

TIER 3 CATEGORICAL EXCLUSION

**VARIOUS JOB NUMBERS
VARIOUS FAP NUMBERS
VARIOUS PROJECT NAMES
VARIOUS ROUTES, SECTIONS
VARIOUS COUNTIES**

Submitted Pursuant to 42 U.S.C. 4332(2)

By the

U.S. Department of Transportation

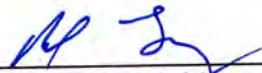
Federal Highway Administration

And the

Arkansas Department of Transportation

January 2020

1/14/2020
Date of Approval


Randal Looney
Environmental Coordinator
Federal Highway Administration

The Environmental Division reviewed the referenced projects and has determined they fall within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Programmatic Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for these projects.

The purpose of these projects is to preserve and rehabilitate deteriorated highway pavement. More information on the location and scope of each project can be found in Table 1. 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 attached.

There are no relocations, environmental justice issues, wetlands, cultural resources, hazardous materials, or prime farmland associated with these projects. Cultural resource clearances are attached. A water Pollution Prevention Special Provision will be required for each project.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the following species potentially affected by the proposed projects: gray bat (*Myotis grisescens*), northern long-eared bat (*Myotis septentrionalis*), Indiana bat (*Myotis sodalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Piping Plover (*Charadrius melodus*), pondberry (*Physaria filiformis*), Missouri bladderpod (*Physaria filiformis*), Pink Mucket (*Lampsilis abrupta*), Scaleshell Mussel (*Leptodea leptodon*), and Rabbitsfoot (*Theliderma cylindrica*). See the attached official species lists for the projects.

Due to the limited scope of the projects (mill and inlay of existing roadway), lack of habitat, and distance to known populations, it has been determined that the projects will have "no effect" on bat, plant, and bird species. See the attached Consistency Letter regarding the Indiana and northern long-eared bats.

Implementation of Best Management Practices and the addition of a water pollution control special provision to Job Number 090526 will minimize potential effects to the aquatic and karst species; therefore, ARDOT has determined the proposed project "may affect, but is not likely to adversely affect" the Ozark cavefish. USFWS concurrence was received on November 4, 2019.

Implementation of Best Management Practices and the addition of the Management of Hydro Demolition Wastewater Special Provision to Job Number 100873 will minimize potential effects to the aquatic species; therefore, it has been determined the project "may affect, but is not likely to adversely affect," the following species: Pink Mucket (*Lampsilis abrupta*), Scaleshell Mussel (*Leptodea*

leptodon), and Rabbitsfoot (*Theliderma cylindrica*). USFWS concurrence was received on November 6, 2019.

