

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 31, 2018

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

> Re: Job Number 061442 FAP Number HSIP-0062(39) Garland Co. Line – Benton (Safety Impvts.) (S) Route 5, Section 7 Saline County Tier 3 Categorical Exclusion

Dear Mr. Correa:

The ARDOT Environmental Division reviewed the referenced project and, in consultation with the FHWA, determined it falls within the definition of a Categorical Exclusion as described by 23 CFR 771.117(a) and (d)(13). 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 improve safety on Highway 5 in Saline County between the Garland County line and the City of Benton. Proposed improvements include: widening shoulders and clear zones, realigning or flattening nine curves, correcting super elevations, extending or constructing seven box culverts and seven pipe culverts, and removing two pipe culverts. Comprised of five separate sites, the total project length is approximately 2.9 miles. A project location map is enclosed.

The existing and proposed cross sections are summarized in the table below. The existing travel lanes and shoulders are paved, and the proposed travel lanes and shoulders will be paved. The existing right of way width averages 60'. The proposed right of way width will average 270'. A total of 10.68 acres of additional right of way and 3.06 acres of temporary construction easement will be required for this project.

Job Number 061442 Tier 3 Categorical Exclusion Page 2 of 4

	Site 1	Site 2	Site 3	Site 4	Site 5
Existing Cross Section	12' lanes w/ 4'shoulders	11' lanes w/ 4' shoulders	10' lanes w/ 4' shoulders	10' lanes w/ 4' shoulders	11' lanes w/ 4' shoulders
Proposed Cross Section	12' lanes w/ 4' shoulders	11' lanes w/ 4' shoulders	10' lanes w/ 6' shoulders	10' lanes w/ 6' shoulders	11' lanes w/ 4' shoulders
Proposed new ROW	1.67 acres	5.60 acres	0.75 acre	2.00 acres	0.66 acre
Box and Pipe Culverts	Extensions	Extensions; Removal; Construction	Extension	Extensions	Extensions; Removal; Construction
Super Elevations and Curves	Super elevation correction	Combination of realignment and flattening of five curves; super elevation correction	Flattening one curve	Flattening one curve	Flattening two curves

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed (mph)
2018	4,000	3	55 (Sites 1-3) 45 (Sites 4-5)
2038	5,400	3	55 (Sites 1-3) 45 (Sites 4-5)

No wetlands, environmental justice issues, relocations, adverse community impacts, hazardous materials/landfills, or underground storage tanks were identified. No cultural resources are associated with this project; State Historic Preservation Office clearance is enclosed. Approximately 3.65 acres of Farmland of Statewide Importance will be converted to highway right of way. Form NRCS-CPA-106 is enclosed.

Job Number 061442 Tier 3 Categorical Exclusion Page 3 of 4

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

The enclosed United States Fish and Wildlife Service's (USFWS) official species list identifies the following federally-listed species as potentially occurring within the project boundaries: northern long-eared bat (*Myotis septentrionalis*); Missouri bladderpod (*Physaria filiformis*); harperella (*Ptilimnium nodosum*); Arkansas Fatmucket (*Lampsilis powellii*); Pink Mucket (*Lampsilis abrupta*); Rabbitsfoot (*Theliderma cylindrica*); and Winged Mapleleaf (*Quadrula fragosa*). A "no effect" determination was made for the federally-listed plants and Winged Mapleleaf. A "may affect, not likely to adversely affect" determination was made for the remaining federally-listed mussel species. The USFWS concurred on October 24, 2018.

The Final 4(d) Rule applies to the project's activities that have the potential to affect northern long-eared bats. The Final 4(d) Rule exempts the incidental take of northern long-eared bats from take prohibitions in the Endangered Species Act. The exemptions apply as long as the activities do not occur within 0.25 mile of a known hibernaculum or within 150 feet of a known occupied maternity roost from June 1 to July 31. No known hibernacula or maternity roosts exist within the project limits; therefore, the project can proceed without restrictions. All offsite locations will require coordination with USFWS. The 4(d) Rule Streamlined Checklist is enclosed.

Stream impacts resulting from flattening/realigning curves, and extending or replacing box and pipe culverts are estimated at less than 0.1 acre at each of the five sites. Construction of the proposed project should be allowed under the terms of a Nationwide 14 Section 404 Permit for Linear Transportation Projects as defined in the Federal Register 82(4):1860-2008.

