





INTEROFFICE MEMORANDUM

August 6, 2019

TO: Master Files

FROM:  John Fleming, Division Head, Environmental Division 

SUBJECT: Job Number 090438
FAP Number STPC-9191(8)
Hwy. 65/Hwy. 43/Rock Springs Rd. Signal Upgrade
& Inters. Impvts. (Harrison)(S)
Route 43, Section 3
Route 65, Section 1
Boone County
Tier 2 Categorical Exclusion

The Environmental Division reviewed the referenced project and has determined it falls within the definition of a Tier 2 Categorical Exclusion under 23 Code of Federal Regulations, Section 771.117, and the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. A public hearing will not be offered for this project.

The purpose of this project is to upgrade the traffic signal, add pedestrian signal heads, and make intersection improvements at the Hwy. 65/Hwy. 43/Rock Springs Road intersection in Harrison, Boone County. The project will provide 12' left turn lanes and 11' through lanes on Highway 65; a 12' left turn lane with 12' through lanes on Rock Springs Road; and a 12' left turn lane, 12' through lanes, and a 12' right turn only lane on Highway 43. Curb and gutter will also be provided along with 5' sidewalks, wheelchair ramps, and crosswalks. The total project length is 0.4 mile. Right of way width will increase from 80' to 126' requiring 1.1 acres of new right of way and 0.40 acre of temporary construction easements.

The project will not involve relocations, prime farmlands, wetlands, floodplains, underground storage tanks, public water supplies/wellhead protection areas, hazardous materials, or environmental justice issues. 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 concerns. The State Historic Preservation Officer's clearance is attached. A Section 404 permit will not be required for the construction of this project.

Design data for this project is as follows:

Route Design Year	Average Daily Traffic	Percent Trucks	Design Speed
Hwy. 65 2019	25,800	5	45 mph
Hwy. 65 2039	35,100	5	45 mph
Hwy. 43 2019	6,120	6	35 mph
Hwy. 43 2019	7,470	6	35 mph

The official species list obtained through US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identified the following federally listed species as having the potential to occur in the project area: gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), and Missouri bladderpod (*Physaria filiformis*). A "no effect" determination was made for the federally listed plant species due to the lack of habitat in the project area. No trees will be cleared for the construction of this project; therefore, a "no effect" determination was made for all federally listed bat species.

Based on the ARDOT noise policy, a noise analysis is not required for this project. Constructing the turn lanes will not add capacity or expose noise sensitive land uses to a new traffic noise source. Although the addition of the turn lanes will change the highway's horizontal alignment, it will not reduce the distance to the nearest noise receptor by half of the existing distance. In compliance with federal guidelines, local authorities will not require notification.

A public involvement meeting was held on June 27, 2019. A synopsis of the meeting is attached.

Attachments:

