




# INTEROFFICE MEMORANDUM

November 21, 2017

**TO:** Master Files

**FROM:** John Fleming, Division Head, Environmental Division 

**SUBJECT:** Job Number 030500  
FAP Number ER-4166(1)  
Hwy. 71 Slide Repair (Little River & Sevier Cos.) (S)  
Little River & Sevier Counties  
Tier 1 Categorical Exclusion

The proposed project would correct highway slope failures on Highways 71 and 234 in Little River and Sevier Counties. Rock buttresses will be constructed and guardrail replaced on two sections of Highway 71 between Highway 27 and Highway 234 West and one section of Highway 234 East at the intersection with Highway 71. A project location map is attached. All work will be done within the existing right of way.

The U.S. Fish and Wildlife Service (USFWS) identified the Piping Plover (*Charadrius melodus*), Pink Mucket (*Lampsilis abrupta*), Ouachita Rock Pocketbook (*Arcidens wheeleri*), Rabbitsfoot (*Theliderma cylindrica*), Scaleshell Mussel (*Leptodea leptodon*), and Winged Mapleleaf (*Quadrula fragosa*) as threatened and endangered species potentially occurring in the project area. The project will be completed within the existing right of way and will not impact habitats required for any of the listed species; therefore, the project is determined to have "no effect" on listed species.

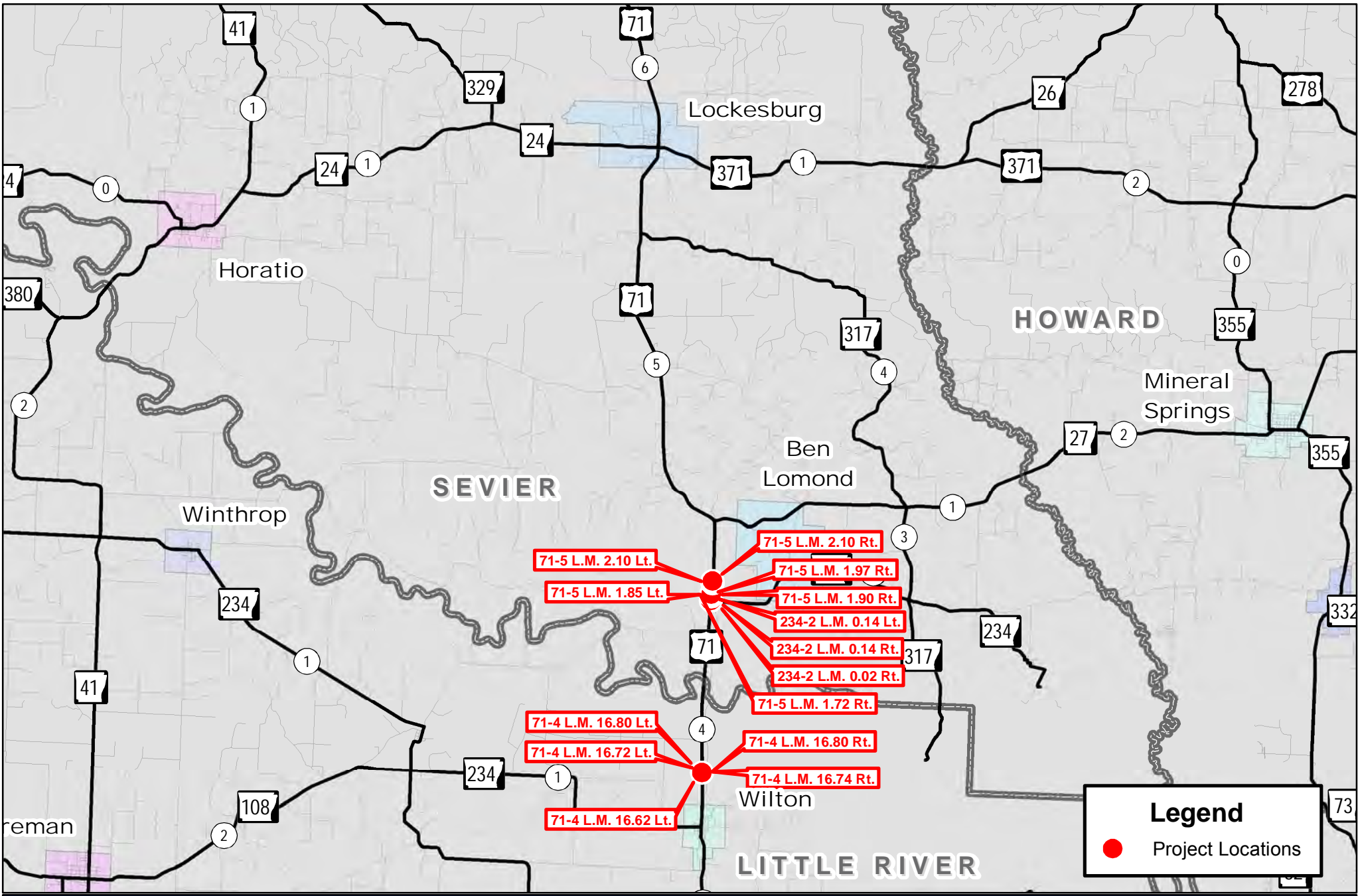
After appropriate environmental review, it has been determined that the subject job is a Tier 1 Categorical Exclusion as described by the ARDOT/FHWA Memorandum of Agreement on Categorical Exclusion Documentation and Processing. A public hearing will not be offered for this project.

