

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 040778
FAP NUMBER NHPP-0065(55)
ONION CREEK STR. & APPRS. (S)
ROUTE 252, SECTION 4
SEBASTIAN COUNTY**

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

September 2019

9/5/2019

Date of Approval

RL Looney

Randal Looney
Environmental Coordinator
Federal Highway Administration

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

The purpose of this project is to replace the Onion Creek Bridge (M2569) on Highway 252 with a box culvert just north of Beverly in Sebastian County, Arkansas. Total length of the project is 0.28 mile. A project location map is attached.

The existing roadway consists of two 10' wide paved travel lanes with 2' wide unpaved shoulders. Proposed improvements include two 11' wide paved travel lanes with 2' wide paved shoulders. Up to 17.1 acres of right of way may be required for this project. Of this acreage, 11.1 acres is Prime Farmland and 1.1 acres of Farmland of Statewide Importance. Form NRCS-CPA-106 is attached.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	150	6	55 mph
2040	200	6	55 mph

The project will not involve relocations, underground storage tanks, hazardous materials, wellhead protection areas/public water supplies, any environmental justice issues, or cultural resources. The State Historic Preservation Officer's clearance is attached.

The project will replace the existing bridge with a concrete box culvert. Wetlands are located within the footprint of the proposed project and impacts are estimated not to exceed 0.5 acre. North of the existing bridge, Onion Creek parallels both sides of Highway 252. Onion Creek is classified as a perennial stream and impacts should not exceed 0.3 acres. Stream realignment should not exceed 460 linear feet. Construction should be allowed under the terms of a Nationwide Permit 23 for Categorical Exclusions as defined in the Federal Register 82 (4): 1860 – 2008. Compensatory mitigation will be provided for unavoidable stream and wetland impacts.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the northern long-eared bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*),

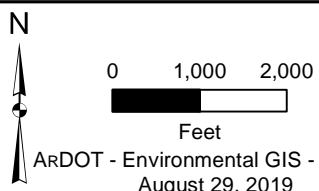
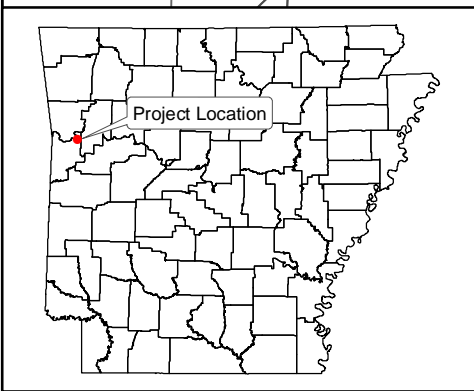
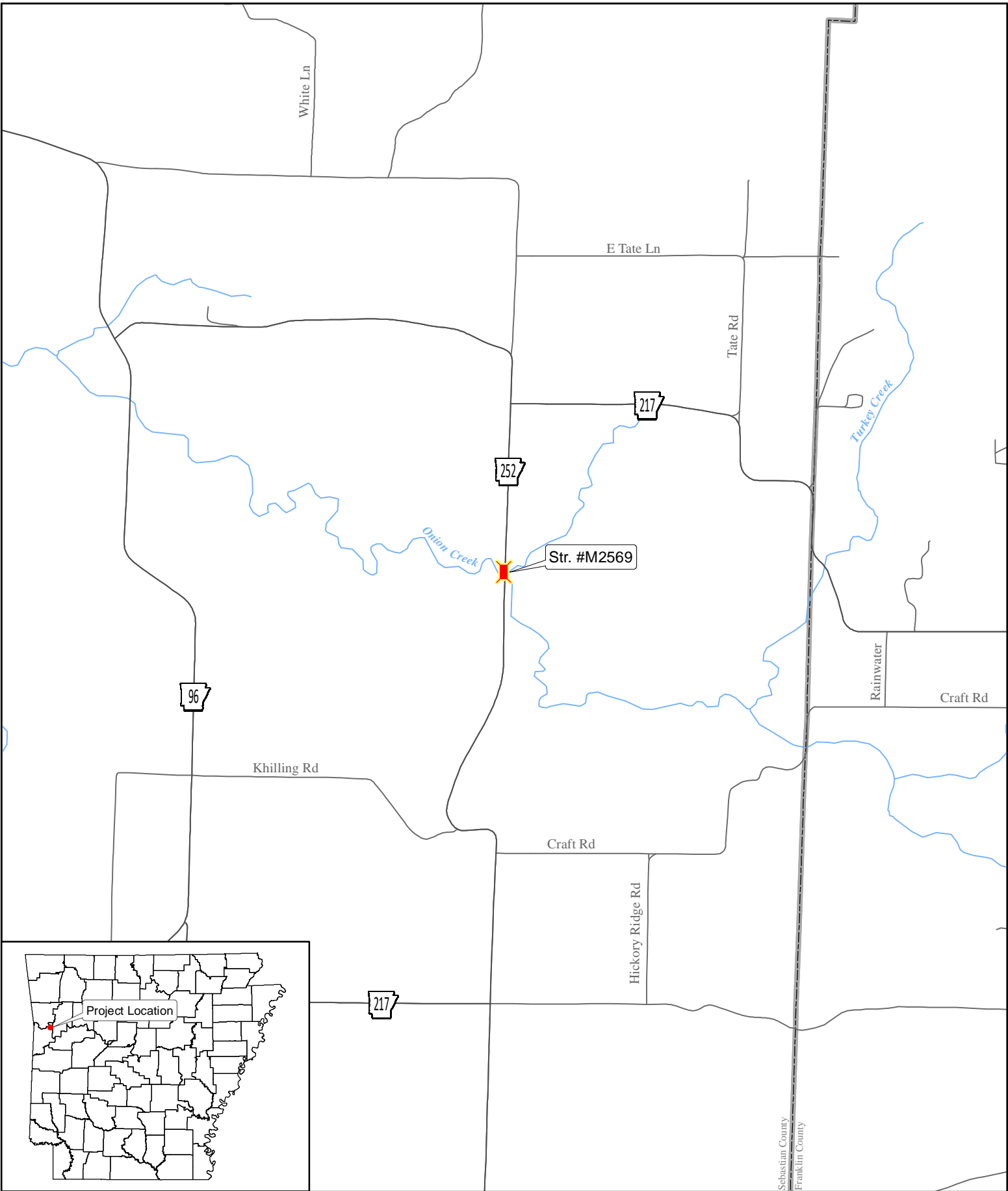
Spectaclecase (*Cumberlandia monodonta*), American burying beetle (*Nicrophorus americanus*), rattlesnake-master borer moth (*Papaipema eryngii*), and *Geocarpa minimum* as protected species potentially affected by the proposed project. Based on the lack of habitat, scope of the project, and distance to known species it is our determination that the proposed project will have “no effect” on the Piping Plover, Spectaclecase, rattlesnake-master borer moth, and *Geocarpa minimum*. Based on the lack of habitat and distance to known species it is our determination that the proposed project may affect, but is not likely to adversely affect the American burying beetle. 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 (PBO) including the following avoidance and minimization measure: the clearing of trees will be prohibited April 1 through November 15. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the Endangered Species Act Section 4(d) rule. The United States Fish and Wildlife Service concurrence was received on September 4, 2019.

Sebastian County participates in the National Flood Insurance Program. The project is located in Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before project construction. None of the encroachments will constitute a substantial floodplain encroachment or a risk to property or life.


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 (MSAT) concerns. As such, this project 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 project from that of the no-build alternative.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The replacement of the bridge with a box culvert on existing location will not involve added capacity or expose noise sensitive land uses to a new traffic noise source. In compliance with federal guidelines, local authorities will not require notification.

No other adverse environmental impacts were identified. No public involvement will be needed for the project. The checklist used to verify consideration of potential environmental impacts is attached.



Job 040778
 Onion Creek Str. & Apprs.
 (Hwy. 252)
 Sebastian County

 Project Location

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency) Job 040778	3. Date of Land Evaluation Request 8/26/2019	4. Sheet 1 of 1
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1. Name of Project Onion Creek Str. & Apprs.(S)	5. Federal Agency Involved FHWA
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2. Type of Project Bridge replacement	6. County and State Sebastian County, AR.
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PART II (To be completed by NRCS)	1. Date Request Received by NRCS	2. Person Completing Form
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3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).	YES	NO	4. Acres Irrigated	Average Farm Size
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5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
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PART III (To be completed by Federal Agency) **Alternative Corridor For Segment**

	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	12.2			
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor	17.1			

PART IV (To be completed by NRCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland	11.1			
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B. Total Acres Statewide And Local Important Farmland	1.1			
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C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
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D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
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PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))

	Maximum Points			
1. Area in Nonurban Use	15	0		
2. Perimeter in Nonurban Use	10	0		
3. Percent Of Corridor Being Farmed	20	20		
4. Protection Provided By State And Local Government	20	0		
5. Size of Present Farm Unit Compared To Average	10	5		
6. Creation Of Nonfarmable Farmland	25	0		
7. Availability Of Farm Support Services	5	5		
8. On-Farm Investments	20	10		
9. Effects Of Conversion On Farm Support Services	25	0		
10. Compatibility With Existing Agricultural Use	10	0		
TOTAL CORRIDOR ASSESSMENT POINTS	160	40		

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)	100	100		
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Total Corridor Assessment (From Part VI above or a local site assessment)	160	40		
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TOTAL POINTS (Total of above 2 lines)	260	140		
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1. Corridor Selected: Existing Location	2. Total Acres of Farmlands to be Converted by Project: 11.1 acres of Prime Farmland 1.1 acres Statewide Importance	3. Date Of Selection: August 26, 2019	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Best Location

Signature of Person Completing this Part: _____ DATE _____

John Baber

John Baber

August 26, 2019

NOTE: Complete a form for each segment with more than one Alternate Corridor



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

Arkansas Arts Council

•

Arkansas Historic
Preservation Program

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Arkansas State Archives

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Historic Arkansas Museum

•

Mosaic Templars
Cultural Center

•

Old State House Museum



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

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www.arkansaspreservation.com

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June 4, 2019

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

RE: Sebastian County — General
Section 106 Review — FHWA
Response Letter: Onion Creek Str. & Apprs. (S)
Route 252, Section 4
ARDOT Job Number: 040778
AHPP Tracking Number: 103898

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for the above-referenced job. The undertaking entails replacing Bridge Number M2569 in Sections 8 and 9, Township 8 North, Range 29 West. The property is a steel stringer/multi-beam or girder bridge dating from 1962. There are no finalized design plans at the time of this review. Therefore, the AHPP understands the Arkansas Department of Transportation (ARDOT) employed an expansive area of investigation to account for potential design options. The project length is 746.8 meters covering an area of 21.7 acres (8.8 hectares).

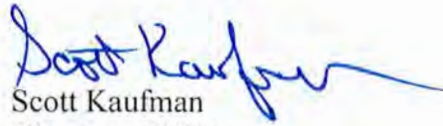
The investigation noted inundated areas, hydric soils, and significant soil disturbance from previous utility installation. ARDOT personnel excavated shovel tests on the east and west sides of Highway 252 through the environmental clearance area. The shovel tests were negative for cultural materials.

Based on the provided information, the AHPP concurs that Bridge Number M2569 is not eligible for inclusion in the National Register of Historic Places. The AHPP also concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking.

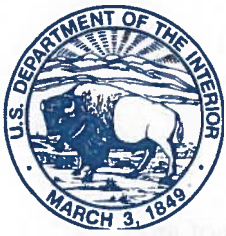
Tribes that have expressed an interest in the area include the Caddo Nation (Ms. Tamara Francis), the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Mr. Daniel Ragle), the Muscogee (Creek) Nation (Ms. Corain Lowe-Zepeda), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton). We recommend consultation 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 Eric Mills of my staff at 501-324-9784 or email eric.mills@arkansas.gov.

Sincerely,


Scott Kaufman
Director, AHPP

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



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



September 4, 2019

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

Consultation Code: 04ER1000-2019-TA-0964

Dear Mr. Fleming,

The Service has reviewed your assessment and determinations for Arkansas Department of Transportation (ArDOT) Job 040778 ESTS Determination, Sebastian County, Arkansas. The project was described and assessed as follows (abbreviated):

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the northern long-eared bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Spectaclecase (*Cumberlandia monodonta*), American burying beetle (*Nicrophorus americanus*), rattlesnake-master borer moth (*Papaipema eryngii*), and *Geocarpon minimum* as protected species potentially affected by the proposed project. Based on the lack of habitat, scope of the project, and distance to known species it is our determination that the proposed project will have "no effect" on the Piping Plover, Spectaclecase, rattlesnake-master borer moth, and *Geocarpon minimum*. Based on the lack of habitat and distance to known species it is our determination that the proposed project may affect, but is not likely to adversely affect the American burying beetle. 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 (PBO) including the following avoidance and minimization measure: the clearing of trees will be prohibited April 1 through November 15. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the Endangered Species Act Section 4(d) rule. The United States Fish and Wildlife Service concurrence was received on May 29, 2019.

The Service reviewed your determination that the proposed action will not result in any prohibited incidental take for Northern Long-eared Bat. This project may affect the Northern Long-eared Bat. However, there are no effects beyond those previously disclosed in the Service's programmatic biological opinion for the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR§17.40(o)). This project is consistent with the description of the proposed action in the programmatic biological opinion, and the 4(d) rule does not prohibit incidental take of the Northern Long-eared Bat that may occur due to this project. Therefore, the programmatic biological opinion satisfies the "action agency" responsibilities under ESA section 7(a)(2) relative to the Northern Long-eared Bat for this project.

Mr. John Fleming

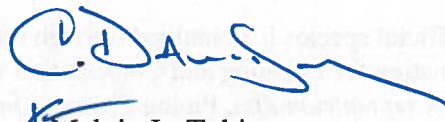
2

Please keep in mind that you must report any departures from the plans submitted, results of any surveys, or any dead, injured, or sick Northern Long-eared Bats 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 cleared off existing roadway and adjacent to existing right-of-way, distance to known species locations or hibernacula, time of year clearing restriction, the minimal amount of ground and habitat disturbance (< 3 acres), and the standard provisions for stream sediment control and water quality conservation measures, the Service agrees with your determination of "may affect, not likely to adversely affect" for the American Burying Beetle. No further consultation is necessary at this time.

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\FY2019\ARDOT\040778 ESTS Determination\AFO
Letter -040778 ES-TS Determination.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:
Consultation Code: 04ER1000-2019-SLI-0964
Event Code: 04ER1000-2019-E-01847
Project Name: Onion Creek Str. & Apprs.

May 29, 2019

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

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

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

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

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2019-SLI-0964

Event Code: 04ER1000-2019-E-01847

Project Name: Onion Creek Str. & Apprs.

Project Type: TRANSPORTATION

Project Description: replace existing bridge with a box culvert

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.38473775763269N94.09589409828186W>



Counties: Sebastian, 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
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

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

Clams

NAME	STATUS
Spectaclecase (mussel) <i>Cumberlandia monodonta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7867	Endangered

Insects

NAME	STATUS
American Burying Beetle <i>Nicrophorus americanus</i> Population: Ex Pop, SW Missouri No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/66	Experimental Population, Non- Essential
American Burying Beetle <i>Nicrophorus americanus</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/66	Endangered
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

Flowering Plants

NAME	STATUS
Geocarpon minimum No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7699	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>

In Reply Refer To:

May 29, 2019

Consultation Code: 04ER1000-2019-TA-0964

Event Code: 04ER1000-2019-E-01853

Project Name: Onion Creek Str. & Apprs.

Subject: Verification letter for the 'Onion Creek Str. & Apprs.' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear William Bailey:

The U.S. Fish and Wildlife Service (Service) received on May 29, 2019 your effects determination for the 'Onion Creek Str. & Apprs.' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- American Burying Beetle, *Nicrophorus americanus* (Experimental Population, Non-Essential)
Population: Ex Pop, SW Missouri
- American Burying Beetle, *Nicrophorus americanus* (Endangered)
Population: Wherever found, except where listed as an experimental population
- Geocarpon minimum, (Threatened)
- Piping Plover, *Charadrius melodus* (Threatened)
- Rattlesnake-master Borer Moth, *Papaipema eryngii* (Candidate)
- Spectaclecase (mussel), *Cumberlandia monodonta* (Endangered)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Onion Creek Str. & Apprs.

2. Description

The following description was provided for the project 'Onion Creek Str. & Apprs.':

replace existing bridge with a box culvert

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.38473775763269N94.09589409828186W>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

5. Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

6. Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

5.1

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?
0

PCN Checklist

Job Number and Name: _____

Natural Resource Employee: _____

(1) Does your project occur within (*or within a mile of*) a special resource waterbody (e.g. ERW, ESW, Natural and Scenic or Wild and Scenic)?

Yes No

If yes, PCN required and Individual Water Quality Certification

Name of waterbody: _____

(2) Is this a maintenance project involving removal of accumulated sediments near a bridge or culvert?

Yes No

(3) A NWP No 14:

A) With more than 0.1 acre impacts OR

B) A discharge into special aquatic site including wetlands OR

C) In one of the following counties: *Cleburne, Van Buren, Conway, Faulkner, or White?*

Yes No

(4) Is the project a NWP23?

Yes No

(5) Is the project in wetlands:

A) In *Ashley, Clay, Jackson, Lawrence, Woodruff or Craighead County* OR

B) Any of the following waters of the US: Fens, Bogs, Seeps, Dune Depressions OR

C) Cache River and adjacent wetlands downstream of Hwy 18?

Yes No

(6) Is the project in one of the following counties: *Benton or Stone?*

Yes No

(7) Is the project impacting one of the following creeks or rivers?

Antoine River	Frog Bayou	Little Missouri River (Below Greeson)		Saline River (below Dierks Reservoir) *Western	
Arkansas River	Illinois River	Little River (above and below Millwood)		Saline River	
Big Brushy Creek (Montgomery)	Muddy Fork	Little Red River		Alum Fork	Middle Fork
Black River	Irons Fork (Polk)	Devil's Forks	Big Creek	North Fork	South Fork
Brush Creek (Perry and Yell)	Ouachita River	Beech Creek	Middle Fork	Spring River	
Buffalo Creek (Polk)	Iron Fork	Turkey Creek	South Fork	South Fork	
Buffalo River	North Fork	Archey Creek		St. Francis River and Floodway	
Caddo River	South Fork	Mississippi River		Clark Corner Cutoff	Little Bay Ditch
Clear Fork (Scott)	Kings River	Mountain Fork River (Polk)		Cross County Ditch	Little Slough Ditch
Cassatot River	L'Anguille River	Muddy Creek		Ditches 10, 123, 60, 61, 9	St. Francis Bay
Current River	Lewis Creek (Polk)	Myatt Creek		Iron Mines Creek	Straight Slough
Eleven Point River	Little River (Northeast St. Francis Trib)	Rainy Creek (Montgomery)		Strawberry River	
Fiddlers Creek (Montgomery and Yell)	Left Hand Chute	Red River		Tyronza River	
Fourche LaFave River	Right Hand Chute	Robinson Creek (Polk and Sevier)		War Eagle Creek	
Dry Fork	All Ditches	Rolling Fork (Below DeQueen Reservoir)		White River	
South Fork	Little Brushy Creek (Montgomery)				

Yes No

If you selected yes to any of the questions above a PCN is required

(8) IF PCN is required, is the project in an impaired waterbody for turbidity/siltation, a waterbody with a TMDL for turbidity/siltation or within a mile of one the above?

Yes No

If yes individual Water Quality Certification Required.

Name of Waterbody: _____

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


ARDOT Job Number 040778 FAP Number NHPP-0065(55)

Job Title Onion Creek Str. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT impacts anticipated
Cultural Resources	X			SHPO approval attached
Economic	X			No economic impacts
Endangered Species		X		May affect bats in the project area
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		Impacts during construction
Floodplains		X		Floodplain SP required
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No sites in project area
Land Use		X		Additional acreage required
Migratory Birds		X		Migratory Bird SP included in contract
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland		X		NRCS-CPA-106 attached
Protected Waters	X			None in the project area
Public Recreation Lands	X			None in 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 present
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No UST's to be impacted
Visual	X			No changes to the visual environment
Streams		X		Stream relocation not to exceed 460'
Water Quality		X		During construction
Wetlands		X		Not to exceed 0.5 acre
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type NW23

Remarks: _____

Signature of Evaluator  Date August 29, 2019

PROJECT DESIGN CRITERIA

DATE: May 8, 2019
REV.:

JOB NO: 040778 ROUTE / SECTION: 252 / 4 LENGTH: 0.28 mile COUNTY: Sebastian
 JOB NAME: Onion Creek Str. & Apprs. (S) MIN ORDER: 2018-080
 2020 ADT: 150 2040 ADT: 200 TRUCK: 6% 4-LANE GRID SYSTEM: No
 APHN: No INCENTIVE/DISINCENTIVE: No FUNCTIONAL CLASSIFICATION: Major Collector

EXISTING CONDITIONS

ROADWAY WIDTH: 24' WIDTH OF TRAVELED WAY: 20' SHOULDERS (WIDTH/TYPE): 2' unpaved
 CRASH RATE: 0.00 STATEWIDE CRASH RATE: 1.07

BRIDGE INFORMATION

Bridge No.	Log Mile	Length x Width	Structure Type	BCI	Deck Rating	Superstructure Rating	Substructure Rating	Posted
M2569	7.21	42.0'x21.3'	Steel Multi-Beam	46.81	5	5	5	1

* Refer to PDC Bridge Information Codes

RECOMMENDED CRITERIA

NO. OF LANES: 2 WIDTH: 11' SHOULDERS (WIDTH/TYPE): 2' Paved
 DIVIDED: No MEDIAN WIDTH: N/A PARKING: None
 BRIDGE WIDTHS: N/A DESIGN SPEED - RURAL: 55 MPH URBAN: N/A
 DEGREE OF ACCESS CONTROL: None CLEAR ZONE: 4:1 (18')
 LOCATION OF INTERCHANGES: N/A CHANNELIZED INTERSECTION: N/A
 TRAFFIC SIGNALS: N/A RR X-ING PROTECTION: N/A
 PREVIOUS PLANNING STUDY: N/A
 STUDY FINDING: N/A

RECOMMENDED TYPE FUNDS: _____
 PRELIM COST ESTIMATE: ROADWAY: \$500,000 BRIDGE: _____ TOTAL: \$500,000

REMARKS:

Use AASHTO Green Book
 R.C. Box Culvert

RECOMMENDED BY:

Charles Ellis: Charles R. Ellis
 Date: 5/13/19

Trinity Smith: Trinity Smith
 Date: 5/18/19

APPROVED BY:

Mike Fugett: [Signature]
 ACE-Design

Date: 5/14/19

(ATTACH NEW PROJECT MEMO AND LOCATION MAP)



ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

October 18, 2017

Mr. Angel Correa
Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number 040625
FAP Number NHPP-0065(48)
Bridge Numbers M1704, M1713 &
M1714
Hwy. 22 – Hwy. 252
Sebastian County
Tier 3 Categorical Exclusion

Dear Mr. Correa:

The Environmental Division has reviewed the referenced project and it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to replace three structurally deficient bridges on Highway 96 near the City of Lavaca in Sebastian County. Total length of the project is 0.618 mile. A project location map is enclosed.

The existing roadway consists of two 10-foot wide paved travel lanes with 4-foot wide shoulders. The existing right of way width is approximately 80 feet. Information about the existing structures is provided in Table 1.

Proposed roadway improvements for Site 1 include two 12-foot wide paved travel lanes with 8-foot wide paved shoulders. The new proposed average right of way width is 130 feet. Approximately 1.34 acres of additional right of way and 0.48 acre temporary construction easement will be required for Site 1. Information about the proposed structures is provided in Table 2.

Proposed roadway improvements for Site 2 include two 11-foot wide paved travel lanes with 4-foot wide paved shoulders. The new proposed average right of way width is 150 feet.

Approximately 5.67 acres of additional right of way and 0.43 acre temporary construction easement will be required for Site 2.

Table 1			
Bridge Number Site	Stream	Sufficiency Rating	Existing Structure
<u>M1704</u> Site 1	Bell Point Creek	SD/35.7	22.6' x 38' asphalt deck w/steel W-Beam spans w/concrete & masonry substructure
<u>M1713</u> Site 2	Onion Creek	SD/49.6	21' x 52' asphalt deck w/steel W-Beam spans w/concrete & masonry substructure
<u>M1714</u> Site 2	Smith Branch	SD/22.7	21.3' x 52' asphalt deck w/steel W-Beam spans w/concrete & masonry substructure

Table 2		
Stream	Proposed Structure	Location of Detour/Length
Bell Point Creek	10' x 6' x 86' Quadruple barrel concrete RC Box Culvert	75' upstream/1,000'
Onion Creek	30' x 114' integral W-beam unit, concrete 2 column Int. bents	50' upstream/1,345'
Smith Branch	12' x 12' x 84' Quadruple barrel concrete RC Box Culvert	New Location

Design data for this project is as follows:

Site 1			
Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2018	2,750	11	55 mph
2038	3,800	11	55 mph

Site 2			
Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2018	800	11	55 mph
2038	1,100	11	55 mph

There are no relocations, environmental justice issues, or cultural resources associated with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. Approximately 1.34 acres of prime farmland will be converted to highway right of way. Form NRCS-CPA-106 is enclosed.

Noise predictions have been made for this project utilizing the Federal Highway Administration's TNM 2.5 (Traffic Noise Model) procedures. These procedures indicate that noise levels are below the FHWA noise criteria beyond the project's proposed right of way limits and no sensitive receptors are currently impacted. Any increases in roadway noise levels will not be the result of the proposed project, but instead a result of traffic volume increases during the planning period (Year 2038). Therefore, any noise level increases will occur independently of this proposed project, and no project related noise impacts are anticipated. In compliance with Federal guidelines, local authorities will not require notification.

Three streams (Onion Creek, Bell Point Creek, and Smith Branch) will be impacted by the construction of the proposed project. Impacts include the replacement of the existing drainage structure crossing Bell Point Creek with a quadruple barrel concrete box culvert, the replacement of the existing bridge crossing Onion Creek on existing alignment, and the replacement of the existing drainage structure crossing Smith Branch with a quadruple barrel concrete box culvert on new location west of the existing structure. Temporary detours will be constructed at Bell Point Creek and Onion Creek for the maintenance of traffic. Stream impacts are estimated to be less than 0.1 acre per crossing.

Construction of the Onion Creek Bridge and the box culvert at Smith Branch will temporarily impact 0.23 acres and permanently impact 0.64 acres of scrub/shrub wetlands. Compensatory mitigation for unavoidable wetland impacts will be provided at the Department's Hartman Bottoms Wetland Mitigation Bank. Construction of this project should be covered under the terms of a Nationwide Permit 23 for approved Categorical Exclusions as defined in the Federal Register 82(4):1860 – 2008.

The official species list obtained through the United States Fish and Wildlife Service (USFWS) IPaC website lists four endangered species and three threatened species as potentially occurring within the project area. This includes the northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), American burying beetle (*Nicrophorus americanus*), Geocarpon minimum, and the spectaclecase

mussel (*Cumberlandia monodonta*). Based on the size of the area to be cleared and distance to known species locality records, it is our determination that the project may affect, but is not likely to adversely affect the northern long-eared bat, gray bat and the American burying beetle. Based on the lack of habitat and distance to known species locality records, it is our determination that the project will have no effect on the Least Tern, Piping Plover, spectaclegear mussel and Geocarpon minimum. USFWS concurrence is enclosed.

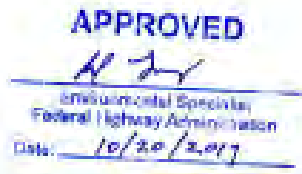
Sebastian County participates in the National Flood Insurance Program. All of the floodplain encroachments within this highway construction project will be designed to comply with the county's local flood damage prevention ordinance. The project lies within the Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life.