The Middle Fork and the Alum Fork of the Saline River are listed as Extraordinary Resource Waters and Ecologically Sensitive Waterbodies. The proximity of these streams will require an Individual Water Quality Certification, Water Pollution Control Special Provision (SP), and Vegetated Buffer SP. Site 5's proximity to public drinking water supplies will require a Drinking Water Protection SP.

Saline County participates in the National Flood Insurance Program. Sites 1, 3, 4, and 5 are located in Flood Zone X. The western portion of Site 2 is located in

Job Number 061442 Tier 3 Categorical Exclusion Page 4 of 4

Flood Zone X, while the eastern portion is located in Flood Zone A. 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 significant floodplain encroachment or a significant risk to property or life.

The synopsis of the Public Involvement meeting held on December 1, 2016 is enclosed. Additional community meetings were held on January 26, 2017 and September 13, 2018.

Aside from temporary construction-related impacts, no adverse environmental impacts were identified. The checklist used to verify consideration of all potential environmental impacts is enclosed.

Please contact the Environmental Division at 569-2281 if you have any questions.

APPROVED Environmental Specialist Federal Highway Administration 10/31/2018 Date:

Sincerely,

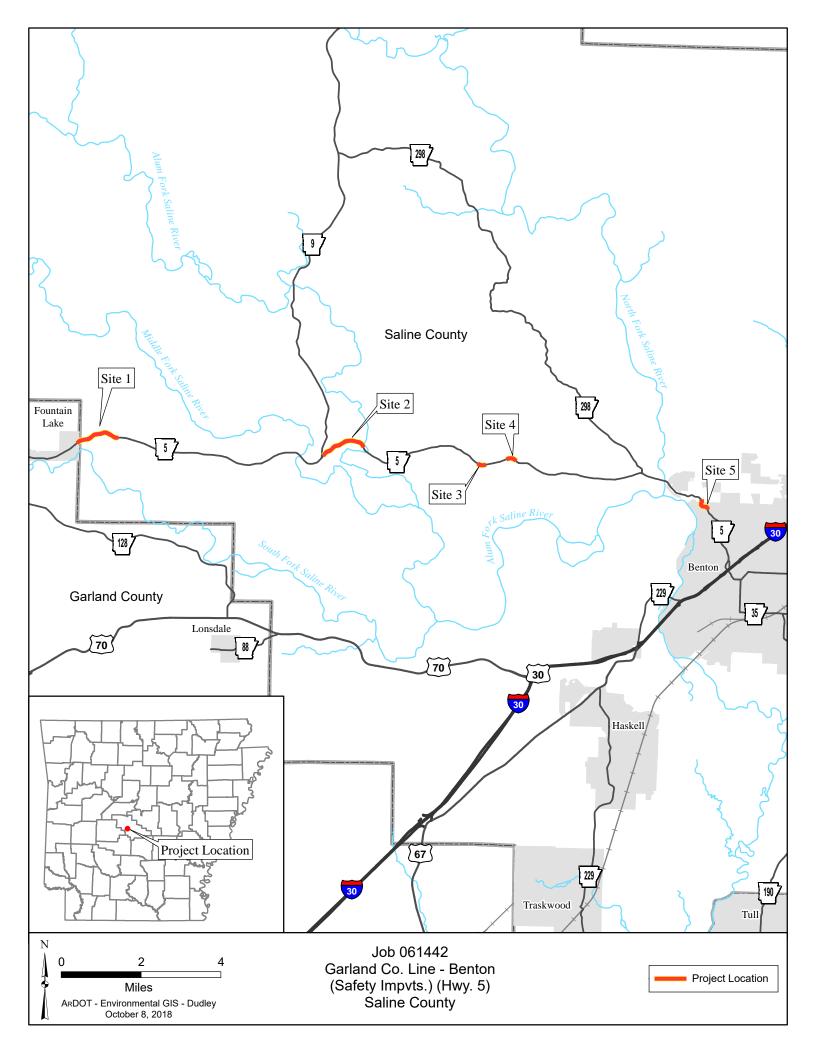
John Flening

John Fleming Division Head Environmental Division

Enclosures

JF:MP:mr

c: Program Management Right of Way Roadway Design District 6 Master File



ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Scott E. Bennett, P. E. Director Telephone (501) 569-2000 Voice/TTY 711



