



INTEROFFICE MEMORANDUM

December 11, 2018

TO: Master Files

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

SUBJECT: Job Number 080508
FAP Number NHPP-9095(35)
I-40/Hwy. 65 Intchn. Impvts. (Conway)(S)
Route 65, Section 9
Route 40, Section 32
Faulkner 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.

The purpose of this project is to improve traffic operations at the Interstate 40 and Highway 65 (I-40/Hwy. 65) interchange in Conway, Arkansas. Existing Highway 65 has four 12-foot wide travel lanes with an 11-foot wide left turn lane providing access to I-40, and variable width paved shoulders 6-10 foot wide. The existing right of way width averages 170 feet.

The proposed 0.4 mile project will add additional lanes to Highway 65. The southbound lanes will include two 11-foot wide through lanes and two 12-foot wide left turn lanes for eastbound I-40 traffic. The northbound lanes will include three 11-foot wide through lanes and one 12-foot wide left turn lane for westbound I-40 traffic. A variable width concrete median (2-16 foot wide) will also be constructed.

The existing eastbound I-40 off-ramp (Exit 125) will be divided into two lanes with one providing access to Highway 65 north at a traffic signal that will also control the eastbound on-ramp to I-40. The other eastbound off-ramp lane will provide access to southbound Highway 65 with a yield sign. A total of 0.67 acre of additional right of way will be required for the project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2019	25,000	3	35 mph
2039	33,000	3	35 mph

There are no relocations, prime farmland, or environmental justice issues associated with this project. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is attached. The project will have no impacts on the existing underground storage tanks in the area. No hazardous waste deposits were evident.

The project will not have a discharge of dredged or fill material into waters of the United States associated with the culverts, therefore no Section 404 permit will be required.

The official species list, which is attached, identified one threatened and one candidate species as potentially occurring within the project boundaries: the Piping Plover (*Charadrius melodus*) and rattlesnake-master borer moth (*Papaipema eryngii*). Based on the lack of habitat and distance to known locations for these species, it has been determined that the proposed project will have no effect on them.

Based upon the ARDOT's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. The construction of turn lanes does not involve added capacity or expose noise sensitive land uses to a new or existing highway noise source. Although the reconfiguration of the intersection will change the horizontal alignment, the distance to the nearest sensitive receptor is not reduced by half.

A public involvement meeting was held on September 27, 2018. A public involvement synopsis is attached.

Attachments:

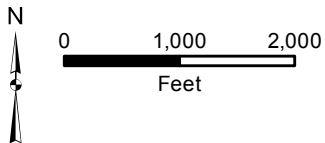
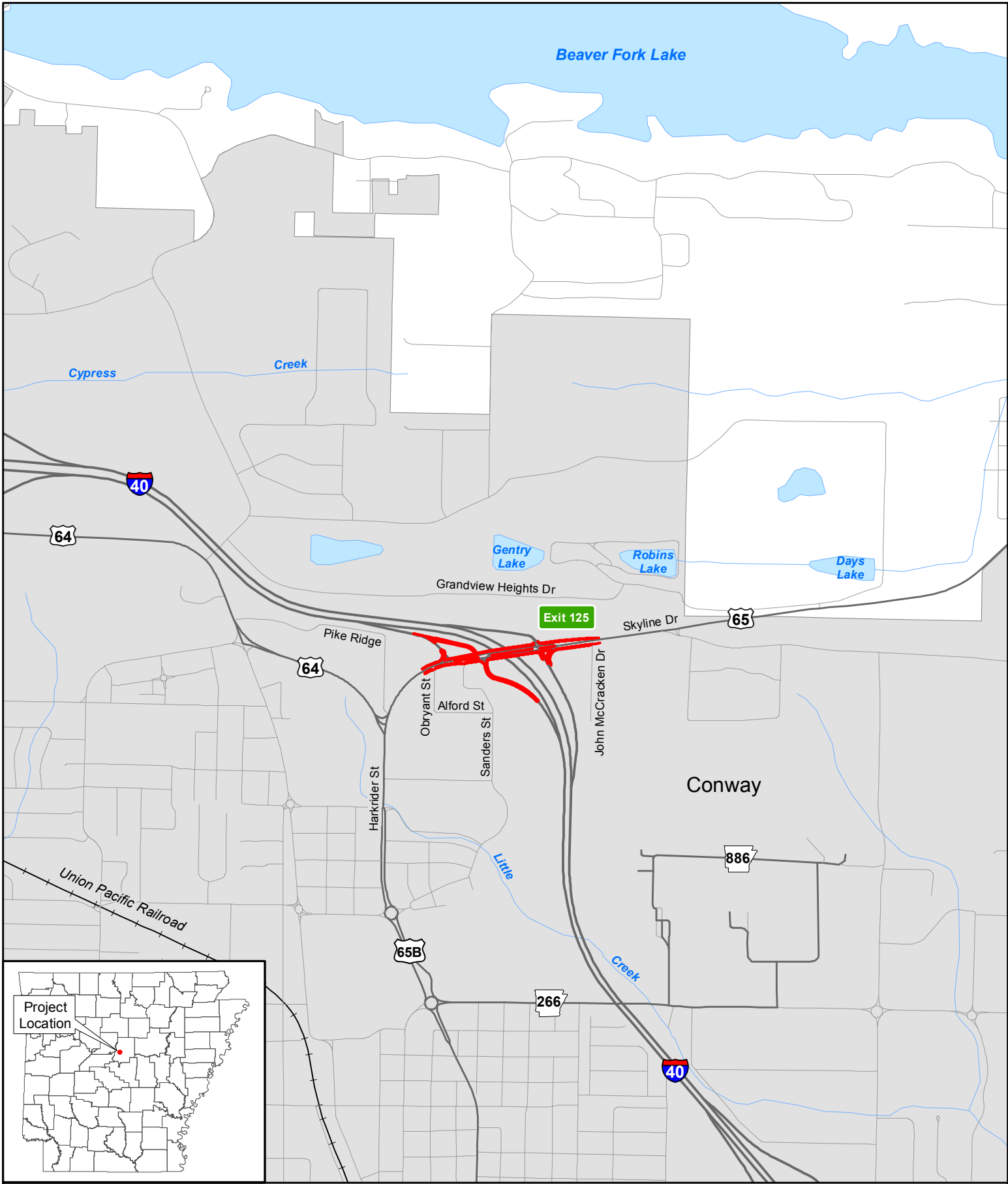
Project Location Map
SHPO Clearance
USFWS Species List
PI Synopsis
Environmental Study Checklist
Design Sheet

Approved:

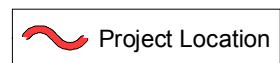

Kevin Thornton
Assistant Chief Engineer-Planning

JF:TT:fc

c: Program Management
Right of Way
Roadway Design
District 8
FHWA



Job 080508
I-40/Hwy. 65 Intchg. Impvts.
(Conway)
Faulkner County





THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

November 20, 2018

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

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: Faulkner County – Conway
Section 106 Review – FHWA
AHTD Job Number 080508
I-40/Hwy. 65 Intchng. Impvts (Conway) (S)
Route 65, Section 9
Route 40, Section 32
AHPP Tracking Number 102602

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the submitted documents that were submitted regarding the proposed undertaking referenced above.

We concur that the proposed undertaking will have no effect to historic properties and that no further work is required.

Tribes that have expressed an interest in the area include the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Dr. Ian Thompson), the Muscogee (Creek) Nation (Ms. Corain Lowe-Zepeda), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation of Oklahoma (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Theresa Russell of my staff at 501-324-9357.