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

Sincerely,



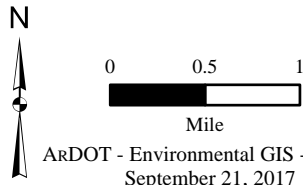
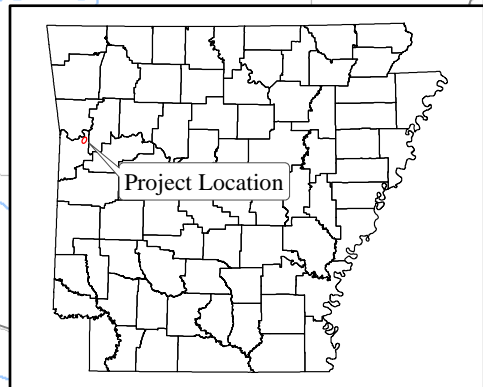
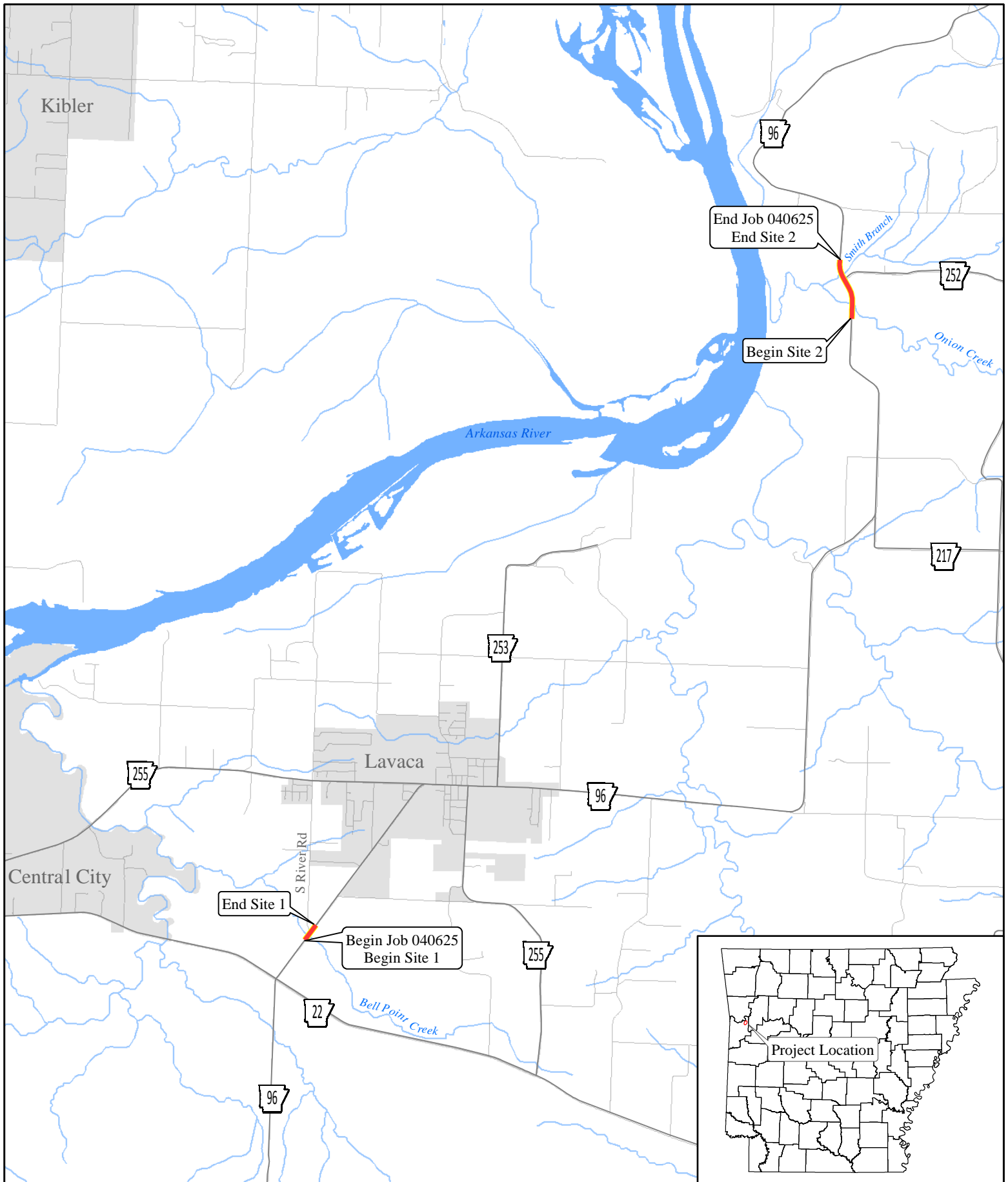
John Fleming
Division Head
Environmental Division



Enclosures

JF:KS:fc

c: Program Management
Right of Way
Roadway Design
District 4
Master File



Job 040625
 Hwy. 22 - Hwy. 252
 Strs. & Apprs. (Hwy. 96)
 Sebastian County

Project Location



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

September 21, 2017

RECEIVED
AHTD

SEP 25 2017

ENVIRONMENTAL
DIVISION

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: Sebastian County – General
Section 106 Review – FHWA
Request for Technical Assistance
ARDOT Job Number 040625
Hwy. 22 – Hwy. 252 Strs. & Apprs. (S)
AHPP Tracking Number 87920.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program has reviewed the documents included with your letter of September 19, 2107. Since no cultural resources were encountered during the survey of the right-of-way for this undertaking and structures (A-F) were previously determined not eligible for listing in the National Register of Historic Places (NRHP), we concur that there will be no effect to historic properties as a result of this undertaking.

Tribes that have expressed an interest in the area include the Caddo Nation (Mr. Phil Cross), the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Dr. Ian Thompson), the Osage Nation (Dr. Andrea Hunter), the Quapaw Tribe of Oklahoma (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Kim Jumper). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Theresa Russell of my staff at (501)-324-9357.

Sincerely,

Scott Kaufman
Director, AHPP

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



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

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

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

An Equal Opportunity Employer

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency) Job 040625		3. Date of Land Evaluation Request 9/26/17	4. Sheet 1 of _____
1. Name of Project Hwy. 22 – Hwy 252 Strs & Apprs.		5. Federal Agency Involved FHWA	
2. Type of Project Bridge Replacement		6. County and State Sebastian AR.	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form)		YES NO	4. Acres Irrigated Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	1.34			
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
1. Area in Nonurban Use	15	15		
2. Perimeter in Nonurban Use	10	10		
3. Percent Of Corridor Being Farmed	20	20		
4. Protection Provided By State And Local Government	20	0		
5. Size of Present Farm Unit Compared To Average	10	0		
6. Creation Of Nonfarmable Farmland	25	0		
7. Availability Of Farm Support Services	5	5		
8. On-Farm Investments	20	0		
9. Effects Of Conversion On Farm Support Services	25	0		
10. Compatibility With Existing Agricultural Use	10	0		
TOTAL CORRIDOR ASSESSMENT POINTS	160	50		

PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	100		
Total Corridor Assessment (From Part VI above or a local site assessment)	160	50		
TOTAL POINTS (Total of above 2 lines)	260	150		

1. Corridor Selected: <input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	2. Total Acres of Farmlands to be Converted by Project: 1.34 acres of Prime Farmland	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
---	---	-----------------------	--

5. Reason For Selection:

Signature of Person Completing this Part: Jan Ba DATE 10/17/17

NOTE Complete a form for each segment with more than one Alternate Corridor



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



September 25, 2017

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

Consultation Code: 04ER1000-2017-SLI-1355

Dear Mr. Fleming,

The U.S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ADOT) Project Number 040625 (Hwy. 22 - Hwy. 252 Strs. & Apprs.). The project was described and assessed as follows (abbreviated):

The proposed project will replace three drainage structures in Sebastian County. The three structures are located on Hwy. 96 (one south of Lavaca and two north of Lavaca). Construction will replace one box culvert and one bridge on the existing location and construct one box culvert on the new location. The box culvert on the new location will be constructed on the west side of the existing structure. Approximately 0.5 acres of trees will be cleared due to construction of this project. Based on the proximity and size of the area to be cleared and distance to known species, it is our determination that the project may, but not likely to adversely affect the Northern Long-eared Bat, Gray Bat and the American Burying Beetle (ABB). Based on the lack of habitat and distance to known species, it is our determination that the project will have no effect on the Interior Least Tern, Piping Plover, Spectaclecase Mussel and Geocarpon Minimum.

The project will disturb approximately 2.7 acres of American Burying Beetle suitable habitat. According to ABB survey protocol from the USFWS, the project will not meet one of the eleven characteristics required to initiate action.

Based on the location of this action, the minimal forested habitat being affected, minimal soil disturbance of less than 3 acres, the distance to known species locations and hibernacula, and temporary and limited noise and vibrations, the Service agrees with your assessment and concurs with your determinations for Gray Bat and American Burying Beetle. No further consultation regarding this species is necessary at this time.

Furthermore, the Service has reviewed your determination that the proposed action will not result in any prohibited incidental take for Northern Long-eared Bat. This project may affect the Northern Long-eared Bat; however, there are no effects beyond those previously disclosed in the

Service's programmatic biological opinion for the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). This project is consistent with the description of the proposed action in the programmatic biological opinion, and the 4(d) rule does not prohibit incidental take of the Northern Long-eared Bat that may occur as a result of this project. Therefore, the programmatic biological opinion satisfies the "action agency" responsibilities under the Endangered Species Act, section 7(a)(2) relative to the Northern Long-eared Bat for this project.

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 Northern Long-eared 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 cleared, proximity to the existing right-of-way, minimal adjacent habitat being disturbed, minimal ground disturbance, and distance to known species locations, the Service has no concerns or recommendations to provide as further technical assistance related to this action for any other species identified for this area. No further action is required at this time.

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



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:

September 19, 2017

Consultation Code: 04ER1000-2017-SLI-1355

Event Code: 04ER1000-2017-E-01954

Project Name: Hwy. 22 - Hwy. 252 Strs. & Apprs.

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

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

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project

specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

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

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and

implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2017-SLI-1355

Event Code: 04ER1000-2017-E-01954

Project Name: Hwy. 22 - Hwy. 252 Strs. & Apprs.

Project Type: TRANSPORTATION

Project Description: replace 3 drainage structures - 1 south of Lavaca and 2 north of Lavaca on Hwy. 96

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/35.35810613507776N94.15841102600099W>



Counties: Sebastian, AR

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
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

Birds

NAME	STATUS
Least Tern <i>Sterna antillarum</i> Population: interior pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8505	Endangered
Piping Plover <i>Charadrius melodus</i> Population: except Great Lakes watershed There is final designated critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

Clams

NAME	STATUS
Spectaclecase (mussel) <i>Cumberlandia monodonta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7867	Endangered

Insects

NAME

STATUS

American Burying Beetle *Nicrophorus americanus*

Endangered

Population: Wherever found, except where listed as an experimental population

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/66>

American Burying Beetle *Nicrophorus americanus*

Experimental Population,
Non-Essential

Population: Ex Pop, SW Missouri

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/66>

Flowering Plants

NAME

STATUS

Geocarpon minimum

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/7699>

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

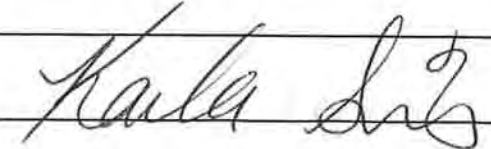
ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

Job Number 040625 FAP Number NHPP-0065(48)
 Job Title Hwy. 22 – Hwy. 252 Strs. & Apprs.

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary during construction
Cultural Resources	X			
Economic	X			
Endangered Species	X			USFWS concurrence 9/25/2017
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife		X		During construction
Floodplains		X		Floodzone A
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds	X			Migratory Bird SP included
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland		X		NRCS-CPA-106 included
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocates	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		During construction
Water Quality		X		During construction
Wetlands		X		Mitigation @ Hartman Bottoms
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type NW23

Remarks: _____

Signature of Evaluator  Date October 17, 2017

ROADWAY DESIGN REQUEST

Job Number 040625 FAP No. NHPP-0065(48) County Sebastian

Job Name Hwy. 22 – Hwy. 252 Strs. & Apprs. (S)

Design Engineer Primary Design Environmental Staff _____

Brief Project Description Replace 1 bridge with a bridge on existing location and a R.C. Box Culvert on new location on the north end of Hwy. 96.

A. Existing Conditions:

Roadway Width: 20' Shoulder Type/Width: 4' unpaved

Number of Lanes and Width: 2 @ 10' Existing Right-of-Way: 80'

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 22' Shoulder Type/Width: 2 @ 4' Paved

Number of Lanes and Width: 2 @ 11' Proposed Right-of-Way: 150' Avg.

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: Sta. 484+70 Length: 1350'

D. Design Traffic Data:

2018 ADT: 800 2038 ADT: 1100 % Trucks: 11%
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.447 mile(s)

F. Justification for proposed improvements: Bridge Replacement

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

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

Agency/Official	Person Contacted	Date

Date Sent: 9-7-17

ROADWAY DESIGN REQUEST

Job Number 040625 FAP No. NHPP-0065(48) County Sebastian

Job Name Hwy. 22 – Hwy. 252 Strs. & Apprs. (S)

Design Engineer Primary Design Environmental Staff _____

Brief Project Description Replace 1 bridge with an R.C. Box Culvert on the south end of Hwy. 96

A. Existing Conditions:

Roadway Width: 20' Shoulder Type/Width: 2 @ 4' Paved

Number of Lanes and Width: 2 @ 10' Existing Right-of-Way: N/A

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 24' Shoulder Type/Width: 2 @ 8' Paved

Number of Lanes and Width: 2 @ 12' Proposed Right-of-Way: 130' Avg.

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: Sta. 100+00 Length: 1011'

D. Design Traffic Data:

2018 ADT: 2750 2038 ADT: 3800 % Trucks: 11%
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.171 mile(s)

F. Justification for proposed improvements: Bridge Replacement

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

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

Agency/Official	Person Contacted	Date

BRIDGE INFORMATION – PRELIMINARY

Job Number: 040625 FAP Number: 9990 County: Sebastian RECEIVED
 Job Name: Hwy. 22 – Hwy. 252 Strs. & Apprs.(S) AHTD
 Design Engineer: Courtney Rome Environmental Staff: Karla Sims OCT 04 2017

ENVIRONMENTAL
DIVISION

A. Description of Existing Bridge:

1. Bridge Number M1713 over Onion Creek
2. Location: Rte.: 96 Section: 3 Log Mile: 9.53
3. Length: 52.0 ft Br. Rdwy. Width: 21.0 ft Deck Width (Out-to-Out): 22.3 ft
4. Type Construction: Steel W-Beam spans w/ asphalt deck w/ concrete & masonry substructure
5. Deficiencies: Heavy corrosion & section loss on beams
6. HBRRP Eligibility: Qualif. Code: SD Sufficiency Rating: 49.60
7. Are any Condition Component Ratings at 3 or less? No

B. Proposed Improvements:

1. Length: 114.0 ft Br. Rdwy. Width: 30.0 ft Deck Width (Out-to-Out): 33.17 ft
2. Travel Lanes: (2) 11'-0"
3. Shoulder Width: 4'-0"
4. Sidewalks? N/A Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: same location
2. Superstructure Type: Integral W-Beam Unit
3. Span Lengths: 34'-45'-34'
4. Substructure Type: Concrete 2 Column Int. Bents on Drilled Shaft foundations
5. Ordinary High Water Elev. (OHW): 374 No. of Bents inside OHW Contours: 2
6. Concrete Vol. below OHW: No yd³ Vol. Bent Excavation: _____ yd³ Vol. Backfill _____ yd³
7. Is Channel Excavation below OHW Required? No Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? No Surface Area: _____ ft² Volume: _____ yd³
9. Is Riprap below OHW Required? TBD Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? No Location: _____ Top Width: _____ ft
2. Is Fill below OHW required? N/A Surface Area: _____ ft² Volume _____ yd³
3. Are Pipes required to meet Backwater Criteria? N/A Waterway Opening: _____ ft²

E. Detour Information:

1. Is a detour bridge required? Yes Location in relation to Existing Br.: 50' Upstream
2. Length: 124 ft Br. Rdwy. Width: 20 ft Deck Elevation: 389.00
3. Volume of Fill below OHW: TBD yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? No

Agency	Person Contacted	Date

BRIDGE INFORMATION – PRELIMINARY

Job Number: 040625 FAP Number: 9990 County: Sebastian
 Job Name: Hwy. 22 – Hwy. 252 Strs. & Apprs.(S)
 Design Engineer: Courtney Rome Environmental Staff: Karla Sims

RECEIVED
AHTD

OCT 04 2017

ENVIRONMENTAL
DIVISION

A. Description of Existing Bridge:

1. Bridge Number M1704 over Bell Point Creek
2. Location: Rte.: 96 Section: 3 Log Mile: 0.45
3. Length: 38.0 ft Br. Rdwy. Width: 22.6 ft Deck Width (Out-to-Out): 24.1 ft
4. Type Construction: Steel W-Beam spans w/ asphalt deck w/ concrete & masonry substructure
5. Deficiencies: Corrosion & section loss on beams with holes rusted through the webs of beams
6. HBRRP Eligibility: Qualif. Code: SD Sufficiency Rating: 35.70
7. Are any Condition Component Ratings at 3 or less? No

B. Proposed Improvements:

1. Length: 0.00 ft Br. Rdwy. Width: 00.0 ft Deck Width (Out-to-Out): 0.00 ft
2. Travel Lanes: (2) 11'-0"
3. Shoulder Width: 5'-0"
4. Sidewalks? N/A Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: same location
2. Superstructure Type: RC Box Culvert
3. Span Lengths: _____
4. Substructure Type: _____
5. Ordinary High Water Elev. (OHW): _____ No. of Bents inside OHW Contours: _____
6. Concrete Vol. below OHW: _____ yd³ Vol. Bent Excavation: _____ yd³ Vol. Backfill _____ yd³
7. Is Channel Excavation below OHW Required? Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? Surface Area: _____ ft² Volume: _____ yd³
9. Is Riprap below OHW Required? _____ Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? Location: _____ Top Width: _____ ft
2. Is Fill below OHW required? _____ Surface Area: _____ ft² Volume _____ yd³
3. Are Pipes required to meet Backwater Criteria? _____ Waterway Opening: _____ ft²

E. Detour Information:

1. Is a detour bridge required? Location in relation to Existing Br.: _____
2. Length: _____ ft Br. Rdwy. Width: _____ ft Deck Elevation: _____
3. Volume of Fill below OHW: _____ yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? _____

Agency	Person Contacted	Date

BRIDGE INFORMATION – PRELIMINARY

RECEIVED
AHTD

OCT 04 2017

ENVIRONMENTAL
DIVISION

Job Number: 040625 FAP Number: 9990 County: Sebastian
 Job Name: Hwy. 22 – Hwy. 252 Strs. & Apprs.(S)
 Design Engineer: Courtney Rome Environmental Staff: Karla Sims

A. Description of Existing Bridge:

1. Bridge Number M1714 over Smith Branch
2. Location: Rte.: 96 Section: 3 Log Mile: 9.85
3. Length: 52.0 ft Br. Rdwy. Width: 21.3 ft Deck Width (Out-to-Out): 22.1 ft
4. Type Construction: Steel W-Beam spans w/ asphalt deck w/ concrete & masonry substructure
5. Deficiencies: Corrosion & section loss on beams with holes rusted through the webs of beams
6. HBRRP Eligibility: Qualif. Code: SD Sufficiency Rating: 22.70
7. Are any Condition Component Ratings at 3 or less? Yes

B. Proposed Improvements:

1. Length: 0.00 ft Br. Rdwy. Width: 00.0 ft Deck Width (Out-to-Out): 0.00 ft
2. Travel Lanes: (2) 11'-0"
3. Shoulder Width: 5'-0"
4. Sidewalks? N/A Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: same location
2. Superstructure Type: RC Box Culvert
3. Span Lengths: _____
4. Substructure Type: _____
5. Ordinary High Water Elev. (OHW): _____ No. of Bents inside OHW Contours: _____
6. Concrete Vol. below OHW: _____ yd³ Vol. Bent Excavation: _____ yd³ Vol. Backfill _____ yd³
7. Is Channel Excavation below OHW Required? Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? Surface Area: _____ ft² Volume: _____ yd³
9. Is Riprap below OHW Required? _____ Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? Location: _____ Top Width: _____ ft
2. Is Fill below OHW required? Surface Area: _____ ft² Volume _____ yd³
3. Are Pipes required to meet Backwater Criteria? _____ Waterway Opening: _____ ft²

E. Detour Information:

1. Is a detour bridge required? Location in relation to Existing Br.: _____
2. Length: _____ ft Br. Rdwy. Width: _____ ft Deck Elevation: _____
3. Volume of Fill below OHW: _____ yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? _____

Agency	Person Contacted	Date



June 20, 2018

Mr. Angel Correa
Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number 040622
FAP Number STPR-0072(46)
Washington Co. Line – South
Strs. & Apprs. (S)
Route 59, Section 5
Bridge Numbers 02815, 02814,
02813, & 02621
Crawford County
Tier 3 Categorical Exclusion

Dear Mr. Correa:

The Environmental Division has reviewed the referenced project and it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to replace three Structurally Deficient bridges and one Functionally Obsolete bridge on Highway 59 in Crawford County. Total length of the project is approximately 0.8 mile. A project location map is enclosed.

The existing roadway consists of two 10-foot wide paved travel lanes with 4-foot wide shoulders. Proposed roadway improvements include two 12-foot wide paved travel lanes with 8-foot wide paved shoulders. Approximately 4.6 acres of additional right of way and 1.3 acre temporary construction easements will be required for this project.

Following is a summary of the existing and proposed bridge information:

Bridge Number	Feature Spanned	Existing Structure Type/Rating	Proposed Structure	Maintenance of Traffic
02815 (Site 1)	Tributary of Mountain Fork Creek (Low Gap Hollow)	5-span reinforced concrete slabs on concrete column piers with spread footings/SD	3-span continuous composite pre-stressed concrete girder on steel trestle pile end bents and multi-column intermediate bents with spread footings	Detour bridge located approx. 50 feet downstream
02814 (Site 2)	Mountain Fork Creek	6-span reinforced concrete slabs on concrete column piers with spread footings/FO	Same as Site 1	New bridge constructed approx. 50 feet downstream
02813 (Site 3)	Whitzen Hollow Creek	6-span reinforced concrete slabs on concrete column piers with spread footings/SD	Same as Site 1	Detour bridge located approx. 50 feet upstream
02621 (Site 4)	Huey Creek	4-span concrete deck and steel I-beams on vertical wall abutments and concrete wall piers with spread footings/SD	Same as Site 1	Detour bridge located approx. 50 feet upstream

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	2,000	22	Site 1: 40 mph Sites 2-4: 50 mph
2040	2,400	22	

There are no relocations, wetlands, cultural resources, public water supplies, environmental justice issues, or known hazardous materials associated with this project. Approximately 4.45 acres of Prime Farmland and 0.01 acre Farmland of Statewide Importance will be converted to highway right of way. Form NRCS-CPA-106 is enclosed.

Noise predictions have been made for this project utilizing the Federal Highway Administration's TNM 2.5 (Traffic Noise Model) procedures. These procedures indicate that noise levels are below the FHWA noise criteria beyond the project's proposed right of way limits and no sensitive receptors are currently impacted. Any increases in roadway noise levels will not be the result of the proposed project, but instead a result of traffic volume increases during the planning period (Year 2040). Therefore, any noise level increases will occur independently of this proposed project, and no project related noise impacts are anticipated. In compliance with Federal guidelines, local authorities will not require notification.

The official protected species list obtained through the US Fish and Wildlife Service (USFWS) Information for Planning and Consultation website identified the threatened northern long-eared bat (*Myotis septentrionalis*), the endangered Ozark big-eared bat (*Corynorhinus townsendii ingens*), the endangered gray bat (*Myotis grisescens*), the endangered Indiana bat (*Myotis sodalis*), the threatened Missouri bladderpod (*Physaria filiformis*), the threatened Ozark cavefish (*Troglichthys rosae*), the threatened Piping Plover (*Charadrius melodus*) and the endangered American burying beetle (*Nicrophorus americanus*) as having the potential to occur in the project area. A "may affect, but not likely to adversely affect" determination was made for the gray bat, Ozark big-eared bat and northern long-eared bat. A "likely to adversely affect" determination was made for the Indiana bat. A "no effect" determination was made for the remainder of the federally listed species, as there is no suitable habitat in the project area. The Biological Evaluation, USFWS concurrence letter, official species list, and associated documents, are enclosed.

The Final 4(d) Rule and the Programmatic Biological Opinion (BO) applies to this project and its activities that have the potential to affect northern long-eared bats and Indiana bats, respectively. The northern long-eared bat is exempted from any take resulting from this project under the Final 4(d) Rule. The proposed project will remove 11.5 acres of suitable Indiana bat habitat, and ARDOT will provide 17.25 acres (a ratio

of 1.5:1) of forested habitat preservation at the ARDOT Kings River Falls Conservation Bank. Due to the project activities potentially affecting the federally listed bat species, all tree clearing will be restricted to the winter hibernation period of November 16 to March 31. All construction activities must cease 30 minutes prior to sunset and 30 minutes prior to sunrise to avoid impacts to foraging bats.

Approximately 225 linear feet of a perennial stream, Mountain Fork Creek and 145 linear feet of a perennial stream, a tributary to Mountain Fork Creek, will be impacted at Site 1. Approximately 173 linear feet of Mountain Fork Creek, a perennial stream, will be impacted at Site 2. Approximately 151 linear feet of Whitzen Hollow Creek, a perennial stream, will be impacted at Site 3. Approximately 187 linear feet of Huey Creek, a perennial stream, will be impacted at Site 4. Construction of the proposed project should be allowed under the terms of a Section 404 Nationwide Permit 14 for Linear Transportation Projects as defined in the Federal Register 82(4):1860:2008.

The proposed project will require approximately 0.03 acre of right of way and 0.29 acre of temporary construction easements at Site 3 from the U.S. Forest Service, Ozark-St. Francis National Forests, a NEPA Cooperating Agency on the proposed project. Native vegetation will be planted on all Federal property.

Crawford County participates in the National Flood Insurance Program. The project lies within the Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life.

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

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 6/21/2018

Sincerely,

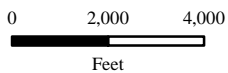
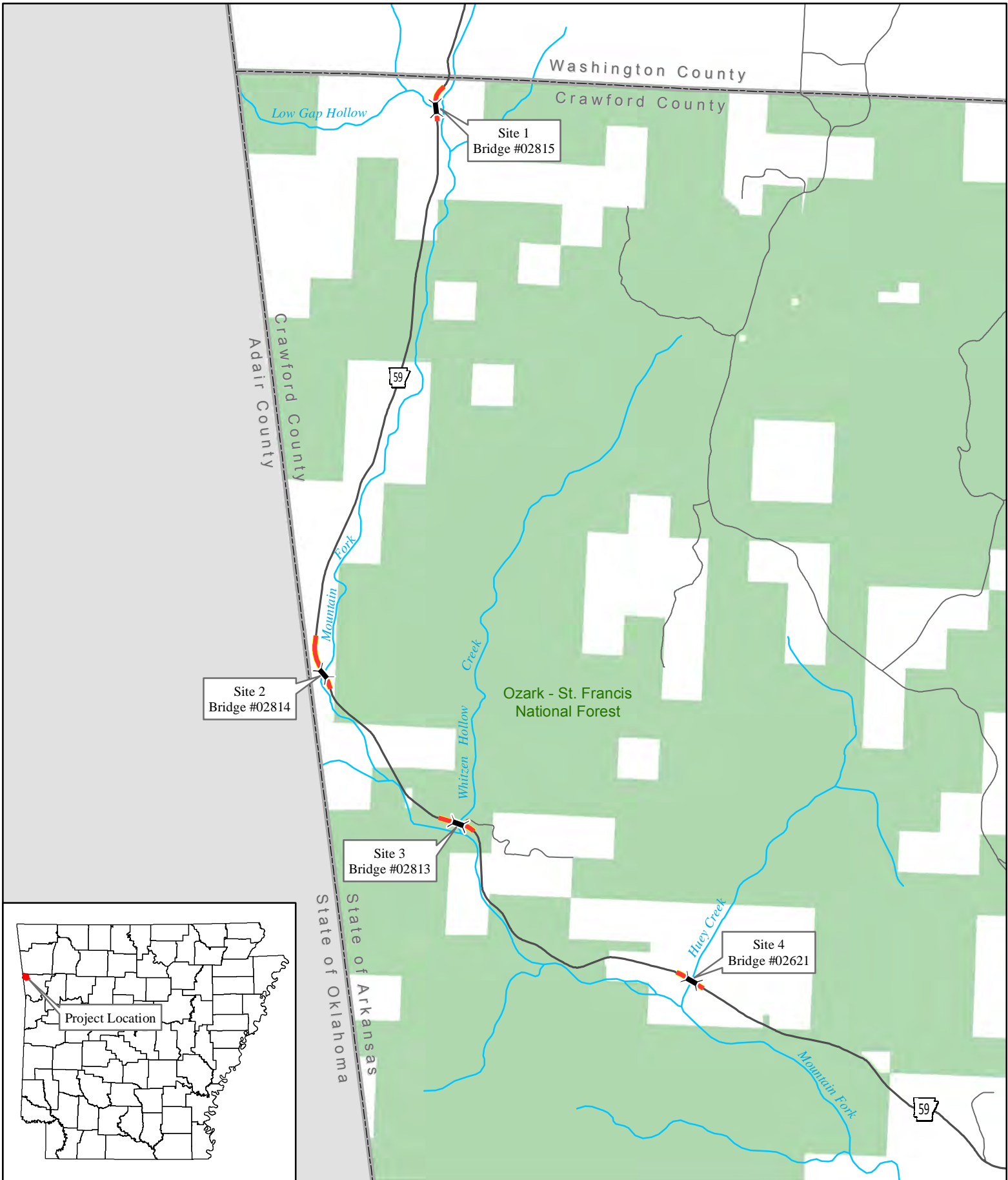


John Fleming
Division Head
Environmental Division

Enclosures

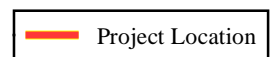
JF:SS:fc

c: Program Management
Right of Way
Roadway Design
District 4
Master File



ARDOT - Environmental GIS - Strawn
March 27, 2018

Job 040622
Washington Co. Line - South
Strs. & Apprs. (Hwy. 59)
Crawford County





THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

June 14, 2018

Mr. John Fleming
Division Head
Environmental Division
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261

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ARDOT
JUN 18 2018
ENVIRONMENTAL
DIVISION

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

RE: Crawford County – General
Section 106 Review – FHWA
Report Titled: *A Cultural Resources Survey of ArDOT Job Number
040622 Washington County Line-South Strs. & Apprs. Crawford
County, Arkansas*
ArDOT Job Number: 040622
AHPP Tracking Number: 84293.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program has reviewed the above-referenced Phase I cultural resources report. Based on the information presented in this report, we concur that the proposed undertaking will have no effect on historic properties.

