





INTEROFFICE MEMORANDUM

August 13, 2019

TO: Master Files

FROM:  John Fleming, Division Head, Environmental Division 

SUBJECT: Job Number BB0808
FAP Number NHPP-40-3(137)119
Hwy. 65 – West (F)
Route I-40, Sections 31 and 32
Conway and Faulkner Counties
Tier 1 Categorical Exclusion

The purpose of this project is to rehabilitate 6.2 miles of Interstate 40 between Menifee and Conway in Conway and Faulkner Counties. Work will include mill and overlay of the roadway, polymer overlay of five bridges, and hydro-demolition of two bridges. All work will take place within existing right of way. A project location map is attached.

The project will not involve relocations, prime farmlands, wetlands, underground storage tanks, hazardous materials, any environmental justice issues, or cultural resources. The Cultural Resources clearance is attached. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic concerns.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the Indiana Bat (*Myotis sodalis*), Piping Plover (*Charadrius melodus*), and Rattlesnake-master Borer Moth (*Papaipema eryngii*) as protected species potentially occurring in the proposed project area. Based on the lack of habitat, scope of the project, and distance to known species it has been determined that the proposed project will have "no effect" on all listed species.

Job Number BB0808
Tier 1 Categorical Exclusion
Page 2 of 2

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.

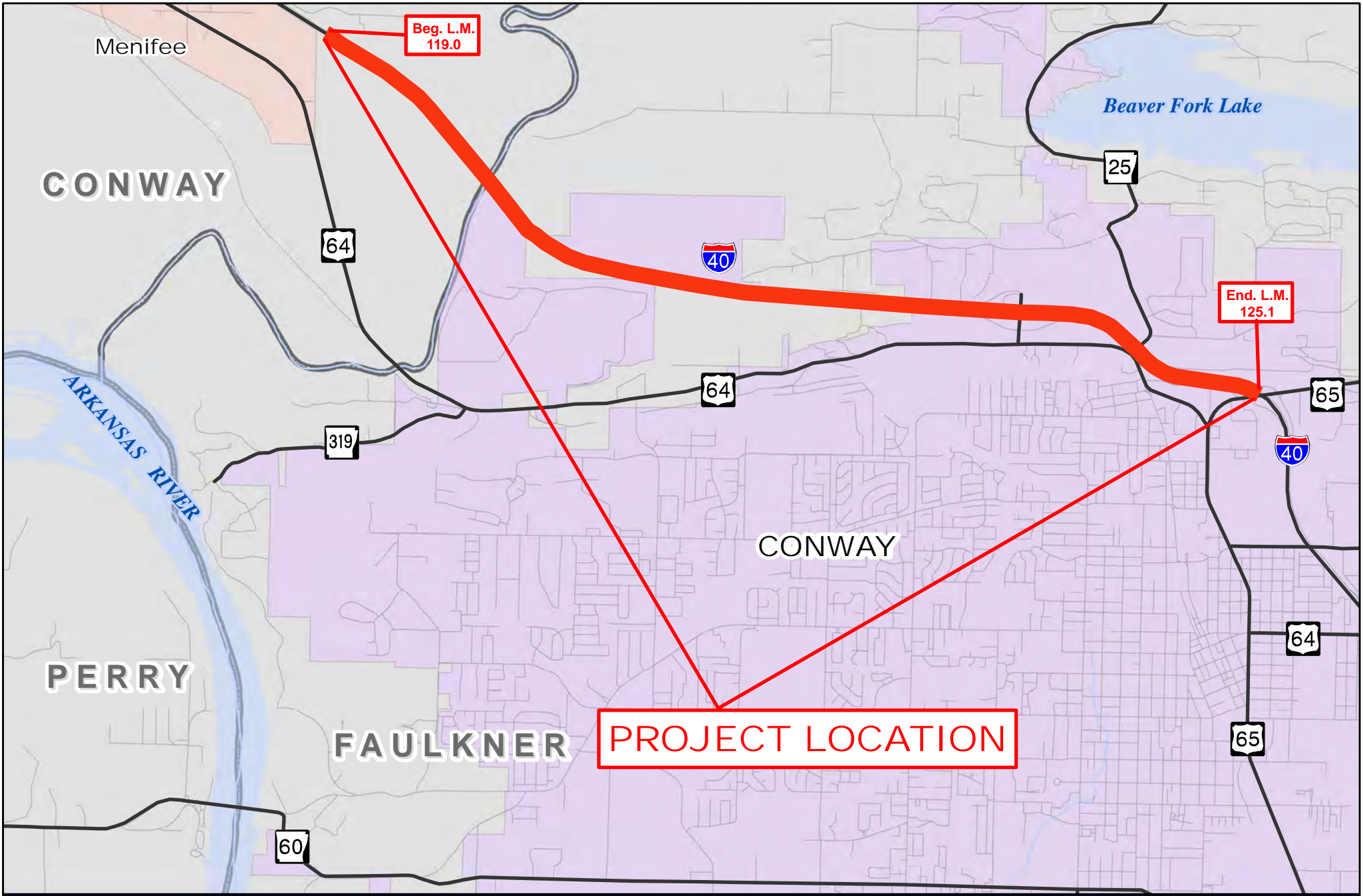
After appropriate environmental review, it has been determined that the subject job is a Tier 1 Categorical Exclusion as described by the ARDOT/FHWA Memorandum of Agreement on Categorical Exclusion Documentation and Processing. A public hearing will not be offered for this project.

