



January 30, 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 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 these projects is to preserve and rehabilitate deteriorated highway pavement. More information on the location and scope of each project can be found in the enclosed table. 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 clearances are enclosed. A Water Pollution Prevention Special Provision will be required for all the projects.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website lists yellowcheek darter (*Etheostoma moorei*), Rabbitsfoot (*Theliderma cylindrica*), Speckled Pocketbook

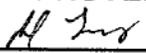
(*Lampsilis streckeri*), gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), and northern long-eared bat (*Myotis septentrionalis*) as species potentially affected by Project 080552 in Stone County. This project, with the added Water Pollution Prevention Special Provision, "may affect, but is not likely to adversely affect" the listed species. USFWS concurrence was received January 11, 2018.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website lists Piping Plover (*Charadrius melodus*), pallid sturgeon (*Scaphirhynchus albus*), and Fat Pocketbook (*Potamilus capax*) as species potentially affected by projects 100892, 100912, 100931, and 100947 in Poinsett and Mississippi Counties. These projects, with the added Water Pollution Prevention Special Provision, "may affect, but is not likely to adversely affect" the listed species. USFWS concurrence was received January 11, 2018.

The project will not have a discharge of dredged or fill material into waters of the United States, therefore a Section 404 permit will not be required.

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

Sincerely,

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 2-1-2018


for John Fleming
Division Head
Environmental Division

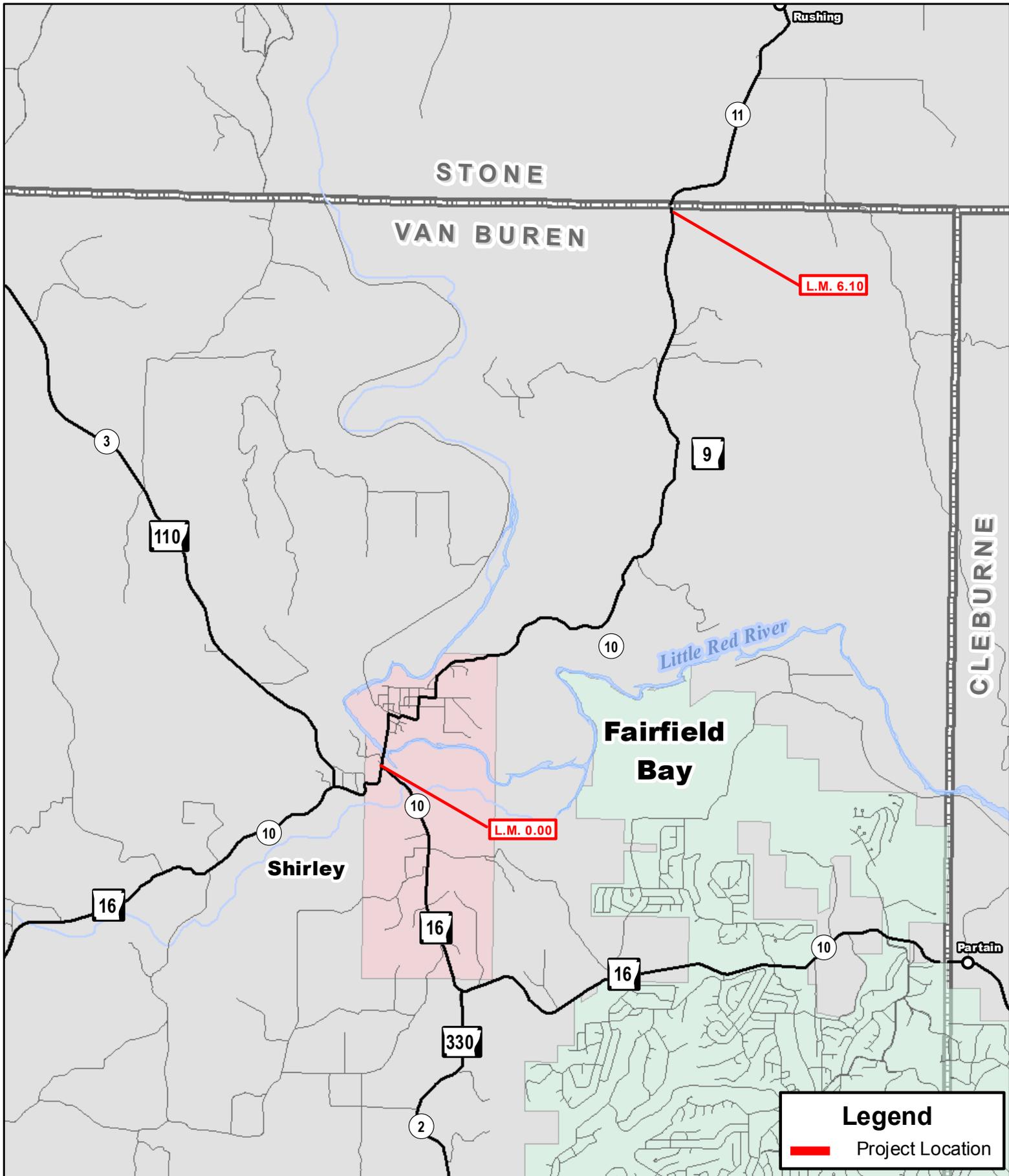
Enclosures

JF:SL:fc

c: Program Management
Right of Way
Roadway Design
Districts 8 & 10
Master File

2018 Pavement Preservation Projects

Job No.	FAP No.	Job Name	County	Route	Type of Work
080552	STPR-0071(36)	Shirley - Stone Co. Line (S)	Van Buren	Hwy. 9	Overlay
100892	STPF-0047(65	Missouri State Line - Hwy. 18B (S)	Mississippi	Hwy. 77	Overlay / Polymer / Joint Work /Possible Hot-in-place Recycling
100912	STPR-0047(66	Hwy. 18 - Hwy. 77 (Leachville) (S)	Mississippi	Hwy. 119	UTBWC / Polymer / Joint Work
100931	STPR-0056(45)	Hwy. 163 - I-555 (S)	Mississippi	Hwy. 69	UTBWC / Polymer / Joint Work
100947	STPR-0056(46)	Left Hand Chute of Little River - East (S)	Poinsett	Hwy. 166	Mill & Inlay



Job 080552

Shirley - Stone Co. Line (S)