P.O. Box 2261 Little Rock, Arkansas 72203-2261 Telefax (501) 569-2400 www.arkansashighways.com

96855 of

FHWA

February 10, 2017

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

FEB 1 0 2017

RE: AHTD Job Number 061442 Garland County Line-Benton (Safety Impvts.)(S) Saline County

Dear Ms. Hurst:

This project proposes to widen shoulders and realign several curves on Hwy. 5 from the Garland County line to Benton, in Saline County.

Photographs, descriptions and a location map for the property are included so your staff may evaluate their eligibility for inclusion in the National Register of Historic Places. If you have any questions about the project, please contact Jason Eads of my staff at (501) 569-2181.

Sincerely,

John Fleming

John Fleming Division Head Environmental Division

Enclosure Request for Technical Assistance

JF:DW:JE:ym

RECEIVED AHTD



ENVIRONMENTAL DIVISION

FEB 1 3 2017

Date No known historic properties will be affected by this undertaking. This effected by this undertaking.

NRCS-CPA-106

(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Federal Agency) Job	3. Date of Land Evaluation Request 10/12/18 4. Sheet 1 of							
1. Name of Project Garland Co. Line – Benton (Safety Impvts.) (Hwy. 5)			5. Federal Agency Involved FHWA					
2. Type of Project Safety Improvements			6. County and State Saline AR.					
PART II (To be completed by NRCS)		1. Date I	Request Received by	NRCS	2. Person C	ompleting Form		
3. Does the corridor contain prime, unique statewide or local in	nportant farmland?	?			4. Acres Irrig	gated Average	Farm Size	
(If no, the FPPA does not apply - Do not complete additiona			YES NO			I		
5. Major Crop(s)	6. Farmable Lar	nd in Gover	nment Jurisdiction		7. Amount o	f Farmland As D	efined in FPPA	
	Acres:		%		Acres:		%	
8. Name Of Land Evaluation System Used	9. Name of Loca	al Site Asse	ssment System		10. Date Lar	d Evaluation Re	turned by NRCS	
DART III (To be completed by Federal Agency)	•		Alternative Corridor For Segment					
PART III (To be completed by Federal Agency)			Corridor A	Corr	idor 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 Evaluat	ion Information	า						
A. Total Acres Prime And Unique Farmland								
B. Total Acres Statewide And Local Important Farmland			3.65					
C. Percentage Of Farmland in County Or Local Govt. Uni	t To Be Converte	ed						
D. Percentage Of Farmland in Govt. Jurisdiction With Same	e Or Higher Relati	ve Value						
PART V (To be completed by NRCS) Land Evaluation Info value of Farmland to Be Serviced or Converted (Scale of		Relative						
PART VI (To be completed by Federal Agency) Corrido		Maximum						
Assessment Criteria (These criteria are explained in 7		Points						
1. Area in Nonurban Use		15	10					
2. Perimeter in Nonurban Use			5					
3. Percent Of Corridor Being Farmed		20	10					
4. Protection Provided By State And Local Governmen	t	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				<u> </u>	
8. On-Farm Investments		20	0					
9. Effects Of Conversion On Farm Support Services		25	0					
10. Compatibility With Existing Agricultural Use		10	0				ļ	
TOTAL CORRIDOR ASSESSMENT POINTS		160	30					
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 loca	l site	160	30					
X I of above 2 lines)		260	130					
ting 2. Total Acres of Farr Converted by Proj of Farmland of Sta Importance	ect: 3.65 acres	3. Date Of \$	Selection:	4. Was	A Local Site A	NO	d?	

5. Reason For Selection:

Signature of Person Completing this Part:

DATE

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

10/31/18



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 24, 2018

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

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ArDOT) Job Number 061442, Saline County, Arkansas. The project was described and assessed as follows (abbreviated):

The Arkansas Department of Transportation is proposing several safety improvements along Highway 5 in Saline County, including realignment of nine curves, tree removal at these select locations (the 5 sites), and extending, adding, removing box culverts and pipe culverts as needed to accommodate the new alignment. Approximately 13 acres of forested habitat will be removed for the proposed safety improvements along Highway 5. Past designs for this project had trees being removed along the entire 18-mile corridor, but ArDOT has minimized tree clearing to only the five sites where curve realignment will take place. Please see the attached kmz for the current proposed design.