JF:JG:am

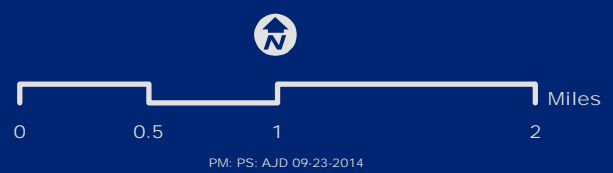
Attachments:

- Location Map
- Cultural Resources Clearance
- Environmental Study Checklist

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



Job BB0808
Hwy. 65-West (F)
I-40, Secs. 31 & 32
Conway & Faulkner Counties





INTEROFFICE MEMORANDUM

May 1, 2019

TO: Job File

FROM: Daniel Hildebran, Cultural Resources Section, Environmental Division

SUBJECT: Cultural Resources Clearance
Job Number BB0808
Hwy. 65 – West (F)
Route I-40, Sections 31 & 32
Conway & Faulkner Counties

This job proposes to mill and overlay an existing 6.174 miles of road surface with asphalt pavement on I-40 in Conway and Faulkner Counties. This includes resurfacing on ARDOT Bridge Numbers A6428, B6428, 07055, A3919, and B3919, which are not 50 years old; and bridges A6869 and B6869 which are considered not eligible for inclusion in the National Register of Historic Places (NRHP). The project will require no new right-of-way (ROW).

A records check at the Arkansas Archeological Survey shows two sites (3FA0040 and 3FA0109) near the ROW. The two sites are not adjacent to the ROW and will not be impacted by this project. No recorded historic structures are shown on the AHPP structure database in or near the ROW. No cultural indicators were found on the 1840 General Land Office maps within or near the project. The 1936 Conway & Faulkner road maps show structures along the existing Hwy. 64. If structures were present to the north, they were likely destroyed during the construction of the interstate.

All work will be within the existing ROW and the extremely limited scope of the project does not have the potential to affect any undisturbed land surfaces or potential historic properties. 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.

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

ARDOT Job Number BB0808 FAP Number NHPP-40-3(137)119

Job Title Hwy. 65 – West (F)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No air quality/MSAT impacts
Cultural Resources	X			Cultural Resources clearance attached
Economic	X			No adverse impacts
Endangered Species	X			No effect determination
Environmental Justice/Title VI	X			EJ populations not located in project area
Fish and Wildlife	X			No impacts due to scope of the project
Floodplains	X			None occur in project area
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No sites in project area
Land Use	X			Will not be impacted by project
Migratory Birds	X			No impacts expected
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			None in project area
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA		X		Hydro-Demolition SP included
Relocates	X			No relocations
Section 4(f)/6(f)	X			4f resources not present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No USTs in project area
Visual	X			No changes to visual environment
Streams	X			No impacts due to the scope of the project
Water Quality	X			No impacts due to the scope of the project
Wetlands	X			None in the project area
Wildlife Refuges	X			None in the project area