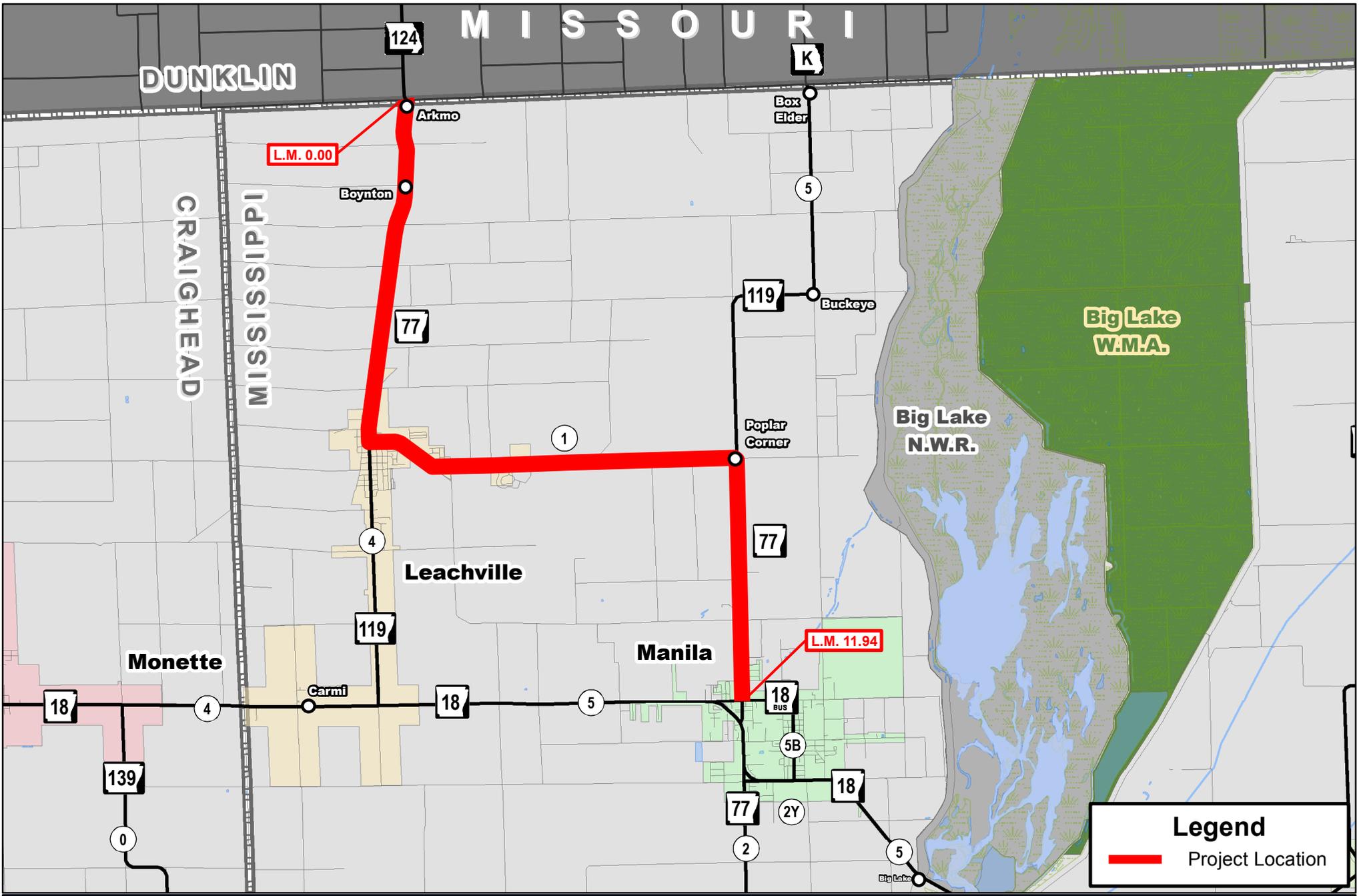
Hwy. 9, Sec. 10

Van Buren County



PM: PS: CLD: 5-31-2016



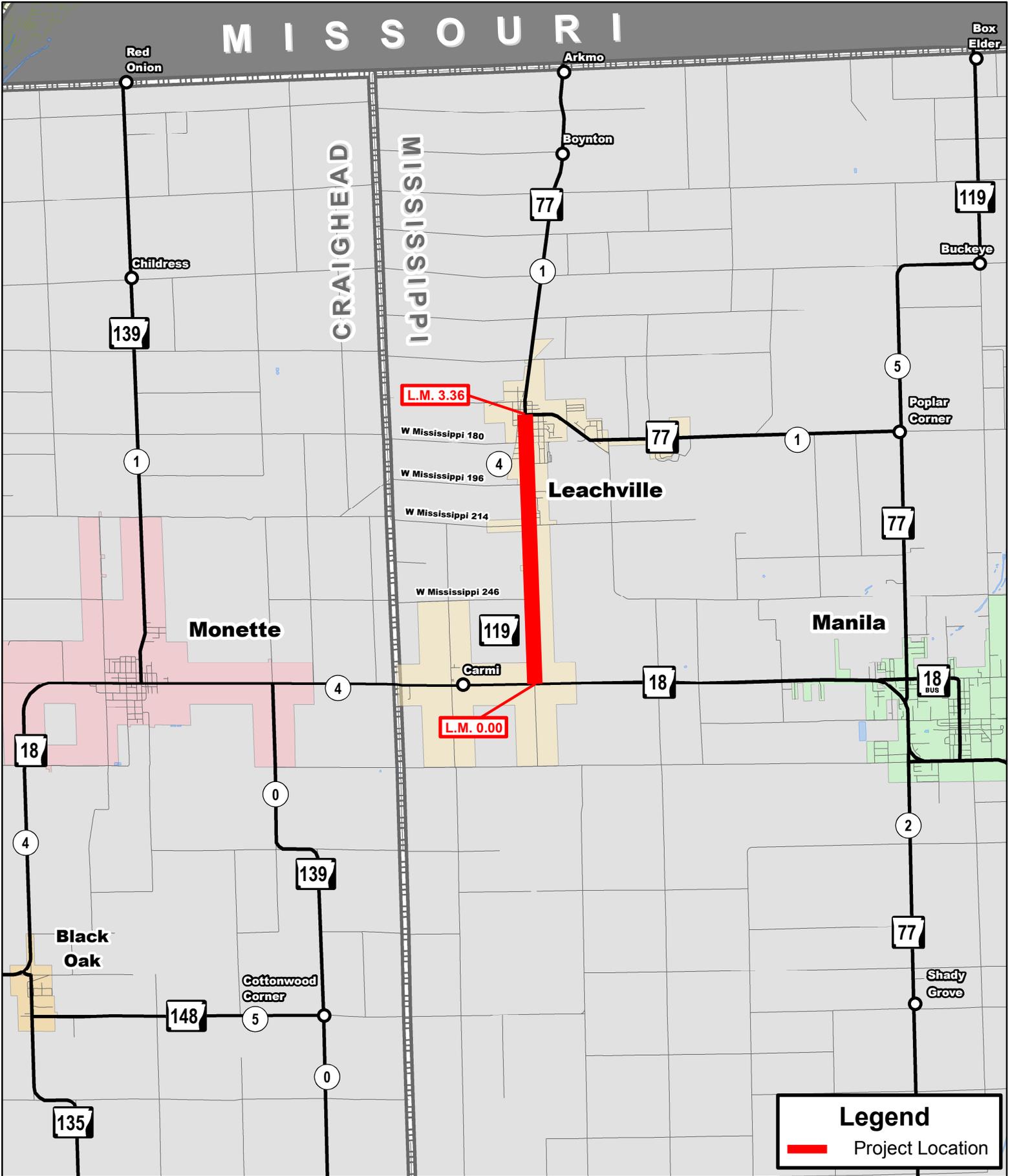