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 Osage Nation (Dr. Andrea Hunter), the Quapaw Tribe of Oklahoma (Mr. Everett Bandy), the Shawnee Tribe of Oklahoma (Ms. Kim Jumper), and the United Keetoowah Band of Cherokee Indians (Ms. Sheila Bird). 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 Tim Dodson of my staff at 501-324-9784.

Sincerely,

Scott Kaufman
Director, AHPP

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



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

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www.arkansaspreservation.com

An Equal Opportunity Employer

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency) Job 040622		3 Date of Land Evaluation Request 3/27/18	4 Sheet 1 of
1. Name of Project Washington Co. Line - South Strs., & Apprs.		5. Federal Agency Involved FHWA	
2. Type of Project Bridge Replacement		6. County and State Crawford AR.	
PART II (To be completed by NRCS)		1 Date Request Received by NRCS	2 Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form)		YES NO	4. Acres Irrigated Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	4.45			
B. Total Acres Statewide And Local Important Farmland	.01			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)				
--	--	--	--	--

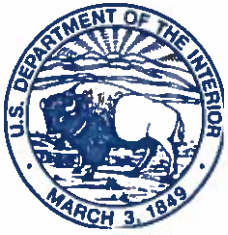
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))		Maximum Points			
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	5			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	0			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	35			

PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	100		
Total Corridor Assessment (From Part VI above or a local site assessment)	160	35		
TOTAL POINTS (Total of above 2 lines)	260	135		

1. Corridor Selected: <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing Location Adjacent to existing	2. Total Acres of Farmlands to be Converted by Project: 4.45 acres of Prime Farmland .01 Farmland of Statewide Importance	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
5. Reason For Selection:			

Signature of Person Completing this Part:  DATE 6/20/18

NOTE: Complete a form for each segment with more than one Alternate Corridor



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



October 31, 2017

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

Consultation Code: 04ER1000-2017-SLI-1381

Dear Mr. Fleming,

The U. S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ArDOT) plans to replace four bridges along a seven (7) mile stretch of Highway 59 in Crawford County, Arkansas. This action may rely on the December 15, 2016, 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 request and the associated Project Submittal Form on October 20, 2017. The project was described and assessed as follows (abbreviated):

The existing roadway consists of two 12' wide paved travel lanes with no shoulders. Proposed improvements include replacing 4 bridges—one across Low Gap Hollow Creek (Site 1, Bridge# 2815), one across Mountain Fork Creek (Site 2, Bridge# 2814), one across Whizzen Hollow Creek (Site 3, Bridge# 2813), and one across Huey Creek (Site 4, Bridge# 2621)—along Highway 59.

The replacement of three out of the four bridges (Sites 1, 3, and 4; Bridges 2815, 2813, and 2621) along Highway 59 will require temporary detours, as those bridges will be replaced on existing location. Site 1, Bridge# 2815 will have a temporary detour to the east of the existing bridge and Highway 59. At Site 1, approximately 3.6 acres of forested habitat will be cleared for construction of detour. Site 3, Bridge# 2813 is located within the Ozark National Forest and will have a temporary detour to the north of the existing bridge, east side of Highway 59. At Site 3, approximately 2.1 acres of forested habitat will be cleared for construction of detour. Site 4, Bridge# 2621 will have a temporary detour northeast of the existing bridge, east side Highway 59. At Site 4, approximately 2.2 acres of forested habitat will be cleared for construction of detour. Site 2, Bridge# 2814 will be replaced on new location, just southwest of the existing bridge and west of Highway 59. At Site 2, approximately 3.6 acres of forested habitat will be cleared for bridge construction.

According to the Information for Planning and Consultation (IPaC) website, there are eight (8) endangered species that have the potential to be impacted by the project. These species include: the endangered Gray Bat (*Myotis grisescens*), the threatened Northern Long-eared Bat (*Myotis septentrionalis*), the endangered Indiana Bat (*Myotis sodalis*), the endangered Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), the threatened Missouri Bladderpod (*Physaria filiformis*), the threatened Ozark Cavefish (*Troglichthys rosae*), the threatened Piping Plover (*Charadrius melodus*), and the endangered American Burying Beetle (*Nicrophorus americanus*).

Arkansas Natural Heritage Commission's (ANHC) records database indicates several known roost cave locations for the Ozark Big-eared Bat near the project area. The closest recorded occurrence is an Ozark Big-eared Bat roost cave approximately 900 feet southeast of Site 1, Bridge 2815 over Low Gap Hollow Creek. There are two other nearby occurrences of Ozark Big-eared Bat roost caves, approximately 0.4 mile northeast and 0.9 mile south of Site 1. There are additional known records of Ozark Big-eared Bat roost caves, 1.2 and 1.5 miles north of Site 1 in caves: WA3301, WA3302, WA3311, and Garrett Hollow Cave, all in Washington County. Another known Ozark Big-eared Bat roost cave is located approximately 1.5 miles northeast of Site 2. The Ozark Plateau National Wildlife Refuge, located in Adair County Oklahoma, has known hibernacula for the Ozark Big-eared Bat, approximately 3 miles west of the project area.

Ozark Big-eared Bats inhabit caves year round, which are typically located in oak-hickory forests. Weyandt et al. (2005) and Graening et al. (2011) suggest that Ozark Big-eared Bats could also use bluff faces and bluff lines as roosting habitat, and these types of habitat could potentially garner additional populations. During the summer months, Ozark Big-eared Bats primarily forage in forests and along forest edges. Ozark Big-eared Bats typically only forage a little over one mile from their roosting site (Graening et al. 2011). Although, a couple of studies tracked the movement of the Ozark Big-eared Bats and found the longest distances traveled in a 24 hour period were up to 5.0 miles (Graening et al. 2011; Wethington et al. 1996). ArDOT will include a special provision requiring that construction activities not occur 30 minutes prior to sunset and 30 minutes prior to sunrise. ArDOT is anticipating that the bridges will be multi-column concrete bents on a spread-footing, so no blasting or drilling will be required during bridge construction. Based on the winter clearing and day time construction special provisions that will be included on this job, it is our determination that the project **“may affect, not likely to adversely affect”** Ozark Big-eared Bats.

Crawford County is within the known range of the federally threatened Northern Long-eared Bat. The project and its activities do not occur within 0.25 mile of a known hibernaculum or within 150 feet of a known occupied maternity roost,

which exempts the project from incidental take of Northern Long-eared Bats, according to the final 4(d) rule and accompanying programmatic biological opinion. The project will have a winter clearing only restriction included in the job, which prohibits tree clearing during April 1 to October 1. (A **Final 4(d) form and Bridge Assessment form for each site and the Project Submittal form were attached**).

A summer mist net survey was conducted in July of 2017, for a slide repair project on Highway 59 in Washington County, a mist net site was setup approximately 0.1 mile north of Site 1. Results from this survey confirmed the presence of Ozark Big-eared Bats and Northern Long-eared Bats, as both species were captured at mist net survey locations 35°45'38.9", -94°28'11.2" and 35°45'35.9", -94°28'10.8", respectively. This survey also identified seven (7) Northern Long-eared Bat diurnal roost trees; the closest known roost tree is in Washington County, approximately 715 feet north of the Site 1. No Indiana Bats or Gray Bats were captured during this survey. A bridge assessment was conducted on 9/28/2016 for all four bridges, and no evidence of bat use was found.

Gray Bats are year-round cave dwellers. They hibernate in deep, vertical caves in winter and roost in limestone karst caves along rivers in summer months. The closest known occurrence is a roost cave in Franklin County, approximately 30 miles east of the project area that support Gray Bats. Although the project area is largely forested and contains habitat that is suitable for foraging, a winter clearing only restriction, as well as a day time construction only special provision will be included in the job. Furthermore, during a recent summer mist net survey (July 2017) nearby, no Gray Bats were captured or recorded acoustically. Therefore, it is our determination that the project **"may affect, not likely to adversely affect"** Gray Bats.

Indiana Bats are known to roost underneath the peeling bark of dead or dying trees in intact forests within medium river and stream corridors and forests within 1 to 3 miles of small to medium rivers and streams and upland forests. Indiana Bats hibernate in caves during winter. The closest known occurrence is approximately 12 to 13 miles northeast, east of the project area, in Devil's Den State Park. Although the project area is within the Indiana Bats' range, is forested, and habitat that is suitable for foraging, a winter clearing only restriction, as well as a day time construction only special provision will be included in the job. Furthermore, during a recent summer mist survey (July 2017) nearby, no Indiana Bats were captured or recorded acoustically. Therefore, it is our determination that the project is **"likely to adversely affect"** Indiana Bats. (Bridge Assessment forms for each site and the Project Submittal form for the Programmatic Biological Opinion were attached).

The Missouri Bladderpod is found on open limestone, dolomite, sandstone, shale glades, barrens, and outcrops within prairies. There are no known occurrences or habitat near the project area; therefore, it is our determination that the project will have **“no effect”** on the Missouri Bladderpod.

The Ozark Cavefish lives in cave streams and springs. The Ozark Cavefish is found within the Springfield Plateau of the Ozark Highlands in Arkansas, Missouri, and Oklahoma. The Ozark Cavefish is known from a few caves in Washington County. Major threats to the Ozark Cavefish include groundwater pollution and destruction and disturbance of habitat (i.e., caves). There are known occurrences in close proximity to the project area. There are no known caves that support the Ozark Cavefish nearby; therefore, it is our determination that the project will have **“no effect”** on the Ozark Cavefish.

The proposed project is outside of the American Burying Beetle consultation area; therefore, it is our determination that the project will have **“no effect”** on American Burying Beetle.

The Piping Plover is a migratory bird. In the spring and summer, they breed in the northern United States and Canada. Piping Plovers use wide, flat, open, sandy beaches with very little vegetation; nesting habitat often includes small creeks or wetlands. In the fall, plovers migrate south and winter along the coast of the Gulf of Mexico and other southern locations. During fall and spring migration, Piping Plovers use rest sites including shorelines of lakes, rivers, and wetlands with muddy sandy substrates. Migration rest area habitat is not well documented, but migrating Piping Plovers have been observed in Arkansas, mostly along the Arkansas River; however, the project area is devoid of such habitat (i.e., large rivers); therefore, it is our determination that the project will have **“no effect”** on the Piping Plover.

This letter provides the Service’s response as to whether the Project may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) for its effects to the Indiana Bat and/or NLEB. This letter also responds to your request for Service concurrence that the Project may affect, but is not likely to adversely affect (NLAA) ESA-listed species and/or designated critical habitats other than the Indiana Bat and NLEB.

The ArDot has determined that the Project is likely to adversely affect (LAA) the Indiana Bat. Additionally, the Arkansas Department of Transportation has also determined that the Project is not likely to adversely affect (NLAA) Gray Bat and Ozark Big-eared Bat.

The Service concurs with these determination(s), because of the results of the survey and the proximity of known species sites and foraging range to the project location and the occurrence of

suitable foraging habitat for these species that exists on and adjacent to the site. A determination of LAA for Indiana Bat is appropriate based on the amount and distance from the existing roadway of suitable habitat being lost, the conservation measures being proposed, winter clearing (non-reproductive season) only provisions, and the proposed implementation of all required AMMs. Furthermore, the distance to known Gray Bat roosting and hibernacula sites, time of day restrictions, winter clearing only, off-site restraining conditions, and standard sediment controls, warrants a NLAA determination for these species. This concurrence concludes your ESA Section 7 responsibilities relative to Indiana Bat, Gray Bat, and Ozark Big-eared Bat for this Project, subject to the Reinitiation Notice below.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the ArDOT's commitment to implement any applicable mitigation measures as indicated on the Project Submittal Form. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that projects consistent with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the Indiana Bat and/or the NLEB. In coordination with your agency and the other sponsoring Federal Transportation Agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Incidental Take

Indiana Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of Indiana Bats. As described in the Incidental Take Statement (ITS) of the BO, such taking will be difficult to detect. The Service determined that it is appropriate to measure the amount or extent of incidental take resulting from BO projects using the proposed acreage of tree removal from Indiana Bat suitable habitat as a surrogate for the numbers of individuals taken.

The proposed Project will remove 11.5 acres of trees from habitat that is suitable for the Indiana Bat. All tree removal will occur in winter and comply with all other conservation measures in the BO. Based on the BO, 11.5 acres are anticipated to result in adverse effects and the ArDot will provide 17.25 acres (ratio 1.5/1) of forested habitat preservation at the ArDOT King River Falls Site near Witter, Madison County, Arkansas.

In addition, the Project may take up to 5 Indiana Bats that were not detected during bridge bat assessments conducted prior to implementing the proposed work on Bridge# 2815, Bridge# 2814, Bridge# 2813, and Bridge# 2621. Although such take is reasonably certain to occur at up to 10 bridge projects per year, as included in the scope of the BO, it is a remote possibility for any individual project that is implemented consistent with the conservation measures of the BO.

The Service will add the acreage of Project-related tree removal to the annual total acreage attributed to the BO as a surrogate measure of Indiana Bat take and exempted from the prohibitions against incidental taking. Such exemption is effective as long as your agency implements the reasonable and prudent measure (RPM) and accompanying terms and conditions of the BO's ITS.

The sole RPM of the BO's ITS requires the Federal Transportation Agencies to ensure that state/local transportation agencies, who choose to include eligible projects under the programmatic action, incorporate all applicable conservation measures in the project proposals submitted to the Service for ESA section 7 compliance using the BO. The implementing terms and conditions for this RPM require the Federal Transportation Agencies to offer training to appropriate personnel about using the BO, and about promptly reporting sick, injured, or dead bats (regardless of species) (or any other federally listed species) located in project action areas.

Northern Long-eared Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of NLEBs. However, the Project is consistent with the BO, and such projects will not cause take of NLEB that is prohibited under the ESA section 4(d) rule for this species (50 CFR §17.40(o)). Therefore, the take of NLEBs resulting from this project does not require exemption from the Service.

Reporting Dead or Injured Bats

The Arkansas Department of Transportation, its state/local cooperators, and any contractors must take care when handling dead or injured Gray Bats, Indiana Bats, and/or NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.

Reinitiation Notice

This letter concludes consultation for the proposed Project, which qualifies for inclusion in the BO issued to the Federal Transportation Agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Arkansas Department of Transportation's discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. the amount or extent of incidental take of Indiana Bat is exceeded;
2. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO or in the Project information that supported Service concurrence with the NLAA determination;
3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO or in the Project information that supported Service concurrence with NLAA determination; or
4. a new species is listed or critical habitat designated that the Project may affect.

Per condition #1 above, the anticipated incidental take is exceeded when:

- the Project removes trees from more than 11.5 acres of habitat suitable for the Indiana Bat; or
- the Project takes more than 5 Indiana Bats resulting from work on bridges associated with the action.

In instances where the amount or extent of incidental take is exceeded, the Arkansas Department of Transportation is required to immediately request a reinitiation of formal consultation. Please note that the Service cannot exempt from the applicable ESA prohibitions any action-caused take that exceeds the amount or extent specified in the ITS of this BO that may occur before the reinitiated consultation is concluded.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov

Sincerely,



Melvin L. Tobin
Field Supervisor



United States Department of the Interior



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

In Reply Refer To:

September 28, 2017

Consultation Code: 04ER1000-2017-SLI-1381

Event Code: 04ER1000-2017-E-01993

Project Name: 040622 Washington Co. Line-South Strs. & Apprs. (S)

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

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

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project

specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

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

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and

implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2017-SLI-1381

Event Code: 04ER1000-2017-E-01993

Project Name: 040622 Washington Co. Line-South Strs. & Apprs. (S)

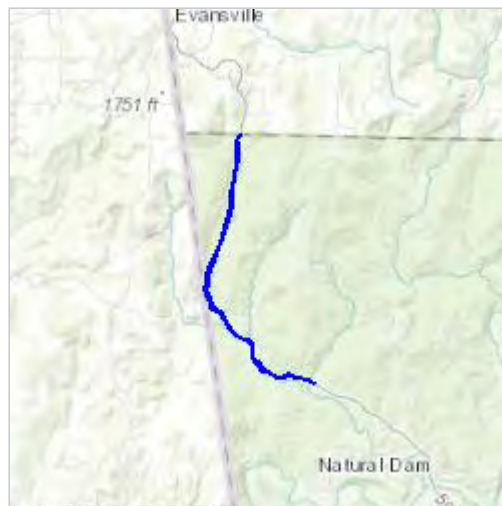
Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: The Arkansas Department of Transportation (ArDOT) plans to replace four bridges along a seven (7) mile stretch of Highway 59 in Crawford County. Three of the bridges will be replaced on existing with a detour, and one bridge, over the Mountain Fork, will be replaced on new location. One of the bridges, over Whizzen Hollow Creek, is located within the Ozark National Forest.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/35.71855755140008N94.48074103922644W>



Counties: Crawford, AR | Washington, AR

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
<p>Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329</p>	Endangered
<p>Indiana Bat <i>Myotis sodalis</i> There is final designated critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949</p>	Endangered
<p>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</p>	Threatened
<p>Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7245</p>	Endangered

Birds

NAME	STATUS
<p>Piping Plover <i>Charadrius melodus</i> Population: except Great Lakes watershed There is final designated critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039</p>	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

Insects

NAME	STATUS
American Burying Beetle <i>Nicrophorus americanus</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/66	Endangered

Flowering Plants

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

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA)

Range-wide Programmatic Consultation for
Indiana Bat and Northern Long-eared Bat

Project Submittal Form

Updated December 2016

If not using the Assisted Determination Key in the U.S. Fish and Wildlife Service (Service) Information for Planning and Conservation (IPaC) System, transportation agencies must provide this submittal form (or a comparable Service approved form) with provide project-level information for use of the range-wide programmatic consultation covering actions that may affect the Indiana bat and/or northern long-eared bat (NLEB). The completed form should be submitted to the appropriate Service Field Office prior to project commencement. For more information, see the Standard Operating Procedure for Site Specific Project(s) Submission in the User's Guide.

By submitting this form, the transportation agency ensures that the proposed project(s) adhere to the criteria and conditions of the range-wide programmatic consultation, as outlined in the biological assessment (BA) and biological opinion (BO). Upon submittal of this form, the appropriate Service Field Office may review the project-specific information provided and request additional information. For projects that may affect, but are not likely to adversely affect (NLAA) the Indiana bat and/or NLEB, if the applying transportation agency is **not** contacted by the Service with any questions or concerns within 14 calendar days of form submittal, it may proceed under the range-wide programmatic consultation and assume concurrence of the NLAA determination made by the Service in the BO. For projects that may affect, and are likely to adversely affect (LAA) the Indiana bat and/or the NLEB, the appropriate Service Field Office will respond (see recommended response letter template) within 30 calendar days of receiving a complete project-level submission, which includes, but may not be limited to this completed form.

Further instructions on completing the submittal form can be found by hovering your cursor over each text box.

1. Date:

2. Lead agency:

This refers to the Federal governmental lead action agency initiating consultation; select FHWA, FRA or FTA as appropriate.

3. Requesting agency:

This refers to the transportation agency completing the form (it may or may not be the same as the Lead Agency).

Name:

Title:

Phone:

Email:

4. Consultation code¹:

5. Project name(s):

6. Project description:

Please attach additional documentation or explanatory text if necessary

7. Project location (county, state):

If not delineated in IPaC, attach shape files

8. For species **other than Indiana bat and NLEB** (from IPaC official species list):

No effect – project(s) are inside the range, but no suitable habitat (see additional information attached).

May affect – see additional information provided for those species (see attached or forthcoming).

Please confirm and identify how the proposed project(s) adhere to the criteria of the BO by completing the following (see User Guide Section 2.0):

¹ Available through IPaC System Official Species List: <https://ecos.fws.gov/ipac/>

NO EFFECT

9. For Indiana bat/NLEB, if applicable, select your no effect determination:

No effect – project(s) are outside the species' range. *submittal form complete*

No effect – project(s) are inside the species range with no suitable **summer** habitat; project(s) must also be greater than 0.5 miles from any hibernaculum unless meeting exceptions listed below. *submittal form complete*

No effect – project(s) do not involve any construction activities (e.g., bridge/**abandoned structure** assessments, property inspections, planning and technical studies, property sales, property easements, and equipment purchases). *submittal form complete*

No effect – project(s) are completely within existing road/rail surface and do not involve percussive or other activities that increase noise above existing traffic/background levels (e.g., road line painting). *submittal form complete*

No effect - project(s) are outside suitable summer bat habitat and limited to the maintenance of existing facilities (e.g., rest areas, stormwater detention basins) with no new ground disturbance.

No effect – project(s) includes maintenance, alteration, or **removal** of bridge(s)/structure(s) and indicate(s) no signs of bats from results of a bridge/**abandoned** structure assessment. *submittal form complete*
Otherwise, please continue below.

MAY AFFECT, NOT LIKELY TO ADVERSELY EFFECT – W/O AMMS

10. For Indiana bat/NLEB, if applicable, select your may affect, NLAA determination (without implementation of AMMs):

NLAA – project(s) are inside the species range and within suitable bat habitat, but **negative** bat presence/absence (P/A) surveys; must also be greater than 0.5 miles from any hibernaculum. *submittal form complete*

NLAA – project(s) are within 300 feet of the existing road/rail surface and in area that contain suitable habitat (but no documented habitat) that do not involve tree removal, but include percussives or other activities that increase noise above existing traffic/background levels (must also be greater than 0.5 miles of a hibernaculum). *submittal form complete*

NLAA – project(s) are limited to slash pile burning (**must also be greater than 0.5 miles from any hibernaculum**). *submittal form complete*

NLAA – project(s) are limited to wetland or stream protection activities associated

with compensatory wetland mitigation that do not clear suitable habitat (**must also be greater than 0.5 miles from any hibernaculum**). *submittal form complete*

NLAA – project(s) *anywhere*, including within 0.5 mile of hibernacula, with suitable summer bat habitat present that are limited to the maintenance of existing facilities (e.g., rest areas, stormwater detention basins) with no new ground disturbance or tree removal/trimming. *submittal form complete*

Otherwise, please continue below.

MAY EFFECT, NOT LIKELY TO ADVERSELY AFFECT – WITH AMMs

11. For Indiana bat/NLEB, if applicable, document your may affect, NLAA determination by completing the following section (**with implementation of AMMs**; use #13 to document AMMs).

Affected Resource/Habitat Type:

a. Trees

Verify that all tree removal occurs greater than 0.5 mile from any hibernaculum

Verify that the project is within 100 feet of existing road/rail surfaces

Verify that no documented Indiana bat and/or NLEB roosts and/or surrounding summer habitat within 0.25 mile of documented roosts will be impacted

Verify that all tree removal will occur outside the active season (i.e., will occur in winter)²:

Acres of trees proposed for removal:

b. Bridge/Structure Work Projects

Proposed work:

Timing of work:

Evidence of bat activity on/in bridge/structure? Yes: No:

Verify that work will be conducted outside the active season, or if during the active season, verify that no roosting bats will be harmed or disturbed in any way

Verify that work will not alter roosting potential in any way

² Coordinate with the local Service Field Office for appropriate dates

Verify that all applicable lighting minimization measures will be implemented

MAY AFFECT, LIKELY TO ADVERSELY AFFECT

12. For Indiana bat/NLEB, if applicable, document your may affect, LAA determination by completing the following section (use #13 to document AMMs).

Affected Resource/Habitat Type:

a. Trees

Verify that all tree removal occurs greater than 0.5 mile from any hibernaculum

Project Location:

0-100 feet from edge of existing road/rail surface

100-300 feet from edge of existing road/rail surface

Verify that no documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted between May 1 and July 31

Verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31

Timing of tree removal:

Acres of trees proposed for removal:

b. Bridge/Structure Work Projects

Proposed work:

Timing of work:

Verify no signs of a colony

Verify that work will not alter roosting potential in any way

13. For Indiana bat/NLEB, **if applicable to the action type**, the following AMMs will be implemented³ unless P/A surveys and/or bridge/**abandoned** structure assessments⁴ **have occurred to** document that the species are not likely to be present:

General AMM 1 (required for all projects):

³ See AMMs Fact Sheet (Appendix C) for more information on AMMs

⁴ Structure assessment for occupied buildings means a cursory inspection for bat use. For abandoned buildings a more thorough evaluation is required (See User Guide Appendix D for bridge/abandoned structure assessment guidance).

Tree Removal AMM 1
Tree Removal AMM 2 (required for NLAA)
Tree Removal AMM 3 (required for all projects)
Tree Removal AMM 4 (required for NLAA)
Tree Removal AMM 5 (required for LAA)
Tree Removal AMM 6 (required for LAA)
Tree Removal AMM 7 (required for LAA)

Bridge AMM 1
Bridge AMM 2 (required for all projects during active season)
Bridge AMM 3 (required for NLAA during active season)
Bridge AMM 4 (required for NLAA during active season)
Bridge AMM 5 (required for all projects)

Structure AMMs are required for all Indiana bat projects, required for NLAA NLEB projects.

Structure AMM 1
Structure AMM 2
Structure AMM 3
Structure AMM 4

Lighting AMM 1 (required for all projects during the active season)
Lighting AMM 2 (required for all projects)

Hibernacula AMM 1 (required for all projects)

14. For Indiana bat, if applicable, compensatory mitigation measures will also be required to offset adverse effects on the species (see Section 2.10 of the BA). Please verify the mechanism in which compensatory mitigation will be implemented and that sufficient information is provided to the Service.

Range-wide In-Lieu Fee Program, The Conservation Fund

State, Regional, Recovery Unit-Specific In-Lieu Fee Program

Name:

Conservation Bank

Name:

Location:

Local Conservation Site(s)

Name:

Location:

Description:

BIOLOGICAL EVALUATION

for

Activities Related to

**Job Number 040622
Washington Co. Line - South
Strs. and Apprs. (Hwy. 59)**

**Ozark-St. Francis National Forest
Boston Mountain Ranger District
Crawford County, Arkansas**

by

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PROJECT DESCRIPTION AND LOCATION

The Arkansas Department of Transportation (ARDOT) is proposing to replace four bridges along a seven (7) mile stretch of Highway 59 in Crawford County; one crossing an unnamed tributary to Mountain Fork Creek (Low Gap Hollow Creek) (Site 1, Bridge No. 2815), one crossing Mountain Fork Creek (Site 2, Bridge No. 2814), one crossing Whitzon Hollow Creek (Site, 3 Bridge No. 2813), and one crossing Huey Creek (Site 4, Bridge No. 2621), see Figure 1. Of these four bridges, only the bridge over Whitzon Hollow Creek (Site 3) is located within the Ozark-St. Francis National Forest (OSFNF); therefore, this Biological Evaluation (BE) will only consider Site 3. The project area includes Township 12 North, Range 33 West, Section 26 (Site 3). The project area lies in the Robert S. Kerr Reservoir Watershed (8-digit HUC 11110104) within the Robert S. Kerr Reservoir Basin (6-digit HUC 111101).

