



October 12, 2018

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

Re: Various Job Numbers
Various FAP Numbers
Various Job Names
Various Counties
Tier 3 Categorical Exclusion

Dear Mr. Correa:

The Environmental Division reviewed the referenced projects and has determined they fall 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 these projects.

The purpose of these projects is to preserve and rehabilitate deteriorated highway pavement. More information on the location, scope, and impact of each project can be found in Tables 1 and 2. The existing cross sections will not change as a result of the proposed projects and no additional right of way will be required. Project location maps are enclosed.

Based upon the ARDOT's Policy on Highway Traffic Noise Abatement, a noise analysis is not required for these projects. These projects do 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.

There are no relocations, environmental justice issues, wetlands, cultural resources, hazardous materials, or prime farmland impacts associated with these projects. Cultural resources and SHPO clearances are enclosed. A Water Pollution Prevention Special Provision will be required for all the projects.

The official species lists obtained through the United States Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists American burying beetle

(*Nicrophorus americanus*), Geocarpon (*Geocarpon minimum*), and Missouri bladderpod (*Physaria filiformis*) as species potentially affected by the proposed projects. These projects will not affect these species due to the limited scope of the actions, lack of suitable habitat, and distance to known species locations.

The official species lists also include gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Ozark hellbender (*Cryptobranchus alleganiensis bishopi*), Ouachita Rock Pocketbook (*Arcidens wheeleri*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*) and its critical habitat, Spectaclecase (*Margaritifera monodonta*), Scaleshell (*Leptodea leptodon*), Snuffbox (*Epioblasma triquetra*), Turgid Blossom (*Epioblasma turgidula*), Curtis Pearlymussel (*Epioblasma curtisii*), Winged Mapleleaf (*Quadrula fragosa*) as species potentially affected by the proposed projects. These projects "may affect, but not likely to adversely affect" these listed species as shown in Table 2. USFWS concurrences with these determinations were received and are enclosed.

These projects will not have a discharge of dredged or fill material into waters of the United States, therefore no Section 404 permit will be required.

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

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 10/15/2018

Sincerely,



John Fleming
Division Head
Environmental Division

JF:SL:mr

Enclosures

c: Program Management
Right of Way
Roadway Design
Districts 4, 5, & 7
Master File

Table 1

Job Number	FAP No.	Job Name	County	Route/Section	Scope
040726	STPR-HSIP-0024(36)	Madison Co. Line - South (S)	Franklin	Rt. 23/Sec. 7	Mill & Inlay / Chip Seal Shoulders
050370	NHPP-0067(31)	Fulton Co. Line - Hardy (Highland) (S)	Sharp	Rt. 62/Sec.17	UTBWC
070449	STPC-9071(13)	Two Bayou – Ouachita River (Camden) (S)	Ouachita	Rt. 79B/Sec. 4B	Mill & Inlay L.M. 17.3-24.9 / UTBWC L.M. 24.9-28.8.