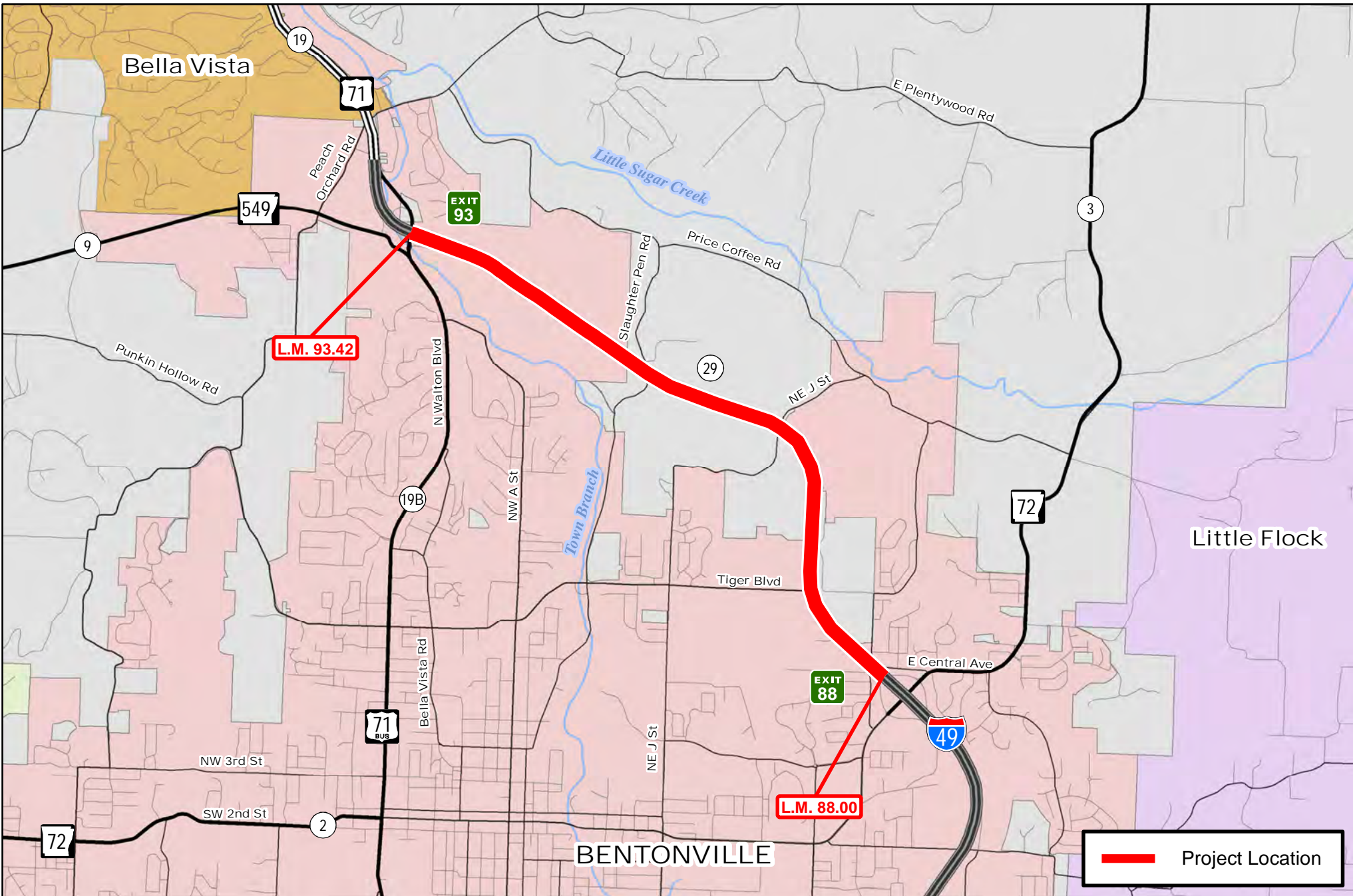
There will be no discharge of dredged or fill material into waters of the United States; therefore, no Section 404 permit will be required for the project.

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. ARDOT acknowledges that a noise analysis is required if changes to the proposed projects result in reclassification to Type 1.

These projects have been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and have not been linked with any special mobile source air toxic (MSAT) concerns. As such, these projects will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the projects from that of the no-build alternative.

Table 1: 2020 Pavement Preservation Projects

| Job Number | FAP No. | Job Name | County | Route/Section | Scope |
|-------------------|----------------|--|---------------|----------------------|--|
| 090526 | NHPP-0270(2) | Hwy. 72 – Hwy. 71 (Bentonville) (S) | Benton | I-49/29 | Mill & Inlay(includes Shoulder Milling) |
| 100873 | NHPP-0061(17) | Lawrence Co. Line – Hwy. 62 (S) | Randolph | 67/18 | Mill & Inlay/Hydro Demolition/Polymer Overlay/Joint Work |