Proposed improvements at Whitzon Hollow Creek consist of replacing the existing 304' x 22' bridge with a 420' x 34' continuous W-beam unit and widening the travel lanes to 11' and adding 6' shoulders. Currently, the bridge has 10-foot travel lanes and no shoulders. The new bridge will be replaced on existing location, using a temporary detour bridge to maintain traffic during construction. The distance of the temporary detour bridge in relation to the existing and proposed bridge is approximately 30 feet upstream. See Figure 1 for proposed design.

A work road(s) may or may not be required for the construction of the detour bridge and the new bridge and the demolition of the current and detour bridges. Maintenance of traffic will utilize a detour bridge during construction, and once the detour bridge is open to traffic the existing bridge and its approaches will be demolished. When the new bridge becomes open to traffic, the detour bridge will be demolished.

All disturbed areas will be seeded in accordance with the ARDOT's Special Seeding Special Provision, which includes three native grasses and seven native wildflower species. A cover crop is also included to obtain vegetative coverage while the other native species become established.

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed project is to replace four functionally obsolete bridges along Highway 59, over Low Gap Hollow Creek, Mountain Fork Creek, Whitzon Hollow Creek and Huey Creek. The Whitzon Hollow Creek Bridge is classified as structurally deficient due to exposed rebar and efflorescence on undersurface of deck, map cracking on asphalt, map cracking and spalling with heavy efflorescence at interior bents, and light abrasion with spalling at base of columns. In addition, this bridge has a narrow roadway width.

ALTERNATIVES CONSIDERED – NO ACTION

This alternative involves only maintenance activities on the structurally deficient Whitzon Hollow Creek Bridge. Maintenance activities may not be able to address all of the structural deficiencies and would not bring the bridge and approaches up to current design safety standards. No alternatives, other than the no build alternative, were considered.

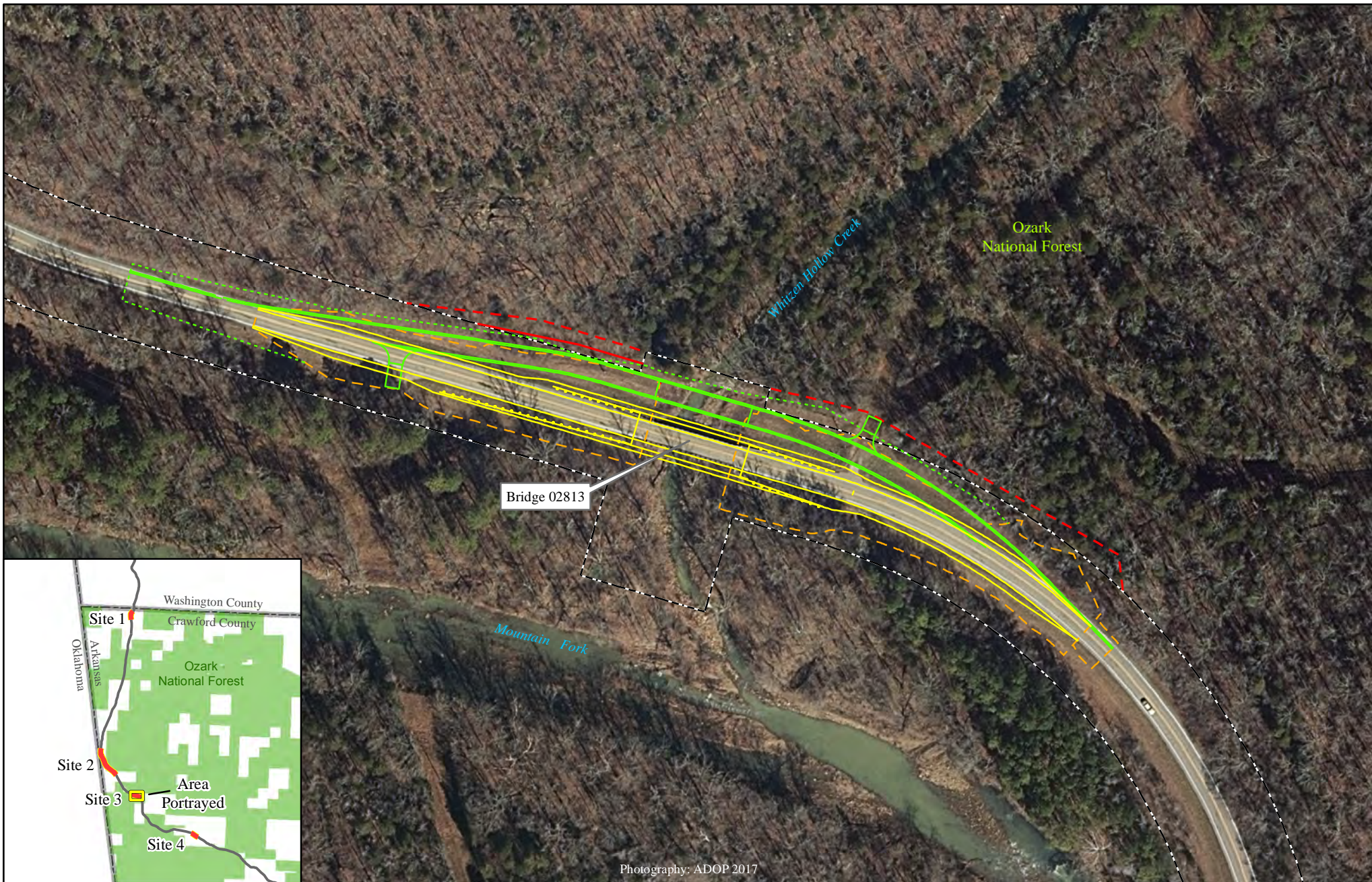
PURPOSE AND NEED FOR THE BIOLOGICAL EVALUATION

This Biological Evaluation (BE) documents the potential effects of the proposed highway construction activities, including utility relocation and timber harvesting, on both known and potentially occurring populations and habitat of the OSFNF Proposed, Endangered, Threatened, and Sensitive species (PETS) (USDI FWS 1999). This BE was conducted in accordance with methods given in Forest Service Manual 2672.43 (USDA FS 2005c).

As part of the National Environmental Policy Act (NEPA) decision-making process, the BE provides a review of ARDOT's activities in sufficient detail to determine the potential affects of the proposed action on the listed PETS species. Objectives of the BE are as follows:

- to ensure that ARDOT's actions do not contribute to loss of viability of any native or desired non-native plant or animal species or contribute to trends toward Federal listing of any species.
- to comply with all requirements of the Endangered Species Act (ESA), that actions of federal agencies not put at risk or adversely modify critical habitat of federally listed species.
- to provide standardized procedures for evaluation of PETS species to ensure they receive full consideration in the decision-making process, so that no species is placed in jeopardy as a result of inadequate management actions.
- to adhere to the requirements of the Forest Service Manual 2672.43(USDA FS 2005c), which provides direction for the inventory of PETS species in preparation of site-specific BEs.
- to address any potential impacts from management activities and incorporate conservation measures related to known PETS habitat or potential habitat.

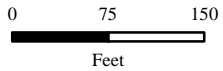
Only those PETS species known to occur or have suitable habitat in the action area will be considered in this BE, see *Appendix A*.



Photography: ADOP 2017

Figure 1
 Job 040622
 Washington Co. Line - South Strs. & Apprs.
 (Hwy. 59)
 Crawford County

- Proposed Right of Way
- - - Temporary Construction Easement
- - - Construction Limits
- Proposed Design
- Temporary Detour Design
- - - Temporary Construction Limits
- - - Existing Right of Way



PROPOSED MANAGEMENT ACTIONS

Proposed management actions include the use of Best Management Practices (BMPs) outlined in the National Pollution Discharge Elimination System (NPDES) and Section 404, Clean Water Act permits. These BMPs ensure that construction related activities associated with the project will not have detrimental effects on the water quality within the watershed.

INVENTORY HISTORY

This BE is based on Arkansas Natural Heritage Commission (ANHC) 2010 and 2016 records database, Information for Planning and Conservation (IPaC) system, OSFNF PETS checklist (2017) from the Boston Mountain Ranger District, NatureServe Explorer Data (2017), and literature as cited for the various listed species known to occur on the OSFNF. Biological surveys for PETS species and their habitats for the proposed project were conducted in September of 2016 by ARDOT Environmental personnel, Kayti Ewing. The results of the plant survey are included in **Appendix B** and results from a nearby bat survey can be found summarized below. Other pertinent literature and information concerning PETS populations and habitats are utilized as cited.

Based on the recommendation of the US Fish and Wildlife Service and the proximity of locality records of listed bat species a summer presence/absence survey was not conducted for the federally listed bats. A summer mist net bat survey was conducted from July 11-14, 2017 on another highway construction project just north of the Crawford and Washington County Line on Highway 59 in Washington County, Arkansas, approximately 5.0 miles north of the project area. A total of 10 bats representing 5 species were captured; including one federally endangered Ozark big-eared bat (*Corynorhinus townsendii ingens*), three federally listed threatened northern long-eared bats (*Myotis septentrionalis*), three evening bats (*Nycticeius humeralis*), two red bats (*Lasiurus borealis*), and one big-brown bat (*Eptesicus fuscus*) (ARDOT/HDR Survey 2017).

Summer mist net and supplementary acoustic surveys were conducted from June 10-13, 2015 on another highway construction project, approximately 8.5 miles east of the project area, along Highway 220 in Crawford County. A 4.5-mile stretch of Highway 220 from the Crawford and Washington County line south to Old Cove City Road was surveyed. A total of 17 bats representing three species were captured; including eight federally threatened northern long-eared bats (*Myotis septentrionalis*), six evening bats (*Nycticeius humeralis*), and three red bats (*Lasiurus borealis*) (ARDOT/MSS Survey 2015).

SPECIES CONSIDERED AND SPECIES EVALUATED

All PETS species will be evaluated and/or inventoried according to Forest Service Manual 2672.43 (USDA FS 2005c). All inventory and analysis for PETS species is based on “best available science.” **Appendix A** lists the OSFNF PETS species and indicates whether or not each is known to occur within the action area. The status of each species within the Boston Mountain Ranger District and within the action area is based on a literature review of known surveys and information. As expressed for each species listed in **Appendix A**, additional surveys are not needed at this time to provide more definitive information to improve the determination of effects on the evaluated PETS species.

EVALUATED SPECIES SURVEY INFORMATION

Based on the ANHC 2010 and 2016 records database, IPaC, NatureServe Explorer Data (2017), ARDOT field surveys, and other pertinent information as cited, twenty PETS species are known to occur or may potentially occur within the action area. IPaC identified eight federally listed species: the threatened northern long-eared bat (*Myotis septentrionalis*), the endangered Ozark big-eared bat (*Corynorhinus townsendii ingens*), the endangered Indiana bat (*Myotis sodalis*), the endangered gray bat (*Myotis grisescens*), the threatened Missouri bladderpod (*Physaria filiformis*), the threatened Ozark cavefish (*Troglichthys rosae*), the threatened Piping Plover (*Charadrius melodus*), and the endangered American burying beetle (*Nicrophorus americanus*). Only four federally listed species have the potential to occur in the project area (see **Appendix A**). The other sixteen species are considered sensitive by the USFS, and include two birds, eight plant species, two fish species, one crayfish, one bat, one isopod, and one caddisfly (see **Appendix A**). Only these twenty species will be evaluated in this BE for potential impacts from the proposed actions.

ENVIRONMENTAL BASELINE AND EFFECTS OF PROPOSED MANAGEMENT ACTIONS

Each specific activity that is being considered will be evaluated to determine potential effects to the twenty PETS species of concern in this BE. The specific activities were listed in the “PROJECT DESCRIPTION AND LOCATION” section above. The most likely *general* effects from the specific activities are as follows:

Highway Construction Activities:

- Would remove trees (forested habitat) from the site prior to other construction activities
- Would demolish the existing bridge (potential roosting habitat)
- Would cause temporary soil disturbance from heavy equipment operation
- Could temporarily increase sedimentation by exposing soils susceptible to erosion before the action area could be revegetated
- Could impact or crush individual plants and animals on the ground directly by heavy equipment operation
- Would create small patches of early successional habitat through the conversion of forested tracts to highway rights-of-way

These activities can be grouped or simplified into the four following impacts:

- **Soil disturbance impacts**
- **Sedimentation impacts**
- **Heavy equipment impacts (includes bridge demolition)**
- **Creation of early successional habitat impacts (includes timber harvest)**

These four impacts will be evaluated below for the four federally listed and sixteen PETS species that are known to occur or may occur within the action area.

Gray bat (*Myotis grisescens*) – Endangered

The gray bat is found in 14 states across most of the southeastern United States. In Arkansas, the gray bat's range includes over 30 counties, mostly in the Ozark Highlands, Boston Mountains, Arkansas River Valley and Mississippi Alluvial Plain Ecoregions. Gray bats are year-round cave residents, although different caves are usually occupied in summer rather than winter. Few individuals are found outside of caves. They hibernate primarily in deep, vertical caves during winter, and roost in limestone karst caves along rivers in summer months. Foraging habitat occurs primarily over water such as along rivers and lakes, where they feed on aquatic insects, within intact forested interiors near summer caves (Moore et al. 2017, NatureServe Explorer 2017). Fukui et al. (2006) showed that an abundance of aquatic insects positively correlated to increased activity of riparian foraging bat species; therefore, loss of riparian vegetation or degradation of stream habitat quality may have negative effects on bat activities in riparian areas through the reduction of aquatic insects (food resources). Gray bat populations are threatened by a range of stressors including disease, land use change, and direct human disturbance. Factors directly influencing this species include white-nose syndrome, winter and summer habitat modification, disturbance and destruction such as cave vandalism, and climate change (NatureServe Explorer 2017).

Although surveys were not conducted to determine presence or absence of the species from the project area, there are known occurrence records in the project vicinity that suggest the area may be utilized for foraging. Under the FHWA Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat, a Bridge/Structure Assessment was completed and obligatory avoidance and minimization measures were committed to as part of our Section 7 consultation for Indiana and northern long-eared bats. The bridge assessment yielded no evidence of any bats utilizing the Whitzon Hollow Bridge. Avoidance and minimization measures include a winter clearing only restriction as well as a day time construction only special provision will be included in the job to minimize effects to gray bats.

Direct Effects

No direct effects are expected due to the distances of known occupied caves from the immediate project area and the winter clearing restriction; i.e., trees clearing will be prohibited outside of the winter months; i.e., the clearing of trees is prohibited from April 1 through November 15. No evidence of bats using the bridge was observed; therefore, no direct effects are expected due to the heavy equipment impacts from demolishing the existing bridge.

Indirect Effects

Proposed construction activities will result in the conversion of approximately 2.0 acres of riparian forest (i.e., foraging habitat) to highway right-of-way. Temporary soil disturbance and sedimentation caused by construction activities could result in decreased water quality temporarily; however, sediment and erosion control BMPs will be in place to minimize these activities' effects on water quality and aquatic insect assemblages. This creation of early successional habitat and sedimentation could alter this species' foraging habitat.

Cumulative Effects

Under the Endangered Species Act (ESA), cumulative effects are defined as those effects of future State or private activities—not involving federal activities—that are reasonably certain to occur within the action area. [50 CFR §402.02] Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would

be minimal due to the fact that this species is protected under the Endangered Species Act (ESA) and the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized since the area is largely rural, and a large amount of the surrounding property is under the jurisdiction of the Ozark National Forest. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may affect, not likely to adversely affect” gray bats; the USFWS concurred on October 31, 2017, see Appendix C. The project area is largely forested and contains suitable foraging habitat; therefore, avoidance and minimization measures such as a winter clearing restriction and a day time construction only special provision will accompany the job to minimize impacts to gray bats. Additionally, a bridge assessment was conducted and found no evidence of bats utilizing the existing bridge; however, there are known occurrences within the project area. There is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Indiana bat (*Myotis sodalis*) – Endangered

The Indiana bat is found in 24 states across most of the eastern United States. In Arkansas, the Indiana bat’s range includes 27 counties, mostly in the Ozark Highlands, Boston Mountains, Arkansas River Valley and Crowley’s Ridge Ecoregions. Indiana bats hibernate in caves during winter (NatureServe Explorer 2017). In summer, Indiana bats are known to roost underneath the peeling bark of dead or dying trees in intact to semi-intact wooded areas, often along streams. Menzel et al. (2001) found that preferred tree roosts, across the species’ range, were in dead snags in sunny openings because the crevices under the bark stayed warmer. Also, they’re known to roost and forage in upland forests within 1 to 3 miles of small to medium rivers and streams and in riparian areas. The closest known occurrence is approximately 12 to 13 miles northeast and east of the project area, in Devil’s Den State Park (ANHC 2016). Indiana bat populations are primarily threatened by white-nose syndrome, disturbance by humans and to cave habitats (NatureServe Explorer 2017).

The project area lies within the consultation area of the federally endangered Indiana bat. Although no presence/absence summer surveys were conducted, suitable foraging and roosting habitat was observed in the project area for Indiana bats. Under the FHWA Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat, a Bridge/Structure Assessment was completed and obligatory avoidance and minimization measures were committed to as part of our Section 7 consultation for Indiana and northern long-eared bats. During the bridge assessment, no evidence of any bats utilizing the Whitzen Hollow Bridge was observed. Avoidance and minimization measures include a winter clearing only restriction as well as a day time construction only special provision that will be incorporated into the job contract to minimize effects to Indiana bats, as indicated on the Project Submittal Form. Furthermore, voluntary compensatory mitigation for adverse effects to Indiana bats will be fulfilled at ARDOT’s Kings River Falls Mitigation Bank in Madison County. The Bridge/Structure Assessment Form and Project Submittal Form are included in Appendix C.

Direct Effects

Under the proposed construction activities, heavy equipment disturbance and noise associated with construction activities could disrupt foraging and potential roosting opportunities in and immediately surrounding the project area temporarily. Due to the winter clearing restriction; i.e., tree clearing is prohibited from April 1 through November 15, direct effects resulting from creation of early succession habitat (i.e., tree clearing) are unlikely. No evidence of bats using the bridge was observed; therefore, no direct effects are expected from the heavy equipment impacts from demolishing the existing bridge.

Indirect Effects

Proposed construction activities will result in the conversion of approximately 2.0 acres of riparian forest (i.e., foraging and roosting habitat) to highway right-of-way. Temporary soil disturbance and sedimentation caused by construction activities could contribute to a temporary decrease in water quality, which could in turn affect aquatic insect assemblages; however, erosion control BMPs will in place to minimize sedimentation. This creation of early successional habitat could alter this species' foraging and potential roosting habitat. Temporary soil disturbance and sedimentation could alter this species' foraging habitat, which could indirectly affect Indiana bats.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species is protected under the Endangered Species Act (ESA) and the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities are “likely to adversely affect” Indiana bats; the USFWS concurred on October 31, 2017, see Appendix C. Under the FHWA Range-Wide Programmatic, without negative presence and absence summer surveys, the species is considered to be present in the project area. Voluntary compensatory mitigation for adverse effects to Indiana bats will be provided at ARDOT’s Kings River Falls Mitigation Bank in Madison County. Please see the Incidental Take Statement in the attached USFWS Consultation Letter in Appendix C. Avoidance and minimization measures—a winter clearing restriction and a daytime construction only special provision—will be included in the job contract, see the Project Submittal Form in Appendix C. A bridge assessment found no evidence of bats utilizing the existing bridge. Suitable foraging and roosting habitat exists, and there are known occurrences nearby; therefore, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ozark big-eared bat (*Corynorhinus townsendii ingens*) - Endangered

The Ozark big-eared bat is found in the Ozark Plateau Region of Arkansas, Missouri and Oklahoma. In Arkansas, the range of the Ozark big-eared bat includes 20 counties, mostly in Ozark Highlands, Boston Mountains and Arkansas River Valley Ecoregions. Ozark big-eared bats inhabit caves year-round, which are typically located in karst regions dominated by oak-

hickory forests. Weyandt et al. (2005) and Graening et al. (2011) suggest that Ozark big-eared bats could also use bluff faces and bluff lines as roosting habitat, and these types of habitats could potentially garner additional populations. Ozark big-eared bats may move among hibernacula during winter (NatureServe Explorer 2017). During the summer months, Ozark big-eared bats primarily forage in forests and along forest edges of streams and mountain slopes, typically only a little over a mile from their roosting sites (Graening et al. 2011, NatureServe Explorer 2017). Although, a couple of studies tracked the movement of Ozark big-eared bats and found the longest distances traveled in a 24-hour period were up to 5.0 miles (Graening et al. 2011, Wethington et al. 1996). Clark et al. (2002) found that the mean emergence time for Ozark big-eared bats was 25.7 minutes after sunset in both summer and winter months.

Arkansas Natural Heritage Commission's (ANHC) records database indicates several known roost cave locations for the Ozark big-eared bat near the Washington/Crawford County line. There are four known Ozark big-eared bat roost-caves located approximately 1.9 miles northeast, 2.9 miles north, 3.6 miles north and 4.5 miles north of the Whitzon Hollow Creek Bridge. There are several other known Ozark big-eared bat roost caves located in Washington County in caves: WA3301, WA3302, WA3311 and Garrett Hollow Cave. The Ozark Plateau National Wildlife Refuge, located in Adair County Oklahoma, has a known Ozark big-eared bat hibernacula; the Refuge is located approximately 3.0 miles west of the project area. During a survey conducted in July of 2017 for another ARDOT highway construction job, approximately 5.0 miles north of the project area, one Ozark big-eared bat was captured (ARDOT/HDR bat survey 2017). Furthermore, there are several known occurrence records (ranging from years 1986 to 2015) in the project area (ANHC 2010, 2016).

Under the FHWA Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat, a Bridge/Structure Assessment Form was completed as part of our Section 7 consultation for Indiana and northern long-eared bats. No evidence of any bats using the Whitzon Hollow Creek Bridge was observed.

Direct Effects

Under the proposed construction activities, heavy equipment disturbance and noise associated with construction activities could disrupt foraging opportunities in and immediately surrounding the project area temporarily. There are known occupied Ozark big-eared bat roost caves, approximately 2.0 miles north of the immediate project area; however, no direct effects to roosts are expected due to the distances of known cave habitats and the lack of blasting during bridge construction. No evidence of any bats using the bridge was observed; therefore, no direct effects are expected due to the heavy equipment impacts from demolishing the existing bridge. Furthermore, a winter clearing restriction will accompany the job; that will prohibit tree clearing outside of the winter months; i.e., the clearing of trees is prohibited from April 1 through November 15.

Indirect Effects

Proposed construction activities will result in the conversion of approximately 2.0 acres of riparian forest (i.e., foraging habitat) to highway right-of-way. Temporary soil disturbance and sedimentation caused by construction activities could result in decreased water quality temporarily; however, sediment and erosion control BMPs will be in place to minimize these activities' effects on water quality and aquatic insect assemblages. This creation of early successional habitat and sedimentation could alter this species' foraging habitat.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species is protected under the Endangered Species Act (ESA) and the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of land under the Ozark National Forest's jurisdiction. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may affect, not likely to adversely affect” Ozark big-eared bats; the USFWS concurred on October 31, 2017. A survey conducted approximately 5.0 miles north of the project area, for another highway job, did capture one Ozark big-eared bat, and there are several catch records and known roosts near the project area. A bridge assessment found no evidence of bats utilizing the existing bridge. ARDOT is anticipating that the new bridge over Whitzzen Hollow Creek will be multi-column concrete bents on a spread-footing; i.e., there will be no blasting or drilling required during bridge construction, which alleviates concerns of affecting hibernating bats. ARDOT will commit to a day time construction only special provision requiring that construction activities not occur 30 minutes prior to sunset and 30 minutes prior to sunrise. A winter clearing provision will also be placed on the job, which restricts tree clearing to winter months only. Even with these avoidance and mitigation measures in place, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Northern long-eared bat (*Myotis septentrionalis*) – Threatened

The northern long-eared bat is found in 37 states across most the eastern and north central United States. In Arkansas, the northern long-eared bat's range includes over 40 counties, mostly in the Ozark Highlands, Boston Mountains, Ouachita Mountains and the western part of South Central Plains Ecoregions. Hibernation primarily occurs in caves (USFWS 2011). Summer roosting and foraging habitat includes intact forested interiors with a large number of old trees, multiple forest strata and standing snags and woody debris. Foraging typically occurs within forests and along forest edges (NatureServe Explorer 2017). In Missouri, northern long-eared bats almost exclusively foraged in upland forested areas, rather than in floodplain and riparian forests (LaVal et al. 1980). In Iowa, this species was found primarily foraging in mature deciduous upland forests adjacent to riparian areas (Kunz 1973). Northern long-eared bat populations are threatened by a range of stressors including disease, land use change, and direct human disturbance. Factors directly influencing this species include white-nose syndrome, winter and summer habitat modification, disturbance and destruction such as roost tree removal, cave vandalism and climate change (NatureServe Explorer 2017).

During a July 2017 bat survey conducted for another highway construction project approximately 5.0 miles north of the project area, three northern long-eared were captured and tracked. Seven roost trees were found in southern Washington County as a result (ARDOT/ HDR Survey 2017). Suitable foraging habitat and potential roosting habitat was observed in the project area for northern long-eared bats.

Under the FHWA Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat, a Bridge/Structure Assessment Form, a Project Submittal Form, and a Northern Long-eared Bat 4(d) Rule Streamlined Consultation Form was completed as part of our Section 7 consultation for Indiana and northern long-eared bats. No evidence of bats utilizing the Whitzen Hollow Creek Bridge was observed during the bridge assessment.

Direct Effects

It is possible that individuals of this species could be overlooked or not avoided during highway construction activities. Under the proposed construction activities, heavy equipment disturbance and noise associated with construction activities could disrupt potential foraging and roosting opportunities, temporarily, in the adjacent upland areas. Due to the winter clearing restriction, direct effects resulting from tree clearing is unlikely. There was no evidence of bats utilizing the bridge, and no direct effects are expected during demolition of the existing structure.

Indirect Effects

Although the project area is within the known range of the northern long-eared bat and occurrences have been documented, several studies indicate that foraging and roosting primarily take place in upland forested settings. Thus, no indirect effects are expected to occur under the proposed activities—creation of early successional habitat, temporary soil disturbance and sedimentation—which will ultimately convert 2.0 acres of riparian forest to highway right-of-way.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species is protected under the Endangered Species Act (ESA) and the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction project meets the Final 4(d) Rule and is exempt from any take, according to the FHWA Indiana bat and northern long-eared bat programmatic and accompanying Biological Opinion; the Service concurred on October 31, 2017. Avoidance and minimization measures such as a winter clearing restriction and a daytime construction only special provision will be incorporated into the job contract. A bridge assessment found no evidence of bats utilizing the bridge. This species has been documented to occur near the project area, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Bachman's Sparrow (*Peucaea aestivalis*) – Sensitive

The breeding range for Bachman's Sparrow includes southern Maryland, Ohio and Pennsylvania south to eastern Texas, the Gulf Coast and southcentral Florida. Non-breeding range is concentrated in southeastern US, eastern Texas and southeastern North Carolina. Bachman's Sparrow is fairly common in the outer Coastal Plain, uncommon in the inner Coastal Plain, rare in the Piedmont region and absent or local in its former northeastern breeding range

(NatureServe Explorer 2017). In the southeastern US, Bachman's Sparrow is found year round in open pine woodland habitats with canopy coverage at 50% or less, dense herbaceous cover at greater than 60% and limited mid-story density at less than 10% (USFWS 2013b). Habitat loss is the predominant threat to Bachman's Sparrow due to pine plantation conversion, urbanization and agricultural practices and fire suppression.

Direct Effects

Although there are no recorded occurrences of Bachman's Sparrow in the project area, it is within its breeding range (NatureServe Explorer 2017); however, due to lack of suitable habitat, it's unlikely that this species occurs in the project area. Under proposed activities, no direct effects on this species are expected to occur.

Indirect Effects

Creation of early successional habitat could benefit Bachman's Sparrow by providing suitable habitat for a few years (USFWS 2013b).