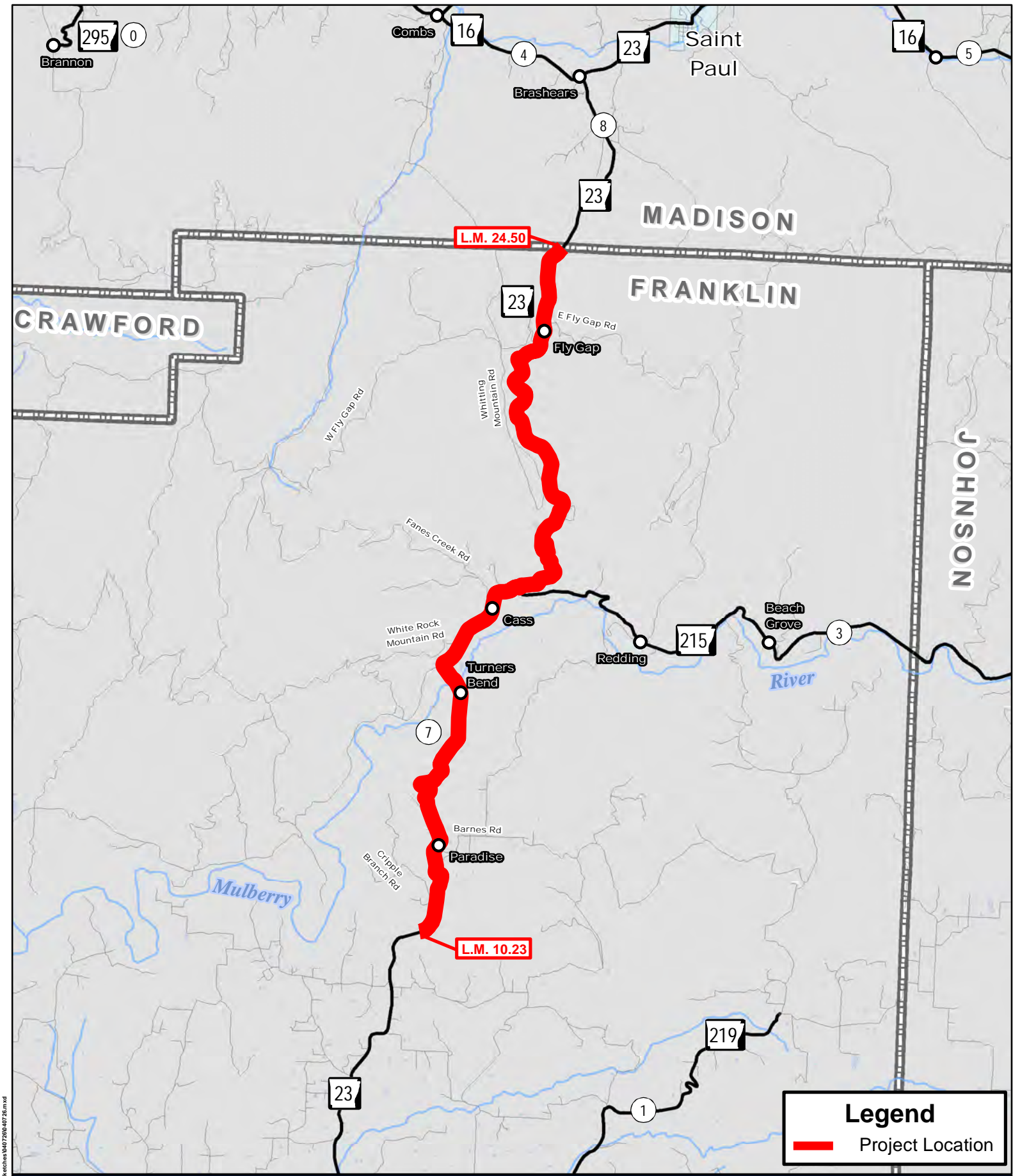
Table 2


Listed Species	Endangered / Threatened	Job Number Impact		
		040726	050370	070449
gray bat (<i>Myotis grisescens</i>)	Endangered	X	X	-
northern long-eared bat (<i>Myotis septentrionalis</i>)	Threatened	X	X	-
Indiana bat (<i>Myotis sodalis</i>)	Endangered	X	X	-
Ozark big-eared bat (<i>Corynorhinus townsendii ingens</i>)	Endangered	X	X	-
Ozark hellbender (<i>Cryptobranchus alleganiensis bishopi</i>)	Endangered	-	X	-
Spectaclecase (<i>Margaritifera monodonta</i>)	Endangered	X	-	X
Rabbitsfoot (<i>Theliderma cylindrica</i>)	Threatened	X	X	X
Curtis Pearlymussel (<i>Epioblasma curtisii</i>)	Endangered	-	X	-
Pink Mucket (<i>Lampsilis abrupta</i>)	Endangered	-	X	X
Scaleshell (<i>Leptodea leptodon</i>)	Endangered	-	X	-
Snuffbox (<i>Epioblasma triquetra</i>)	Endangered	-	X	-
Turgid Blossom (<i>Epioblasma turgidula</i>)	Endangered	-	X	-
Ouachita Rock Pocketbook (<i>Arcidens wheeleri</i>)	Endangered	-	-	X
Winged Mapleleaf (<i>Quadrula fragosa</i>)	Endangered	-	-	X
American burying beetle (<i>Nicrophorus americanus</i>)	Endangered	N	-	-
Geocarpon (<i>Geocarpon minimum</i>)	Threatened	N	N	-
Missouria bladderpod (<i>Physaria filiformis</i>)	Threatened	N	N	-