The official species list obtained through USFWS' IPaC website identifies the threatened Northern Long-eared Bat (*Myotis septentrionalis*), the threatened Missouri Bladderpod (*Physaria filiformis*), the endangered Harperella (*Ptilimnium nodosum*), the threatened Arkansas Fatmucket (*Lampsilis powellii*), the endangered Pink Mucket (*Lampsilis abrupta*), the threatened Rabbitsfoot (*Theliderma cylindrica*), and the endangered Winged Mapleleaf (*Quadrula fragosa*).

A "no effect" determination has been made for the federally listed plant species due to lack of habitat in the project area; i.e., there are no glades or known occurrences of either plant in the project area. *Quadrula fragosa* is characterized as large river species and is not known to occur much further north than the Saline River; i.e., it is not known to occur in any of the Forks of the Saline River. Therefore, it is our determination that the project will have "no effect" on *Q. fragosa*.

Theliderma cylindrica and *Lampsilis abrupta* are characterized as large river species, while *Lampsilis powellii* is found in deep pools of small to medium sized

rivers (NatureServe Explorer 2018). Since the proposed ArDOT project will be working in and around waterbodies, we will ensure proper sediment and erosion controls are in place during construction to minimize sediment entering these tributaries of the Middle Fork and Alum Fork. Due to known occurrences within the Forks of the Saline River of *T. cylindrica, L. abrupta*, and L. powellii, it is our determination that the project "may affect, not likely to adversely affect" the federally listed mussel species.

Saline County is within the consultation area for the federally listed Northern Long-eared Bat. Approximately 13 acres of forested habitat will be cleared for the proposed project. The final 4(d) rule applies to the project's activities that have the potential to affect Northern Long-eared Bats. The final 4(d) rule exempts the incidental take of Northern Long-eared Bats from take prohibitions in the Endangered Species Act. The exemptions apply as long as the activities do not occur within 0.25 mile of a known hibernaculum or within 150 feet of a known occupied maternity roost from June 1 to July 31. No known hibernacula or maternity roosts exist within the project limits; therefore, the project can proceed without restrictions. All offsite locations will require separate coordination with USFWS. The 4(d) Rule Streamlined Checklist was attached.

Based on the location of this action, the minimal forested habitat being affected, the habitat being removed occurring within or immediately adjacent to existing road and right of way, the distance to known species locations and hibernacula, and application of standard sediment and erosion controls; the Service agrees with your assessment and concurs with your determinations for Arkansas Fatmucket, Pink Mucket, and Rabbitsfoot mussels. Additionally, the Service agrees with your assessment for all other species identified within your review. No further consultation regarding these species is necessary at this time.

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 ESA 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

Mr. John Fleming

office. If this project is not completed within one year of this letter, you must update your determination and resubmit the required information.

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\ArDOT Job# 061442\AFO Letter - ArDOT Job# 061442 - Comments.docx



United States Department of the Interior

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



In Reply Refer To: Consultation Code: 04ER1000-2019-SLI-0036 Event Code: 04ER1000-2019-E-00096 Project Name: 061442 Garland Co. Line - Benton (Safety Impvts.) (S) October 12, 2018

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 pr ovides an official species list and technical assistance; <u>if you determine that listed species</u> and/or designated critical habitat may be affected in any way by the pr <u>oposed pr oject, even if the effect is wholly beneficial, consultation with the Service will be necessary</u>.

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.

<u>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 endanger ed, thr eatened, pr oposed, and candidate species.</u> 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-str eam construction activities, oil and natural gas infrastructur e, road construction, transmission lines, or communication towers, please r eview our project specific guidance at <u>http://www.fws.gov/arkansas-es/IPaC/Pr ojSpec.html</u>.