Cumulative Effects

Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to federal listing or loss of viability” for Bachman's Sparrow. Although the species has not been recorded from the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. The creation of early successional habitat could be beneficial by providing suitable habitat to Bachman's Sparrow.*

Bald Eagle (*Haliaeetus leucocephalus*) – Sensitive

Bald Eagles breed throughout much of Canada and Alaska, in addition to scattered sites across the lower 48 states, from California to the southeastern US. Wintering grounds cover most of the contiguous US. Bald Eagles typically breed and winter in forested areas adjacent to large bodies of water. Throughout its range, large, canopy roost trees that are open and accessible are selected. Nests are usually constructed below the crown of the tree, often at the highest point where large branches meet the trunk of the tree. The Bald Eagle is an opportunistic forager, and its food habits are highly variable across its range and are site-specific (NatureServe Explorer 2017). This species has a widespread distribution in North America, but suffered a great decline in the southern and eastern portions of its range in the 1970s. Bald Eagles are still susceptible to environmental contaminants, excessive human disturbance, habitat loss, decreasing food supplies and illegal shooting (NatureServe Explorer 2017). Winter concentrations occur along the Mississippi River and in northern Arkansas (NatureServe Explorer 2017). In winter, this species may congregate in areas with abundant food resources. Wintering areas are often associated with open water, or in upland areas, where food resources are in abundance. Winter roost sites vary in their proximity to food resources, distances up to 20 miles have been recorded (NatureServe

Explorer 2017). ANHC Records Database indicates several known occurrences of Bald Eagles near the Arkansas River in southern Crawford County (2010, 2016).

Direct Effects

No direct or nesting evidence of Bald Eagles were observed during site visits; however, there are known occurrences near the project area. Although no observations were made within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed construction activities, noise associated with the operation of heavy equipment could affect this species.

Indirect Effects

Under proposed activities, creation of early successional habitat; i.e., timber harvesting, could remove potential nesting roost sites. Temporary soil disturbance and sedimentation could affect aquatic food resource availability temporarily. Furthermore, food resources downstream of the immediate project area could be affected from proposed construction activities.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species is protected under the Endangered Species Act (ESA) and the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to federal listing or loss of viability” for Bald Eagles. During site visits to the project area, no evidence of Bald Eagles was observed. Although the species was not observed within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, and individuals downstream from the project area could be affected by construction activities.*

Eastern small-footed bat (*Myotis leibii*) – Sensitive

The eastern small-footed bat is found in southeastern Canada and in 20 states of the eastern United States. In Arkansas, its range includes much of northern and western Arkansas. Known occurrences are recorded from Crawford, Logan, Franklin, Searcy and Newton Counties (ANHC 2016, 2016). The eastern small-footed bat has mostly been recorded hibernating in caves in winter, near the entrance. This species exhibits a high degree of fidelity to hibernacula (NatureServe Explorer 2017). Warm-season roosts are primarily in cracks and crevices of rocky outcrops but have also been found in buildings, bridges, hollow trees, underneath loose bark, road cuts and caves. Generally roosts are often exposed to the sun but may be under mid to high canopy cover (NatureServe Explorer 2017). This species relies heavily on rock roosts during the summer months. Long distance migrations have not been documented with the eastern small-footed bat; summer roost sites may be as close as 0.1 km from winter hibernacula. This bat species’ foraging habitat includes riparian forests, upland forests, clearings and ridgetops (NatureServe Explorer 2017). These bats have been observed travelling from 0.8 to 13.2 km

between day roosts and foraging sites (USFWS 2013a). According to the ANHC records database (2010, 2016), the closest known occurrence of the eastern small-footed bat is in Crawford County along a rock crevice at Lake Fort Smith near Chester Arkansas, approximately 18.0 miles east of the project area. The most serious threat to the eastern small-footed bat, like other bats in the eastern US, is white-nose syndrome.

Direct Effects

Under the proposed construction activities, operation of heavy equipment during bridge construction could temporarily disrupt foraging opportunities. Due to the winter clearing restriction; i.e., tree clearing is restricted to winter months, direct effects resulting from tree clearing is unlikely. There was no evidence of bats utilizing the existing bridge, and no direct effects are expected to occur during demolition of the existing structure.

Indirect Effects

Under the proposed activities, tree clearing activities would result in the creation of early successional habitat, which could remove potential foraging and roosting habitat. Temporary soil disturbance and sedimentation could lead to a temporary decrease in water quality, which could affect aquatic insect assemblages, and indirectly affect foraging opportunities for eastern small-footed bats.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized since the area is largely rural, and a large amount of land is under the jurisdiction of the Ozark National Forest. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to federal listing or loss of viability” for the eastern small-footed bat. Although the species was not detected near the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Isopod (*Lirceus bicuspidatus*) – Sensitive

This isopod is endemic to 12 Arkansas Counties: Independence, Jackson, Johnson, Logan, Madison, Marion, Newton, Perry, Pope, Pulaski, Saline, Searcy, Stone and Yell (NatureServe Explorer 2017). The closest known occurrences are in Logan County, where this isopod has been found in a stream, near Mt. Magazine, 2.6 miles southeast of Corley and in a spring on Mt. Nebo in Mt. Nebo State Park (Graening et al. 2007). This isopod inhabits a variety of aquatic habitats from small seeps, springs, streams and cave streams. There is not much more known concerning the biology of this species, although it has a fairly large range in mountainous regions (Robison and Allen 1995).

Direct Effects

This isopod is not known to occur in Crawford County; however, this could be due to the area being under-surveyed, and the uncertainty of this species' range. Although this species is not known to occur in the project area, there is suitable habitat present. Under the proposed activities, no direct effects are expected.

Indirect Effects

Under the proposed activities, operation of heavy equipment, temporary soil disturbance and sedimentation could temporarily disturb aquatic habitat by reducing water quality, which this isopod could be susceptible to. Furthermore, downstream populations, outside of the immediate project area, could be affected from proposed construction activities by reduced water quality. Creation of early successional habitat should have no effect.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the isopod, Lirceus bicuspidatus. The species is not known to occur in the project area. Although this species is not known to occur within the project area, there is suitable habitat present; therefore, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Longnose darter (*Percina nasuta*) - Sensitive

The longnose darter is found in the St. Francis, White, Arkansas and Ouachita River drainages in the Ozark and Ouachita Mountains of Arkansas, southern Missouri and eastern Oklahoma. In Arkansas, the longnose darter has recently been found in Lee Creek, Frog Bayou, Mulberry River, upper White River, War Eagle Creek, Big Piney Creek, Illinois Bayou Drainage, Ouachita River, Caddo River and the South Fourche La Fave River (Robison and Harp 1988, NatureServe Explorer 2017). The longnose darter is known from 12 Arkansas Counties, including Crawford County. ANHC Records (2010, 2016) indicate longnose darter occurrences, just south of the project area, in Lee Creek. The longnose darter can be found in small to medium sized rivers with clear water. It inhabits gravel riffles in the spring and slower moving water over sand and silt in the fall (NatureServe Explorer 2017). Longnose darter populations are susceptible to habitat alteration from stream impoundments and any activities leading to reduced water quality. Historical declines were due to habitat modifications resulting from reservoir construction (NatureServe Explorer 2017).

Direct Effects

Whitzen Hollow Creek is a tributary of Mountain Fork Creek, which is a tributary to Lee Creek. Whitzen Hollow Creek and Mountain Fork Creek fit the general, preferred habitat described for

longnose darters. Although, there are not any recorded occurrences from Whitzon Hollow Creek or Mountain Fork Creek, there is the likelihood of longnose darter populations to inhabit these streams. Highway construction activities could potentially affect this species. During the proposed construction, heavy operating equipment could crush individuals.

Indirect Effects

Under the proposed activities, temporary soil disturbance, creation of early successional habitat and sedimentation may alter this species' preferred habitat. Furthermore, downstream populations, outside of the immediate project area, could be affected from proposed construction activities by reducing water quality and increasing turbidity, temporarily.

Cumulative Effects

Protective measures established under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b) to ensure the integrity of streamside management areas and seeps/springs have greatly reduced the potential for impacts to this species during resource management activities. Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b) in order to minimize cumulative impacts. Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” of the longnose darter. Under proposed construction activities, individuals could be crushed by heavy operating equipment, and construction activities could result in temporary soil disturbance and sedimentation, either of which could lead to a decrease in water quality.*

Nearctic Paduniellan caddisfly (*Paduniella neartica*) – Sensitive

The known range of the Nearctic Paduniellan caddisfly includes Arkansas and Missouri. Missouri populations have not yet been confirmed, but, in Arkansas, the species has the potential to occur in Crawford, Franklin, Johnson, Pope and Washington Counties. ANHC Records (2010, 2016) indicate that this species is known only from two sites in Washington County, one in upper Lee Creek at Devil's Den State Park and the other in Cove Creek, 15.0 miles south of Prairie Grove. The ecology and precise habitat is unknown, but both ANHC records indicate that this species was found in clear, spring-fed, high-gradient streams with a gravel-bottom (NatureServe Explorer 2017 and ANHC Records 2010, 2016).

Direct Effects

There is no record of this species within the project area; however, suitable habitat exists and occurrence data for this species could be scarce due to the area being under-surveyed. Although this species is not known to occur in the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, given the suitable habitat available. Under the proposed activities, sedimentation and operation of heavy equipment could directly impact individuals. Operation of heavy equipment could crush individuals. Temporary soil disturbance and creation of early successional habitat should not have any direct effects on this species.

Indirect Effects

Under the proposed activities, operation of heavy equipment, temporary soil disturbance and creation of early successional habitat may alter this species' preferred habitat by temporarily decreasing water quality and increasing turbidity.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b) in order to minimize cumulative impacts. Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Nearctic Paduniellan caddisfly. The caddisfly is known to occur within the project area; however, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, given the suitable habitat present.*

Ozark shiner (*Notropis ozarcanus*) – Sensitive

This species is found primarily in the Ozark Plateau Region of southern Missouri and northern Arkansas. In Arkansas, this species is mostly known from the White River Drainage in Lawrence, Madison, Marion, Newton, Randolph, Searcy and Sharp Counties (NatureServe Explorer 2017). Robison (1997) indicated that a single specimen has been collected in the Arkansas River drainage—Osage Creek in Benton County. The closest known occurrence record is in Madison County, near St. Paul, Arkansas. Habitat includes small to medium clear, upland rivers with high gradient and permanent strong flow. This species is commonly found near riffles, usually just below, in slight to moderate current, in runs and flowing pools, over gravel, cobble or sand stream bottoms (NatureServe Explorer 2017). Habitat destruction, modification and fragmentation of habitat from impoundments with cold water releases had been identified as the primary threat affecting their populations. Additional threats include increases in turbidity and siltation due to surrounding land uses (Nature Serve Explorer 2017).

Direct Effects

Although suitable habitat is present, this species is unlikely to occur in the project area. Under the proposed activities, no direct effects on this species are expected.

Indirect Effects

Under the proposed activities, temporary soil disturbance, creation of early successional habitat and sedimentation may alter this species' preferred habitat by temporarily decreasing water quality and increasing turbidity by unavoidably introducing sediment into Whitzen Hollow Creek during construction. This could affect downstream populations as well; however, proper installation and maintenance of erosion control BMPs will be in place to minimize sediment leaving the site and entering Whitzen Hollow Creek.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Ozark shiner. This species is not known to occur in the project area, but suitable habitat is present; therefore, it is possible that individuals of this species could be affected by highway construction activities.*

Williams' crayfish (*Orconectes williamsi*) – Sensitive

The known range of the Williams' crayfish includes extreme headwater streams of the White River Basin in Arkansas and Missouri. In Arkansas portion of the White River drainage, the species occurs in Benton, Boone, Carroll, Franklin, Johnson, Madison and Washington Counties. Wagner et al. (2010) expanded the known range of this species to the Arkansas River drainage, when it was found in Washita Creek (Mulberry River drainage) in Johnson County and in the Elk River drainage in Benton County. ANHC records (2010, 2016) indicate that this species is found in adjacent counties—Franklin, Madison, and Washington Counties. The closest known location of Williams' crayfish is in Riley Creek in southern Washington County (ANHC Records 2010, 2016). Williams' crayfish can occur in riffles and runs of silt-free gravelly headwater creeks, spring branches and cave streams, under large substrate in pools (NatureServe Explorer 2017). Preferred habitat has also been characterized as small streams that are well-incised, with coarse substrate, shallow water, fast moving currents and limited aquatic vegetation growth, which could be attributed to high riparian forest canopy cover and lack of siltation in stream channels.

Widespread development is a primary threat to this species' populations, and it has led to disturbances of Ozark streams, often associated with clearing riparian vegetation, have caused aggradation, increased channel widths and channel instability. Siltation is one of the greatest threats to habitat quality in upland streams and could affect this species if riparian vegetation continues to be lost (Wagner et al. 2010).

Direct Effects

There are no occurrence records of this species within the project area; however, suitable stream habitat exists. Although this species is not known to occur in the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, given the suitable habitat available. Under the proposed activities, heavy equipment could crush individuals. Temporary soil disturbance, siltation and creation of early successional habitat should not have any direct effects on this species.

Indirect Effects

Under the proposed activities, temporary soil disturbance and sedimentation may alter this species' preferred habitat by temporarily introducing sediment during construction and decreasing water quality and increasing turbidity in Whitzen Hollow Creek. Creation of early successional habitat could remove the high canopy cover along Whitzen Hollow Creek, which could lead to increased aquatic vegetation growth and alter this species preferred habitat.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b) in order to minimize cumulative impacts. Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Williams’ crayfish. This crayfish is not known to occur within the project area; however, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, given the suitable habitat present.*

Bush’s poppymallow (*Callirhoe bushii*) – Sensitive

This herbaceous perennial wildflower is found in southwest Missouri, southeast Kansas, east Oklahoma, and northwest Arkansas (NatureServe Explorer 2017). In Arkansas, Bush’s poppymallow is found in Benton, Carroll, Logan, Marion, Van Buren and Washington Counties. Habitat includes open, rocky woodlands, edges of glades and barrens, upland tallgrass prairies, railroad and highway rights-of-way and ravine bottoms (NatureServe Explorer 2017). Bush’s poppymallow can thrive in full sun or in partial shade, and has never been observed in a closed canopy situation. Habitat loss is the most serious threat throughout its range (NatureServe Explorer 2017).

Direct Effects

Vascular plant surveys conducted did not identify any Bush’s poppymallow within the project area. Although the vascular plant survey did not detect the species within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed activities, heavy operating equipment and temporary soil disturbance could crush or destroy individuals. Creation of early successional habitat and sedimentation should not have any direct effect on this species.

Indirect Effects

Under the proposed activities, temporary soil disturbance, sedimentation and creation of early successional habitat may allow non-native species to become established and out-compete this species and alter its preferred habitat. Creation of early successional habitat could be beneficial to this species, as Bush’s poppymallow favors habitats that support early successional vegetation and is tolerant to some disturbance (NatureServe Explorer 2017).

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Bush’s poppymallow. Vascular plant surveys conducted within the project area did not identify any Bush’s poppymallow. Although the species was not detected within the project area, suitable habitat is present, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ouachita false indigo (*Amorpha ouachitensis*) – Sensitive

Ouachita false indigo is considered an endemic to the Ouachita Mountains of western Arkansas and southeastern Oklahoma; however, there is an occurrence record of this species, from 2007, in Franklin County near the Pilot Knob/White Oak Mountain area (ANHC Records 2010, 2016). Habitat includes clearings of rocky creeks, stream banks, floodplains, rocky ridges, glades and dry rocky sandstone slopes (NatureServe Explorer 2017). Cattle grazing, logging, brush clearing, stream alteration and road construction threaten Ouachita false indigo populations (NatureServe Explorer 2017).

Direct Effects

Vascular plant surveys conducted did not identify any Ouachita false indigo within the project area. Although the vascular plant survey did not detect the species within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed activities, temporary soil disturbance and heavy operating equipment could destroy or crush individuals. Creation of early successional habitat and sedimentation should not have any direct effect on this species, especially since this species is capable of growing in disturbed conditions (NatureServe Explorer 2017).

Indirect Effects

Under the proposed activities, temporary soil disturbance, creation of early successional habitat and sedimentation may allow non-native species to become established and alter this species' preferred habitat. On the other hand, creation of early successional habitat near Whitzon Hollow could provide favorable habitat by opening up the above tree canopy.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further

development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Ouachita false indigo. Vascular plant surveys conducted within the project area did not identify the Ouachita false indigo. Although the species was not detected within the project area, suitable habitat exists, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ovate catchfly (*Silene ovata*) – Sensitive

Ovate catchfly is found in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. In Arkansas, ovate catchfly is found in nine counties, including Baxter, Benton, Carroll, Cleburne, Crawford, Newton, Pope, Stone, and Van Buren (NatureServe Explorer 2017). Typical habitat includes rich woods of neutral soils over calcareous rocks, at medium elevations. It can be also be found in open or forested habitats within floodplains and within forests on moderate to steep slopes, often in very rocky habitats (NatureServe Explorer 2017). Cattle grazing, logging, brush clearing, road construction and right-of-way maintenance are the primary threats to ovate catchfly (NatureServe Explorer 2017).

Direct Effects

Vascular plant surveys conducted did not identify any ovate catchfly within the project area. Although the vascular plant survey did not detect the species within the project area, habitat exists, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed activities, heavy operating equipment and temporary soil disturbance could crush and destroy individuals. Creation of early successional habitat and sedimentation should not have any direct effect on this species, especially since this species is capable of growing in disturbed conditions (NatureServe Explorer 2017).

Indirect Effects

Under the proposed activities, temporary soil disturbance, sedimentation and creation of early successional habitat may increase the likelihood of erosion and allow non-native species to become established and out-compete this perennial wildflower and alter or reduce the availability of this species’ preferred habitat.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species’ habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for ovate catchfly. Vascular plant surveys conducted within the project area did not identify the ovate catchfly. Although the species was not detected within the project area, suitable habitat is present, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ozark Chinquapin (*Castanea pumila* var. *ozarkensis*) – Sensitive

This tree is found mainly in the Ozark Plateau Region, but there are scattered populations in the Ouachita Mountains. Habitat includes oak-pine and oak-hickory forests on relatively dry, acidic soils on ridge tops, tops of sandstone bluffs, upper slopes adjacent to ravines, and is also noted from mesic sites in much of Arkansas, and less commonly in Missouri and Oklahoma (Nature Serve Explorer 2017). ANHC records (2010, 2016) indicate several known occurrence records for Ozark chinquapin in Whitzen Hollow. Although forest clearings pose a threat to the dwindling Ozark Chinquapin populations, the declining population is mostly attributed to the chestnut blight. Trees killed by the chestnut blight may produce numerous sprouts from the roots (Nature Serve Explorer 2017).

Direct Effects

Vascular plant surveys conducted did not identify any Ozark Chinquapin trees within the project area. Although the vascular plant survey did not detect the species within the project area, a 1999 survey recorded several occurrences within Whitzen Hollow, so there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed activities, heavy operating equipment could remove individuals. Temporary soil disturbance, creation of early successional habitat and sedimentation should not have any direct effect on this species that are undoubtedly already infected with the chestnut blight.

Indirect Effects

Under the proposed activities, temporary soil disturbance and creation of early successional habitat may allow non-native species to become established and alter or reduce the availability of this species’ preferred habitat. Sedimentation should not have any indirect effects on this species.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species’ habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Ozark Chinquapin. 2016 vascular plant surveys conducted within the project area did not identify the Ozark Chinquapin. Although the species was not recently detected within the project area, there*

are 1999 occurrence records; therefore, it is possible that individuals of this species could be overlooked or not avoided during highway construction activities.

Ozark least trillium (*Trillium pusillum* var. *ozarkanum*) – Sensitive

Ozark least trillium occurs in the Interior Highlands of Arkansas, Kentucky, Missouri, North Carolina, Oklahoma and Tennessee. In Arkansas, Ozark least trillium is found in Benton, Boone, Carroll, Madison, Montgomery, Newton, Polk, Pulaski and Washington Counties. Its habitat includes dry to mesic upland oak-hickory dominant woods, with partially open canopies. This species is often associated with thin, acidic, cherty soils in Missouri and Arkansas (Tucker 1983, NatureServe Explorer 2017). The primary threat to Ozark least trillium populations is habitat destruction from clear-cutting for timber and other associated activities from logging.

Direct Effects

Vascular plant surveys conducted did not identify any Ozark least trillium within the project area. Although the vascular plant survey did not detect the species within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed activities, heavy operating equipment and temporary soil disturbance could crush or destroy individuals. Creation of early successional habitat and sedimentation should not have any direct effect on this species.

Indirect Effects

Under the proposed activities, temporary soil disturbance and creation of early successional habitat may allow non-native species to become established and open the forest floor to more sunlight, which would alter this species' preferred habitat. Sedimentation should not have any indirect effect on this species.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Ozark least trillium. Vascular plant surveys conducted within the project area did not identify the Ozark least trillium. Although the species was not detected within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ozark spiderwort (*Tradescantia ozarkana*) – Sensitive

Ozark spiderwort is endemic to the Ozark and Ouachita Mountain Regions of Arkansas, Missouri and Oklahoma. In Arkansas, Ozark spiderwort is found in Baxter, Benton, Johnson, Logan, Newton, Polk and Pope Counties (NatureServe Explorer 2017). ANHC records (2010, 2016) indicate several known occurrence records for Ozark spiderwort in Whitzen Hollow. Ozark spiderwort does not appear to be highly habitat-specific. Throughout its range, habitat includes moist, diverse, deciduous woodlands, and occurs in steep, rocky, wooded slopes and ravines, bases and lower slopes of bluffs as well as on dry to moist woodland ledges. This species is often associated with a limestone/dolomite substrate (NatureServe Explorer 2017). Land cover conversion of favored habitat due to housing development, road construction and maintenance, and activities associated with logging and livestock continue to be the major threats to existing populations (NatureServe Explorer 2017).

Direct Effects

Vascular plant surveys conducted in the project area did not identify any Ozark spiderwort in the project area. Although the vascular plant survey did not detect the species within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed activities, heavy operating equipment could crush individuals.

Indirect Effects

Under the proposed activities, temporary soil disturbance and creation of early successional habitat may allow non-native species to become established and alter the preferred habitat of this species. Creation of early successional habitat may also threaten populations by shading out individuals through increasing tree canopy coverage, since weedy, ruderal species would dominate the site initially. Sedimentation should not have any indirect effect on this species.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Ozark spiderwort. 2016 vascular plant surveys conducted within the project area did not identify Ozark spiderwort. Although the species was not recently detected within the project area, there are occurrence records from 1999; therefore, it is possible that individuals of this species could be overlooked or not avoided during highway construction activities.*

Royal catchfly (*Silene regia*) – Sensitive

Royal catchfly is found in 13 states in mostly the eastern U.S. In Arkansas, this species is found in Benton, Boone, Bradley, Hot Spring, Newton, Searcy, Sharp and Washington Counties (NatureServe Explorer 2017). In Arkansas, royal catchfly is found in prairies and on rock outcrops and along roadsides and railroad rights-of-way in cherty, well-drained soils.

Direct Effects

Vascular plant surveys conducted did not identify any royal catchfly within the project area. Although the vascular plant survey did not detect the species within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Under proposed activities, heavy operating equipment and temporary soil disturbance could crush or destroy individuals. Creation of early successional habitat and sedimentation should not have any direct effect on this species.

Indirect Effects

Under the proposed activities, temporary soil disturbance, sedimentation and creation of early successional habitat may allow non-native species to become established and out-compete this species and alter its preferred habitat. Creation of early successional habitat could be beneficial to this species, as royal catchfly favors open habitats such as roadsides that have undergone moderate disturbance (NatureServe Explorer 2017).

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for royal catchfly. Vascular plant surveys conducted within the project area did not identify any royal catchfly. Although the species was not detected within the project area, suitable habitat is present, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Southern Lady’s Slipper (*Cypripedium kentuckiense*) – Sensitive

This orchid occurs within the Interior Highlands of Arkansas, Missouri, and Oklahoma, the Gulf Coastal Plain of Texas, Louisiana, Alabama, and Mississippi, and the Cumberland Plateau of Kentucky and northern Tennessee (NatureServe Explorer 2017). It has also recently been found in eastern Virginia. The Southern lady-slipper is common in the state of Arkansas, but less common in Oklahoma, the western extent of its range.

The habitat for this species is mesic floodplain forests along stream terraces and along margins of seeps and springs. These areas are often inundated annually and have complete canopy cover. This species is also found on mesic north slopes in hardwood forests. It is most abundant above the flood level and away from spring-saturated soils. Protective measures established under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b) to ensure the integrity of streamside management areas and seeps/springs have greatly reduced the potential for impacts to this species during resource management activities. Although its status is improving, the southern lady's slipper's habitat is threatened by logging, which converts suitable forest types into pine plantations and reservoir construction, which can permanently inundate floodplain forests. Southern lady's slipper is intolerant to anthropogenic disturbance (ONHI 2006).

Direct Effects

Vascular plant surveys conducted within the project area did not identify the southern lady-slipper. Although the vascular plant survey did not detect the species within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. Temporary soil disturbance, creation of early successional habitat, and sedimentation should not have any direct effects on this species.

Indirect Effects

Under the proposed activities, temporary soil disturbance and creation of early successional habitat may open up the forest floor to more sunlight, which could dry out the site and allow nonnative species to become established and alter this species' preferred habitat. Potentially invasive species noted in the project area include Japanese stilt grass (*Microstegium vimineum*), sericea lespedeza (*Lespedeza cuneata*), Japanese honeysuckle (*Lonicera japonica*), Johnson grass (*Sorghum halepense*), and mimosa tree (*Albizia julibrissin*). Japanese stilt grass is of special concern because it is shade tolerant and can displace natural vegetation under a forest. Sedimentation should not have any indirect effects on this species.

Cumulative Effects

Current and planned Forest Service activities could have additional adverse impacts on this species; however, these cumulative effects would be minimal due to the fact that this species' habitat is protected under the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Highway construction activities occurring within the OSFNF are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and FEIS (USDA FS 2005b). Further development within the area will likely be minimized due to the rural nature of the area, and the amount of property currently owned or maintained by the forest service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities "may impact individuals but are not likely to cause a trend to Federal listing or loss of viability" for Southern lady's slipper. Vascular plant surveys conducted within the project area did not identify the Southern lady's slipper. Although the species was not detected within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

CONSULTATION HISTORY WITH THE U.S. DEPARTMENT OF THE INTERIOR – U.S. FISH AND WILDLIFE SERVICE

Four federally listed species are known to occur in or near the proposed action area: the endangered gray bat (*Myotis grisescens*), the endangered Indiana bat (*Myotis sodalis*), the endangered Ozark big-eared bat (*Corynorhinus townsendii ingens*), and the threatened northern long-eared bat (*Myotis septentrionalis*). Based on the findings of this document as well as previous consultation between the USFWS, a determination of ‘may affect, not likely to adversely affect’ is appropriate for the gray bat, Ozark big-eared bat and northern long-eared bat, and a ‘likely to adversely affect’ determination is appropriate for the Indiana bat, as discussed in Appendix C, unless presented with new information. The Service concurred on October 31, 2017.

COORDINATION HISTORY WITH THE U.S. ARMY CORPS OF ENGINEERS

The proposed construction activities will require excavation or discharge of dredged or fill material into jurisdictional waters of the U.S.; thus, an USACE issued permit under the Section 404 of the Clean Water Act will need obtained for this project. A permit application will be submitted to the Little Rock District for this project.

DETERMINATION OF EFFECTS

Based on the preceding documentation, discussions, and “best available science,” the “determination of effects” for the proposed actions are as follows:

A. Proposed, Threatened and Endangered Species

_____ **No Effect**

 X **May affect, Not likely to adversely affect**

_____ **Likely to adversely affect**

***Gray bat:** The proposed highway construction activities “may affect, not likely to adversely affect” gray bats; the Service concurred on October 31, 2017. ARDOT will commit include a special provision requiring that construction activities not occur 30 minutes prior to sunset and 30 minutes prior to sunrise. A winter clearing provision will also be placed on the job, which restricts tree clearing to winter months only. Erosion control BMPs will be utilized to minimize sediment leaving the job site and entering Whitzzen Hollow Creek. Although the bridge assessment found no evidence of bats utilizing the existing bridge, there are known occurrences within the project area; therefore, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

***Northern long-eared bat:** The proposed highway construction and associated activities meets the qualifications for exemption from any take of northern long-eared bats under Final 4(d) Rule, according to the FHWA Range-Wide Programmatic for Indiana and northern long-eared bats and accompanying*

Programmatic Biological Opinion; the Service concurred on October 31, 2017. A survey conducted approximately 5.0 miles north of the project area, for another highway job, did capture three northern long-eared bats and located seven roost tree in southern Washington County, and there are several other known records of this species in the project area. A bridge assessment of Whitzen Hollow Creek Bridge found no evidence of bats utilizing the bridge. ARDOT will commit include a special provision requiring that construction activities not occur 30 minutes prior to sunset and 30 minutes prior to sunrise. A winter clearing provision will also be placed on the job, which restricts tree clearing to winter months only. Erosion control BMPs will be utilized to minimize sediment leaving the job site. Although northern long-eared bats primarily roost and forage in upland forests, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.