X – May affect but not likely to adversely affect

N – Not likely to affect

“-“ – Not listed in project area



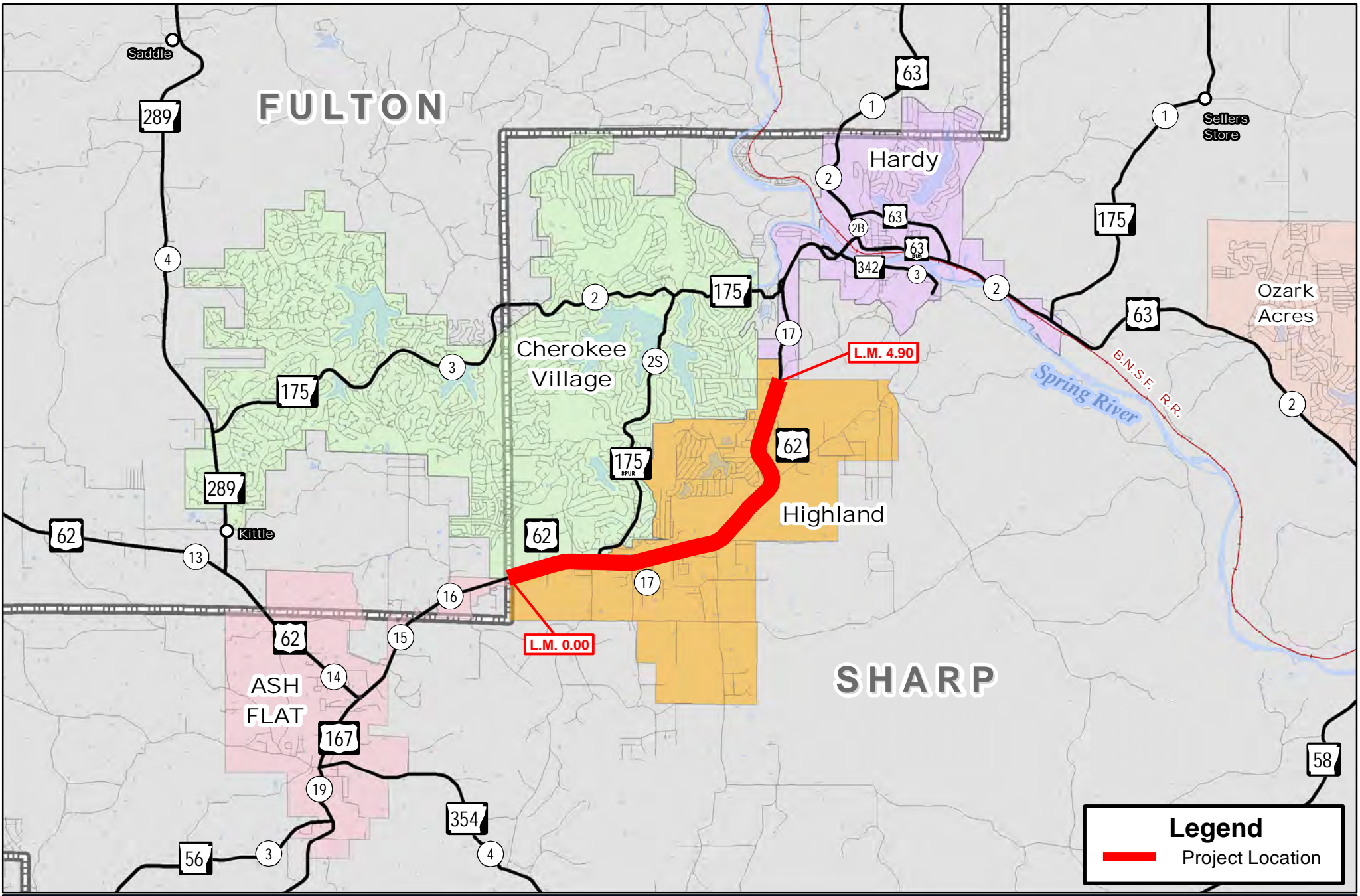
Legend
 Project Location

Job 040726
 Madison Co. Line - South (S)
 Hwy. 23, Sec. 7
 Franklin County