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 <u>http://www.fws.gov/arkansas-es/IPaC/Karst.html</u> to determine if your project occurs in the karst r egion 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-ear ed Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may r equir e a pr esence/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 r esponsibility of the Federal action agency or its designated representative to determine if a pr oposed action "may affect" endanger ed, thr eatened, 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 r equest for consultation or corr espondence 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-0036
Event Code:	04ER1000-2019-E-00096
Project Name:	061442 Garland Co. Line - Benton (Safety Impvts.) (S)
Project Type:	TRANSPORTATION
Project Description:	Realign nine curves and remove trees at select locations along an 18.01 mile stretch of Highway 5 in Saline County. Box culverts and pipe culverts will be added, extended, or removed as needed to accommodate the new alignment.

Project Location:

Approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/place/34.60855677488012N92.66304257409688W</u>



Counties: Garland, AR | Saline, 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. <u>NOAA Fisheries</u>, 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 Myotis septentrionalis	Threatened
No critical habitat has been designated for this species.	
Species profile: https://ecos.fws.gov/ecp/species/9045	

Threatened

Clams

NAME	STATUS
Arkansas Fatmucket Lampsilis powellii No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/2213</u>	Threatened
Pink Mucket (pearlymussel) Lampsilis abrupta No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/7829</u>	Endangered
Rabbitsfoot Quadrula cylindrica cylindrica There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/5165</u>	Threatened
Winged Mapleleaf Quadrula fragosa Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/4127</u>	Endangered
Flowering Plants	
NAME	STATUS
Harperella Ptilimnium nodosum No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/3739</u>	Endangered

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

Critical habitats

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

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 longeared 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 ?		\boxtimes
 Have you contacted the appropriate agency² to determine if your project is near known hibernacula or maternity roost trees? 	\boxtimes	
3. Could the project disturb hibernating NLEBs in a known hibernaculum?		\boxtimes
4. Could the project alter the entrance or interior environment of a known hibernaculum?		\boxtimes
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?		\boxtimes
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.		\boxtimes

You are eligible to use this form if you have answered yes to question #1 <u>or</u> yes to question #2 <u>and</u> 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: 061442, Garland Co. Line – Benton (Safety Impvts.)(S)

Project Location (include coordinates if known): Saline County, multiple sites

Basic Project Description (provide narrative below or attach additional information): The Arkansas Department of Transportation is proposing to realign nine curves along Highway 5. The removal, addition and extension of box and pipe culverts will be done as needed to accommodate the new alignment. Approximately, X acres of forested habitat will be removed for construction of the safety improvements along Highway 5. Please see the attached kmz for the current proposed design.

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.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?		\boxtimes
Does the project occur within 150 feet of a known maternity roost tree?		\boxtimes
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	\boxtimes	
Estimated total acres of forest conversion	~ X	acre
If known, estimated acres ⁵ of forest conversion from April 1 to October 31	$\sim x$	acre
If known, estimated acres of forest conversion from June 1 to July 31 ⁶	$\sim x$	acre
Does the project include timber harvest? (if yes, report acreage below)		\boxtimes
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)		\boxtimes
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)		\boxtimes
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.

Kayti Ewing

Signature:

Date Submitted: __10/15/2018____

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.

PUBLIC INVOLVEMENT SYNOPSIS

Job Number 061442 Garland Co. Line-Benton Safety Impvts. (Hwy. 5) Saline County Thursday, December 1, 2016

An open forum Public Involvement meeting for the proposed project was held from 4:00 - 7:00 p.m. at the Kentucky Missionary Baptist Church, (Family Life Center), 7070 AR-5 in Benton on Thursday, December 1, 2016. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in *The Sentinel Record* on Sunday, November 27, 2016.
- Display advertisement placed in *The Saline County Courier* on Sunday, November 20, 2016; Sunday, November 27, 2016; and Thursday, December 1, 2016.
- Public Service Announcement to Cumulus Media, Power 92.3 FM, aired on Monday, November 28, 2016 through Thursday, December 1, 2016.
- Public Service Announcement to EZ Spanish Media, La Zeta 106.3, aired on Monday, November 28, 2016 through Thursday, December 1, 2016.
- Outreach letters mailed to Public Officials. Distribution of flyers in the project area.

The following information was available at the meeting for public review and comment:

- Displays of an aerial-based project location map (scale: 1 inch = 2,499 feet).
- Preliminary project design plans (scale: 1 inch = 100 feet).

Public handouts included a Citizen Comment Form and a small-scale project location map. Copies of the handouts are attached to this synopsis.