Ozark big-eared bat: *The proposed highway construction activities “may affect, not likely to adversely affect” Ozark big-eared bats; the Service concurred on October 31, 2017. A survey conducted approximately 5.0 miles north of the project area, for another highway job, did capture one Ozark big-eared bat, and there are several known records of this species near the project area. A bridge assessment found no evidence of bats utilizing the existing bridge. ARDOT is anticipating that the new bridge over Whitzen Hollow Creek will be multi-column concrete bents on a spread-footing; i.e., there will be no blasting or drilling required during bridge construction, which alleviates concerns of affecting hibernating bats. ARDOT will commit include a special provision requiring that construction activities not occur 30 minutes prior to sunset and 30 minutes prior to sunrise. A winter clearing provision will also be placed on the job, which restricts tree clearing to winter months only. Erosion control BMPs will be utilized to minimize sediment leaving the job site. Even with these mitigation measures in place, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

B. Proposed, Threatened and Endangered Species

No Effect

May affect, Not likely to adversely affect

Likely to adversely affect

Indiana bat: *The proposed highway construction activities are “likely to adversely affect” Indiana bats; the Service concurred on October 31, 2017. Under the FHWA Range-Wide Programmatic for Indiana and northern long-eared bats, a bridge assessment was conducted and found no evidence of bats utilizing the existing bridge. ARDOT will commit to avoidance and minimization measures such as a special provision requiring that construction activities not occur 30 minutes prior to sunset and 30 minutes prior to sunrise, and a winter clearing special provision will also be placed on the job, which restricts tree clearing to winter months only. Furthermore, voluntary compensatory mitigation will be provided for any adverse effects to Indiana bats during bridge construction. Erosion control BMPs will be*

utilized to minimize sediment leaving the job site and entering Whitzen Hollow Creek. Although the closest known occurrence is in Devil's Den State Park, Indiana bats have been documented to travel long distances from roost sites, and suitable foraging and roosting habitat exists within the project area; therefore, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.

B. Sensitive Species

No impact

Beneficial impact

May impact individuals but is not likely to cause a trend to federal listing or loss of viability:

Bachman's Sparrow: *The proposed highway construction activities "may impact individuals but are not likely to cause a trend to federal listing or loss of viability" for Bachman's sparrow. Although the species has not been recorded from the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities. The creation of early successional habitat could be beneficial by providing suitable habitat to Bachman's sparrow.*

Bald Eagle: *The proposed highway construction activities "may impact individuals but are not likely to cause a trend to federal listing or loss of viability" for Bald Eagles. During site visits to the project area, no evidence of Bald Eagles was observed. Although the species was not observed within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, and individuals downstream from the project area could be affected by construction activities.*

Isopod: *The proposed highway construction activities "may impact individuals but are not likely to cause a trend to Federal listing or loss of viability" for the isopod, Lirceus bicuspidatus. The species is not known to occur in the project area. Although this species is not known to occur within the project area, there is suitable habitat present; therefore, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Eastern small-footed bat: *The proposed highway construction activities "may impact individuals but are not likely to cause a trend to federal listing or loss of viability" for the eastern small-footed bat. Although the species was not detected near the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Longnose darter: *The proposed highway construction activities "may impact individuals but are not likely to cause a trend to Federal listing or loss of viability" of the longnose darter. Under proposed construction activities, individuals could be crushed by heavy operating equipment, and construction activities could result in*

temporary soil disturbance and sedimentation, either of which could lead to a decrease in water quality.

Nearctic Paduniellan caddisfly: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Nearctic Paduniellan caddisfly. The caddisfly is known to occur within the project area; however, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, given the suitable habitat present.*

Williams’ crayfish: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Williams’ crayfish. This crayfish is not known to occur within the project area; however, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities, given the suitable habitat present.*

Ozark shiner: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Ozark shiner. This species is not known from the project area, but suitable habitat is present. Therefore, it is possible that individuals of this species could be overlooked or not avoided during highway construction activities.*

Bush’s poppymallow: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Bush’s poppymallow. Vascular plant surveys conducted within the project area did not identify any Bush’s poppymallow. Although the species was not detected within the project area, suitable habitat is present, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ouachita false indigo: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Ouachita false indigo. Vascular plant surveys conducted within the project area did not identify the Ouachita false indigo. Although the species was not detected within the project area, suitable habitat exists, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ovate catchfly: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for ovate catchfly. Vascular plant surveys conducted within the project area did not identify the ovate catchfly. Although the species was not detected within the project area, suitable habitat is present, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ozark chinquapin: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Ozark Chinquapin. Vascular plant surveys conducted within the project area*

did not identify the Ozark Chinquapin. Although the species was not detected within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.

Ozark least trillium: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Ozark least trillium. Vascular plant surveys conducted within the project area did not identify the Ozark least trillium. Although the species was not detected within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Ozark spiderwort: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Ozark spiderwort. Vascular plant surveys conducted within the project area did not identify Ozark spiderwort. Although the species was not detected within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Royal catchfly: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for royal catchfly. Vascular plant surveys conducted within the project area did not identify any royal catchfly. Although the species was not detected within the project area, suitable habitat is present, and there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Southern lady’s slipper: *The proposed highway construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Southern lady’s slipper. Vascular plant surveys conducted within the project area did not identify the Southern lady’s slipper. Although the species was not detected within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during highway construction activities.*

Kayti Ewing
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12/20/2017
Date

Concurrence by:

Matthew Lark
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Boston Mountains Ranger District Wildlife Biologist

12-20-18
Date

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Appendix A

PETS Species Checklist

Survey Needs Based on FSM 2672.43(USDA FS 2005c)

Proposed, Endangered, Threatened, and Sensitive Species List (Ozark Portion of the Ozark-St. Francis National Forest Only)

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
FEDERALLY ENDANGERED and THREATENED SPECIES				
American burying beetle	<i>Nicrophorus americanus</i>	E	No	Occurrence is not expected; project area lies outside designated American Burying Beetle Consultation Area (USFWS Consultation Area Shapefile 2012).
Cave Crayfish	<i>Cambarus aculabrum</i>	E	No	Does not occur on the Boston Mountain Ranger District. Known occurrences are located in caves in Benton Co., Arkansas (NatureServe Explorer 2017).
Gray Bat	<i>Myotis grisescens</i>	E	Yes	There are known occurrences (ANHC Records 2016, ArDOT Bat Survey 2017). Suitable foraging and roosting habitat is present.
Harperella (plant)	<i>Ptilimnium nodosum</i>	E	No	Not reported on the OSFNF and is not known to occur in project area (Witsell and Baker 2011, USDA-FS 2005b, ANHC Records 2016, NatureServe Explorer 2017). It is thought that the Boston Mtns could have suitable habitat for this species based on similar geology to where it is found; however, an extensive plant survey of the project area revealed nothing.
Hell Creek Cave Crayfish	<i>Cambarus zophonastes</i>	E	No	Does not occur on the Boston Mountain Ranger District. Known occurrences are located in Stone Co., Arkansas (NatureServe Explorer 2017).
Indiana bat	<i>Myotis sodalis</i>	E	Yes	There are known occurrences (ANHC Records 2016, ArDOT Bat Survey 2017). Suitable foraging and roosting habitat is present.
Least Tern (bird)	<i>Sternula antillarum</i>	E	No	Nests on sandbars of large rivers (USFWS 2013). Suitable habitat not available in project area.
Missouri bladderpod (plant)	<i>Physaria (Lesquerella) filiformis</i>	T	No	Not reported on the OSFNF, not known from the project area. Closest known location is Washington Co. (Witsell 2006). Known from shale, sandstone, limestone and dolomite glades. Potential habitat does not exist in project area.
Neosho Mucket mussel	<i>Lampsilis rafinesqueana</i>	E	No	Known to occur and critical habitat designated in Benton and Washington Co. There are no known occurrences within the project area. (NatureServe Explorer 2017, USFWS Critical Habitat Shapefile 2015).
Northern long-eared bat	<i>Myotis septentrionalis</i>	T	Yes	Thought to be common forest-wide. There are several known occurrences near the project area. Several roost trees were identified just north of project location, near Crawford/Washington Co. line (ANHC Records 2016, HDR/ArDOT Bat Survey 2017).

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Ozark Big-eared Bat	<i>Corynorhinus townsendii ingens</i>	E	Yes	There are several known occurrences near the project area. Several known roost caves are present near the project area as well (ANHC Records 2016, HDR/ArDOT Bat Survey 2017).
Ozark Cavefish	<i>Troglichthys (Amblyopsis) rosae</i>	T	No	Currently known to occur in 9 caves in Benton Co., AR. The project area is located within its historic range and the karst region of Arkansas, but there are no known occurrences nearby (USFWS 5-year Review 2011).
Ozark hellbender	<i>Cryptobranchus alleganiensis bishopi</i>	E	No	This species is not known to occur in the Boston Mountain Ranger District or the project area. Known occurrences are in Baxter, Fulton, Independence, Izard & Randolph Co. in Arkansas (NatureServe Explorer 2017).
Pink Mucket	<i>Lampsilis abrupta</i>	E	No	Not recorded on the OSFNF (Harris et al. 2009, NatureServe Explorer 2017). Known from White River.
Rabbitsfoot mussel	<i>Theliderma cylindrica (Quadrula cylindrica cylindrica)</i>	T	No	Does not occur within or downstream from the project area (Harris et al. 2009, USDI-FWS 2012). Populations occur in Spring and Black River Drainages.
Scaleshell mussel	<i>Leptodea leptodon</i>	E	No	Not recorded on the OSFNF. Closest known occurrence is a historic record in Frog Bayou, near Rudy in Crawford Co. (Harris et al. 2009, NatureServe Explorer 2017, ANHC Records 2016).
Snuffbox	<i>Epioblasma triquetra</i>	E	No	This species is not known to occur in the Boston Mountain Ranger District. Known from Baxter, Independence, Izard, Lawrence, Marion, Randolph & Sharp Co. in Arkansas (NatureServe Explorer 2017).
Speckled Pocketbook mussel	<i>Lampsilis streckeri</i>	E	No	Not known to occur on OSFNF. Known from Cleburne, Searcy, Stone and Van Buren Co. in Arkansas (NatureServe Explorer 2017). Only known from the Upper Little Red Watershed.
Spectaclecase mussel	<i>Margaritifera (Cumberlandia) monodonta</i>	E	No	Known to occur on the Boston Mountain Ranger District. Known occurrences on lower Ouachita River and Mulberry River (Harris et al. 2009, Williams et al. 2017, NatureServe Explorer 2017). No suitable habitat present in the project area.
Yellow-cheek darter	<i>Etheostoma moorei</i>	E	No	Critical habitat is designated outside of OSFNF. Known to occur in Searcy, Stone and Van Buren Co. in Arkansas (NatureServe Explorer 2017). Not known to occur in the project area.
FOREST SERVICE SENSITIVE SPECIES - ANIMALS				
Bachman's Sparrow	<i>Aimophila aestivalis</i>	S	Yes	May be found in or near project area. Requires open pine forest, early forest stage cover for nesting habitat (NatureServe Explorer 2017).
Bald Eagle	<i>Haliaeetus leucocephalus</i>	S	Yes	USDI-FWS (2007) Guidelines apply. Recently de-listed from federally Threatened status and placed on this list (USDA-FS 2007, USDI-FWS 2007b).
Eastern small-footed bat	<i>Myotis leibii</i>	S	Yes	Suitable habitat in the form of large exposed bluff lines and extensive talus or rock rivers does occur in the immediate project area. Closest record from the Boston Mountain Ranger District is from eastern Crawford Co. along Frog Bayou (Saughey et al. 1993; ANHC 2016). This bat was not found during surveys in 2017; however, potential habitat does exist in the project area.

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Isopod (no common name)	<i>Lirceus bicuspidatus</i>	S	Yes	No records in project area. Closest known occurrence is in Logan Co. (ANHC Records 2016). Arkansas Endemic (Robison and Allen 1995, Robison et al. 2008). Suitable habitat; e.g., seeps and springs exist in the project area.
Longnose darter	<i>Percina nasuta</i>	S	Yes	Does occur in the project area (Robison and Buchanan 1988, Robison 1992). Several known occurrences are located in Lee Creek, downstream of proposed project area (ANHC Records 2016).
Mount Magazine shagreen	<i>Mesodon magazinensis</i>	S	No	Restricted to steep talus slopes in rich mesic hardwood forests on Mt. Magazine (NatureServe Explorer 2017).
Nearctic Paduniellan caddisfly	<i>Paduniella nearctica</i>	S	Yes	Known from the Wedington Unit of Boston Mountain Ranger District in Washington Co. Closest known occurrences are along Cove Creek and upper Lee Creek in southern Washington Co. @ Devil's Den State Park (ANHC 2016). Suitable habitat includes clear, spring-fed, high-gradient, gravel-bottomed streams.
Oklahoma Salamander	<i>Eurycea tynerenis</i>	S	No	Range includes Benton, Washington and Carroll Co. in Arkansas. Range is strictly within the Wedington Unit on the Boston Mountain Ranger District or in the project area (ANHC Records 2016). Suitable habitat includes small, spring-fed streams, at elevations below 305 meters; substrate coarse sand, gravel or bedrock. Closely associated with Ordovician-Silurian strata. May use karst system to move within of between stream systems (Cline and Tumilson 2001, NatureServe Explorer 2017).
Ozark shiner	<i>Notropis ozarcanus</i>	S	Yes	Closest known occurrences are in Madison and Washington Co. Not known from the Boston Mountain Ranger District (ANHC Records 2016). Suitable habitat includes small to medium clear rivers with high gradient and permanent strong flows (NatureServe Explorer 2017). Suitable habitat exists within the project area.
Southern cavefish	<i>Typhlichthys subterraneus</i>	S	No	Not known from the Boston Mountain Ranger District (ANHC Records 2016). Known from cave streams in eastern Ozarks (NatureServe Explorer 2017).
Williams' crayfish	<i>Orconectes williamsi</i>	S	Yes	In Arkansas, most records are from extreme headwater streams in the White River drainage, but its range has been expanded to the Arkansas River Drainage (Wagner et al. 2010). Closest known occurrences are in Madison and Franklin Co. (ANHC 2016). Suitable habitat includes gravelly, headwater creeks, cave streams, and pools of larger substrates (NatureServe Explorer 2017).
FOREST SERVICE SENSITIVE SPECIES - PLANTS				
Alabama snow-wreath	<i>Nevusia alabamensis</i>	S	No	Known from Conway, Faulkner, Newton and Pope Co. Suitable habitat includes riparian areas, forested bluffs, talus slopes, & streambanks on various substrates, soil types, & aspects (NatureServe Explorer 2017). Potential habitat exists in the project area, but the species' has a restrictive range and was absent from 2016 field surveys.
Bush's poppymallow	<i>Callirhoe bushii</i>	S	Yes	Known occurrences on the Wedington Unit of the Boston Mountain Ranger District, weedy roadside (ANHC Records 2016). Suitable habitat includes highway rights-of-way, fencerows, rocky open woods, and edges of limestone glades.

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Butternut (tree)	<i>Juglans cinerea</i>	S	No	Unknown from Boston Mountain Ranger District (ANHC Records 2016). Suitable habitat includes rich, mesic forests, lower slopes, ravines, banks and terraces of creeks and streams and floodplain forests (NatureServe Explorer 2017). Although suitable habitat exists in the project area, the closest localities are in Benton and Newton Cos., and the plant was not found during field surveys in 2016.
French's shooting star	<i>Dodecatheon frenchii</i>	S	No	Known only from Newton and Cleburne Co. in Arkansas (ANHC Records 2016, NatureServe Explorer 2017). Habitat includes sandstone ledges, overhangs and bluffs, prefers north- and east-facing exposures. Though suitable habitat exists in the project area, its occurrences are narrowly restricted to areas outside of the project area and was not found during 2016 field surveys
Glade larkspur	<i>Delphinium treleasei</i>	S	No	Unknown from Boston Mountain Ranger District. Closest known occurrence in Benton County (ANHC Records 2016). Occurs on limestone/dolomite barrens, slopes, glades, bluffs and rocky roadsides throughout the Ozark highlands (NatureServe Explorer 2017). No suitable habitat (e.g., glades) present.
Gulf pipewort	<i>Eriocaulon koernickianum</i>	S	No	Known from Boston Mountain Ranger District on Rosson Hollow Glade in Franklin Co. (ANHC Records 2016). No suitable habitat (e.g., glades) present in the project area.
Large witchalder	<i>Fothergilla major</i>	S	No	Known only from Searcy Co. in Arkansas (NatureServe Explorer 2017). Suitable habitat includes bluffs, dry, rocky woodlands, talus slopes and riverbanks. Although potential habitat exists in the project area, its occurrence is restricted to one county and was not found during field surveys in 2016.
Maple-leaved oak	<i>Quercus acerifolia</i>	S	No	Unknown from Boston Mountain Ranger District (ANHC Records 2016). Arkansas Endemic known only from Mt. Magazine Ranger District in Logan and Sebastian Co. (Robison and Allen 1995).
Moore's delphinium	<i>Delphinium newtonianum</i>	S	No	Unknown from Boston Mountain Ranger District (ANHC Records 2016). Arkansas Endemic (Robison and Allen 1995). Suitable habitat includes rich mesic of dry-mesic forests in the Boston Mtns and Ouachita Mtns of Arkansas (NatureServe Explorer 2017). Although potential habitat exists in the project area, this species is known from a fairly small geographical area outside of the immediate project area, and was not found during field surveys in 2016.
Nuttall's cornsalad	<i>Valerianella nuttallii</i>	S	No	Known historic occurrence on Boston Mountain Ranger District in Franklin Co. Closest known location is another historic record in Crawford Co. south of the project area. Associated with shale glades and prairies with shale substrates (ANHC Records 2016). No suitable habitat (e.g., glades) present in the project area.
Open-ground draba	<i>Draba aprica</i>	S	No	Known from the Wedington Unit of the Boston Mountain Ranger District in Washington Co. (ANHC Records 2016). In the Ozarks, this species occurs on dolomitic, rocky glade/barren margins with very thin soils (NatureServe Explorer 2017). No suitable habitat present in the immediate project area.

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Ouachita false indigo	<i>Amorpha ouachitensis</i>	S	Yes	Known from the Boston Mountain Ranger District; Suitable habitat includes clearings of rocky creeks, streams banks, rocky ridges, glades and dry, rocky sandstone slopes (NatureServe Explorer 2017).
Ouachita Mtn. Goldenrod	<i>Solidago ouachitensis</i>	S	No	Known distribution does not include Boston Mountain Ranger District; closest occurrence is recorded in Logan Co. (ANHC Records 2016). Suitable habitat includes mesic, wooded, north-facing slopes of the Ouachita Mountains (NatureServe Explorer 2017). No suitable habitat present in immediate project area.
Ovate catchfly	<i>Silene ovata</i>	S	Yes	Known from Boston Mountain Ranger District. A single historic occurrence is recorded from northeastern Crawford Co. along Hurricane Creek (ANHC Records 2016). Found in rich woods, occasionally in forests with soil over calcareous rocks.
Ozark chinquapin	<i>Castanea pumila</i> var. <i>ozarkensis</i>	S	Yes	Several occurrences in project area. Closest known location in Boston Mountain Ranger District, approx. 0.7 miles northeast of Whizen Hollow Creek Bridge (ANHC Records 2016). Damage already occurred if it exists it will re-sprout, as long as herbicide not used.
Ozark cornsalad	<i>Valerianella ozarkana</i>	S	No	Historic record known from the Boston Mountain Ranger District in northwestern Franklin Co. on White Rock Mountain (ANHC Records 2016). Suitable habitat includes rocky glades and open woods on calcareous soils. Habitat absent from project area.
Ozark least trillium	<i>Trillium pusillum</i> var. <i>ozarkanum</i>	S	Yes	Unknown from Boston Mountain Ranger District. Closest known records are in Madison, Washington & Benton Co. (ANHC Records 2016). Suitable habitat includes dry to mesic oak-hickory upland woods with a partially open canopy (NatureServe Explorer 2017). The plant was not found during field surveys in 2016; however, potential habitat does exist in the project area.
Ozark spiderwort	<i>Tradescantia ozarkana</i>	S	Yes	Known from Boston Mountain Ranger District; known occurrences upstream of the project area, along Whizen Hollow Creek (ANHC Records 2016). Habitat includes steep, rocky, & wooded slopes, ravines, bases & lower slopes of bluffs, & dry to moist woodland ledges (NatureServe Explorer 2017).
Royal catchfly	<i>Silene regia</i>	S	Yes	Known occurrences in Benton, Madison and Washington Co. (ANHC Records 2016). Habitat includes open woodlands, rock outcrops, prairies and along roadsides (NatureServe Explorer 2017).
Southern lady's slipper	<i>Cypripedium kentuckiense</i>	S	Yes	Several known occurrences in Franklin and Crawford Co. Closest known occurrence is along Frog Bayou floodplain, east of the proposed project area in Crawford Co. (ANHC Records 2016).

Status:*P** = proposed for federal listing as endangered**E** = federal endangered species**T** = federal threatened species**S** = Amended Regional Forester's Sensitive Species List (2017)

Appendix B
VASCULAR PLANT SURVEY

A vascular plant survey was conducted on September 28th and 29th, 2016 in the Ozark National Forest near the Whitzen Hollow Creek Bridge on State Highway 59 by ARDOT botanist, Kayti Ewing, and Arkansas Natural Heritage Commission botanist, Brent Baker. A total of 138 species were identified. Twelve species (8.7%) are non-native, which were located primarily along the roadside. Non-native species (nn) are noted below. No plant species tracked by the ANHC were located in the project area, and no plant species listed as PETS by the US Forest Service were located in the project area.

TREES (38 species)

<i>Acer negundo</i>	boxelder	
<i>Acer rubrum</i>	red maple	
<i>Acer saccharum</i>	sugar maple	
<i>Albizia julibrissin</i>	mimosa	nn
<i>Betula nigra</i>	river birch	
<i>Carpinus caroliniana</i>	ironwood	
<i>Carya ovata</i>	shagbark hickory	
<i>Carya tomentosa</i>	mockernut hickory	
<i>Celtis laevigata</i>	sugarberry	
<i>Celtis occidentalis</i>	hackberry	
<i>Cercis canadensis</i>	redbud	
<i>Cornus florida</i>	flowering dogwood	
<i>Cornus obliqua</i>	swamp dogwood	
<i>Diospyros virginiana</i>	persimmon	
<i>Fraxinus pennsylvanica</i>	green ash	
<i>Gleditsia triacanthos</i>	honey locust	
<i>Juglans nigra</i>	black walnut	
<i>Juniperus virginiana</i>	eastern red cedar	
<i>Liquidambar styraciflua</i>	sweetgum	
<i>Morus rubra</i>	mulberry	
<i>Nyssa sylvatica</i>	blackgum	
<i>Ostrya virginiana</i>	hop hornbeam	
<i>Pinus echinata</i>	shortleaf pine	
<i>Prunus serotina</i>	black cherry	
<i>Platanus occidentalis</i>	sycamore	
<i>Populus deltoides</i>	cottonwood	
<i>Quercus alba</i>	white oak	
<i>Quercus falcata</i>	southern red oak	
<i>Quercus muehlenbergii</i>	Chinquapin oak	
<i>Quercus rubra</i>	northern red oak	
<i>Quercus shumardii</i>	Shumard's oak	
<i>Quercus stellata</i>	post oak	
<i>Quercus velutina</i>	black oak	
<i>Rhamnus caroliniana</i>	Carolina buckthorn	
<i>Robinia pseudoacacia</i>	black locust	
<i>Salix caroliniana</i>	Carolina willow	
<i>Sassafras albidum</i>	sassafras	
<i>Ulmus rubra</i>	slippery elm	

SHRUBS (9 species)

<i>Alnus serrulata</i>	hazel alder	
<i>Amorpha fruticosa</i>	bastard indigo	
<i>Cephalanthus occidentalis</i>	buttonbush	
<i>Hamamelis vernalis</i>	Ozark witch hazel	
<i>Hydrangea arborescens</i>	wild hydrangea	
<i>Lindera benzoin</i>	spicebush	
<i>Rhus glabra</i>	smooth sumac	
<i>Rosa carolina</i>	Carolina rose	
<i>Symphoricarpos orbiculatus</i>	coralberry, buckbrush	

WOODY VINES and BRAMBLES (9 species)

<i>Ampelopsis arborea</i>	peppervine	
<i>Ampelopsis cordata</i>	heartleaf peppervine	
<i>Campsis radicans</i>	trumpet creeper	
<i>Lonicera japonica</i>	Japanese honeysuckle	nn
<i>Parthenocissus quinquefolia</i>	Virginia creeper	
<i>Rubus sp.</i>	blackberry	
<i>Smilax rotundifolia</i>	round leaf brier	
<i>Toxicodendron radicans</i>	poison ivy	
<i>Vitis rotundifolia</i>	muscadine grape	

DICOT FORBS (62 species)

<i>Agertina altissima</i>	white snakeroot	
<i>Ambrosia artemisiifolia</i>	annual ragweed	
<i>Ambrosia trifida</i>	giant ragweed	
<i>Boehmeria cylindrica</i>	false nettle	
<i>Bidens aristosa</i>	bearded beggarticks	
<i>Centaurea stoebe ssp. micranthos</i>	spotted knapweed	nn
<i>Cirsium altissimum</i>	tall thistle	
<i>Conoclinium coelestinum</i>	blue mist flower	
<i>Cunila origanoides</i>	dittany	
<i>Datura stramonium</i>	jimsonweed	
<i>Desmodium sp.</i>	tick trefoil	
<i>Diodia virginiana</i>	Virginia buttonweed	
<i>Eclipta prostrata</i>	false daisy	
<i>Elephantopus carolinianus</i>	Carolina elephantsfoot	
<i>Eupatorium serotinum</i>	late boneset	
<i>Euphorbia maculata</i>	spotted spurge	
<i>Fleischmannia incarnata</i>	pink thoroughwort	
<i>Galium aparine</i>	bedstraw	
<i>Grindelia lanceolata</i>	narrowleaf gumweed	
<i>Helianthus hirsutus</i>	hairy sunflower	
<i>Ipomoea lacunosa</i>	white morning-glory	
<i>Iris cristata</i>	dwarf crested iris	
<i>Justicia americana</i>	American water willow	
<i>Lactuca canadensis</i>	Canada lettuce	
<i>Lespedeza cuneata</i>	sericea lespedeza	nn
<i>Leucospora multifida</i>	narrowleaf paleseed	
<i>Lobelia cardinalis</i>	cardinal flower	

<i>Ludwigia decurrens</i>	wingleaf primrose-willow	
<i>Mimulus alatus</i>	winged monkeyflower	
<i>Oxalis stricta</i>	yellow woodsorrel	
<i>Packera obovata</i>	roundleaf ragwort	
<i>Passiflora incarnata</i>	purple passionflower	
<i>Pedicularis canadensis</i>	wood betony	
<i>Perilla frutescens</i>	beefsteak plant	
<i>Persicaria hydropiperoides</i>	swamp smartweed	
<i>Persicaria lapathifolia</i>	curlytop knotweed	
<i>Persicaria longiseta</i>	lady's thumb	nn
<i>Persicaria pensylvanicum</i>	Pennsylvania smartweed	
<i>Pluchea camporata</i>	camphor weed	
<i>Polanisia dodecandra</i>	clammy weed	
<i>Polygonum virginianum</i>	woodland knotweed	
<i>Pseudognaphalium obtusifolium</i>	rabbit tobacco	
<i>Rotala ramosior</i>	toothcup	
<i>Rudbeckia laciniata</i>	cutleaf coneflower	
<i>Saponaria officinalis</i>	soapwort	nn
<i>Sanicula canadensis</i>	black snakeroot	
<i>Senna marilandica</i>	Maryland senna	
<i>Senna obtusifolia</i>	sicklepod	
<i>Smallanthus uvedalius</i>	hairy leafcup	
<i>Solanum carolinense</i>	Carolina horsenettle	
<i>Solidago altissima</i>	Canada goldenrod	
<i>Solidago caesia</i>	blue-stemmed goldenrod	
<i>Symphotrichum sp.</i>	aster	
<i>Symphotrichum anomalum</i>	many rayed aster	
<i>Symphotrichum drummondii</i>	Drummond's aster	
<i>Symphotrichum lateriflorum</i>	calico aster	
<i>Thaspium barbinode</i>	hairy-jointed meadow parsnip	
<i>Thaspium trifoliatum</i>	purple meadow parsnip	
<i>Verbesina alternifolia</i>	wingstem	
<i>Verbesina encelioides</i>	golden crownbeard	
<i>Vernonia gigantea</i>	tall ironweed	
<i>Xanthium strumarium</i>	rough cocklebur	

GRASSES AND SEDGES (16 species)

<i>Aira sp.</i>	hairgrass	nn
<i>Arthraxon hispidus</i>	small carpetgrass	nn
<i>Arundinaria gigantea</i>	giant cane	
<i>Chasmanthium latifolium</i>	inland sea oats	
<i>Cyperus echinatus</i>	globe flatsedge	
<i>Cyperus strigosus</i>	straw colored flatsedge	
<i>Dichanthelium sp.</i>	panicgrass	
<i>Digitaria sp.</i>	crabgrass	nn
<i>Eleocharis lanceolata</i>	daggerleaf spikerush	
<i>Elymus canadensis</i>	Canada wildrye	
<i>Kyllinga gracillima</i>	pasture spikesedge	nn
<i>Leersia virginica</i>	white grass	
<i>Microstegium vimineum</i>	Japanese stiltgrass	nn
<i>Setaria parviflora</i>	marsh bristlegrass	
<i>Sorghum halepense</i>	Johnson grass	nn
<i>Tridens flavus</i>	purpletop	

FERNS AND FERN ALLIES (4 species)

Adiantum pedatum

Asplenium platyneuron

Equisetum sp.