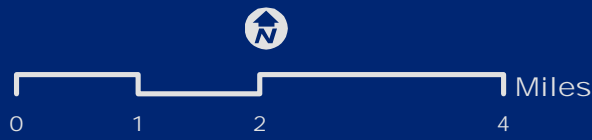
PM: PS: clde014: 8/2/2017

Document Path: \\srm1GIS\Programs\Contacts\Sketches\040726\040726.mxd



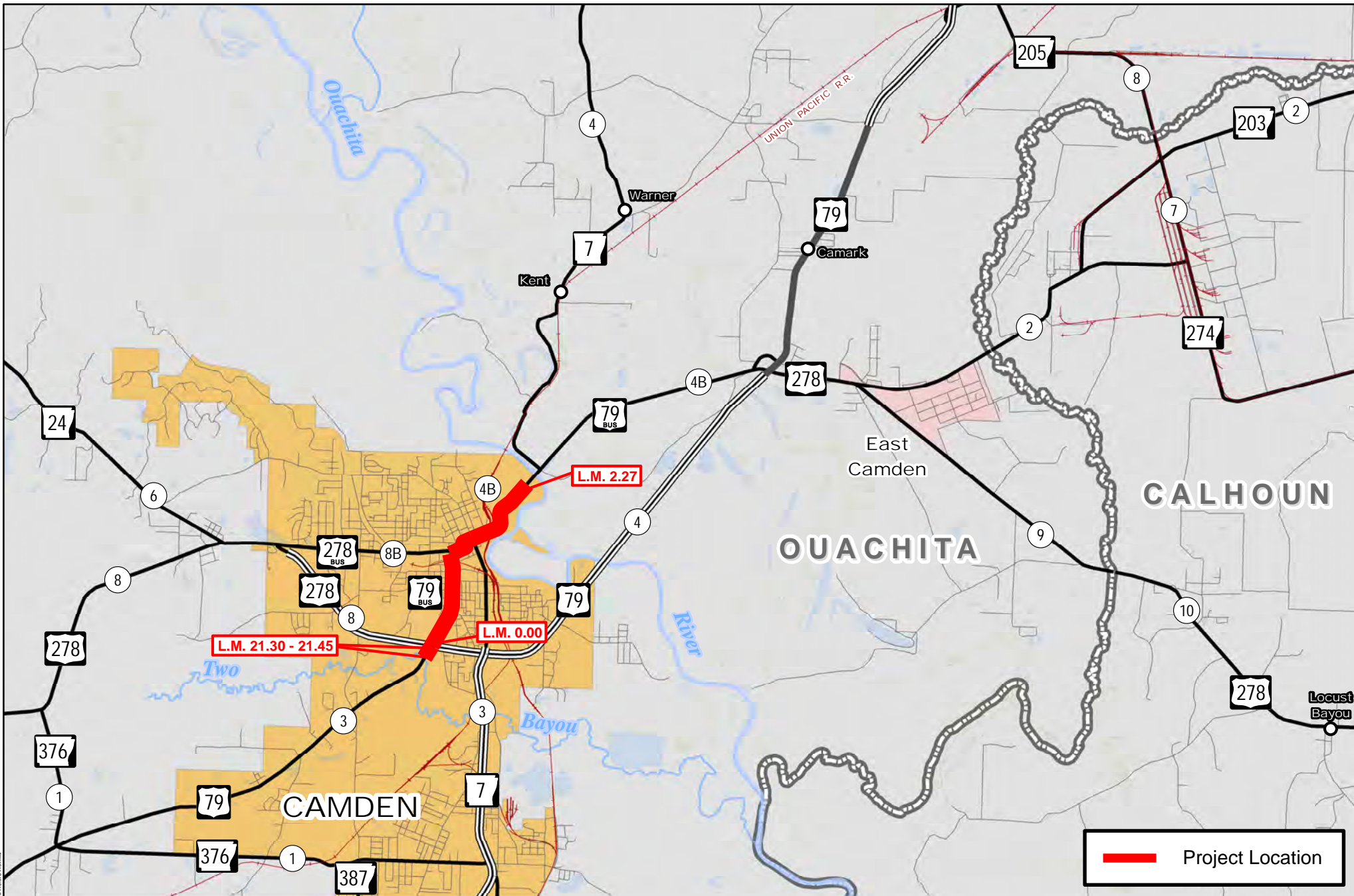
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 Project Location