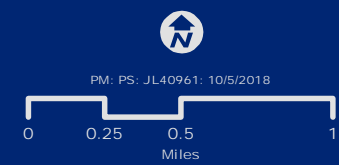


Job 090526

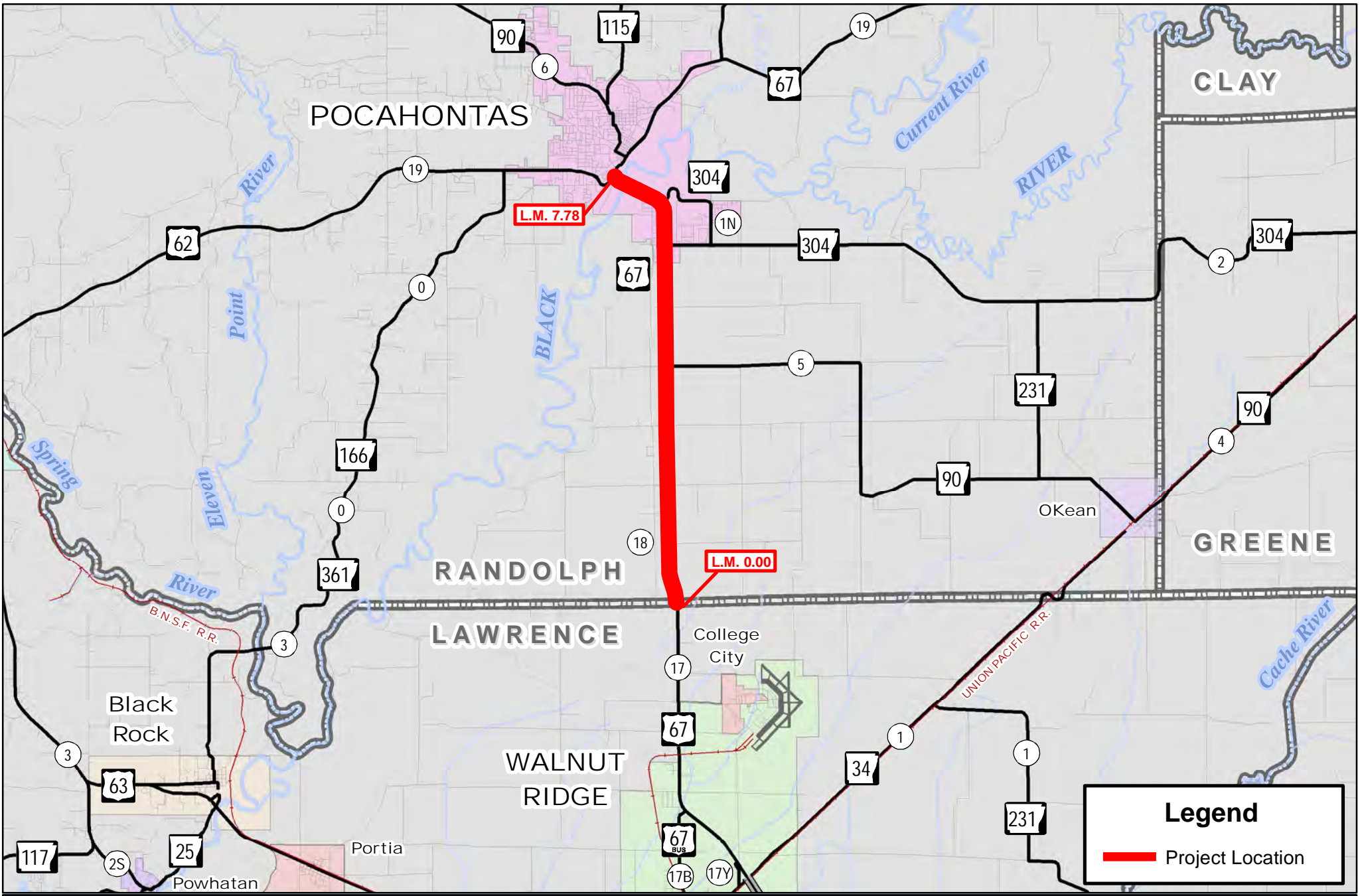
Hwy. 72 - Hwy. 71 (Bentonville) (S)