JF:SS:fc

**Attachments:**

- Location Map
- Cultural Resources Clearance
- USFWS Species Lists
- Environmental Study Checklist

c: Program Management  
Right of Way  
Roadway Design  
District 3  
FHWA



**Hwy. 71 Slide Repair (Little River & Sevier Cos.) (S)**  
 Hwy, 71, Secs. 4 & 5  
 Hwy. 234, Sec. 2  
 Little River & Sevier Counties

0 2 4 Miles

PM: PS: clde014: 4/4/2016

TN030001



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

## INTEROFFICE MEMORANDUM

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November 17, 2017

**TO:** Job File

**FROM:** Richard Jenkins, Cultural Resources 

**SUBJECT:** Archeological Clearance  
Job Number 030500  
Hwy. 71 Slide Repair (Little River & Sevier Cos.) (S)  
Little River & Sevier Counties

The Arkansas Department of Transportation proposes to repair and reconstruct portions of Highway 71 that is the result of roadway failures. No new right-of-way will be acquired.

An examination of the Arkansas Archeological Survey's (AAS) records was conducted for previously recorded archeological sites and found no sites are within the proposed project. A records evaluation at the Department of Arkansas Heritage (AHPP) for National Register listed structures revealed no structures listed on the National Register. The General Land Office maps showed no cultural development near the project. The 1936 Little River and Sevier County Highway maps show few structures near this project.

The proposed road improvements will occur in previously disturbed areas inside the current Highway right-of-way. No cultural resources will be impacted. This project is subject to the 1999 MOA and falls under the exempted Work Category "Safety Improvements." The project is not considered an undertaking and requires no further work or Section 106 review.



## 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:

November 17, 2017

Consultation Code: 04ER1000-2018-SLI-0167

Event Code: 04ER1000-2018-E-00288

Project Name: 030500 Hwy 71 Slide Repair site one

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](http://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

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## Project Summary

Consultation Code: 04ER1000-2018-SLI-0167

Event Code: 04ER1000-2018-E-00288

Project Name: 030500 Hwy 71 Slide Repair site one

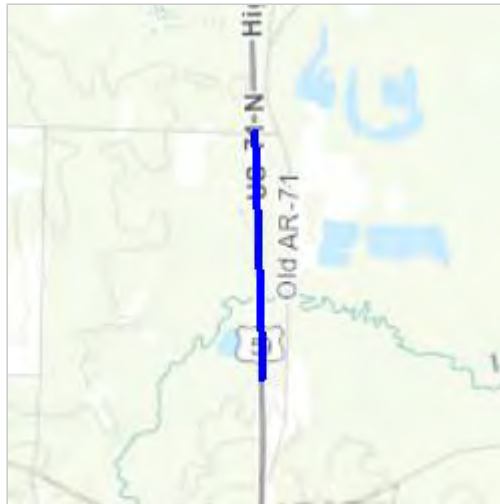
Project Type: TRANSPORTATION

Project Description: slope repair. all work will be done within existing right-of-way.