Job 100892
Missouri State Line - Hwy. 18B (S)
Hwy. 77, Sec. 1
Mississippi County



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MISSOURI



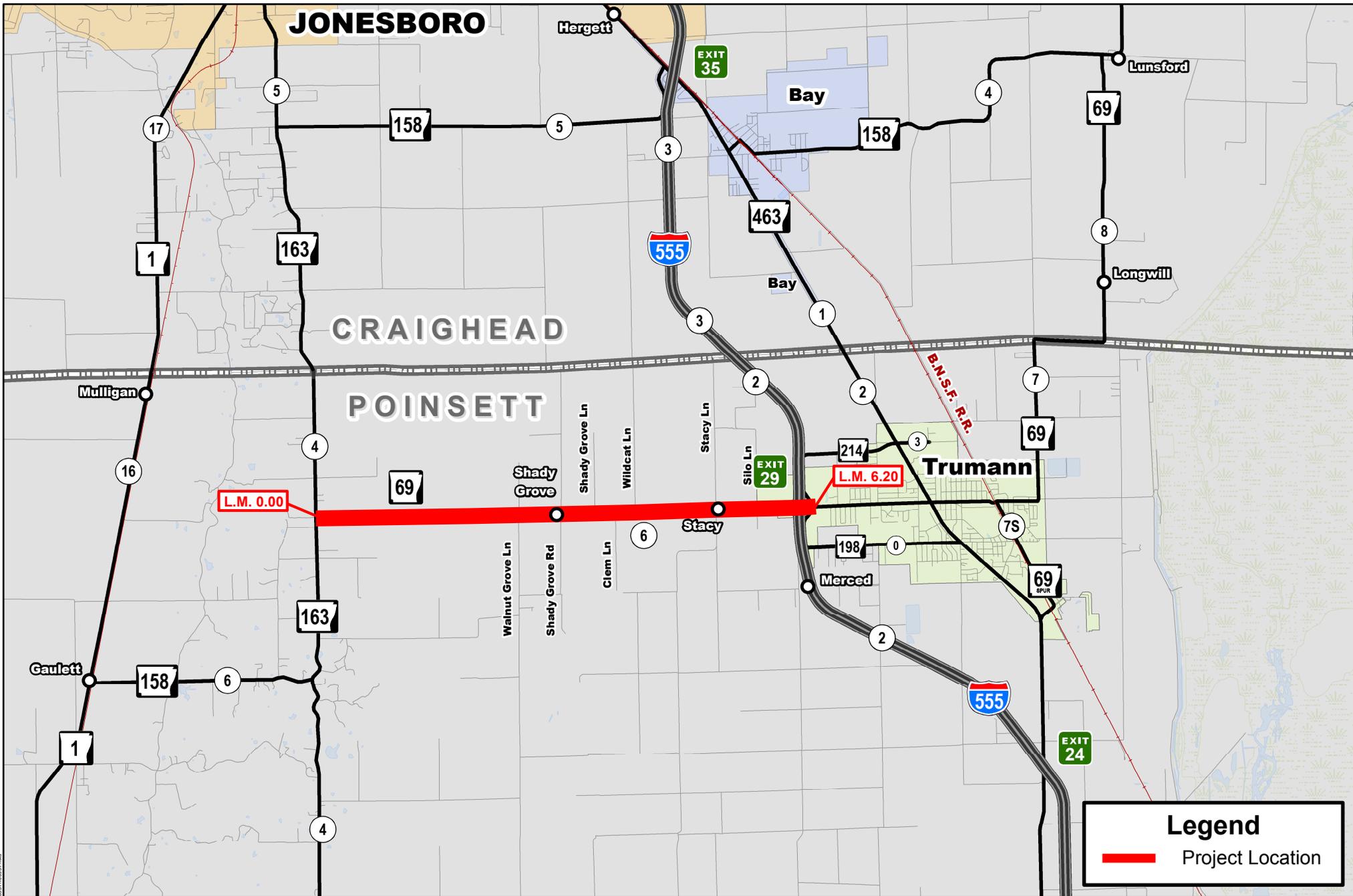
Job 100912

Hwy. 18 - Hwy. 77 (Leachville) (S)