I-49, Sec. 29

Benton County



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Legend

— Project Location

Job 100873
 Lawrence Co. Line - Hwy. 62 (S)
 Hwy. 67, Sec. 18
 Randolph County






INTEROFFICE MEMORANDUM

December 19, 2019

TO: Job File

FROM: Wm. Lane Shields, Cultural Resources Section


SUBJECT: Cultural Resources Clearance
Job 090526
Hwy. 72-Hwy. 71 (Bentonville)
Route I-49, Section 29
Benton County

This project proposes to mill and overlay a 5.42 mi. section of Interstate 49 between the interchanges for State Highway 72 and US 71 Business. All work will be within existing disturbances and no new right of way or temporary construction easements will be required. There are two overpass bridges spanning the corridor from 1989 and two pairs (four) of bridges from 1989 and 1990 along the route. The pair of 1989 bridges is in an exempt/skip section.

An archeological and historic records review was conducted for this project which includes the Arkansas Archeological Survey's (ARAS) Automated Management of Archeological Site Data in Arkansas (AMASDA) site files of documented Native American and historical archeological sites, structures or features as well as the Arkansas Historic Preservation Program (AHPP) recorded structures and site/properties files. The National Register of Historic Places (NRHP) eligibility status is determined by the AHPP but presented in three databases. The NRHP status for archeological sites is in the ARAS database, the status for architectural sites is in the AHPP database, and ARDOT tracks the status for bridges. Given the scope of the project, the research buffer was restricted to 1 km.

The ARAS database contains 23 recorded archeological sites near the project corridor. Prehistoric sites account for 15 of the sites. One of the 23 sites has prehistoric and historical components and seven are historical. Importantly site

3BE634, the Coler Site, was excavated for the Belle Vista Bypass project. Included in the historical count is the Ricketts/Valley View Cemetery (3BE997).

There are 16 archeological investigations near or intersecting the corridor in the AMASDA database, three of which were conducted by ARDOT (ArDOT jobs 1445, 090178 and 012069) and six of which were for ARDOT (AMASDA 4013, 4783, 5562, 5639, 5828 and 6485). AMASDA tracking 6485 is the Panamerican tracking 33118.903 report on the Coler Site mentioned above. The other projects are AMASDA 2230, 2385, 3866, 4960, 5477, 5496 and 6613. Based on contractor tracking numbers and report title, it appears that not all the investigations in the general vicinity are in the database.

The AHPP database contains 13 sites. With two exceptions, these have unknown NRHP status, including BE1428, the Oakes Cemetery. One site, a bridge, is ineligible. Site BE2177, the New Home Church, School and Cemetery, is listed in the NRHP.

Only the three cemeteries discussed above are along the corridor. None can be seen from the project corridor.

The only cultural features shown on the General Land Office plat for T20N-R30W (1838) are three fields. None of these are in proximity to the corridor. There are 21 listed USGS quadrangles dating from 1899 to 2017 but these are multiple editions of four basic maps. The oldest show the corridor is near or atop five houses but the scale (1:125,000) makes such observations suspect. The other maps are at scales that are too large to show cultural features or so recent as to more or less mirror current conditions. Maps starting in the 2000s no longer show structures.

The 1936 Benton County General Highway and Transportation Map documents a scattered and fairly sparse rural population. The corridor passes near three houses but the scale is such that this is also suspect.