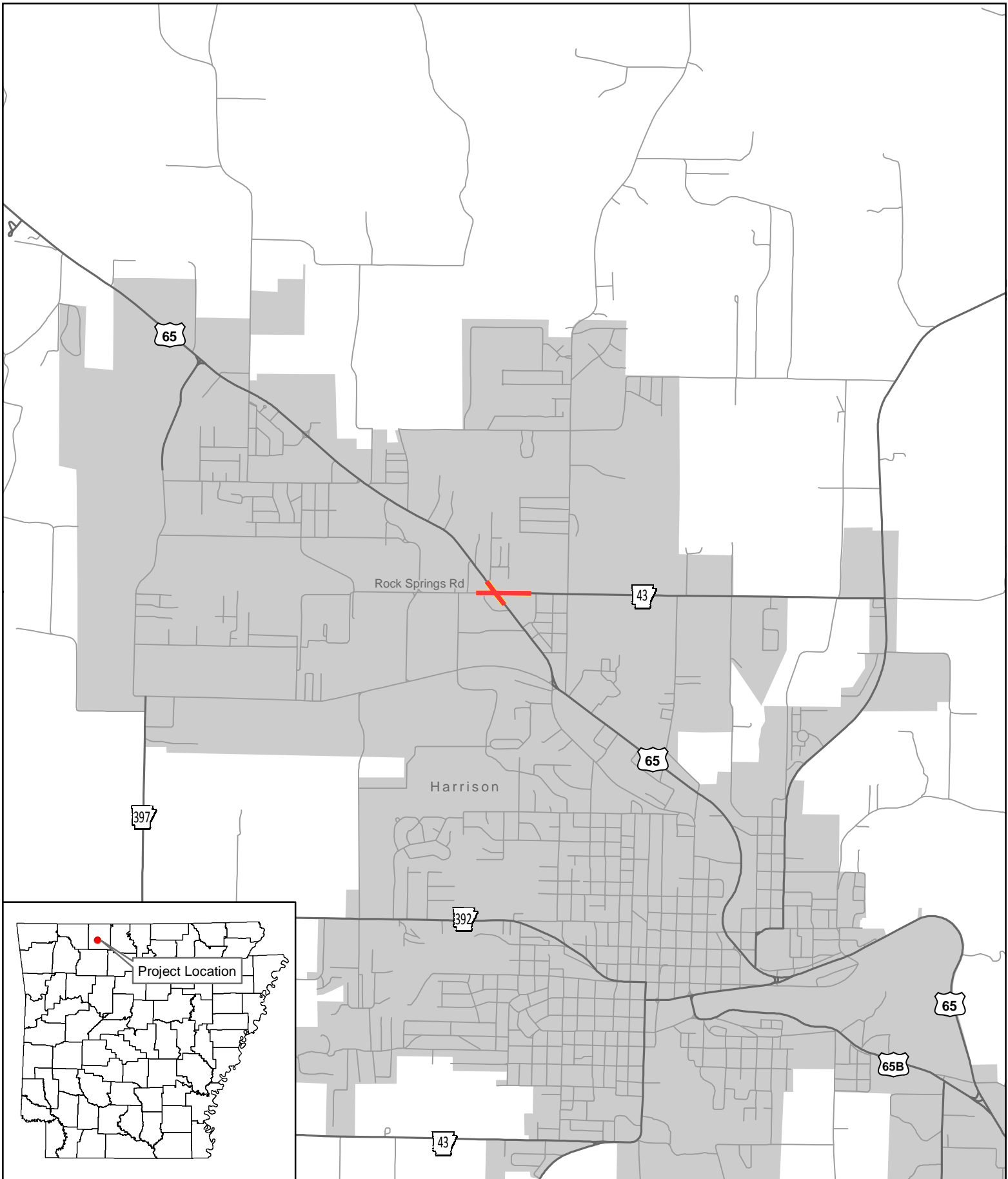
- Project Location Map
- SHPO Clearance
- USFWS Species List
- PI Synopsis
- Environmental Study Checklist
- Design Sheet

Approved:


Kevin Thornton
 Assistant Chief Engineer-Planning

JF:TT:am

- c: Program Management
- Right of Way
- Roadway Design
- District 9
- FHWA



Job 090438
Hwy. 65/Hwy. 43/Rock Springs Rd.
Signal Upgrade & Inters. Impvts. (Harrison)
Boone County

 Project Location



0 1,500 3,000
Feet



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

103075
FHWA

AHPP

February 13, 2019

FEB 13 2019

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

RECEIVED
ARDOT

FEB 19 2019

ENVIRONMENTAL
DIVISION

RE: Job Number 090438
Hwy. 65/Hwy. 43/Rock Springs Rd.
Signal Upgrade & Inter. Impvts.
(Harrison) (S)
Route 43, Section 3
Route 65, Section 1
Boone County

Dear Ms. Hurst:

Please find enclosed a Project Identification Form (PIF) for the referenced project. If you have any questions or require additional information about the project, please contact William McAlexander of my staff at 501-569-2078.

Sincerely,

Brenda Price

for John Fleming
Division Head
Environmental Division

JF:KB:WM:fc

Enclosure
PIF

Date 2/13/2019
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.
[Signature]
Arkansas State Historic Preservation Officer



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:

February 01, 2019

Consultation Code: 04ER1000-2019-SLI-0384

Event Code: 04ER1000-2019-E-00728

Project Name: 090438 Hwy. 65/Hwy. 43 Rock Springs Rd. Signal Upgrade and Interchange Improvements