Hwy. 119, Sec. 4

Mississippi County



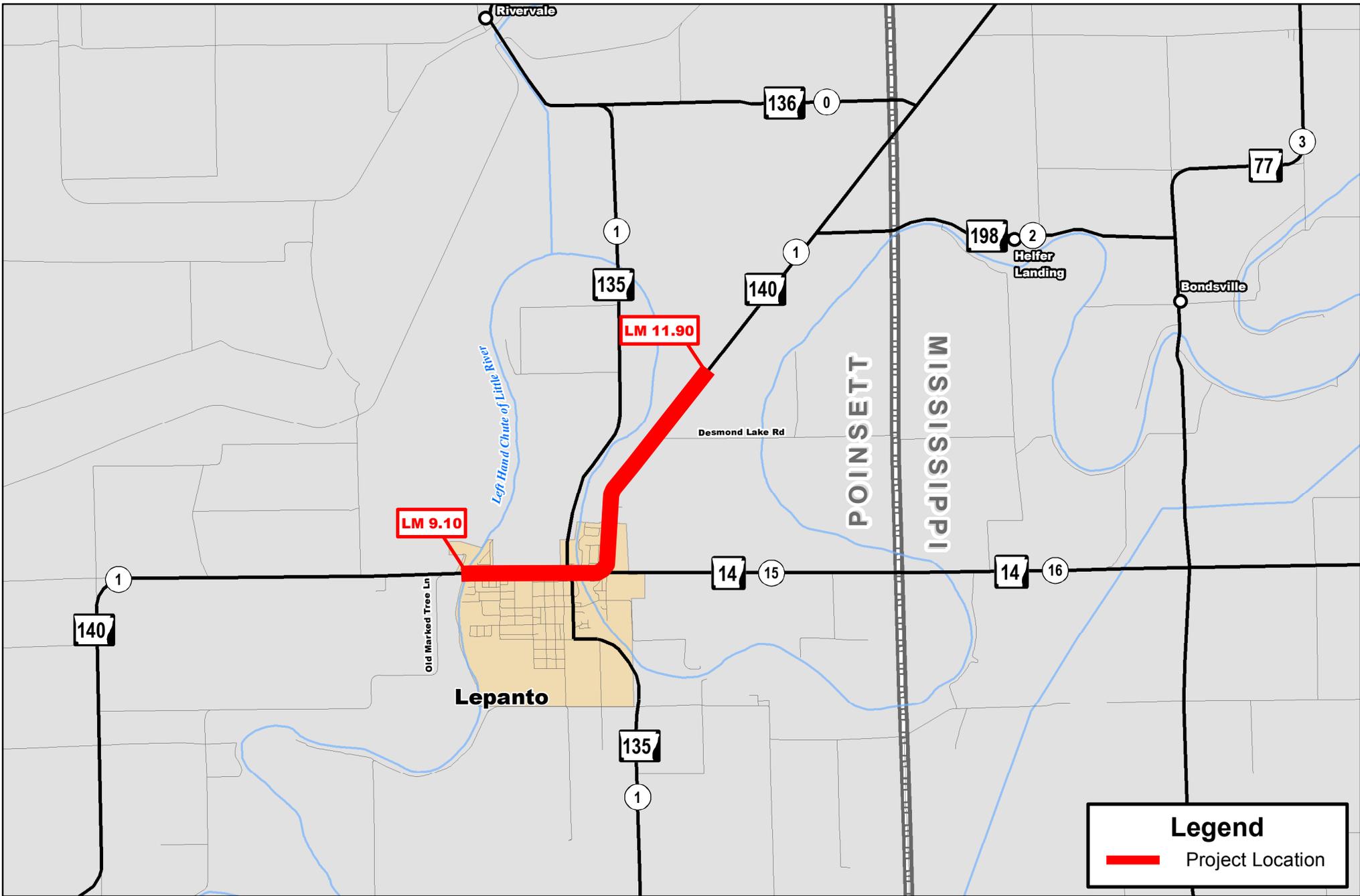


Legend
 Project Location

Job 100931
Hwy. 163 - I-555 (S)
Hwy. 69, Sec. 6
Poinsett County



Document Path: \\net1\pub\pgram\Conf\Bak\Bak\100931\100931.dwg



Job 100947
Left Hand Chute of Little River - East (S)
 Hwy. 140 Sec. 1
 Poinsett County





INTEROFFICE MEMORANDUM

November 7, 2017

TO: Job File

FROM: Richard Jenkins, Cultural Resources 

SUBJECT: Archeological Clearance
ARDOT Job Number 080552
Shirley – Stone Co. Line (S)
Van Buren County

The Arkansas Department of Transportation proposes to rehabilitate a portion of Highway 9 in Van Buren County. No new right-of-way will be acquired.

An examination of the Arkansas Archeological Survey's (AAS) records was conducted for previously recorded archeological site and was negative. A records evaluation at the Department of Arkansas Heritage (AHPP) for historic properties or National Register listed or eligible structures identified VB0012 near the project area, but this resource is outside of the project area and will not be impacted. The Shirley topographic quadrangle map was examined for cemeteries, likely historic structures, and landforms conducive to hold archeological sites along the project's route; none were found. The General Land Office map showed an unnamed road crossing the project in Sections 8, 17, and 19 of Township 12 North, Range 12 West. The 1936 Van Buren County Highway map shows numerous structures near this project.