Job 050370
 Fulton Co. Line - Hardy (Highland) (S)
 Hwy. 62, Sec. 17
 Sharp County



PM. PS. clde014: 8/2/2017





Job 070449

Two Bayou - Ouachita River (Camden) (S)

Hwy. 79, Secs. 3 & 4B
Ouachita County



PM: PS: dmsp211: 6/1/2018



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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

AHPP

OCT 04 2018

October 4, 2018

102323
FHWA

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

RE: Job Number 040726
Madison Co. Line-South
(S) Route 23, Section 7
Franklin County

Dear Ms. Hurst,

A Project Identification Form for the referenced project is enclosed. Please review for concurrence with the findings of my staff. If you have any questions or require additional information, please contact Wm. Lane Shields of my staff at 501-569-2077.

Sincerely,

Brenda Price

for John Fleming
Division Head
Environmental Division

RECEIVED
ARDOT
OCT 10 2018
ENVIRONMENTAL
DIVISION

Enclosure
PIF

JF:DW:WLS:fc

Date **OCT 08 2018**

This undertaking will have
no adverse effect on historic
properties.

[Signature]

State Historic Preservation Officer



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

June 12, 2018

TO: Job File

FROM: Kristina U. Boykin, Cultural Resources Section *K.B.*

SUBJECT: Archeological Clearance
Job Number 050370
Fulton Co. Line – Hardy (Highland) (S)
Route 62, Section 17
Sharp County

The Arkansas Department of Transportation proposes to mill and inlay Highway 62 from Log Mile (LM) 0.00 to LM 4.90 for 4.9 miles in Sharp County. An examination of the Arkansas Archeological Survey's records shows one site within the project area. Site 3SH307 is the Highland Church and Cemetery and will not be impacted by the current project. The records check at the Arkansas Historic Preservation Program for National Register of Historic Places (NRHP) listed and/or eligible structures revealed no historic properties recorded adjacent to the project area. SH0203 (Cherokee Village Log House) was the only property recorded in the area and was not eligible to the NRHP. Also I examined the 1962 (photo-revised 1981) Stuart topographic quad map for cemeteries, likely historic structures, and landforms conducive to hold archeological sites. The 1821 General Land Office plat map showed no cultural features or improvements in the immediate vicinity of the project area. The 1936 Sharp County Highway map shows structures spaced sparsely on both sides of Highway 662. No structures will be impacted by this project.

The proposed mill and inlay will occur in already disturbed areas inside the current right-of-way (ROW). No new ROW will be acquired. No affect to historic properties will occur. This project is subject to the 1999 MOA and falls under the exempted Work Category "Resurfacing". The project is not considered an undertaking and requires no further work or Section 106 review.