The proposed project will occur completely inside the current ROW along the existing roadway travel surface and no cultural resources will be impacted. This project is subject to the 1999 MOA and falls under the exempted Work Category "Reconstruction". 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

April 25, 2018

TO: Job File

FROM: Jason Eads, Cultural Resources Section, Environmental Division

SUBJECT: Archeological Clearance
Job Number 100873
Lawrence Co. Line –
Hwy. 62 (S)
Route 67, Section 18
Randolph County

This job proposes to mill and inlay an existing 7.78 miles of road surface with asphalt pavement on Highway 67, from the Lawrence Co. line to Pocahontas in Randolph County. A records check at the Arkansas Archeological Survey shows four sites, 3RA0424-427, in or near the right-of-way (ROW); however, all four sites have been completely destroyed. No cultural indicators were found on the 1821 General Land Office (GLO) plat in or near the project. The 1936 Randolph County road map shows a few structures along the route. ARDOT Bridge #0483 is shown on the AHPP structure database; however, the bridge was replaced and demolished. The project will require no new ROW. 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 review.



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



November 4, 2019

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

Consultation Code: 04ER1000-2020-R-0141

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 # '090526 Hwy. 72 - Hwy. 71 (I-49) (Bentonville) (S), mill and overlay of existing asphalt along I-49 in Benton County, Arkansas. We received your email and determination on October 30, 2019.

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

The project is a mill and overlay of approximately 3.5 miles of I-49. I have attached the IPAC list for your convenience. The project should have no effect on the Gray Bat (*Myotis grisescens*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Missouri Bladderpod (*Physaria filiformis*), and Piping Plover (*Charadrius melodus*) due to limited scope of the project, lack of habitat, and distance to known populations. 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 likely to no effect (NE) consistency letter (attached) for the project.

ArDOT will be adding the attached special provision to the contract to protect water quality. ArDOT has determined the overlay may affect, but is not likely to adversely affect, the following species: Ozark Cavefish (*Amblyopsis rosae*). ArDOT is seeking concurrence with this determination.

The Service has received your request to verify that the 090526 Hwy. 72 - Hwy. 71 (Bentonville) (S) (Proposed Action) may rely on 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 will have no effect on the endangered Indiana Bat (*Myotis sodalis*) or the threatened Northern Long-eared Bat (*Myotis septentrionalis*). If the Proposed Action is not modified, no consultation is required for these two species. Our office concurs with this determination.

Due to the limited potential for offsite effects and temporary nature of the action, the minimal size of the area being affected along an existing roadway, the distance to known species locations and hibernacula, the implementation of special provisions for water pollution control, standard application of karst BMPs, and the standard provisions for stream sediment control and water quality conservation measures to prevent and/or minimize effects to streams and karst, the Service concurs with your determinations of “not likely to adversely affect” for Ozark Cavefish. The Service also agrees with your assessment for the 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

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Letter -Job 05952 - Bridge Preservation - Comments.docx



United States Department of the Interior



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

In Reply Refer To:

October 30, 2019

Consultation Code: 04ER1000-2020-SLI-0141

Event Code: 04ER1000-2020-E-00306

Project Name: 090526 Hwy. 72 - Hwy. 71 (Bentonville) (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.**

If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered,

threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities. Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to

federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2020-SLI-0141

Event Code: 04ER1000-2020-E-00306

Project Name: 090526 Hwy. 72 - Hwy. 71 (Bentonville) (S)

Project Type: TRANSPORTATION

Project Description: Mill and Overlay

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.39794798916785N94.18392993474325W>



Counties: Benton, AR

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

| NAME | STATUS |
|--|------------|
| Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329 | Endangered |
| Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 | Endangered |
| Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 | Threatened |
| Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7245 | Endangered |

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 |
|---|------------|
| Ozark Cavefish <i>Amblyopsis rosae</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6490 | Threatened |

Flowering Plants

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

Critical habitats

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



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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>

IPaC Record Locator: 852-18902164

October 30, 2019

Subject: Consistency letter for the '090526 Hwy. 72 - Hwy. 71 (Bentonville) (S)' project (TAILS 04ER1000-2020-R-0141) under 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.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **090526 Hwy. 72 - Hwy. 71 (Bentonville) (S)** (Proposed Action) may rely on 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 (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the threatened Northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species.**