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-0384

Event Code: 04ER1000-2019-E-00728

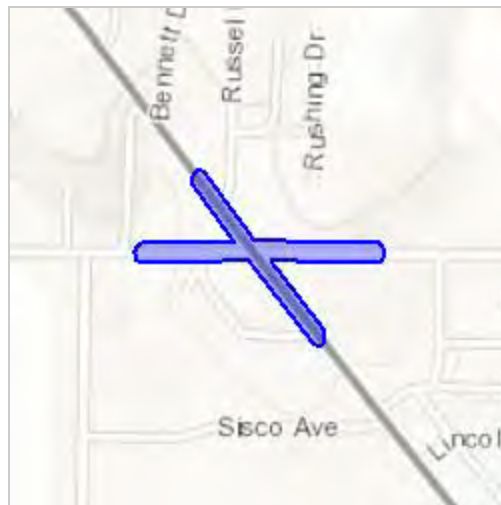
Project Name: 090438 Hwy. 65/Hwy. 43 Rock Springs Rd. Signal Upgrade and Interchange Improvements

Project Type: TRANSPORTATION

Project Description: A traffic signal, in Harrison, at the intersection of Highway 65 & Highway 43/Rock Springs Rd. will be upgraded. Also improvements will be made to the interchange such as widening the lanes as they approach the traffic light at the intersection.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.255637789442176N93.12328492122947W>



Counties: Boone, 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.

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

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.

PUBLIC INVOLVEMENT SYNOPSIS

Job Number 090438

Hwy. 65/Hwy. 43/Rock Springs Rd. Signal Upgrade & Inters. Impvts. (Harrison)

Boone County

Thursday, June 27, 2019

An open forum Public Involvement meeting for the proposed intersection improvements project was held at the Northvale Baptist Church (Fellowship Hall) at 310 Adams Street in Harrison, Arkansas from 4:00 – 7:00 p.m. on Thursday, June 27, 2019. Efforts to involve minorities and the public in the meeting included:

- Display advertisement place in the *Harrison Daily Times* on Wednesday, June 19 & Wednesday June 26, 2019.
- Public Service Announcement ran on La Zeta 95.7 FM from Monday, June 24, 2019 through Thursday, June 27, 2019.
- Outreach letters mailed to public officials.
- Distribution of flyers in the project area.

The following information was available for inspection and comment:

- Two displays using aerial backgrounds showing the project location at a scale of 1" = 87'.
- Preliminary design of the proposed project was shown at a scale of 1" = 30'.
- Right of Way information poster.

Handouts for the public included a comment sheet and a small-scale map (1" = 350') illustrating the project location. Copies of these are attached.

Table 1 describes the results of the public participation at the meeting.

TABLE 1	
Public Participation	Totals
Attendance at Public Involvement meeting (including ARDOT staff)	51
Total comment forms received	15
Total letters received	1
Total comments received	16

ARDOT staff reviewed all comments received and evaluated their contents. The summary of comments listed below reflects the personal perception or opinion of the person or organization making the statement. The sequencing of the comments is

random and is not intended to reflect importance or numerical values. Some of the comments were combined and/or paraphrased to simplify the synopsis process.

An analysis of the responses received as a result of the public survey is shown in Table 2.

TABLE 2	
Survey Results	Totals
Feels that the proposed intersection improvements are needed	15
Does not feel that the proposed improvements are needed?	0
Knowledge of any historical sites, family cemeteries, or archaeological sites in the project area?	0
Knowledge of environmental constraints in the project area.	0
Home or property limitations	1
Suggestions to better serve the needs of the community	11
Beneficial impacts due to the proposed project	8
Adverse impacts due to the proposed project	6

The following is a listing of comments concerning issues associated with the project:

- Concerned about the drainage and runoff, can flood front office (Century 21 Office).
- I hope its beneficial.
- Will back up traffic.
- This area has needed help.
- Beneficial to community.
- Removal will impact property value.
- Eliminates Holiday Inn Express sign and parking.
- Six commenters were very concerned about right of way impacts to their businesses, these businesses interests were: The Wendy's Restaurant, Thompson's-Ace Hardware, Casey's General Store, White Oak Station, Reeves Furniture and Brian Johnson-State Farm Insurance.