Table 1 summarizes public participation at the meeting.

TABLE 1	
Public Participation	Totals
Attendance at meeting (including AHTD staff)	73
Citizen Comment Forms received	22

AHTD staff reviewed and evaluated all comments received. The summary of comments listed below reflects the personal perception or opinion of the person or organization making the statement. The sequencing of the comments is random and is

Job Number 061442 – Public Involvement Synopsis December 1, 2016 Page 2 of 4

not intended to reflect importance or numerical values. Some of the comments were combined and/or paraphrased to simplify the synopsis process.

Table 2 provides a summary of responses to Citizen Comment Form questions.

TABLE 2	
Survey Results	Totals
Supports Hwy. 5 safety improvements	19
Does not support proposed Hwy. 5 safety improvements	0
Knowledge of historical, archeological, or cemetery sites	4
Knowledge of area environmental constraints	0
Home or property offers limitations to the project	4
Suggestions to better serve the needs of the community	11
Beneficial impacts due to the proposed project	4
Adverse impacts due to the proposed project	7

Comments regarding beneficial impacts included:

- Project will correct many sharp curves.
- Safety will be improved.
- Hot Springs Village will benefit.

Comments regarding adverse impacts included:

- Project will increase speeds and induce passing in unsafe areas in the absence of slow lanes.
- Loss of property frontage and trees.
- Excessive property will be taken.
- Site 1 proposes a driveway on property that does not belong to the affected business (Ouachita Hearth & Patio).
- Ouachita Hearth & Patio property owners will lose sign and parking spaces for other businesses.

Responses to the question regarding historical, archeological, or cemetery sites included:

- Historical home located at 17042 Hwy. 5 (Site 2).
- Kentucky Cemetery.

Job Number 061442 – Public Involvement Synopsis December 1, 2016 Page 3 of 4

- Deaton Cemetery next to entrance of Coldwater Creek subdivision.
- Sewer grinder pump near house at 3101 Old Hot Springs Hwy. and water and gas meters at the edge of the highway.

Responses to the question regarding home or property presenting limitations included:

- Septic system located at 17042 Hwy. 5.
- Presence of brick pillars and trees in front of home.

Suggestions regarding how the proposed project could better serve the needs of the community and/or additional comments included:

- Prevalence of Site 2 potential impacts and inadequate notice of Public Involvement meeting provided to property owners warrant a second public meeting in Crows community.
- Communicate with more land owners.
- Reconfigure and widen Hwy. 5 while minimizing harm presented by potential impacts in Site 2.
- Add passing lanes in straight areas.
- Add turning lanes and purchase sufficient right of way to install an additional lane in the future.
- Alleviate roadway buckles between Riverside and Crow Station.
- Add a turning lane at Harrison Road intersection in Site 4.
- Mound of dirt at Tillery Road intersection blocking views of the roadway is a safety hazard and should be removed.
- Roadway bumps are safety hazards during inclement weather and should be ground down prior to next overlay.
- Install a turning lane onto Coldwater Drive near Riverside Grocery.
- Fix the ponds that flood Hwy. 5 during heavy rains due to improper ditching.
- Contact utility owners early in the decision process.
- Install high friction surface material at Site 4 in lieu of proposed improvements.
- Re-evaluate Site 5 proposed right of way.
- Posted private property has been trespassed on by workers placing survey ribbons.
- Existing speed bumps and curves from Riverside Grocery to Benton are safety hazards.
- Box bridges between Kentucky Missionary Baptist Church and Riverside Grocery are sinking.
- Growth in area creates a need for decent roads.
- Box bridges need to be replaced and previous additions of small culverts are inadequate.
- Elevation of the turn on to Mulberry Salem Road is too high and the centerline cannot be seen at night.

Job Number 061442 – Public Involvement Synopsis December 1, 2016 Page 4 of 4

- Speed limit enforcement is needed.
- Limit tree removal to prevent damaging the aesthetic character of the highway.
- Tree removal will lower property values and increase traffic noise.