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency for the Proposed Action accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Gray Bat, *Myotis grisescens* (Endangered)
 - Missouri Bladderpod, *Physaria filiformis* (Threatened)
 - Ozark Big-eared Bat, *Corynorhinus (=Plecotus) townsendii ingens* (Endangered)
 - Ozark Cavefish, *Amblyopsis rosae* (Threatened)
 - Piping Plover, *Charadrius melodus* (Threatened)
-

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

090526 Hwy. 72 - Hwy. 71 (Bentonville) (S)

Description

Mill and Overlay of existing asphalt

Determination Key Result

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for these two species.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

Yes

8. Will the project include *any* type of activity that could impact a **known** hibernaculum^[1], or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a **known** hibernaculum?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

9. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

No

10. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

11. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

12. Does the project include slash pile burning?

No

13. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

No

14. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

15. Will the project involve the use of **temporary** lighting *during* the active season?

No

16. Will the project install new or replace existing **permanent** lighting?

No

17. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

18. Will the project raise the road profile **above the tree canopy**?

No

19. Is the location of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the project action area not within suitable Indiana bat and/or NLEB summer habitat and is outside of 0.5 miles of a hibernaculum.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.



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



November 6, 2019

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

Consultation Code: 04ER1000-2020-R-0144

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ArDOT) Job 100873, Lawrence Co. Line – Hwy. 62 (S), Black River Bridge, Lawrence and Randolph Counties, Arkansas. We received your email and determination on October 31, 2019.

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

The project is a mill and overlay of approximately 7.8 miles of Hwy. 67 with a hydrodemolition of the Black River Bridge. I have attached the IPAC list for your convenience. The project should have no effect on the Gray Bat (*Myotis grisescens*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Missouri Bladderpod (*Physaria filiformis*), and Pondberry (*Lindera melissifolia*) due to limited scope of the project, lack of habitat, and distance to known populations. 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 likely to no effect (NE) consistency letter (attached) for the project.

ArDOT will be adding the hydrodemolition special provision to the contract to protect water quality. ArDot has determined the overlay may affect, but is not likely to adversely affect, the following species; Pink Mucket (*Lampsilis abrupta*), Scaleshell Mussel (*Leptodea leptodon*), and Rabbitsfoot (*Theliderma cylindrica*). ArDOT is seeking concurrence with this determination.

Due to the limited potential offsite effects and temporary nature of the action, the minimal size of the area being affected along and on an existing roadway, the distance to known species locations, and the standard provisions for stream sediment control and water quality conservation measures, the Service concurs with your determinations of “not likely to adversely affect” for Pink Mucket, Scaleshell Mussel, and Rabbitsfoot. The Service also agrees with your assessment for the other species identified. This concurrence concludes your ESA Section 7 responsibilities relative to these species for this action.

Mr. John Fleming

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For further assistance or if you have any questions, 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

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2020\ARDOT\ArDOT Job 100873\AFO Letter -Job
100873 -HWY 67 Overlay - Comments.docx



United States Department of the Interior



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

In Reply Refer To:

October 31, 2019

Consultation Code: 04ER1000-2020-SLI-0144

Event Code: 04ER1000-2020-E-00312

Project Name: 100873 Lawrence Co. Line – Hwy. 62 (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.**

If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered,

threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities. Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to

federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2020-SLI-0144

Event Code: 04ER1000-2020-E-00312

Project Name: 100873 Lawrence Co. Line – Hwy. 62 (S)

Project Type: TRANSPORTATION

Project Description: Hydrodemolition of the bridge and mill and inlay of the asphalt roadway

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.203000677905266N90.95842258598591W>



Counties: Lawrence, AR | Randolph, AR

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

| NAME | STATUS |
|--|------------|
| Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329 | Endangered |
| Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 | Endangered |
| Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 | Threatened |
| Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7245 | Endangered |