INTEROFFICE MEMORANDUM

June 20, 2018

TO: Environmental Job File

FROM: William McAlexander, Advanced Cultural Resources Specialist *WEM*

SUBJECT: Archeological Clearance
Job Number 070449
Hwy. 79 – Hwy. 7 North
(Camden) (S)
Route 79B, Section 4B
Ouachita County

The above referenced project involves milling and inlay one section and overlay of another section of Hwy. 79B in Ouachita County. An examination of the Arkansas Archeological Survey's (AAS) records was conducted for previously recorded archeological sites. No recorded sites are located within the proposed project area. A records check at the Arkansas Historic Preservation Program (AHPP) for properties listed in or eligible for the National Register revealed none next to the roadway. The Camden topographical map was examined for cemeteries, potential historic structures, and landforms conducive to hold archeological sites. The AHPP records showed the Washington Street Historic District near, but not in the project area. The 1841 General Land Office (GLO) plat showed no improvements or cultural features in the immediate vicinity of the project area. The 1936 Ouachita County road map showed several structures near the project area. The quad map showed no cemeteries. There will be no excavation. All work will be on existing roadway.

The project will consist of resurfacing the existing roadway. It does not have the potential to affect any undisturbed land surfaces or potential cultural resources. This project is subject to the 1999 MOA and falls under the exempted work category "Resurfacing". This project is not considered an undertaking and requires no further work or Section 106 review.



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



June 26, 2018

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

Dear Mr. Fleming:

Thank you for your email of June 21, 2018. The U.S. Fish and Wildlife Service (Service) is responding to your request, regarding the Arkansas Department of Transportation (ArDOT) proposal to overlay Hwy 23, 040726 Madison Co. Line - South (S), Franklin County, Arkansas. The project was described and assessed as follows (abbreviated and summarized):

The ArDOT project is an approximately 14 mile level up and overlay of Hwy 23 from approximately the southern end of the Ozark National Forest to the Madison County line. The project will involve the existing road surface. I have attached the IPAC list for your convenience. The project should have no effect on the following species due to the limited scope of the project, lack of habitat, and distance to known populations; American Burying Beetle (*Nicrophorus americanus*), *Geocarpon minimum*, and Missouri Bladderpod (*Physaria filiformis*).

Implementation of Best Management Practices and the addition of the attached special provision will minimize potential effects to the aquatic species. ArDot has determined the overlay may affect, but is not likely to adversely affect, the following species; Gray Bat (*Myotis grisescens*), Northern Long-eared Bat (*Myotis septentrionalis*), Indiana Bat (*Myotis sodalis*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Spectaclecase (*Margaritifera monodonta*), and Rabbitsfoot (*Theliderma cylindrical*).

Due to the limited effects for overlaying existing roadway, distance to known species locations, and standard special provision for bat avoidance and water quality conservation measures; the Service concurs with the determination of "may affect, not likely to adversely affect" for Gray Bat, Northern Long-eared Bat, Indiana Bat, Ozark Big-eared Bat, Spectaclecase, and Rabbitsfoot.

The Service agrees with your species assessments and no further consultation for this action regarding federally listed species is necessary at this time.

Mr. John Fleming

2

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". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping underline.

Melvin L. Tobin
Field Supervisor

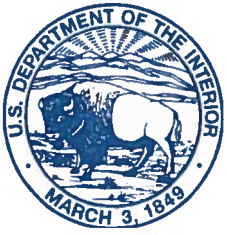
cc: Project File

Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2018\ARDOT\040726 Madison Co.

Line -

South\Comments - 040726 Madison Co. Line - South.docx



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



June 26, 2018

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

Dear Mr. Fleming:

Thank you for your email of June 22, 2018. The U.S. Fish and Wildlife Service (Service) is responding to your request, regarding the Arkansas Department of Transportation (ArDOT) proposal to overlay Hwy 62, 050370 Fulton Co. Line - Hardy (Highland) (S), Fulton County and Sharp County, Arkansas. The project was described and assessed as follows (abbreviated and summarized):

The project is an approximately mill and inlay of Hwy 62 in Sharp county from approximately Ash Flat to Hardy. The project will involve the existing road surface. The IPAC list was provided for your convenience. The project should have no effect on the Missouri Bladderpod (*Physaria filiformis*) due to limited scope of the project, lack of habitat, and distance to known populations.