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

Remarks: _____


Signature of Evaluator Joshua Graham Date 08/09/2019



INTEROFFICE MEMORANDUM

December 18, 2019

TO: Master Files

FROM:  John Fleming, Division Head, Environmental Division 

SUBJECT: Job Number BB0808
FAP Number NHPP-40-3(137)11
Hwy. 65 – West (F)
Route I-40, Sections 31 and 32
Conway and Faulkner County
Tier 1 Categorical Exclusion Re-evaluation

A Tier 1 Categorical Exclusion was completed for the subject project on August 13, 2019. Since that time, the design was changed to include clearing of vegetation 30' from the existing asphalt shoulder along the entire length of the project. All work will still take place within existing right of way. A project location map is attached.

This project will remain a Tier 1 Categorical Exclusion as defined by the ARDOT/FHWA Programmatic Agreement on Categorical Exclusions Documentation and Processing. After review of the design change, the Environmental Division identified no additional environmental impacts.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the Indiana bat (*Myotis sodalis*), Piping Plover (*Charadrius melodus*), Eastern Black Rail (*Laterallus jamaicensis*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus americana*), and the rattlesnake-master borer moth (*Papaipema eryngii*) as protected species potentially occurring in the proposed project area.

Based on the project being adjacent to the right of way, limited impact area, and distance to known species, it is our determination that the proposed project will

have “no effect” on the Piping Plover, Eastern Black Rail, Red Knot, Whooping Crane, and the rattlesnake-master borer moth.

Due to these project design changes, consultation on the Indiana bat was necessary. Based on the limited impact area, project being adjacent to the right-of-way, implementation of BMP’s, and winter clearing restrictions, it is our determination that the proposed project “may affect, but is not likely to adversely affect” the Indiana bat. The proposed action is within the scope of the Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat. The USFWS concurrence letter dated December 10, 2019 is attached.