Clams

| NAME | STATUS |
|--|------------|
| Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7829 | Endangered |
| Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165 | Threatened |
| Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5881 | Endangered |

Flowering Plants

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



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>

IPaC Record Locator: 845-18915726

October 31, 2019

Subject: Consistency letter for the '100873 Lawrence Co. Line – Hwy. 62 (S)' project (TAILS 04ER1000-2020-R-0144) under 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.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **100873 Lawrence Co. Line – Hwy. 62 (S)** (Proposed Action) may rely on 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 (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the threatened Northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species.**

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency for the Proposed Action accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Gray Bat, *Myotis grisescens* (Endangered)
 - Missouri Bladderpod, *Physaria filiformis* (Threatened)
 - Ozark Big-eared Bat, *Corynorhinus (=Plecotus) townsendii ingens* (Endangered)
 - Pink Mucket (pearlymussel), *Lampsilis abrupta* (Endangered)
 - Pondberry, *Lindera melissifolia* (Endangered)
 - Rabbitsfoot, *Quadrula cylindrica cylindrica* (Threatened)
 - Scaleshell Mussel, *Leptodea leptodon* (Endangered)
-

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

100873 Lawrence Co. Line – Hwy. 62 (S)

Description

Hydrodemolition of the bridge and mill and inlay of the asphalt roadway

Determination Key Result

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for these two species.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

No

9. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

10. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

11. Does the project include slash pile burning?

No

12. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

13. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

14. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- *report.pdf* <https://ecos.fws.gov/ipac/project/RZQBKJQGJZBPJJHPGLFRIPUR4Q/projectDocuments/18916287>

15. Did the bridge assessment detect *any* signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)^[1]?

[1] If bridge assessment detects signs of *any* species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing *any* work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

16. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

17. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

18. Will the project involve the use of **temporary** lighting *during* the active season?

No

19. Will the project install new or replace existing **permanent** lighting?

No

20. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

21. Will the project raise the road profile **above the tree canopy**?

No

22. Is the location of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the project action area not within suitable Indiana bat and/or NLEB summer habitat and is outside of 0.5 miles of a hibernaculum.

23. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected

Project Questionnaire

1. Please enter the date of the bridge assessment:

07/02/18

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

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

ARDOT Job Number See Table FAP Number See Table


Job Title See Table

| Environmental Resource | None | Minimal | Major | Comments-required for each item |
|--------------------------------|------|---------|-------|--------------------------------------|
| Air Quality | X | | | No air quality/MSAT impacts |
| Cultural Resources | X | | | CR clearances attached |
| Economic | X | | | No adverse impacts |
| Endangered Species | X | | | NLAA; see USFWS concurrences |
| Environmental Justice/Title VI | X | | | EJ populations not impacted |
| Fish and Wildlife | X | | | None impacted by the project |
| Floodplains | X | | | No impacts expected |
| Forest Service Property | X | | | No Forest Service property impacted |
| Hazardous Materials/Landfills | X | | | No sites in project area |
| Land Use | X | | | Will not be impacted by project |
| Migratory Birds | X | | | None impacted by the project |
| Navigation/Coast Guard | X | | | None in the project area |
| Noise Levels | X | | | No increases due to project |
| Prime Farmland | X | | | None in project area |
| Protected Waters | X | | | WPC SP included for all jobs |
| Public Recreation Lands | X | | | None in the project area |
| Public Water Supply/WHPA | X | | | None in project area |
| Relocatees | X | | | No relocations |
| Section 4(f)/6(f) | X | | | 4(f)/6(f) resources not impacted |
| 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 | | | None impacts by the project |
| Water Quality | X | | | Hydro Demolition SP added for 100873 |
| Wetlands | X | | | None in the project area |
| Wildlife Refuges | X | | | None in the project area |

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

Remarks: 090526, 100873 – Water Pollution Control SP required

100873 - Hydro Demolition SP is required

Signature of Evaluator  Date January 9, 2020