Implementation of Best Management Practices and the addition of the attached special provision will minimize potential effects to the aquatic species. ArDot has determined the overlay "may affect, but is not likely to adversely affect", the following species: Gray Bat (*Myotis grisescens*), Northern Long-eared Bat (*Myotis septentrionalis*), Indiana Bat (*Myotis sodalis*), Curtis Pearlymussel (*Epioblasma curtisii*), Pink Mucket (*Lampsilis abrupta*), Scaleshell Mussel (*Leptodea leptodon*), Snuffbox Mussel (*Epioblasma triquetra*), Turgid Blossom (*Epioblasma turgidula*), and Rabbitsfoot (*Theliderma cylindrica*).

The Service has reviewed its records for these species and assessed the habitat in this area. Due to the limited effects from overlaying existing roadway, distance to known species locations, and standard special provision for bat avoidance and water quality and sediment control conservation measures, the Service concurs with the determination of "may affect, not likely to adversely affect" for Gray Bat, Northern Long-eared Bat, Indiana Bat, Ozark Big-eared Bat, Curtis Pearlymussel, Pink Mucket, Scaleshell Mussel, Snuffbox Mussel, Turgid Blossom, and Rabbitsfoot.

The Service agrees with your species assessments and no further consultation for this action regarding federally listed species is necessary at this time.

Mr. John Fleming

2

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', with a stylized flourish at the end.

Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2018\ARDOT\050370 Fulton Co.
Line - Hardy (Highland) (S)\Comments - 050370 Fulton Co. Line - Hardy (Highland)
(S).docx



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



June 28, 2018

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

Dear Mr. Fleming:

Thank you for your email of June 21, 2018. The U.S. Fish and Wildlife Service (Service) is responding to your request, regarding the Arkansas Department of Transportation (ArDOT) proposal for overlay project 070449 Hwy. 79 - Hwy. 7 North (Camden) (S), Ouachita County, Arkansas. The project was described and assessed as follows (abbreviated and summarized):

The project is an approximately mill and inlay of Hwy 79b in Camden. The project will involve the existing road surface. I have attached the IPAC list for your convenience. Implementation of Best Management Practices and the addition of the attached special provision will minimize potential effects to the aquatic species. ArDot has determined the overlay "may affect, but is not likely to adversely affect", the following species; Ouachita Rock Pocketbook (*Arcidens wheeleri*), Pink Mucket (*Lampsilis abrupta*), Spectaclecase (*Margaritifera monodonta*), Winged Mapleleaf (*Quadrula fragosa*), and Rabbitsfoot (*Theliderma cylindrica*) and its critical habitat.

Due to the limited effects for overlaying existing roadway, distance to known species locations, and standard special provision for bat avoidance and water quality conservation measures, the Service concurs with the determination of "may affect, not likely to adversely affect" for Ouachita Rock Pocketbook, Pink Mucket, Spectaclecase, Winged Mapleleaf, and Rabbitsfoot and its critical habitat.

The Service agrees with your species assessments and no further consultation for this action regarding federally listed 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,

Melvin L. Tobin
Field Supervisor

cc: Project File

Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2018\ARDOT\070449 Hwy. 79 - Hwy. 7 North (Camden) (S)\Comments - 070449 Hwy. 79 - Hwy. 7 North (Camden) (S).docx



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:

June 21, 2018

Consultation Code: 04ER1000-2018-SLI-1173

Event Code: 04ER1000-2018-E-01765

Project Name: 040726 Madison Co. Line - South (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-1173

Event Code: 04ER1000-2018-E-01765

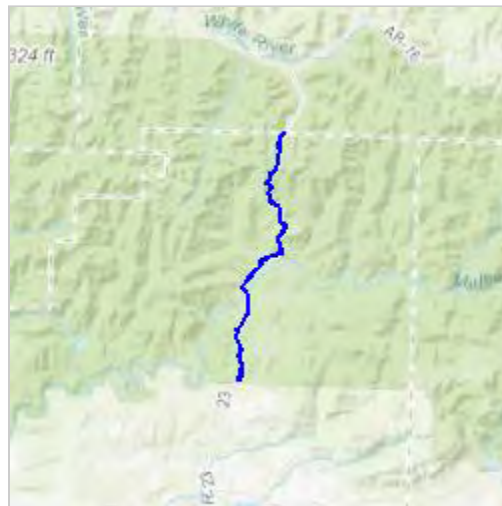
Project Name: 040726 Madison Co. Line - South (S)