Sincerely,

Scott Kaufman
Director, AHPP

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



ARKANSAS HISTORIC
PRESERVATION PROGRAM



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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

October 11, 2018

Consultation Code: 04ER1000-2019-SLI-0033

Event Code: 04ER1000-2019-E-00090

Project Name: I-40/Hwy. 65 Intchng. Impvts. (Conway) (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/engangered/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-0033

Event Code: 04ER1000-2019-E-00090

Project Name: I-40/Hwy. 65 Intchn. Impvts. (Conway) (S)

Project Type: TRANSPORTATION

Project Description: Interchange improvements

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.111702916481924N92.43577372968095W>



Counties: Faulkner, 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.

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.

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

Insects

NAME	STATUS
Rattlesnake-master Borer Moth <i>Papaipema eryngii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7863	Candidate

Critical habitats

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

PUBLIC INVOLVEMENT SYNOPSIS

Job Number 080508

I-40/Hwy. 65 Intchn. Impvts. (Conway)(S)

Faulkner County

Thursday, September 27, 2018

An open forum public involvement meeting for the proposed I-40/Hwy. 65 Interchange Improvements Project was held at the Don Owens Sports Center in Conway, Arkansas from 4:00 – 7:00 p.m. on Thursday, September 27, 2018. Efforts to involve minorities and the public in the meeting included:

- Outreach letters mailed to Public Officials.
- Display advertisement placed in the *Log Cabin Democrat* on Sunday, September 16 and September 23, 2018.
- Public Service Announcements run on Cumulus Power 92.3 from Monday, September 24 through Thursday, September 27, 2018.
- Distribution of flyers in the project area.

The following information was available for inspection and comment:

- Displays including an aerial photograph at a scale of 1"=155'.
- Preliminary design of the proposed project at a scale of 1"=100'.

Handouts for the public included a comment sheet and a small-scale map illustrating the project location. Copies of the handouts are attached.

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

TABLE 1	
Public Participation	Totals
Attendance at meeting (including ARDOT staff)	52
Comments forms received	16
E-mail comments received	1
Letters received	2
Total comments received	19

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	
Responses	Totals
Supports the proposed improvements to the interchange at Interstate 40/Hwy. 65.	14
Does not support the proposed improvements to the interchange at Interstate 40/Hwy. 65.	1
No response to support/does not support question	1
Knowledge of historical, archeological or cemetery sites.	0
Knowledge of known environmental constraints	0
Home or property offers limitations to the project	0
Suggestions to better serve the needs of the community	9
Beneficial impacts due to the proposed project	5
Adverse impacts due to the proposed project	3
No response to beneficial/adverse impacts	7

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

- Three business owners were concerned about Sanders Road being cut off due to a raised median being installed by the project.
- Two individuals wanted a roundabout to be constructed on the west side of the interchange to access Sanders Road.
- One individual wanted to close Sanders Road because of all the traffic that flows through his Hendrix Village residential area from motorists looking for shortcuts to Highway 65B.
- One individual wanted an additional lane to be constructed between Exit 125 to Exit 127 along I-40 to handle more traffic.
- One individual wanted to increase the green light times at the intersections.
- One individual wrote a letter addressing his concerns for access to and from the Don Owens Sports Center, requesting that the City of Conway and/or the ArDOT connect Lower Ridge Road with Conway Towne Center located west of the sports center.

A listing of general comments concerning the proposed project follows:

- “Excited about the improvements.”
- “It looks like there is enough room on Hwy. 65 where it meets Sanders Road to put in a roundabout.”
- “This is long overdue.”

Attachments:

Public handouts, including blank comment form

Small-scale display copies

DN DN
RJ RJ

TT:cb

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

**AHTD JOB NUMBER 080508
I-40/Hwy. 65 Intchng. Impvts. (Conway)
FAULKNER COUNTY**

**LOCATION:
CONWAY PARKS & RECREATION
DON OWENS SPORTS CENTER
10 LOWER RIDGE ROAD
CONWAY, AR 72032
4:00 – 7:00 P.M.
THURSDAY, SEPTEMBER 27, 2018**

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, October 12, 2018** to: Arkansas Department of Transportation, Environmental Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261. Email: environmentalpimeetings@ardot.gov.