Polystichum acrosticoides

northern maidenhair fern

ebony spleenwort

horsetail

christmas fern

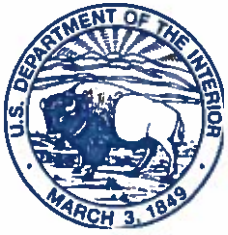
Appendix C
CONSULTATION HISTORY WITH
US FISH AND WILDLIFE SERVICE

In January of 2015 and 2016, ARDOT requested technical assistance from our USFWS liaison, Mr. Lindsey Lewis, as the guidance regarding federally listed bat species was in constant fluctuation. Based on current guidance, at that time, surveys were not necessary for Indiana bat, northern long-eared bat or gray bat, and surveys solely for Ozark big-eared bat were discouraged due to their sensitivity and the likelihood of their presence. With the current bat guidelines established under the 2016 FHWA Range-Wide Programmatic and the accompanying 2016 Programmatic Biological Opinion and the 2016 Final 4(d) Rule, consultation with US Fish and Wildlife Service occurred in October 20, 2017, and concurrence was received on October 31, 2017, please see corresponding documents below. ARDOT assumed presence for the aforementioned federally listed bat species. Bat surveys were conducted on nearby highway projects—the Highway 59 slope repair in 2017 and the paving of Highway 220 from Devil’s Den to Lee Creek in 2016. Both surveys resulted in capture of federally listed bat species; therefore, ARDOT found the assumption of federally listed bat species appropriate.

ARDOT proposes to replace four bridges along an 11-mile stretch of Highway 59. Due to the larger extent of this highway construction project, as only one bridge is on National Forest Service property, ARDOT determined that earlier consultation would be beneficial to keep this project timely. Under consultation with the Service, ARDOT utilized the FHWA Range-Wide Programmatic, the accompanying Biological Opinion and the Final 4(d) Rule.

A ‘may affect, not likely to adversely affect’ determination was made for the Ozark big-eared bat and gray bat, see correspondence with USFWS below. The Final 4(d) Rule was applied to the northern long-eared bat, which exempts the project from any incidental take, as long as the project and its activities do not occur within 0.25 miles of a known hibernaculum or within 150 feet of a known, occupied maternity roost. The Final 4(d) forms, Bridge Assessment Forms and the Project submittal form can be found below.

A ‘likely to adversely affect’ determination was made for the Indiana bat. Under the FHWA Range-Wide Programmatic, if the proposed project has tree clearing activities greater than 0.5 mile from a known hibernacula, and the project’s proposed footprint is further out than 100’ from the existing roadway, there is not a negative presence/absence survey, and a winter clearing restriction is placed on the job, then a ‘likely to adversely affect’ call is concluded. Furthermore, USFWS consultation was for the entire project’s impacts on the species’ foraging and roosting habitat, as all four bridge replacements are likely to convert 11.5 acres of forested habitat to highway right-of-way. Voluntary compensatory mitigation was fulfilled at the Department’s Kings River Falls Conservation Mitigation Bank for adverse effects to the endangered Indiana bat.



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



October 31, 2017

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

Consultation Code: 04ER1000-2017-SLI-1381

Dear Mr. Fleming,

The U. S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ArDOT) plans to replace four bridges along a seven (7) mile stretch of Highway 59 in Crawford County, Arkansas. This action may rely on the December 15, 2016, 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 request and the associated Project Submittal Form on October 20, 2017. The project was described and assessed as follows (abbreviated):

The existing roadway consists of two 12' wide paved travel lanes with no shoulders. Proposed improvements include replacing 4 bridges—one across Low Gap Hollow Creek (Site 1, Bridge# 2815), one across Mountain Fork Creek (Site 2, Bridge# 2814), one across Whizzen Hollow Creek (Site 3, Bridge# 2813), and one across Huey Creek (Site 4, Bridge# 2621)—along Highway 59.

The replacement of three out of the four bridges (Sites 1, 3, and 4; Bridges 2815, 2813, and 2621) along Highway 59 will require temporary detours, as those bridges will be replaced on existing location. Site 1, Bridge# 2815 will have a temporary detour to the east of the existing bridge and Highway 59. At Site 1, approximately 3.6 acres of forested habitat will be cleared for construction of detour. Site 3, Bridge# 2813 is located within the Ozark National Forest and will have a temporary detour to the north of the existing bridge, east side of Highway 59. At Site 3, approximately 2.1 acres of forested habitat will be cleared for construction of detour. Site 4, Bridge# 2621 will have a temporary detour northeast of the existing bridge, east side Highway 59. At Site 4, approximately 2.2 acres of forested habitat will be cleared for construction of detour. Site 2, Bridge# 2814 will be replaced on new location, just southwest of the existing bridge and west of Highway 59. At Site 2, approximately 3.6 acres of forested habitat will be cleared for bridge construction.

According to the Information for Planning and Consultation (IPaC) website, there are eight (8) endangered species that have the potential to be impacted by the project. These species include: the endangered Gray Bat (*Myotis grisescens*), the threatened Northern Long-eared Bat (*Myotis septentrionalis*), the endangered Indiana Bat (*Myotis sodalis*), the endangered Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), the threatened Missouri Bladderpod (*Physaria filiformis*), the threatened Ozark Cavefish (*Troglichthys rosae*), the threatened Piping Plover (*Charadrius melodus*), and the endangered American Burying Beetle (*Nicrophorus americanus*).

Arkansas Natural Heritage Commission's (ANHC) records database indicates several known roost cave locations for the Ozark Big-eared Bat near the project area. The closest recorded occurrence is an Ozark Big-eared Bat roost cave approximately 900 feet southeast of Site 1, Bridge 2815 over Low Gap Hollow Creek. There are two other nearby occurrences of Ozark Big-eared Bat roost caves, approximately 0.4 mile northeast and 0.9 mile south of Site 1. There are additional known records of Ozark Big-eared Bat roost caves, 1.2 and 1.5 miles north of Site 1 in caves: WA3301, WA3302, WA3311, and Garrett Hollow Cave, all in Washington County. Another known Ozark Big-eared Bat roost cave is located approximately 1.5 miles northeast of Site 2. The Ozark Plateau National Wildlife Refuge, located in Adair County Oklahoma, has known hibernacula for the Ozark Big-eared Bat, approximately 3 miles west of the project area.

Ozark Big-eared Bats inhabit caves year round, which are typically located in oak-hickory forests. Weyandt et al. (2005) and Graening et al. (2011) suggest that Ozark Big-eared Bats could also use bluff faces and bluff lines as roosting habitat, and these types of habitat could potentially garner additional populations. During the summer months, Ozark Big-eared Bats primarily forage in forests and along forest edges. Ozark Big-eared Bats typically only forage a little over one mile from their roosting site (Graening et al. 2011). Although, a couple of studies tracked the movement of the Ozark Big-eared Bats and found the longest distances traveled in a 24 hour period were up to 5.0 miles (Graening et al. 2011; Wethington et al. 1996). ArDOT will include a special provision requiring that construction activities not occur 30 minutes prior to sunset and 30 minutes prior to sunrise. ArDOT is anticipating that the bridges will be multi-column concrete bents on a spread-footing, so no blasting or drilling will be required during bridge construction. Based on the winter clearing and day time construction special provisions that will be included on this job, it is our determination that the project **"may affect, not likely to adversely affect"** Ozark Big-eared Bats.

Crawford County is within the known range of the federally threatened Northern Long-eared Bat. The project and its activities do not occur within 0.25 mile of a known hibernaculum or within 150 feet of a known occupied maternity roost,

which exempts the project from incidental take of Northern Long-eared Bats, according to the final 4(d) rule and accompanying programmatic biological opinion. The project will have a winter clearing only restriction included in the job, which prohibits tree clearing during April 1 to October 1. (**A Final 4(d) form and Bridge Assessment form for each site and the Project Submittal form were attached**).

A summer mist net survey was conducted in July of 2017, for a slide repair project on Highway 59 in Washington County, a mist net site was setup approximately 0.1 mile north of Site 1. Results from this survey confirmed the presence of Ozark Big-eared Bats and Northern Long-eared Bats, as both species were captured at mist net survey locations 35°45'38.9", -94°28'11.2" and 35°45'35.9", -94°28'10.8", respectively. This survey also identified seven (7) Northern Long-eared Bat diurnal roost trees; the closest known roost tree is in Washington County, approximately 715 feet north of the Site 1. No Indiana Bats or Gray Bats were captured during this survey. A bridge assessment was conducted on 9/28/2016 for all four bridges, and no evidence of bat use was found.

Gray Bats are year-round cave dwellers. They hibernate in deep, vertical caves in winter and roost in limestone karst caves along rivers in summer months. The closest known occurrence is a roost cave in Franklin County, approximately 30 miles east of the project area that support Gray Bats. Although the project area is largely forested and contains habitat that is suitable for foraging, a winter clearing only restriction, as well as a day time construction only special provision will be included in the job. Furthermore, during a recent summer mist net survey (July 2017) nearby, no Gray Bats were captured or recorded acoustically. Therefore, it is our determination that the project **"may affect, not likely to adversely affect"** Gray Bats.

Indiana Bats are known to roost underneath the peeling bark of dead or dying trees in intact forests within medium river and stream corridors and forests within 1 to 3 miles of small to medium rivers and streams and upland forests. Indiana Bats hibernate in caves during winter. The closest known occurrence is approximately 12 to 13 miles northeast, east of the project area, in Devil's Den State Park. Although the project area is within the Indiana Bats' range, is forested, and habitat that is suitable for foraging, a winter clearing only restriction, as well as a day time construction only special provision will be included in the job. Furthermore, during a recent summer mist survey (July 2017) nearby, no Indiana Bats were captured or recorded acoustically. Therefore, it is our determination that the project is **"likely to adversely affect"** Indiana Bats. (Bridge Assessment forms for each site and the Project Submittal form for the Programmatic Biological Opinion were attached).

The Missouri Bladderpod is found on open limestone, dolomite, sandstone, shale glades, barrens, and outcrops within prairies. There are no known occurrences or habitat near the project area; therefore, it is our determination that the project will have **“no effect”** on the Missouri Bladderpod.

The Ozark Cavefish lives in cave streams and springs. The Ozark Cavefish is found within the Springfield Plateau of the Ozark Highlands in Arkansas, Missouri, and Oklahoma. The Ozark Cavefish is known from a few caves in Washington County. Major threats to the Ozark Cavefish include groundwater pollution and destruction and disturbance of habitat (i.e., caves). There are known occurrences in close proximity to the project area. There are no known caves that support the Ozark Cavefish nearby; therefore, it is our determination that the project will have **“no effect”** on the Ozark Cavefish.

The proposed project is outside of the American Burying Beetle consultation area; therefore, it is our determination that the project will have **“no effect”** on American Burying Beetle.

The Piping Plover is a migratory bird. In the spring and summer, they breed in the northern United States and Canada. Piping Plovers use wide, flat, open, sandy beaches with very little vegetation; nesting habitat often includes small creeks or wetlands. In the fall, plovers migrate south and winter along the coast of the Gulf of Mexico and other southern locations. During fall and spring migration, Piping Plovers use rest sites including shorelines of lakes, rivers, and wetlands with muddy sandy substrates. Migration rest area habitat is not well documented, but migrating Piping Plovers have been observed in Arkansas, mostly along the Arkansas River; however, the project area is devoid of such habitat (i.e., large rivers); therefore, it is our determination that the project will have **“no effect”** on the Piping Plover.

This letter provides the Service’s response as to whether the Project may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) for its effects to the Indiana Bat and/or NLEB. This letter also responds to your request for Service concurrence that the Project may affect, but is not likely to adversely affect (NLAA) ESA-listed species and/or designated critical habitats other than the Indiana Bat and NLEB.

The ArDot has determined that the Project is likely to adversely affect (LAA) the Indiana Bat. Additionally, the Arkansas Department of Transportation has also determined that the Project is not likely to adversely affect (NLAA) Gray Bat and Ozark Big-eared Bat.

The Service concurs with these determination(s), because of the results of the survey and the proximity of known species sites and foraging range to the project location and the occurrence of

suitable foraging habitat for these species that exists on and adjacent to the site. A determination of LAA for Indiana Bat is appropriate based on the amount and distance from the existing roadway of suitable habitat being lost, the conservation measures being proposed, winter clearing (non-reproductive season) only provisions, and the proposed implementation of all required AMMs. Furthermore, the distance to known Gray Bat roosting and hibernacula sites, time of day restrictions, winter clearing only, off-site restraining conditions, and standard sediment controls, warrants a NLAA determination for these species. This concurrence concludes your ESA Section 7 responsibilities relative to Indiana Bat, Gray Bat, and Ozark Big-eared Bat for this Project, subject to the Reinitiation Notice below.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the ArDOT's commitment to implement any applicable mitigation measures as indicated on the Project Submittal Form. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that projects consistent with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the Indiana Bat and/or the NLEB. In coordination with your agency and the other sponsoring Federal Transportation Agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Incidental Take

Indiana Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of Indiana Bats. As described in the Incidental Take Statement (ITS) of the BO, such taking will be difficult to detect. The Service determined that it is appropriate to measure the amount or extent of incidental take resulting from BO projects using the proposed acreage of tree removal from Indiana Bat suitable habitat as a surrogate for the numbers of individuals taken.

The proposed Project will remove 11.5 acres of trees from habitat that is suitable for the Indiana Bat. All tree removal will occur in winter and comply with all other conservation measures in the BO. Based on the BO, 11.5 acres are anticipated to result in adverse effects and the ArDot will provide 17.25 acres (ratio 1.5/1) of forested habitat preservation at the ArDOT King River Falls Site near Witter, Madison County, Arkansas.

In addition, the Project may take up to 5 Indiana Bats that were not detected during bridge bat assessments conducted prior to implementing the proposed work on Bridge# 2815, Bridge# 2814, Bridge# 2813, and Bridge# 2621. Although such take is reasonably certain to occur at up to 10 bridge projects per year, as included in the scope of the BO, it is a remote possibility for any individual project that is implemented consistent with the conservation measures of the BO.

The Service will add the acreage of Project-related tree removal to the annual total acreage attributed to the BO as a surrogate measure of Indiana Bat take and exempted from the prohibitions against incidental taking. Such exemption is effective as long as your agency implements the reasonable and prudent measure (RPM) and accompanying terms and conditions of the BO's ITS.

The sole RPM of the BO's ITS requires the Federal Transportation Agencies to ensure that state/local transportation agencies, who choose to include eligible projects under the programmatic action, incorporate all applicable conservation measures in the project proposals submitted to the Service for ESA section 7 compliance using the BO. The implementing terms and conditions for this RPM require the Federal Transportation Agencies to offer training to appropriate personnel about using the BO, and about promptly reporting sick, injured, or dead bats (regardless of species) (or any other federally listed species) located in project action areas.

Northern Long-eared Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of NLEBs. However, the Project is consistent with the BO, and such projects will not cause take of NLEB that is prohibited under the ESA section 4(d) rule for this species (50 CFR §17.40(o)). Therefore, the take of NLEBs resulting from this project does not require exemption from the Service.

Reporting Dead or Injured Bats

The Arkansas Department of Transportation, its state/local cooperators, and any contractors must take care when handling dead or injured Gray Bats, Indiana Bats, and/or NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.

Reinitiation Notice

This letter concludes consultation for the proposed Project, which qualifies for inclusion in the BO issued to the Federal Transportation Agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Arkansas Department of Transportation's discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. the amount or extent of incidental take of Indiana Bat is exceeded;
2. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO or in the Project information that supported Service concurrence with the NLAA determination;
3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO or in the Project information that supported Service concurrence with NLAA determination; or
4. a new species is listed or critical habitat designated that the Project may affect.

Per condition #1 above, the anticipated incidental take is exceeded when:

- the Project removes trees from more than 11.5 acres of habitat suitable for the Indiana Bat; or
- the Project takes more than 5 Indiana Bats resulting from work on bridges associated with the action.

In instances where the amount or extent of incidental take is exceeded, the Arkansas Department of Transportation is required to immediately request a reinitiation of formal consultation. Please note that the Service cannot exempt from the applicable ESA prohibitions any action-caused take that exceeds the amount or extent specified in the ITS of this BO that may occur before the reinitiated consultation is concluded.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov

Sincerely,



Melvin L. Tobin
Field Supervisor

Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA)

Range-wide Programmatic Consultation for
Indiana Bat and Northern Long-eared Bat

Project Submittal Form

Updated December 2016

If not using the Assisted Determination Key in the U.S. Fish and Wildlife Service (Service) Information for Planning and Conservation (IPaC) System, transportation agencies must provide this submittal form (or a comparable Service approved form) with provide project-level information for use of the range-wide programmatic consultation covering actions that may affect the Indiana bat and/or northern long-eared bat (NLEB). The completed form should be submitted to the appropriate Service Field Office prior to project commencement. For more information, see the Standard Operating Procedure for Site Specific Project(s) Submission in the User's Guide.

By submitting this form, the transportation agency ensures that the proposed project(s) adhere to the criteria and conditions of the range-wide programmatic consultation, as outlined in the biological assessment (BA) and biological opinion (BO). Upon submittal of this form, the appropriate Service Field Office may review the project-specific information provided and request additional information. For projects that may affect, but are not likely to adversely affect (NLAA) the Indiana bat and/or NLEB, if the applying transportation agency is **not** contacted by the Service with any questions or concerns within 14 calendar days of form submittal, it may proceed under the range-wide programmatic consultation and assume concurrence of the NLAA determination made by the Service in the BO. For projects that may affect, and are likely to adversely affect (LAA) the Indiana bat and/or the NLEB, the appropriate Service Field Office will respond (see recommended response letter template) within 30 calendar days of receiving a complete project-level submission, which includes, but may not be limited to this completed form.

Further instructions on completing the submittal form can be found by hovering your cursor over each text box.

1. Date:

2. Lead agency:

This refers to the Federal governmental lead action agency initiating consultation; select FHWA, FRA or FTA as appropriate.

3. Requesting agency:

This refers to the transportation agency completing the form (it may or may not be the same as the Lead Agency).

Name:

Title:

Phone:

Email:

4. Consultation code¹:

5. Project name(s):

6. Project description:

Please attach additional documentation or explanatory text if necessary

7. Project location (county, state):

If not delineated in IPaC, attach shape files

8. For species **other than Indiana bat and NLEB** (from IPaC official species list):

No effect – project(s) are inside the range, but no suitable habitat (see additional information attached).

May affect – see additional information provided for those species (see attached or forthcoming).

Please confirm and identify how the proposed project(s) adhere to the criteria of the BO by completing the following (see User Guide Section 2.0):

¹ Available through IPaC System Official Species List: <https://ecos.fws.gov/ipac/>

NO EFFECT

9. For Indiana bat/NLEB, if applicable, select your no effect determination:

No effect – project(s) are outside the species' range. *submittal form complete*

No effect – project(s) are inside the species range with no suitable **summer** habitat; project(s) must also be greater than 0.5 miles from any hibernaculum unless meeting exceptions listed below. *submittal form complete*

No effect – project(s) do not involve any construction activities (e.g., bridge/**abandoned structure** assessments, property inspections, planning and technical studies, property sales, property easements, and equipment purchases). *submittal form complete*

No effect – project(s) are completely within existing road/rail surface and do not involve percussive or other activities that increase noise above existing traffic/background levels (e.g., road line painting). *submittal form complete*

No effect - project(s) are outside suitable summer bat habitat and limited to the maintenance of existing facilities (e.g., rest areas, stormwater detention basins) with no new ground disturbance.

No effect – project(s) includes maintenance, alteration, or **removal** of bridge(s)/structure(s) and indicate(s) no signs of bats from results of a bridge/**abandoned** structure assessment. *submittal form complete*
Otherwise, please continue below.

MAY AFFECT, NOT LIKELY TO ADVERSELY EFFECT – W/O AMMS

10. For Indiana bat/NLEB, if applicable, select your may affect, NLAA determination (without implementation of AMMs):

NLAA – project(s) are inside the species range and within suitable bat habitat, but **negative** bat presence/absence (P/A) surveys; must also be greater than 0.5 miles from any hibernaculum. *submittal form complete*

NLAA – project(s) are within 300 feet of the existing road/rail surface and in area that contain suitable habitat (but no documented habitat) that do not involve tree removal, but include percussives or other activities that increase noise above existing traffic/background levels (must also be greater than 0.5 miles of a hibernaculum). *submittal form complete*

NLAA – project(s) are limited to slash pile burning (**must also be greater than 0.5 miles from any hibernaculum**). *submittal form complete*

NLAA – project(s) are limited to wetland or stream protection activities associated

with compensatory wetland mitigation that do not clear suitable habitat (**must also be greater than 0.5 miles from any hibernaculum**). *submittal form complete*

NLAA – project(s) *anywhere*, including within 0.5 mile of hibernacula, with suitable summer bat habitat present that are limited to the maintenance of existing facilities (e.g., rest areas, stormwater detention basins) with no new ground disturbance or tree removal/trimming. *submittal form complete*

Otherwise, please continue below.

MAY EFFECT, NOT LIKELY TO ADVERSELY AFFECT – WITH AMMs

11. For Indiana bat/NLEB, if applicable, document your may affect, NLAA determination by completing the following section (**with implementation of AMMs**; use #13 to document AMMs).

Affected Resource/Habitat Type:

a. Trees

Verify that all tree removal occurs greater than 0.5 mile from any hibernaculum

Verify that the project is within 100 feet of existing road/rail surfaces

Verify that no documented Indiana bat and/or NLEB roosts and/or surrounding summer habitat within 0.25 mile of documented roosts will be impacted

Verify that all tree removal will occur outside the active season (i.e., will occur in winter)²:

Acres of trees proposed for removal:

b. Bridge/Structure Work Projects

Proposed work:

Timing of work:

Evidence of bat activity on/in bridge/structure? Yes: No:

Verify that work will be conducted outside the active season, or if during the active season, verify that no roosting bats will be harmed or disturbed in any way

Verify that work will not alter roosting potential in any way

² Coordinate with the local Service Field Office for appropriate dates

Verify that all applicable lighting minimization measures will be implemented

MAY AFFECT, LIKELY TO ADVERSELY AFFECT

12. For Indiana bat/NLEB, if applicable, document your may affect, LAA determination by completing the following section (use #13 to document AMMs).

Affected Resource/Habitat Type:

a. Trees

Verify that all tree removal occurs greater than 0.5 mile from any hibernaculum

Project Location:

0-100 feet from edge of existing road/rail surface

100-300 feet from edge of existing road/rail surface

Verify that no documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted between May 1 and July 31

Verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31

Timing of tree removal:

Acres of trees proposed for removal:

b. Bridge/Structure Work Projects

Proposed work:

Timing of work:

Verify no signs of a colony

Verify that work will not alter roosting potential in any way

13. For Indiana bat/NLEB, **if applicable to the action type**, the following AMMs will be implemented³ unless P/A surveys and/or bridge/**abandoned** structure assessments⁴ **have occurred to** document that the species are not likely to be present:

General AMM 1 (required for all projects):

³ See AMMs Fact Sheet (Appendix C) for more information on AMMs

⁴ Structure assessment for occupied buildings means a cursory inspection for bat use. For abandoned buildings a more thorough evaluation is required (See User Guide Appendix D for bridge/abandoned structure assessment guidance).

Tree Removal AMM 1
Tree Removal AMM 2 (required for NLAA)
Tree Removal AMM 3 (required for all projects)
Tree Removal AMM 4 (required for NLAA)
Tree Removal AMM 5 (required for LAA)
Tree Removal AMM 6 (required for LAA)
Tree Removal AMM 7 (required for LAA)

Bridge AMM 1
Bridge AMM 2 (required for all projects during active season)
Bridge AMM 3 (required for NLAA during active season)
Bridge AMM 4 (required for NLAA during active season)
Bridge AMM 5 (required for all projects)

Structure AMMs are required for all Indiana bat projects, required for NLAA NLEB projects.

Structure AMM 1
Structure AMM 2
Structure AMM 3
Structure AMM 4

Lighting AMM 1 (required for all projects during the active season)
Lighting AMM 2 (required for all projects)

Hibernacula AMM 1 (required for all projects)

14. For Indiana bat, if applicable, compensatory mitigation measures will also be required to offset adverse effects on the species (see Section 2.10 of the BA). Please verify the mechanism in which compensatory mitigation will be implemented and that sufficient information is provided to the Service.

Range-wide In-Lieu Fee Program, The Conservation Fund

State, Regional, Recovery Unit-Specific In-Lieu Fee Program

Name:

Conservation Bank

Name:

Location:

Local Conservation Site(s)

Name:

Location:

Description:

APPENDIX D: Bridge/Structure Assessment Form

This form will be completed and submitted to the District Environmental Manager by the Contractor prior to conducting any work below the deck surface either from the underside; from activities above that bore down to the underside; from activities that could impact expansion joints; from deck removal on bridges; or from structure demolition for bridges/structures within 1000 feet of suitable bat habitat.

DOT Project # 040622	Water Body Whitzen Hollow Creek	Date/Time of Inspection 9/28/2016	Within 1,000ft of suitable bat habitat (circle one) <input checked="" type="radio"/> Yes <input type="radio"/> No
--------------------------------	---	---	--

Route 59	County Crawford	Federal Structure ID Bridge# 2813
--------------------	---------------------------	---

If the bridge/structure is 1,000 feet or more from suitable bat habitat (e.g., an urban or agricultural area without suitable foraging habitat or corridors linking the bridge to suitable foraging habitat), check box and STOP HERE. No assessment required.

Please submit to the U.S. Fish and Wildlife Service.

Areas Inspected (Check all that apply)

Bridges		Culverts/Other Structures		Summary Info (circle all that apply)			
All vertical crevices sealed at the top and 0.5-1.25" wide & ≥4" deep	<input checked="" type="checkbox"/>	Crevices, rough surfaces or imperfections in concrete		Human disturbance or traffic under bridge/in culvert or at the structure	High	<input checked="" type="radio"/> Low	None
All crevices >12" deep & not sealed	<input checked="" type="checkbox"/>	Spaces between walls, ceiling joists		Possible corridors for netting	None/poor	Marginal	Excellent
All guardrails	<input checked="" type="checkbox"/>						
All expansion joints	<input checked="" type="checkbox"/>						
Spaces between concrete end walls and the bridge deck	<input checked="" type="checkbox"/>						

Last Revised May 31, 2017

Vertical surfaces on concrete I-beams	✓						
---------------------------------------	---	--	--	--	--	--	--

Evidence of Bats (Circle all that apply) Presence of one or more indicators is sufficient evidence that bats may be using the structure.

None

Visual (e.g. survey, thermal, emergent etc.)

- Live __ number seen
- Dead __ number seen

Photo documentation Y/N

Guano

Odor Y/N

Photo documentation Y/N

Staining definitively from bats

Photo documentation Y/N

Audible

Assessment Conducted By: <u>Kayti Ewing</u> Signature(s): <u><i>Kayti Ewing</i></u>
District Environmental Use Only: Date Received by District Environmental Manager: _____

DOT Bat Assessment Form Instructions

1. Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges, regardless of whether assessments have been conducted in the past.
2. Any bridge/structure suspected of providing habitat for any species of bat will be removed from work schedules until such time that the DOT has coordinated with the USFWS. Additional studies may be undertaken by the DOT to determine what species may be utilizing each structure identified as supporting bats prior to allowing any work to proceed.
3. Any questions should be directed to the District Environmental Manager.