Attachments: Blank Comment Form Small-Scale Project Location Map

RJ DN

MP:

CITIZEN COMMENT FORM

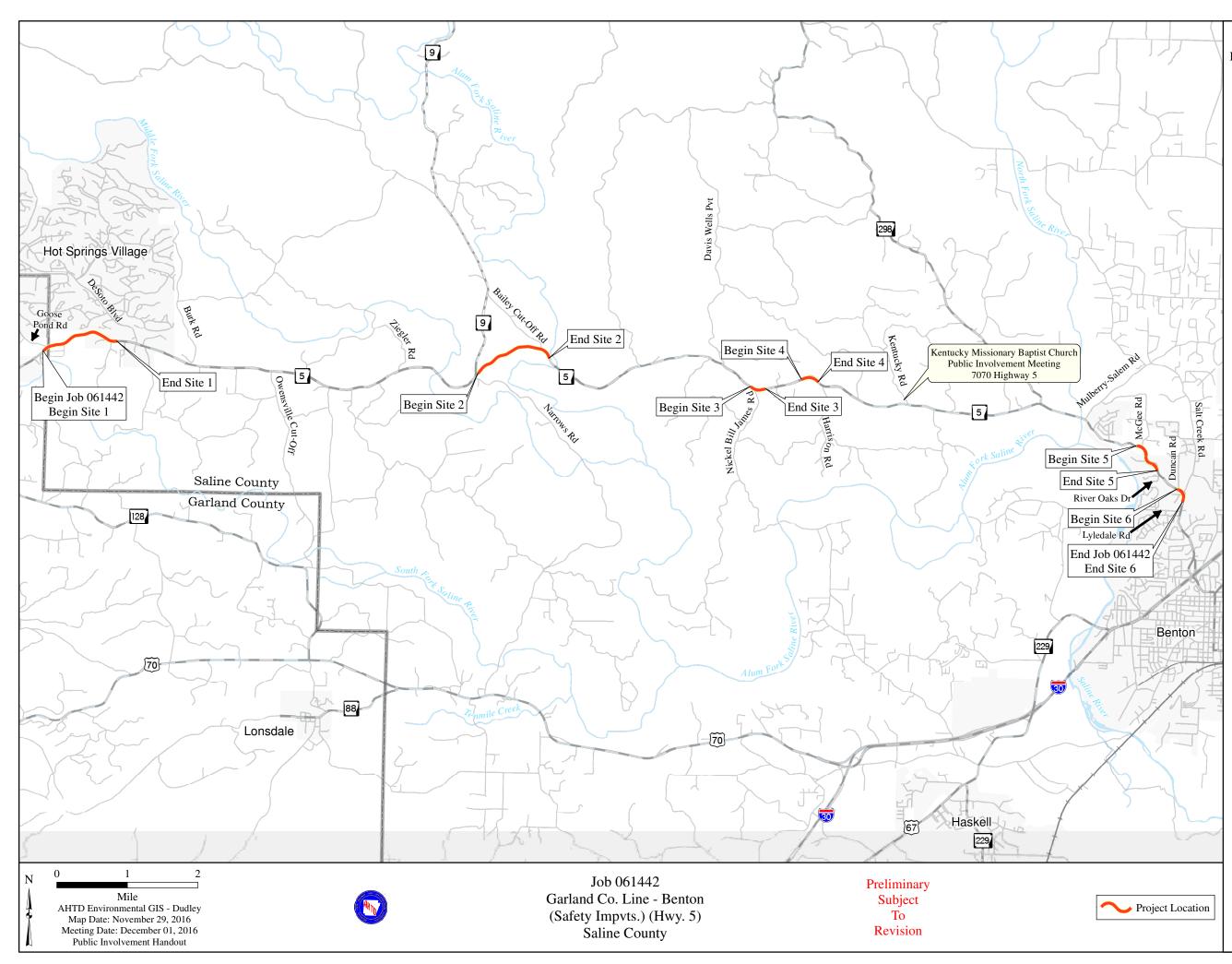
AHTD JOB NUMBER 061442 Garland Co. Line - Benton (Hwy. 5 Safety Improvements) SALINE COUNTY

LOCATION: KENTUCKY MISSIONARY BAPTIST CHURCH (FAMILY LIFE CENTER) 7070 HIGHWAY 5 BENTON, AR 4:00 – 7:00 p.m. THURSDAY, DECEMBER 1, 2016

Make your comments on this form and leave it with AHTD personnel at the meeting or mail it within 15 days to: Arkansas State Highway and Transportation Department, Environmental Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261. Email: <u>environmentalpimeetings@ahtd.ar.gov</u>.