Yes

No

Do you feel there is a need for the proposed improvements to the Interstate 40/Highway 65 interchange in Conway? 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. _____

(Continued on back)

Yes No

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

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. _____

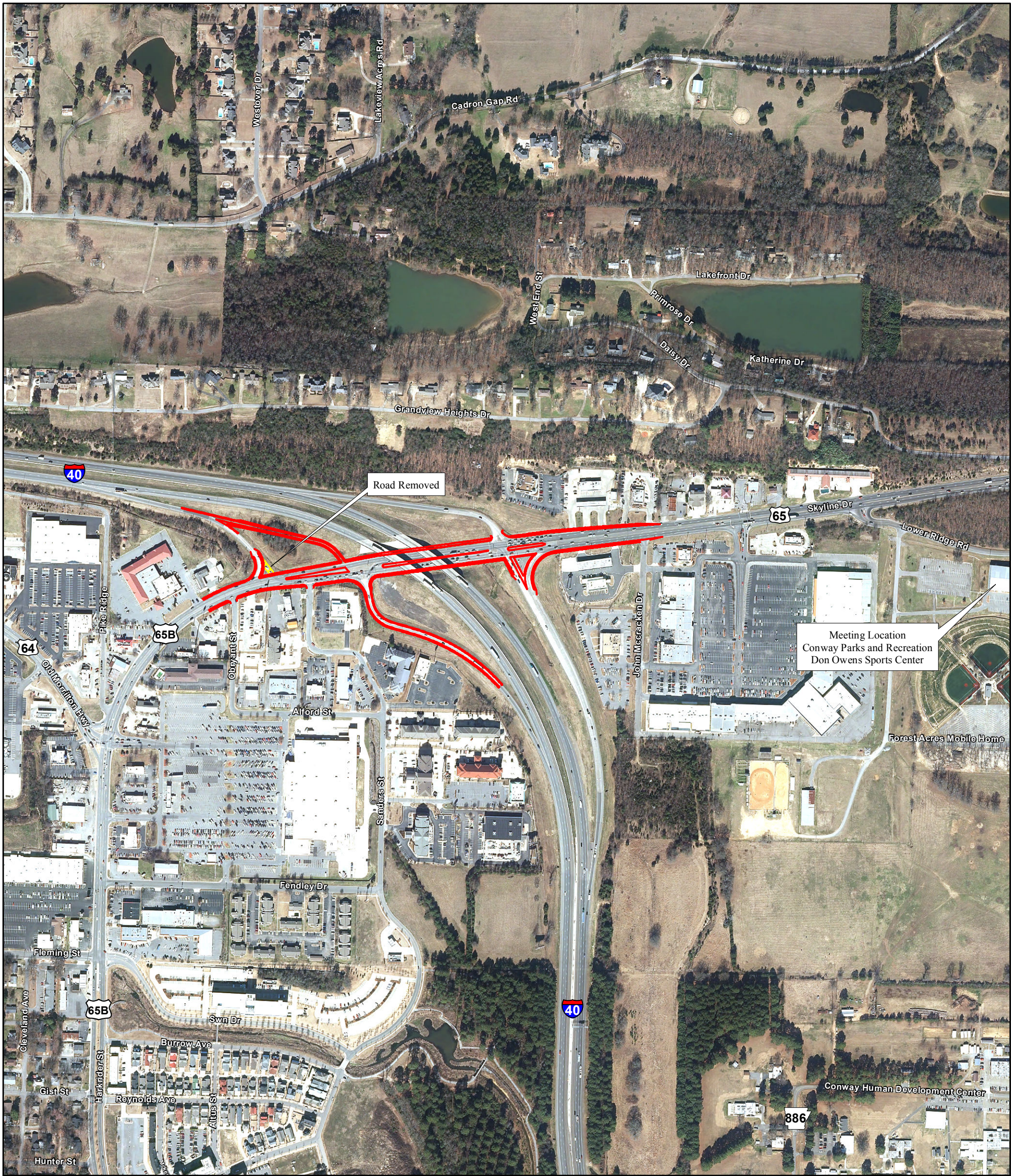
It is often necessary for ARDOT to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name : _____ (Please Print)