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service’s (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:

	YES	NO
1. Does the project occur wholly outside of the WNS Zone ¹ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency ² to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³ (Name, Email, Phone No.): Kayti Ewing, anne.ewing@ardot.gov, 501-569-2083

Project Name: 040622, Washington Co. Line-South Strs. & Apprs.

Project Location (include coordinates if known): Crawford County, 35.692860°, -94.467589°

Basic Project Description (provide narrative below or attach additional information): ArDOT plans to replace the existing Highway 59 bridge over Whizzen Hollow Creek (Bridge# 2813) on existing location. Site 3 is located within the Ozark National Forest. A temporary detour will be required for the maintenance of traffic; the detour will go to the north of the existing bridge and east of Highway 59. See kmz design file for more detailed information. A winter clearing restriction will be placed on the job.

¹ <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

² See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

YES NO

General Project Information

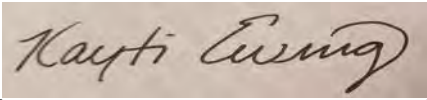
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	~ 2.1 acre	
If known, estimated acres ⁵ of forest conversion from April 1 to October 31	0	
If known, estimated acres of forest conversion from June 1 to July 31 ⁶	0	
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature:  Date Submitted: 10/19/2017

⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 040622 FAP Number STPR-0072(46)

Job Title Washington Co. Line – South Strs. & Apprs. (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Traffic maintained during construction
Cultural Resources	X			
Economic	X			
Endangered Species		X		Multiple effect determinations: see CE/BE
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife		X		Minor loss of habitat
Floodplains		X		SFHA Zone A
Forest Service Property		X		OSFNF: 0.03 acre ROW, 0.29 acre TCE
Hazardous Materials/Landfills	X			
Land Use Impacts		X		4.6 acres proposed ROW, 1.3 acre TCE
Migratory Birds		X		Migratory bird SP added to contract
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland		X		4.45 acres prime, 0.01 acre statewide imp.
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocatees	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts		X		
Stream Impacts		X		Multiple waterways impacted: see CE
Water Quality		X		Temporary during construction
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type Nationwide #14

Remarks: _____

Signature of Evaluator *Sierra Stafford* Date May 7, 2018

ROADWAY DESIGN REQUEST

Job Number 040622 FAP No. STPR-0072(46) County Crawford

Job Name Washington County Line – South Strs. & Apprs. (S)

Design Engineer Primary Design Environmental Staff _____

Brief Project Description Replace four (4) Bridge structures with new bridges

A. Existing Conditions:

Roadway Width: 20' Shoulder Type/Width: 4'

Number of Lanes and Width: 2-10' Existing Right-of-Way: 90'

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 40' Shoulder Type/Width: Paved 8'

Number of Lanes and Width: 2-12' Proposed Right-of-Way: 100'

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: Detours on sites 1,3 & 4 Length: Total Length 3250'

D. Design Traffic Data:

2020 ADT: 2000 2040 ADT: 2400 % Trucks: 22
 Design Speed: 40 mph Site 1, & 50 mph Sites 2,3,& 4 m.p.h.

E. Approximate total length of project: 0.812 mile(s)

F. Justification for proposed improvements: Structurally Deficient

G. Total Relocates: N/A Residences: _____ Businesses: _____

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date

BRIDGE INFORMATION – PRELIMINARY

Job Number: 040622 FAP Number: STRP-0072(46) County: Crawford
 Job Name: Washington County Line – South Strs. & Apprs. (S)
 Design Engineer: Korey Pough Environmental Staff: Kayti Ewing

A. Description of Existing Bridge:

1. Bridge Number 02815 over Mountain Fork Tributary Creek (Site 1)
2. Location: Rte.: 59 Section: 5 Log Mile: 0.18
3. Length: 90 ft Br. Rdwy. Width: 22 ft Deck Width (Out-to-Out): 24 ft
4. Type Construction: (5) – 18' RC slab spans supported by concrete column and spread footings.
5. Deficiencies: Cracking and section loss along full length of deck. Map cracking and efflorescence visible at abutments and interior bents. Light abrasion at the base of column
6. HBRRP Eligibility: Qualif. Code: SD Sufficiency Rating: 30.5
7. Are any Condition Component Ratings at 3 or less? Yes

B. Proposed Improvements:

1. Length: 122.17 ft Br. Rdwy. Width: 40 ft Deck Width (Out-to-Out): 43.17 ft
2. Travel Lanes: (2) – 12' Lanes
3. Shoulder Width: 8' Shoulders
4. Sidewalks? N/A Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: Same Location
2. Superstructure Type: Cont. Comp. Prestressed Concrete Girder Unit Type II
3. Span Lengths: 40' – 40' – 40'
4. Substructure Type: Steel trestle pile end bents and multi-column intermediate bents on spread footings.
5. Ordinary High Water Elev. (OHW): 1086' No. of Bents inside OHW Contours: 2
6. Concrete Vol. below OHW: TBD yd³ Vol. Bent Excavation: _____ yd³ Vol. Backfill _____ yd³
7. Is Channel Excavation below OHW Required? No Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? No Surface Area: _____ ft² Volume: _____ yd³
9. Is Riprap below OHW Required? No Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? Yes Location: TBD Top Width: _____ ft
2. Is Fill below OHW required? TBD Surface Area: _____ ft² Volume _____ yd³
3. Are Pipes required to meet Backwater Criteria? TBD Waterway Opening: _____ ft²

E. Detour Information:

1. Is a detour bridge required? Yes Location in relation to Existing Br.: 50' Downstream
2. Length: 93 ft Br. Rdwy. Width: 24 ft Deck Elevation: 1096.6'
3. Volume of Fill below OHW: TBD yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? No

Agency	Person Contacted	Date

BRIDGE INFORMATION – PRELIMINARY

Job Number: 040622 FAP Number STRP-0072(46) County: Crawford
 Job Name: Washington County Line – South Strs. & Apprs. (S)
 Design Engineer: Korey Pough Environmental Staff: Kayti Ewing

A. Description of Existing Bridge:

1. Bridge Number 02814 over Mountain Fork Creek (Site 2)
2. Location: Rte.: 59 Section: 5 Log Mile: 3.729
3. Length: 108 ft Br. Rdwy. Width: 22 ft Deck Width (Out-to-Out): 24 ft
5. Type Construction: (6) – 18' RC slab spans supported by concrete column and spread footings.
5. Deficiencies: Cracking, section loss, and exposed rebar along deck. Map cracking and efflorescence visible at Abutments. Light abrasion with shallow spalls at the base of columns
6. HBRRP Eligibility: Qualif. Code: FO Sufficiency Rating: 51.7
7. Are any Condition Component Ratings at 3 or less? Yes

B. Proposed Improvements:

1. Length: 132.17 ft Br. Rdwy. Width: 40 ft Deck Width (Out-to-Out): 43.17 ft
2. Travel Lanes: (2) – 12' Lanes
3. Shoulder Width: 8' Shoulders
4. Sidewalks? N/A Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: Approx. 50 ft Down Stream
5. Superstructure Type: Cont. Comp. Prestressed Concrete Girder Unit Type II
6. Span Lengths: 40' – 50' – 40'
7. Substructure Type: Steel trestle pile end bents and multi-column intermediate bents on spread footings.
5. Ordinary High Water Elev. (OHW): 873' No. of Bents inside OHW Contours: 2
6. Concrete Vol. below OHW: TBD yd³ Vol. Bent Excavation: _____ yd³ Vol. Backfill _____ yd³
7. Is Channel Excavation below OHW Required? No Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? TBD Surface Area: _____ ft² Volume: _____ yd³
10. Is Riprap below OHW Required? TBD Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? Yes Location: TBD Top Width: _____ ft
2. Is Fill below OHW required? TBD Surface Area: _____ ft² Volume _____ yd³
3. Are Pipes required to meet Backwater Criteria? TBD Waterway Opening: _____ ft²

E. Detour Information:

1. Is a detour bridge required? No Location in relation to Existing Br.: _____
2. Length: _____ ft Br. Rdwy. Width: _____ ft Deck Elevation: _____
3. Volume of Fill below OHW: _____ yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? No

Agency	Person Contacted	Date

BRIDGE INFORMATION – PRELIMINARY

Job Number: 040622 FAP Number: STRP-0072(46) County: Crawford
 Job Name: Washington County Line – South Strs. & Apprs. (S)
 Design Engineer: Korey Pough Environmental Staff: Kayti Ewing

A. Description of Existing Bridge:

1. Bridge Number 02813 over Whitzen Hollow Creek (Site 3)
2. Location: Rte.: 59 Section: 5 Log Mile: 5.069
3. Length: 108 ft Br. Rdwy. Width: 22 ft Deck Width (Out-to-Out): 24 ft
6. Type Construction: (6) 18' RC slab spans supported by concrete column and spread footings.
5. Deficiencies: Map cracking on Asphalt. Exposed rebar and efflorescence is visible on undersurface of deck. Map cracking and spalling with heavy efflorescence visible at interior bents. Light abrasion with spalling at base of columns.
6. HBRRP Eligibility: Qualif. Code: SD Sufficiency Rating: 33.2
7. Are any Condition Component Ratings at 3 or less? Yes

B. Proposed Improvements:

1. Length: 132.17 ft Br. Rdwy. Width: 40 ft Deck Width (Out-to-Out): 43.17 ft
2. Travel Lanes: (2) – 12' Lanes
3. Shoulder Width: 8' Shoulders
4. Sidewalks? N/A Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: Same Location
8. Superstructure Type: Cont. Comp. Prestressed Concrete Girder Unit Type II
9. Span Lengths: 40' – 50' – 40'
10. Substructure Type: Steel trestle pile end bents and multi-column intermediate bents on spread footings.
5. Ordinary High Water Elev. (OHW): 818' No. of Bents inside OHW Contours: 1
6. Concrete Vol. below OHW: TBD yd³ Vol. Bent Excavation: _____ yd³ Vol. Backfill _____ yd³
7. Is Channel Excavation below OHW Required? No Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? No Surface Area: _____ ft² Volume: _____ yd³
11. Is Riprap below OHW Required? No Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? Yes Location: TBD Top Width: _____ ft
2. Is Fill below OHW required? TBD Surface Area: _____ ft² Volume _____ yd³
3. Are Pipes required to meet Backwater Criteria? TBD Waterway Opening: _____ ft²

E. Detour Information:

1. Is a detour bridge required? Yes Location in relation to Existing Br.: 50' Upstream
2. Length: 93 ft Br. Rdwy. Width: 24 ft Deck Elevation: 830.13'
3. Volume of Fill below OHW: NA yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? No

Agency	Person Contacted	Date

Date Submitted to Environmental Division: 11/1/2017

BRIDGE INFORMATION – PRELIMINARY

Job Number: 040622 FAP Number: STRP-0072(46) County: Crawford

Job Name: Washington County Line – South Strs. & Apprs. (S)

Design Engineer: Korey Pough Environmental Staff: Kayti Ewing

A. Description of Existing Bridge:

1. Bridge Number 02621 over Huey Creek (Site 4)
2. Location: Rte.: 59 Section: 5 Log Mile: 7.05
3. Length: 63 ft Br. Rdwy. Width: 24 ft Deck Width (Out-to-Out): 26 ft
7. Type Construction: (4) concrete deck and steel I-Beam spans on concrete piers and spread footings.
5. Deficiencies: Transverse cracks over deck joints and minor map cracking in areas along deck. Active corrosion along length of beams with section loss at beam ends. Map cracking and concrete deterioration with efflorescence at interior bents.
6. HBRRP Eligibility: Qualif. Code: SD Sufficiency Rating: 9.0
7. Are any Condition Component Ratings at 3 or less? Yes

B. Proposed Improvements:

1. Length: 122.17 ft Br. Rdwy. Width: 40 ft Deck Width (Out-to-Out): 43.17 ft
2. Travel Lanes: (2) – 12' Lanes
3. Shoulder Width: 8' Shoulders
4. Sidewalks? N/A Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: Same Location
11. Superstructure Type: Cont. Comp. Prestressed Concrete Girder Unit Type II
12. Span Lengths: 40' – 40' – 40'
13. Substructure Type: Steel trestle pile end bents and multi-column intermediate bents on spread footings.
5. Ordinary High Water Elev. (OHW): 765' No. of Bents inside OHW Contours: 2
6. Concrete Vol. below OHW: TBD yd³ Vol. Bent Excavation: _____ yd³ Vol. Backfill _____ yd³
7. Is Channel Excavation below OHW Required? No Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? No Surface Area: _____ ft² Volume: _____ yd³
12. Is Riprap below OHW Required? No Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? Yes Location: TBD Top Width: _____ ft
2. Is Fill below OHW required? TBD Surface Area: _____ ft² Volume _____ yd³
3. Are Pipes required to meet Backwater Criteria? TBD Waterway Opening: _____ ft²

E. Detour Information:

1. Is a detour bridge required? Yes Location in relation to Existing Br.: 50' Upstream
2. Length: 75 ft Br. Rdwy. Width: 24 ft Deck Elevation: 778.42'
3. Volume of Fill below OHW: NA yd³ Surface Area: _____ ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? No

Agency	Person Contacted	Date



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil

June 12, 2020

Regulatory Division

NATIONWIDE PERMIT NO. MVK 2020-00062

Mr. John Fleming
Division Head, Environmental Division
Arkansas Department of Transportation
PO Box 2261
Little Rock, Arkansas 72203-2261

Dear Mr. Fleming:

Please refer to your recent request concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act. You requested authorization for the placement of dredged and fill material in waters of the United States associated with replacing the bridge over Onion Creek and upgrading the approaches. The new bridge will be replaced on existing location with a quadruple concrete box culvert. The roadway will be closed during construction. The approaches for the bridge will be upgraded to two 11-foot-wide lanes with 2-foot-wide paved shoulders. Less than 300 linear feet and 0.1 acres of Onion Creek will be impacted and there are no wetland impacts. The project may affect but is not likely to adversely affect the American Burying Beetle (*Nicrophorus americanus*). The project is within the scope of the Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis septentrionalis*). The project may affect the Northern Long-eared bat; however, any take that may occur as a result of the project is not prohibited under the Endangered Species Act Section 4(d) rule. There are no impacts to cultural resources. The project is located on State Highway 252, approximately five miles northeast of Lavaca, in section 8, T. 8 N., R. 29 W., Sebastian County, Arkansas. A vicinity map and project location maps are enclosed.

The proposed activities are authorized by Department of the Army Nationwide Permit (NWP) No. 14 (copy enclosed), provided that the General Conditions therein and the **Special Condition** below are met. For your convenience, we have highlighted the General Conditions of the NWP that are the most pertinent to your project. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the project, you should submit revised plans to this office for approval before construction of the change begins.

Special Condition:

ArDOT agrees to prohibit the clearing of trees between April 1 and November 15 to avoid impacts to the Indiana Bat and Northern Long-eared Bat.

Please pay particular attention to General Condition No. 12 which stipulates that appropriate erosion and siltation controls be used during construction and all exposed soil be permanently stabilized. Erosion control measures must be implemented before, during and after construction. If you have any questions concerning compliance with the conditions of the individual Section 401 WQC certification, you should contact Mr. Jim Wise or Ms. Melanie Treat at the ADEQ, Water Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118, telephone (501) 682-0040.

Also, in order to fully comply with the conditions of the NWP, you must submit the enclosed compliance certification within 30 days of completion of the project. This is required pursuant to General Condition No. 30 of the permit.

The NWP determination will be valid until March 18, 2022. If NWP **No. 14** is modified, suspended, or revoked during this period, your project may not be authorized unless you have begun or are under contract to begin the project. If work has started or the work is under contract, you would then have twelve (12) months to complete the work.

Your cooperation in the Regulatory Program is appreciated. If you have any additional questions about this permit or any of its provisions, please contact Mr. Johnny McLean at (501) 324-5295 and refer to Permit No. **SWL 2020-00062, ArDOT - Onion Creek Structures and Approaches on State Highway 252 near Lavaca (ArDOT Job No. 040819).**

Sincerely,


Sarah Chitwood
Chief, Regulatory Division

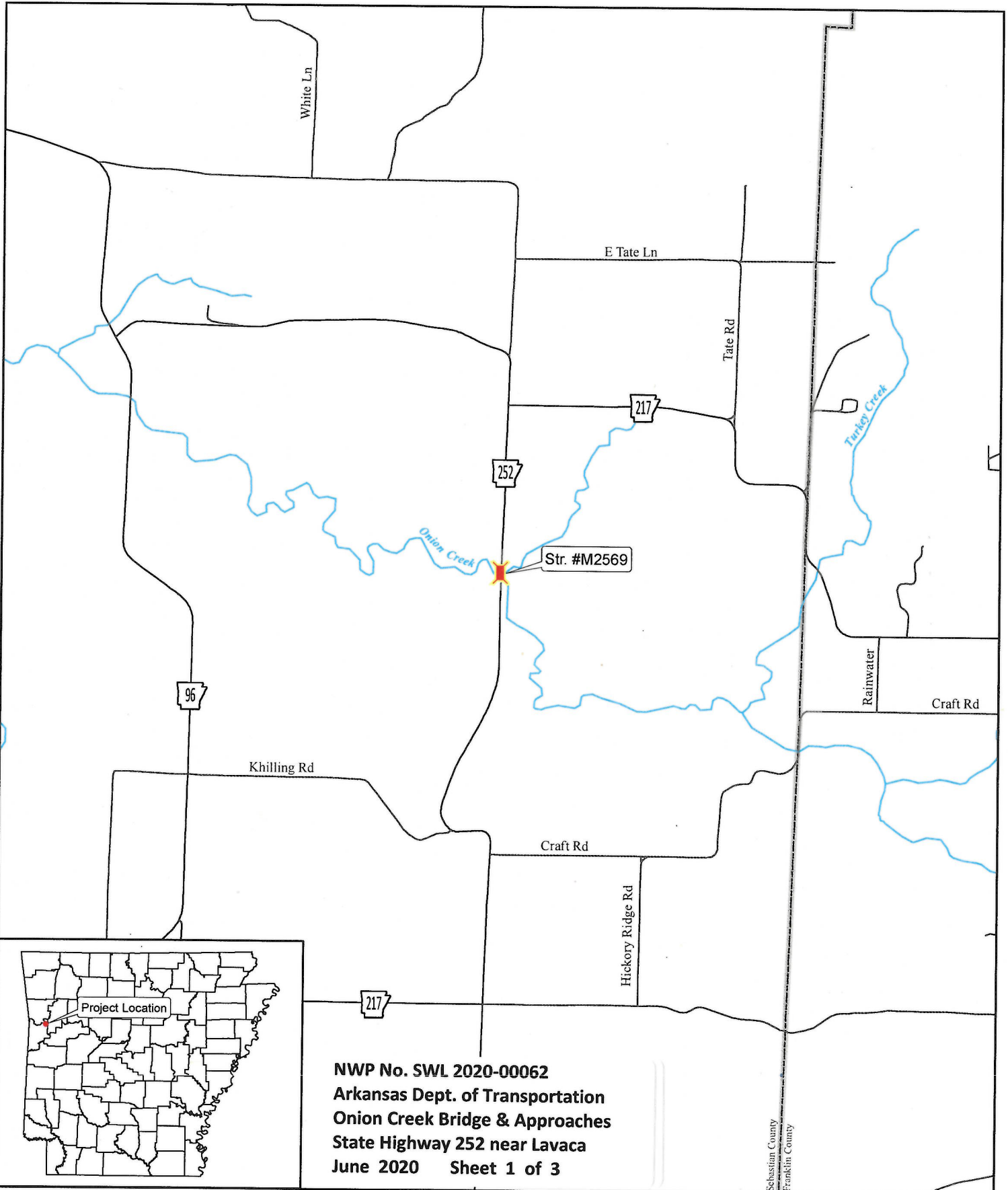
Enclosures

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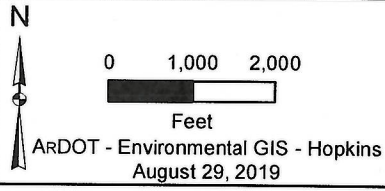
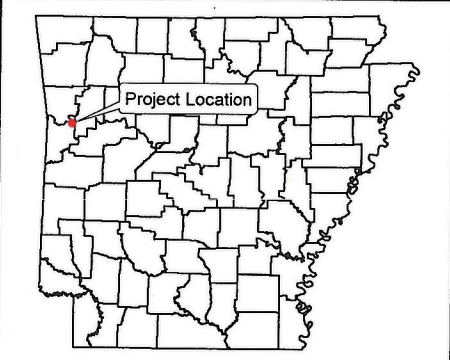
Ms. Melanie Treat, Arkansas Department of Environmental Quality, w/cy encls.

Mr. Lindsey Lewis, U.S. Fish & Wildlife Service, w/cy encls.

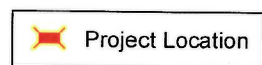
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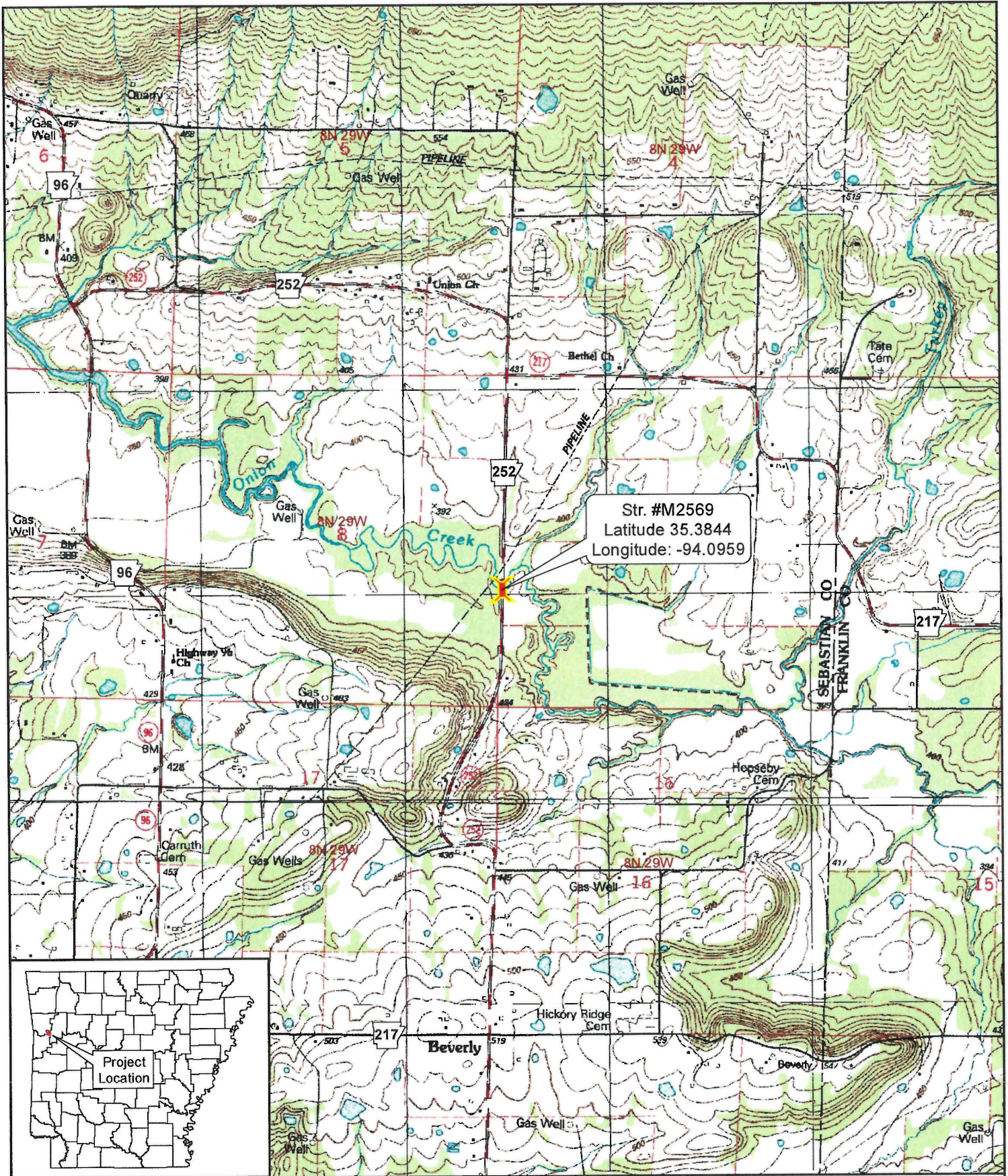


NWP No. SWL 2020-00062
Arkansas Dept. of Transportation
Onion Creek Bridge & Approaches
State Highway 252 near Lavaca
June 2020 Sheet 1 of 3

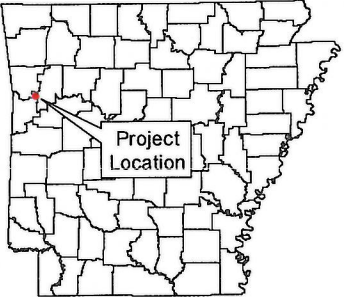


Job 040778
 Onion Creek Str. & Apprs.
 (Hwy. 252)
 Sebastian County





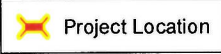
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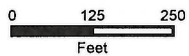
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Job 040778
 Onion Creek Str. & Apprs.
 (Hwy. 252)
 Sebastian County

Sheet 2 of 3



USGS Topographic Map:
 Mulberry 1995



Job 040778

ARDOT - Environmental GIS - Reed
May 28, 2019

Figure 2.
Area Surveyed

Sheet 3 of 3



Photography Date: January 2017

PERMITTEE COMPLIANCE CERTIFICATION

PERMIT NO.: SWL 2020-00062

NWP/S NO.: 14

PERMITTEE NAME: SWL 2020-00062, ArDOT - Onion Creek Structures and Approaches on State Highway 252 near Lavaca (ArDOT Job No. 040819)

DATE OF ISSUANCE: _____

PROJECT MANAGER: Johnny McLean

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

**US Army Corps of Engineers, Little Rock
ATTENTION: CESWL-RD
PO Box 867
Little Rock, Arkansas 72203-0867**

Please note that your permitted activity is subject to a compliance inspection by a US Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

DATE WORK COMPLETED: _____

SIGNATURE OF PERMITTEE

DATE

Nationwide Permit No. 14

Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

- 1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status,

unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin

work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(d) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(e) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been

submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal

lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for

the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is

provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN)

as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;
(2) Location of the proposed activity;
(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and

other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and
(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

District Engineer's Decision

In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for

in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

1. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

3. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31)

ADEQ

A R K A N S A S
Department of Environmental Quality

MAR 16 2017

Colonel Robert G. Dixon
District Commander
U.S. Army Corps of Engineers
P.O. Box 867
Little Rock, Arkansas 72203-0867

RE: Public Notice: Re-issuance of Nationwide Permits

Dear Colonel Dixon:

The Arkansas Department of Environmental Quality (ADEQ) has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers Nationwide Permits (NWP) for the State of Arkansas.

ADEQ has determined that there is a reasonable assurance that the activities covered under most these NWP will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Therefore, pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for all NWP with the exception of NWP 14, 29, and 43, contingent upon the following conditions:

- 1) An individual water quality certification request must be submitted to ADEQ for Activities which may impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural Scenic Waterways and their tributaries (within 1 mile) as defined in Regulation No. 2, Water Quality Standards.
- 2) The applicant shall contact ADEQ to determine if a Short Term Activity Authorization (STAA) is needed when performing work in the wetted area of any waterbody. More information can be obtained by contacting the Water Division Planning Section of ADEQ at 501-682-0946.
- 3) The applicant shall implement all practicable best management practices (BMP) to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 4) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact ADEQ immediately.
- 5) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.

- 6) If a construction site will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Reg.6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Regulation No. 6. If the construction site will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit Number ARR 150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of ADEQ at (501) 682-0621.

For NWP 14, 29, and 43, where a Pre-Construction Notification (PCN) is required, in addition to conditions 1-6 listed above, an individual water quality certification request must be submitted to ADEQ in cases and the activity occurs in:

- a. Waterbodies on the most currently approved 303(d) list for turbidity/siltation, including tributaries of the listed stream (within 1 mile) and waters upstream of the listed segment (within 1 mile).
- b. Waterbodies with an approved Total Maximum Daily Load (TMDL) for turbidity/siltation, including their tributaries (within 1 mile) and waters upstream of the listed segment (within 1 mile).

If you have additional questions regarding this certification, please contact Ms. Lazendra Hairston at (501) 682-0946.

Sincerely,



Caleb Osborne
Associate Director, Office of Water Quality

cc: Elaine Edwards, Chief Regulatory Division USACE
Jim Ellis, Project Manager USACE
Wanda Boyd, U.S. EPA,