Attachments:

- Public handouts, including blank comment form
- Small-scale display copies

RJ
DN

KS Apr RJ
DN

Job Number 090438- Public Involvement Synopsis

June 27, 2019

Page 3 of 3

TT:am

**ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT)
CITIZEN COMMENT FORM**

**ARDOT JOB NUMBER 090438
Hwy. 65/Hwy. 43/Rock Springs Rd. Signal Upgrade & Inters. Impvts. (Harrison)
Boone COUNTY**

**LOCATION:
NORTHVALE BAPTIST CHURCH
(FELLOWSHIP HALL)
310 ADAMS ST.
HARRISON, AR
4:00 – 7:00 P.M.
THURSDAY, JUNE 27, 2019**

Make your comments on this form and leave it with ARDOT personnel at the meeting or mail it by 4:30 p.m. on **Friday, July 12, 2019** to: Arkansas Department of Transportation, Environmental Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261. Email: environmentalmeetings@ardot.gov.

Yes No

 Do you feel there is a need for the proposed intersection improvements at Hwy. 65/Hwy. 43/Rock Springs Road in Harrison? Comment (optional) _____

 Do you know of any historical sites, family cemeteries, or archaeological sites in the project area? Please note and discuss with staff. _____

 Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with ARDOT staff. _____

 Does your home or property offer any limitations to the project, such as septic systems, that the Department needs to consider in its design? _____

(Continued on back)

Yes No

Do you have a suggestion that would make this proposed project better serve the needs of the community? _____

Do you feel that the proposed improvements project will have any impacts (Beneficial or Adverse) on your property and/or community (economic, environmental, social, etc.)? Please explain. _____

It is often necessary for the ARDOT to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name : _____ (Please Print)

Address: _____ Phone: (____) _____ -- _____

E-mail: _____

Please make additional comments here. _____



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 0 175 350
 Feet
 ARDOT - Environmental GIS - Reed
 Map Date: June 18, 2019
 Meeting Date: June 27, 2019
 Public Involvement Meeting Handout

PRELIMINARY
 SUBJECT TO REVISION

Job 090438
 Highway 65/Highway 43/Rock Springs Road
 Signal Upgrade & Intersection Improvements
 (Harrison)
 Boone County

Project Location

Photography Date: January 2017

Notes:

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

ARDOT Job Number 090438 FAP Number STPC-9191(8)

Job Title Hwy.65/Hwy.43/Rock Springs Rd. Signal Upgrade & Inters. Impvts. (Harrison)(S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT impacts anticipated
Cultural Resources	X			SHPO approval attached
Economic	X			Will not be impacted by project
Endangered Species	X			"No Effect" determination
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife	X			During construction
Floodplains	X			None occur in project area
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 birds or nest present
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			No farmlands within city limits
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No public water supplies in project area
Relocates	X			No relocations
Section 4(f)/6(f)	X			4(f)/6(f) resources not present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No UST's to be impacted
Visual	X			No changes to the visual environment
Streams	X			No stream impacts
Water Quality	X			No water quality impacts
Wetlands	X			No wetlands
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? No
 Section 404 Permit Required? No Type N/A

Remarks: _____

Signature of Evaluator  Date July 30, 2019

ROADWAY DESIGN REQUEST

Job Number 090438 FAP No. STPC-9191(8) County Boone
 Job Name Hwy. 65/Hwy. 43/Rock Springs Rd. Signal Upgrade & Inters. Impvts. (Harrison) (S)
 Design Engineer Brian Bettinardi Environmental Staff Tucker/Hildebran/Ewing
 Brief Project Description Signal Upgrade and Intersection Improvements

A. Existing Conditions:

Roadway Width: 22' - 50' Shoulder Type/Width: C&G, 2'
 Number of Lanes and Width: 2-11', 3-11' Existing Right-of-Way: 30' - 80'
& 5-10'
 Sidewalks? Yes Location: Left Width: 5'
 Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 22'-58' Shoulder Type/Width: C&G
 Number of Lanes and Width: 3-12', 4-12', & Proposed Right-of-Way: 80' - 126'
4'-11', 1-12'
 Sidewalks? Yes Location: Left & Right Width: 5'
 Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: N/A Length: _____

D. Design Traffic Data: (Hwy. 43 & Hwy. 65)

<u>2019</u> ADT: <u>6,120</u>	<u>2039</u> ADT: <u>7,470</u>	% Trucks: <u>6</u>
<u>2019</u> ADT: <u>25,800</u>	<u>2039</u> ADT: <u>35,100</u>	% Trucks: <u>5</u>
Design Speed: <u>35 & 45</u> m.p.h.	_____	_____

E. Approximate total length of project: 0.416 mile(s)

F. Justification for proposed improvements: Signal Upgrade and Intersection Improvements

G. Total Relocates: 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