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



INTEROFFICE MEMORANDUM

November 7, 2017

TO: Job File

FROM: Richard Jenkins, Cultural Resources *RJ*

SUBJECT: Archeological Clearance
ARDOT Job Number 100892
Missouri State Line Hwy. 18B (S)
Mississippi County

The Arkansas Department of Transportation proposes to rehabilitate a portion of Highway 77 in Mississippi County. 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 was negative. A records evaluation at the Department of Arkansas Heritage (AHPP) for historic properties or National Register listed or eligible structures was also negative. The Manila North topographic quadrangle map was examined for cemeteries, likely historic structures, and landforms conducive to hold archeological sites along the project's route; none were found. The General Land Office map showed no cultural improvements. The 1936 Mississippi County Highway map shows numerous structures near this project.

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



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

September 29, 2017

TO: Job File

FROM: Kristina Boykin, Environmental Division *K.B.*

SUBJECT: Archeological Clearance
Job No. 100912
Hwy. 18 – Hwy. 77 (Leachville) (S)
Mississippi County

The Arkansas Department of Transportation proposes to add an ultrathin bonded wearing course (UTBWC) to Highway 119 for 3.6 miles from Highway 18 to Highway 77 south of Leachville in Mississippi County. No new right-of-way (ROW) will be acquired.

An examination of the Arkansas Archeological Survey's (AAS) records was conducted for previously recorded archeological sites. Several sites are recorded within the area: 3MS121, 3MS157, 3MS159, 3MS160, 3MS161, 3MS163, 3MS348, 3MS349, 3MS849, and 3MS850. Sites 3MS121, 3MS159, 3MS160, 3MS161, and 3MS163 are several meters east of Highway 119. Site 3MS157 is just across the ditch from the highway in an agricultural field. It is a historic artifact scatter. Sites 3MS348 and 3MS349 are house sites located south of County Road 246 with no remaining standing structures. Sites 3MS849 and 3MS850 are house sites located south of Highway 18 with no remaining standing structures. These two sites were totally destroyed and were not considered eligible for the National Register of Historic Places (NRHP). None of the sites are directly within the existing ROW or adjacent to the ROW and therefore will not be impacted by the nature of this project. The records check at the Arkansas Historic Preservation Program (AHPP) for NRHP listed structures revealed one structure (MS0876) listed as not eligible

Archeological Clearance

Job No. 100912

Page 2 of 2

within the project area. To the northwest of the project, MS0103 (the old railroad depot) is listed on the NRHP. This structure is located on the next street over from the highway and will not be impacted by this undertaking. Also I examined the 1983 Leachville topographic quad map for cemeteries, likely historic structures, and landforms conducive to hold archeological sites within Sections 8, 17, 20, and 29 in Township 15 North, Range 8 East. The 1846 General Land Office map had no cultural improvements or features found in the immediate vicinity of the project area. The 1936 Mississippi County Highway map has numerous structures spaced on both sides of Highway 119. No structures will be impacted by the nature of this project. No cemeteries are shown on any of the maps.

The proposed UTBWC will occur in already disturbed areas inside the current ROW. No cultural resources are will be impacted. 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.



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

October 9, 2017

Mr. John Fleming
Division Head
Environmental Division
Arkansas State Highway and Transportation Department
PO Box 2261
Little Rock, AR 72203-2261

RECEIVED
AHTD
OCT 11 2017
ENVIRONMENTAL
DIVISION

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

RE: Poinsett County – General
Section 106 Review – FHWA
Request for Technical Assistance
AHTD Job Number 100931
Hwy. 163 – 155 (S)
AHPP Tracking Number 99434

Dear Mr. Fleming:

This letter is written in response to the Project Identification Form (PIF) regarding the above referenced project. The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the information regarding the additional location for resurfacing.

There are numerous archeological sites along the segment of Highway 69 that is being resurfaced. On the condition that no new right-of-way is needed and no cultural materials are discovered during the overlay or resurfacing, we concur that the undertaking will have no adverse effect on cultural resources.

Tribes that have expressed an interest in the area include the Osage Nation (Dr. Andrea Hunter), the Quapaw Tribe of Oklahoma (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Kim Jumper). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Tim Dodson of my staff at (501)-324-9784.

Sincerely,

Scott Kaufman
Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration
Dr. Andrea Hunter, Osage Nation
Dr. Ann Early, Arkansas Archeological Survey



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

(501) 324-9880
fax: (501) 324-9184
tdd: 711

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

An Equal Opportunity Employer



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

99504
FHWA

October 18, 2017

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

AHPP

OCT 19 2017

RECEIVED
AHTD

OCT 23 2017

ENVIRONMENTAL
DIVISION

RE: Job No. 100947
Left Hand Chute of the
Little River-East (S)
Poinsett 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, contact Scott Smallwood of my staff at (501) 569-2038.