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

E-mail: _____

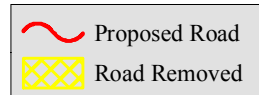
Please make additional comments here. _____



N
 0 250 500
 Feet
 ARDOT - Environmental GIS - Reed
 Map Date: September 24, 2018
 Meeting Date: September 27, 2018
 Public Involvement Meeting Handout

PRELIMINARY
SUBJECT TO REVISION

Job 080508
 Interstate 40/Highway 65
 Interchange Improvements
 (Conway)
 Faulkner County



Photography Date: January 2017

Notes:

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


ARDOT Job Number 080508 FAP Number NHPP-9095(35)

Job Title I-40/Hwy. 65 Intchg. Impvts. (Conway)(S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts anticipated
Cultural Resources	X			SHPO clearance attached
Economic	X			Will not be impacted by project
Endangered Species	X			No effect on listed species
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife	X			No impacts
Floodplains	X			No floodplain permit required
Forest Service Property	X			No Forest Service Property in project area
Hazardous Materials/Landfills	X			No hazardous materials in project area
Land Use	X			Will not be impacted by project
Migratory Birds	X			No migratory birds in area
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No Noise Analysis required
Prime Farmland	X			No prime farmland
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No Wellhead Protection SP required
Relocates	X			No relocations
Section 4(f)/6(f)	X			No 4(f) resources present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No UST's will be impacted
Visual	X			No changes to visual environment
Streams	X			No stream impacts
Water Quality		X		During construction
Wetlands	X			No wetlands
Wildlife Refuges	X			None in the 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 August 16, 2018

ROADWAY DESIGN REQUEST

Job Number 080508 FAP No. _____ County Faulkner

Job Name I-40/Hwy. 65 Intchng. Impvts. (Conway) (S)

Design Engineer Stephen Sichmeller Environmental Staff TT/JE/CH

Brief Project Description Construct dual left turn lanes on Hwy. 65 and relocate the I-40 EB off ramp.

A. Existing Conditions:

Roadway Width: 76' Shoulder Type/Width: Paved⁽¹⁾, C.C.C.&G.⁽²⁾

Number of Lanes and Width: 5⁽³⁾ Existing Right-of-Way: 170'

Sidewalks? Yes Location: 115+75-119+40 Rt. Width: 5'

Bike Lanes? No Location: N/A Width: N/A

B. Proposed Conditions:

Roadway Width: 99' (16' Median) Shoulder Type/Width: C.C.C.&G.

Number of Lanes and Width: 7, 11'-11'-12'-12'-11'-11'-11' Proposed Right-of-Way: 170'

Sidewalks? Yes Location: Lt. & Rt. Width: 5'

Bike Lanes? No Location: N/A Width: N/A

C. Construction Information:

If detour: Where: N/A Length: _____

D. Design Traffic Data:

2019 ADT: 25,000 2039 ADT: 33,000 % Trucks: 3%
Design Speed: 35 m.p.h.

E. Approximate total length of project: 0.433 mile(s)

F. Justification for proposed improvements: Capacity and operation improvements

G. Total Relocates: 0 Residences: 0 Businesses: 0

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? _____

Agency/Official	Person Contacted	Date

(1) C.C.C.&G. – STA. 115+06.71-122+00 LT. & RT., STA. 126+30-133+00 LT.
 (2) Paved, 6'-10' – STA. 122+00-126+30 LT. & RT., STA. 126+30-131+40 RT., STA. 133+00-137+95 LT.
 (3) 5 lanes: 11'-12'