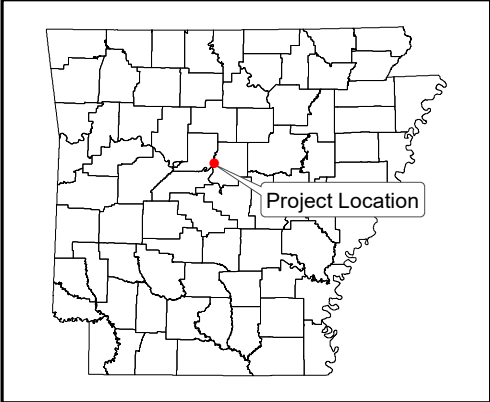
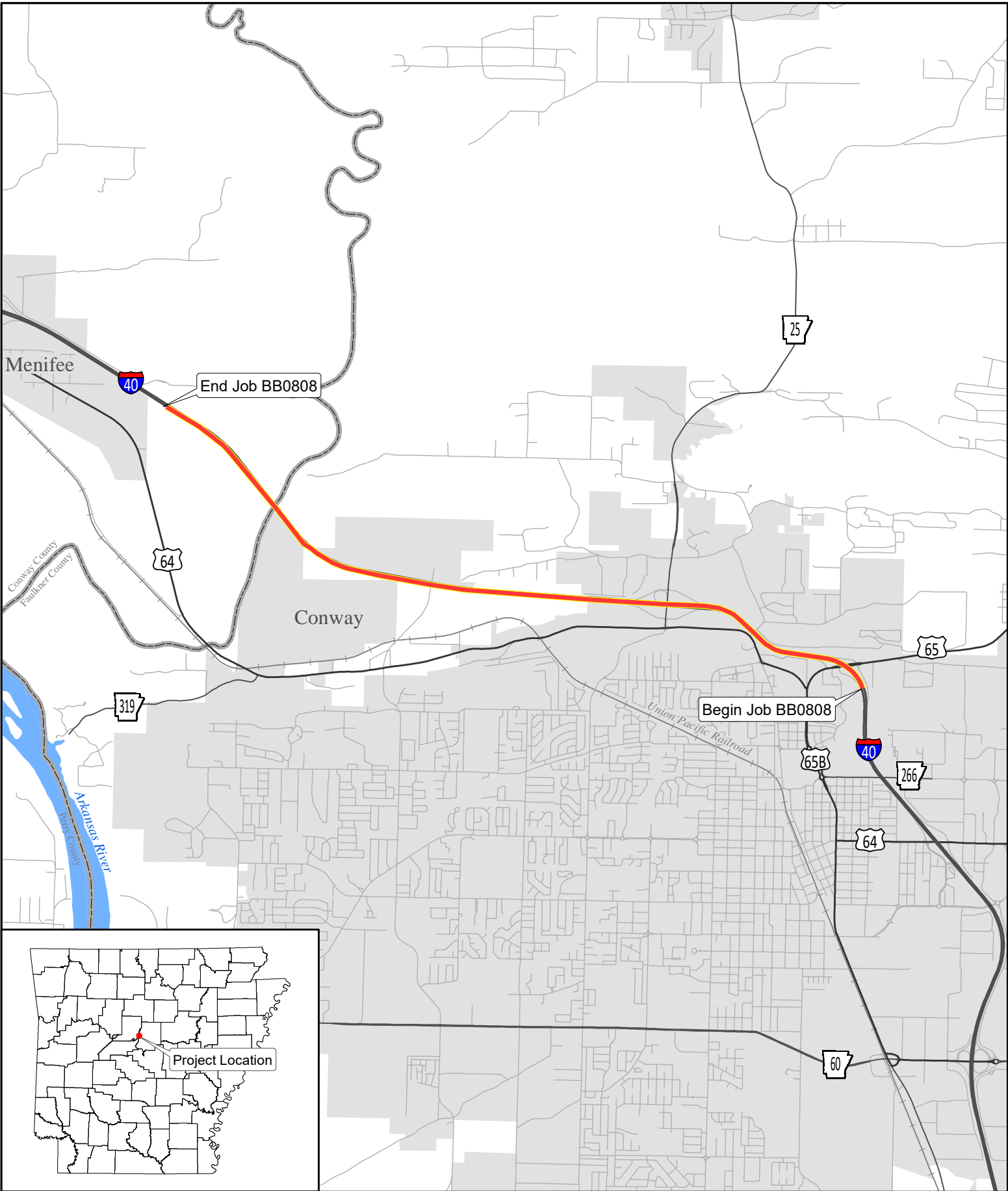
The project is covered under the original cultural resources clearance memo dated May 1, 2019. A checklist of all potential environmental impacts is attached.

JF:JG:am

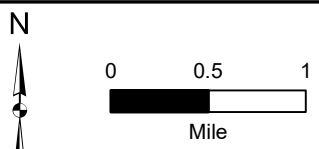
Attachments:

- Project Location Map
- Cultural Resources Clearance
- USFWS Concurrence Letter
- Environmental Study Checklist

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

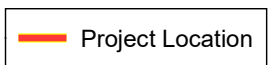


Project Location



ARDOT - Environmental GIS - Hopkins
December 13, 2019

Job BB0808
Hwy. 65 – West
(I - 40)
Conway & Faulkner Counties





INTEROFFICE MEMORANDUM

May 1, 2019

TO: Job File

FROM: Daniel Hildebran, Cultural Resources Section, Environmental Division

SUBJECT: Cultural Resources Clearance
Job Number BB0808
Hwy. 65 – West (F)
Route I-40, Sections 31 & 32
Conway & Faulkner Counties

This job proposes to mill and overlay an existing 6.174 miles of road surface with asphalt pavement on I-40 in Conway and Faulkner Counties. This includes resurfacing on ARDOT Bridge Numbers A6428, B6428, 07055, A3919, and B3919, which are not 50 years old; and bridges A6869 and B6869 which are considered not eligible for inclusion in the National Register of Historic Places (NRHP). The project will require no new right-of-way (ROW).

