as follows (abbreviated):

The project will consist of mill and inlay and overlay (Hwy 53) near the Little Missouri River. In addition to the normal best management practices, the attached Special Provision will be added to the contract as conservation measures to minimize potential effects to listed resources.

ARDOT is requesting concurrence with the determination that the project "may affect but is not likely to adversely affect" the listed species.

The following species were identified by the Information for Planning and Consultation (IPaC) website as occurring in the vicinity of this action:

There is a total of 6 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.

Ouachita Rock Pocketbook *Arkansia wheeleri*
Pink Mucket (pearlymussel) *Lampsilis abrupta*
Winged Mapleleaf *Quadrula fragosa*
Piping Plover *Charadrius melodus*
American Burying Beetle *Nicrophorus americanus*

Due to the limited scope of the action (i.e., paving existing roadway), minimal adjacent habitat effect, distance to known species locations, the standard special provision for sediment control, and the special provision for management of water pollution, the Service concurs

Mr. John Fleming

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with the determination of "may affect, not likely to adversely affect" for Ouachita Rock Pocketbook, Pink Mucket, Winged Mapleleaf, Piping Plover, and American Burying Beetle. There is no data indicating the presence of Piping Plover occurrence in the vicinity of this action; furthermore, this species does not occur in the habitat type within the affected area of this action. No further consultation regarding these species is necessary at this time.

If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melvin L. Tobin".

Melvin L. Tobin
Field Supervisor



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:

October 10, 2017

Consultation Code: 04ER1000-2018-SLI-0038

Event Code: 04ER1000-2018-E-00068

Project Name: 070271 I-30 - Nevada Co. Line (Sel. Secs.) (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.**

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: 04ER1000-2018-SLI-0038

Event Code: 04ER1000-2018-E-00068

Project Name: 070271 I-30 - Nevada Co. Line (Sel. Secs.) (S)

Project Type: TRANSPORTATION

Project Description: Hwy 53 pavement preservation consisting of mill and inlay and overlay.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/33.90556384453778N93.14885037661594W>



Counties: Clark, AR

Endangered Species Act Species

There is a total of 6 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. 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.

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: except Great Lakes watershed There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

Clams

NAME	STATUS
Ouachita Rock Pocketbook <i>Arkansia wheeleri</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4509	Endangered
Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7829	Endangered
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
Winged Mapleleaf <i>Quadrula fragosa</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/4127	Endangered

Insects

NAME

STATUS

American Burying Beetle *Nicrophorus americanus*

Endangered

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>

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 070271 FAP Number STPR-0020(46)

Job Title I-30 – Nevada Co. Line (Sel. Secs.)(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			Water Pollution Control SP
Public Recreation Lands	X			
Public Water Supply/WHPA	X			SP sent on job near PWS intakes
Relocatees	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 Sperry LeBlanc Date 12-6-2017