Sincerely,

John Fleming
Division Head
Environmental Division

Enclosure
PIF

JF:DW:CSS:ym

Date 10/19/2017

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



January 9, 2018

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 January 8, 2018, regarding ArDot Job 080552 Shirley – Stone County Line, Hwy 9 Van Buren County, Arkansas. The project was described and assessed as follows (abbreviated):

The project will consist of an overlay of Hwy 9. Job is six miles in length with the addition of rumble strips. 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 and assessed for the determination:

*Gray Bat **Myotis grisescens***

No critical habitat has been designated for this species. Species profile:
Endangered

*Indiana Bat **Myotis sodalis***

There is **final** critical habitat for this species. Your location is outside the critical habitat.
Endangered

*Northern Long-eared Bat **Myotis septentrionalis***

No critical habitat has been designated for this species.
Threatened

*Yellowcheek Darter **Etheostoma moorei***

There is **final** critical habitat for this species.
Your location is outside the critical habitat. Species profile: Endangered

Rabbitsfoot *Quadrula cylindrica cylindrica*

There is **final** critical habitat for this species.

Your location is outside the critical habitat. Species profile:

Threatened

Speckled Pocketbook *Lampsilis streckeri*

No critical habitat has been designated for this species.

Endangered

Due to the limited scope of the action (i.e., paving/overlaying existing roadway, adding rubble strips), minimal adjacent habitat effect, distance to known species locations, the standard special provision for sediment control, and the special provision for water pollution control, the Service concurs with the determination of "may affect, not likely to adversely affect" for the species and critical habitats identified. No further consultation for this action and 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,



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:

January 09, 2018

Consultation Code: 04ER1000-2018-SLI-0334

Event Code: 04ER1000-2018-E-00544

Project Name: 080552 Shirley - Stone Co. Line (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-0334

Event Code: 04ER1000-2018-E-00544

Project Name: 080552 Shirley - Stone Co. Line (S)

Project Type: TRANSPORTATION

Project Description: Overlay of Hwy 9. Job is six miles in length with the addition of rumble strips.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.68261252581313N92.27983046822368W>



Counties: Van Buren, 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.

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

Fishes

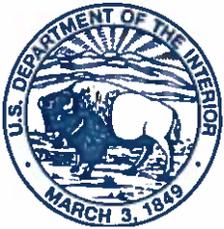
NAME	STATUS
Yellowcheek Darter <i>Etheostoma moorei</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7871	Endangered

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
Speckled Pocketbook <i>Lampsilis streckeri</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7869	Endangered

Critical habitats

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



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



January 9, 2018

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 January 8, 2018, regarding ArDOT 100892 Missouri State Line - Hwy. 18B (S) Mississippi County, Arkansas. The project was described and assessed as follows (abbreviated):

The project will consist of almost 12 miles of overlay of Hwy 77. 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 and assessed for the determination:

Piping Plover *Charadrius melodus*

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Threatened

Pallid Sturgeon *Scaphirhynchus albus*

No critical habitat has been designated for this species.

Endangered

Fat Pocketbook *Potamilus capax*

No critical habitat has been designated for this species.

Endangered

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

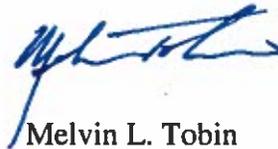
Mr. John Fleming

2

concur with the determination of "may affect, not likely to adversely affect" for the species and critical habitats identified. No further consultation for this action and 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:

January 09, 2018

Consultation Code: 04ER1000-2018-SLI-0337

Event Code: 04ER1000-2018-E-00550

Project Name: 100892 Missouri State Line - Hwy. 18B (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-0337

Event Code: 04ER1000-2018-E-00550

Project Name: 100892 Missouri State Line - Hwy. 18B (S)

Project Type: TRANSPORTATION

Project Description: Approximately 12 miles of asphalt overlay of Hwy 77 including polymer overlay on bridges.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.941999663830465N90.2573544533214W>



Counties: Mississippi, AR

Endangered Species Act Species

There is a total of 3 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: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. 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

Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2780	Endangered

Critical habitats

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



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



January 9, 2018

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 January 8, 2018, regarding ArDot Job 100912 Hwy. 18 - Hwy. 77 (Leachville) (S) Mississippi County, Arkansas. The project was described and assessed as follows (abbreviated):

The project will consist of almost four miles of ultrathin bonded wearing course overlay of Hwy 119. 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 and assessed for the determination:

Piping Plover *Charadrius melodus*

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Threatened

Pallid Sturgeon *Scaphirhynchus albus*

No critical habitat has been designated for this species.

Endangered

Fat Pocketbook *Potamilus capax*

No critical habitat has been designated for this species.

Endangered

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

Mr. John Fleming

2

concur with the determination of "may affect, not likely to adversely affect" for the species and critical habitats identified. No further consultation for this action and 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". The signature is fluid and cursive, with a prominent initial "M" and a long horizontal stroke extending to the right.

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:

January 09, 2018

Consultation Code: 04ER1000-2018-SLI-0338

Event Code: 04ER1000-2018-E-00552

Project Name: 100912 Hwy. 18 - Hwy. 77 (Leachville) (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.