A records check at the Arkansas Archeological Survey shows two sites (3FA0040 and 3FA0109) near the ROW. The two sites are not adjacent to the ROW and will not be impacted by this project. No recorded historic structures are shown on the AHPP structure database in or near the ROW. No cultural indicators were found on the 1840 General Land Office maps within or near the project. The 1936 Conway & Faulkner road maps show structures along the existing Hwy. 64. If structures were present to the north, they were likely destroyed during the construction of the interstate.

All work will be within the existing ROW and the extremely limited scope of the project does not have the potential to affect any undisturbed land surfaces or potential historic properties. 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.



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



December 10, 2019

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

Consultation Code: 04ER1000-2019-R-1307

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your re-initiation request, assessment, and determinations for Arkansas Department of Transportation (ARDoT) Job Number Job # BB0808 Hwy. 65 - West (F) in Conway and Faulkner Counties, Arkansas. This action may rely on the revised February 5, 2018, Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the Indiana Bat (*Myotis sodalis*) and/or Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*). We received your re-initiation request and the associated Project Submittal Form on December 9, 2019.

The project was described and assessed as follows (abbreviated):

The Arkansas Department of Transportation is proposing to place mill & inlay, poly overlay on bridges and tree removal within ROW to facilitate roadway exposure to the sun during the winter months

FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) determination key within IPaC provided a determination of may affect, but is not likely to adversely affect (NLAA) for the endangered Indiana Bat (*Myotis sodalis*) and/or the threatened Northern Long-eared Bat (*Myotis septentrionalis*).

The following species may occur in your project area and are not covered by this determination: Eastern Black Rail, *Laterallus jamaicensis ssp. jamaicensis* (Proposed Threatened); Piping Plover, *Charadrius melodus* (Threatened); Rattlesnake-master Borer Moth, *Papaipema eryngii* (Candidate); Red Knot, *Calidris canutus rufa* (Threatened); and Whooping Crane, *Grus americana* (Experimental Population, Non-Essential)

The Service has received your concurrence verification letter and request to verify that the Proposed Action may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on the information you provided, you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, may affect, but is not likely to adversely affect (NLAA) Indiana Bat and Northern Long-Eared Bat. The Service concurs that this action may rely on the PBO.

Please keep in mind that you must report any departures from the plans submitted; results of any surveys conducted; or any dead, injured, or sick listed bats that are found to this office. If this project is not completed within one year of this letter, you must update your determination and resubmit the required information.

Furthermore, due to the limited size of the area being affected along existing roadway and bridge crossings, adjacent right-of-way, the distance to known species locations or hibernacula, the implementation of BMPs, winter clearing, and the standard provisions for stream sediment control and water quality conservation measures, the Service agrees with your determinations assessment for all other listed species identified. This concurrence concludes your ESA Section 7 responsibilities relative to these species for this action.

For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,



Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2020\ARDOT\Job Number Job # BB0808\AFO
Letter -Job Number Job BB0808 - Comments.docx

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

ARDOT Job Number BB0808 FAP Number NHPP-40-3(137)11

Job Title Hwy. 65 – West (F)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No air quality/MSAT impacts
Cultural Resources	X			Cultural Resources clearance attached
Economic	X			No adverse impacts
Endangered Species	X			“No effect” & “may affect, but is not likely to adversely affect” determinations
Environmental Justice/Title VI		X		EJ populations not located in project area
Fish and Wildlife	X			No impacts due to scope of the project
Floodplains	X			None occur in project area
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No sites in project area
Land Use	X			Will not be impacted by project
Migratory Birds	X			No impacts expected
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			None in project area
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA		X		Hydro-Demolition SP included
Relocates	X			No relocations
Section 4(f)/6(f)	X			4f resources not present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No USTs in project area
Visual	X			No changes to visual environment
Streams	X			No impacts due to the scope of the project
Water Quality	X			No impacts due to the scope of the project
Wetlands	X			None in the project area
Wildlife Refuges	X			None in the project area

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

Remarks: _____

Signature of Evaluator Joshua Graham Date 12/13/2019