Project Location:

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

<https://www.google.com/maps/place/33.76327924555016N94.14823151106249W>



Counties: Little River, AR

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## Endangered Species Act Species

There is a total of 5 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><br>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.<br>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.<br><br>Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a> | Threatened |

### Clams

| NAME   | STATUS     |
|--|------------|
| Ouachita Rock Pocketbook <i>Arkansia wheeleri</i><br>No critical habitat has been designated for this species.<br><br>Species profile: <a href="https://ecos.fws.gov/ecp/species/4509">https://ecos.fws.gov/ecp/species/4509</a>   | Endangered |
| Rabbitsfoot <i>Quadrula cylindrica cylindrica</i><br>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.<br><br>Species profile: <a href="https://ecos.fws.gov/ecp/species/5165">https://ecos.fws.gov/ecp/species/5165</a>                           | Threatened |
| Scaleshell Mussel <i>Leptodea leptodon</i><br>No critical habitat has been designated for this species.<br><br>Species profile: <a href="https://ecos.fws.gov/ecp/species/5881">https://ecos.fws.gov/ecp/species/5881</a>  | Endangered |
| Winged Mapleleaf <i>Quadrula fragosa</i><br>Population: Wherever found, except where listed as an experimental population<br>No critical habitat has been designated for this species.<br><br>Species profile: <a href="https://ecos.fws.gov/ecp/species/4127">https://ecos.fws.gov/ecp/species/4127</a> | Endangered |

### Critical habitats

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

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## United States Department of the Interior



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In Reply Refer To:

November 17, 2017

Consultation Code: 04ER1000-2018-SLI-0169

Event Code: 04ER1000-2018-E-00292

Project Name: 030500 Hwy. 71 slope repair site 2

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.**

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## Project Summary

Consultation Code: 04ER1000-2018-SLI-0169

Event Code: 04ER1000-2018-E-00292

Project Name: 030500 Hwy. 71 slope repair site 2

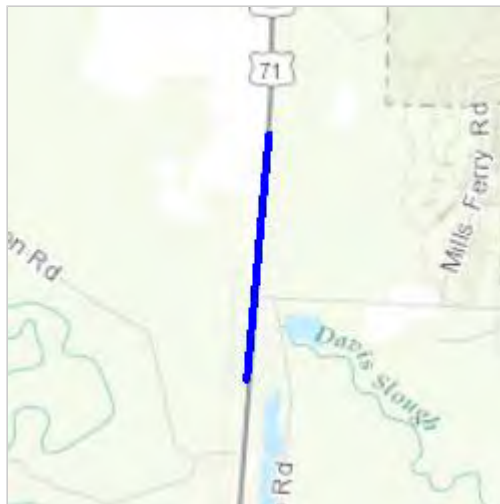
Project Type: TRANSPORTATION

Project Description: repair slope failure within existing rights-of-way

Project Location:

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

<https://www.google.com/maps/place/33.81888916539489N94.14538193901537W>



Counties: Sevier, AR

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| Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i><br>No critical habitat has been designated for this species.<br><br>Species profile: <a href="https://ecos.fws.gov/ecp/species/7829">https://ecos.fws.gov/ecp/species/7829</a>   | Endangered |
| Rabbitsfoot <i>Quadrula cylindrica cylindrica</i><br>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.<br><br>Species profile: <a href="https://ecos.fws.gov/ecp/species/5165">https://ecos.fws.gov/ecp/species/5165</a>                           | Threatened |
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### Critical habitats

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## ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 030500 FAP Number ER-4166(1)

Job Title Hwy. 71 Slide Repair (Little River & Sevier Cos.) (S)

| Environmental Impacts          | None | Minor | Significant | Comments                              |
|--------------------------------|------|-------|-------------|---------------------------------------|
| Air Quality                    | X    |       |             |                                       |
| Construction Impacts           | X    |       |             |                                       |
| Cultural Resources             | X    |       |             |                                       |
| Economic                       | X    |       |             |                                       |
| Endangered Species             | X    |       |             | "No effect" on listed species         |
| 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    |       |             | All work within existing right of way |
| Migratory Birds                | X    |       |             |                                       |
| Navigation/Coast Guard         | X    |       |             |                                       |
| Noise Levels                   | X    |       |             |                                       |
| Prime Farmland                 | X    |       |             |                                       |
| Protected Waters               | X    |       |             |                                       |
| Public Recreation Lands        | X    |       |             |                                       |
| Public Water Supply/WHPA       | X    |       |             | Wellhead Protection SP added          |
| Relocates                      | X    |       |             |                                       |
| Section 4(f)/6(f)              | X    |       |             |                                       |
| Social                         | X    |       |             |                                       |
| Underground Storage Tanks      | X    |       |             |                                       |
| Visual Impacts                 | X    |       |             |                                       |
| Stream Impacts                 | X    |       |             |                                       |
| Water Quality                  | X    |       |             |                                       |
| Wetlands                       | X    |       |             |                                       |
| Wildlife Refuges               | X    |       |             |                                       |

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? No

Section 404 Permit Required? No Type None

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Evaluator Susan Stafford Date November 20, 2017