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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-0338

Event Code: 04ER1000-2018-E-00552

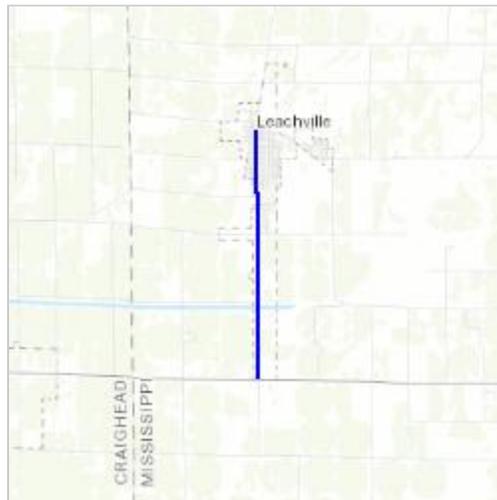
Project Name: 100912 Hwy. 18 - Hwy. 77 (Leachville) (S)

Project Type: TRANSPORTATION

Project Description: Approximately four miles of Ultra thin bonded wearing course.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.91212913063768N90.25779247283936W>



Counties: Mississippi, AR

Endangered Species Act Species

There is a total of 3 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: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. 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

Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2780	Endangered

Critical habitats

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



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



January 11, 2018

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 January 9, 2018, regarding ArDOT 100931 Hwy. 163 - I-555 (S) in Poinsett County, AR. The project was described and assessed as follows (abbreviated):

The project will consist of approximately six miles of ultra-thin bonded wearing course and polymer overlay on the bridges and Hwy 69. 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.

Due to the limited scope of the action (i.e., paving/ultra-thin bonded wearing course and polymer overlay on existing roadway and bridges), minimal adjacent habitat effect, distance to known species locations, the standard special provision for sediment control, and the special provision for water pollution control, the Service concurs with the determination of "may affect, not likely to adversely affect" for Fat Pocketbook. No further consultation for this action and regarding this 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



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:

January 09, 2018

Consultation Code: 04ER1000-2018-SLI-0336

Event Code: 04ER1000-2018-E-00548

Project Name: 100931 Hwy. 163 - I-555 (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.

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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.

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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-0336

Event Code: 04ER1000-2018-E-00548

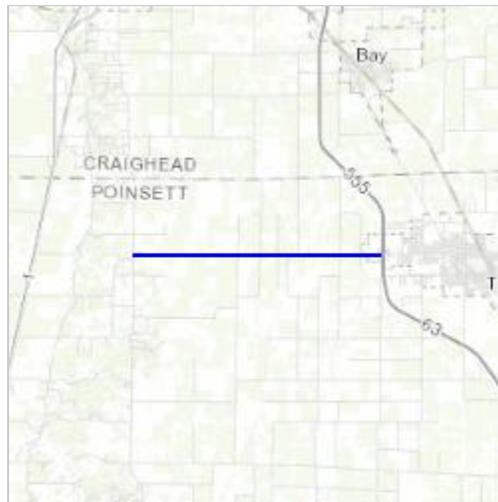
Project Name: 100931 Hwy. 163 - I-555 (S)

Project Type: TRANSPORTATION

Project Description: Approximately six miles of ultra thin bonded wearing course and polymer overlay on the bridges.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.678284927594056N90.60626506805421W>



Counties: Poinsett, AR

Endangered Species Act Species

There is a total of 4 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.

Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2780	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

Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1279	Endangered

Critical habitats

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



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



January 11, 2018

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 January 9, 2018, regarding ArDOT 100947 Left Hand Chute of Little River - East (S) in Poinsett County, AR. The project was described and assessed as follows (abbreviated):

The project will consist of almost three miles of mill and inlay of Hwy 140. 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.

Due to the limited scope of the action (i.e., paving/mill/inlay existing roadway), minimal adjacent habitat effect, distance to known species locations, the standard special provision for sediment control, and the special provision for water pollution control, the Service concurs with the determination of "may affect, not likely to adversely affect" for Fat Pocketbook. No further consultation for this action and regarding this 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



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:

January 09, 2018

Consultation Code: 04ER1000-2018-SLI-0335

Event Code: 04ER1000-2018-E-00546

Project Name: 100947 Left Hand Chute of Little River - East (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.**

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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-0335

Event Code: 04ER1000-2018-E-00546

Project Name: 100947 Left Hand Chute of Little River - East (S)

Project Type: TRANSPORTATION

Project Description: Approximately three miles of mill and inlay with addition of rumble strips on Hwy 140.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.62541706351635N90.32154138831017W>



Counties: Poinsett, AR

Endangered Species Act Species

There is a total of 2 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.

Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2780	Endangered

Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1279	Endangered

Critical habitats

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