Project Type: TRANSPORTATION

Project Description: Level up and overlay ~14 miles of Hwy. 23.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.69249542707067N93.81309209504916W>



Counties: Franklin, AR | Madison, AR

Endangered Species Act Species

There is a total of 10 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
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
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
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7245	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
Spectaclecase (mussel) <i>Cumberlandia monodonta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7867	Endangered

Insects

NAME	STATUS
American Burying Beetle <i>Nicrophorus americanus</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/66	Endangered
American Burying Beetle <i>Nicrophorus americanus</i> Population: Ex Pop, SW Missouri No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/66	Experimental Population, Non- Essential

Flowering Plants

NAME	STATUS
Geocarpion minimum No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7699	Threatened
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5361	Threatened

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>

In Reply Refer To:

June 21, 2018

Consultation Code: 04ER1000-2018-SLI-1170

Event Code: 04ER1000-2018-E-01759

Project Name: 050370 Fulton Co. Line - Hardy (Highland) (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:

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Project Summary

Consultation Code: 04ER1000-2018-SLI-1170

Event Code: 04ER1000-2018-E-01759

Project Name: 050370 Fulton Co. Line - Hardy (Highland) (S)

Project Type: TRANSPORTATION

Project Description: Mill and inlay pavement preservation job scheduled for letting in January 2019.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.27692986947625N91.50849949473945W>



Counties: Fulton, AR | Sharp, AR

Endangered Species Act Species

There is a total of 11 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.

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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
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
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
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Amphibians

NAME	STATUS
Ozark Hellbender <i>Cryptobranchus alleganiensis bishopi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/647	Endangered

Clams

NAME	STATUS
Curtis Pearlymussel <i>Epioblasma florentina curtisii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5628	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
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5881	Endangered
Snuffbox Mussel <i>Epioblasma triquetra</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4135	Endangered
Turgid Blossom (pearlymussel) <i>Epioblasma turgidula</i> Population: Wherever found; Except where listed as Experimental Populations No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7659	Endangered

Flowering Plants

NAME	STATUS
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5361	Threatened

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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In Reply Refer To:

June 21, 2018

Consultation Code: 04ER1000-2018-SLI-1174

Event Code: 04ER1000-2018-E-01767

Project Name: 070449 Hwy. 79 - Hwy. 7 North (Camden) (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:

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Project Summary

Consultation Code: 04ER1000-2018-SLI-1174

Event Code: 04ER1000-2018-E-01767

Project Name: 070449 Hwy. 79 - Hwy. 7 North (Camden) (S)

Project Type: TRANSPORTATION

Project Description: Mill and inlay/overlay sections of Hwy 79b.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/33.58425346389041N92.83080398840883W>



Counties: Ouachita, AR

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.

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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 overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened
Spectaclecase (mussel) <i>Cumberlandia monodonta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7867	Endangered
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

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> https://ecos.fws.gov/ecp/species/5165#crithab	Final

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

ARDOT Job Number See Table FAP Number See Table
Job Title See Table

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts anticipated
Cultural Resources	X			None in project area
Economic	X			Will not be impacted by project
Endangered Species	X			USFWS concurrences enclosed
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife	X			No impacts expected
Floodplains	X			No impacts expected
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 project
Migratory Birds	X			No structures with nests
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			None in project area
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			SPs as indicated in Remarks
Relocatees	X			No relocations
Section 4(f)/6(f)	X			4f 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			No impacts
Water Quality	X			No runoff issues expected
Wetlands	X			None in project area
Wildlife Refuges	X			None in the area

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

Remarks:

Public Water Supply/WHPA – WPC SP required for Job # 040726, 050370, & 070449

Signature of Evaluator Sherry LeBlanc Date 10/8/2018