Yes	No	Do you feel there is a need for safety improvements on Hwy. 5 between Benton and the Garland County Line? Comment (optional)
		Do you know of any historical sites, family cemeteries, or archaeological sites in the project area? Please note and discuss with staff.
		Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with AHTD staff.
		Does your home or property offer any limitations to the project, such as septic systems, that the Department needs to consider in its design?

Yes	No	Do you have a suggestion that would make this proposed project better serve the needs of the community?
		Do you feel the proposed project will have any impacts, (Beneficial or Adverse) on your property and/or community (either economically, socially, or environmentally etc.)? Please explain:
you are	e a pro	essary for the AHTD to contact property owners along potential routes. If perty owner along or adjacent to the route under consideration, please ation below. Thank you.
Name :		(Please Print)
Addres		Phone: ()
E-mail:		*
Please	make a	additional comments here
·		
For a	ditiona	al information, please visit our website at <u>www.arkansashighways.com</u>



PROPOSED SAFETY IMPROVEMENTS *

SITE 1 - Superelevation** correction only; no curve realignment or flattening

SITE 2 - Combination of curve realignment and superelevation correction

SITE 3 - One curve realignment

SITE 4 - One curve realignment

SITE 5 - Combination of two curve realignments and flattening

SITE 6 - One curve realignment

PROJECT CORRIDOR - Remove trees greater than 4" in diameter within 17' of the travel lane edges

* Proposed improvements are subject to revision based on public response and available funding.

** Superelevation is the banking of a roadway along a curve so motorists can safely maneuver through the curve at reasonable speeds.

Notes:

ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

None	Minimal	Major	Comments	
Х			No impacts; project located in AQ attainment are	
Х			None in project area; SHPO clearance enclosed	
Х			No adverse impacts	
	х		"No effect" and "Not likely to adversely affect" determinations; 4(d) Rule applies for northern lor eared bat enclosed	
Х			No EJ populations impacted in project area	
	Х		Temporary during construction	
	Х		Sites 1, 3, 4, 5 in Flood Zone X; Site 2 in Flood Zones X and A	
Х			Not in project area	
Х			None in project area	
	Х		10.68 acres new ROW; 3.06 acres TCE	
	Х		Migratory Bird SP	
Х			No navigable waterways involved	
Х			No impacts identified	
	Х		3.65 acre Farmland of Statewide Importance	
	Х		Middle and Alum Forks of Saline River; IWQC, Water Pollution Control and Vegetated Buffer SPs required	
Х			Not in project area	
	Х		Drinking Water SP required for Site 5	
Х			No relocations	
Х			Section 4(f)/6(f) resources not present	
Х			No adverse impacts	
Х			No USTs in project area	
Х			Adverse visual quality impacts not anticipated	
	Х		Total stream impacts less than 0.1 acre at each site	
	Х		Temporary during construction	
Х			None in the project area	
Х			Not in project area	
	X X X X X X X X X X X X X X X X X X X	X X X	X ////////////////////////////////////	

ROADWAY DESIGN REQUEST

Job Number 061442	FAP No.	County	Saline			
Job NameGarland Co. Line – Benton (Safety Impvts.) (S)						
Design EngineerGeorge Davison GW (Environmental Staff						
Brief Project Description Improve various sections of Hwy. 5 for safety utilizing various						
_improvement techniques including improved shoulders, clear zon						
curve flattening, super elevation correction, etc.						
A. Existing Conditions: Roadway Width: 27' to 3	2 ^{'(1)}	Shoulder Type/Wid	th: Paved/4'			
Number of Lanes and Wid	th: <u>2 – 10' to 12'⁽¹⁾</u>	Existing Right-of-Way: 60)'			
Sidewalks? None Bike	Location: N/A	Width: N	/A			
Lanes? None	Location: N/A	Width: N/A				
B. Proposed Conditions: Roadway Width: 30' to 32' ⁽²⁾ Shoulder Type/Width: Paved						
Number of Lanes and Width: <u>2 – 10' to 12'⁽²⁾</u> Proposed Right-of-Way: <u>270'</u>						
Sidewalks? <u>None</u> Bike	Location: N/A Width: N/A					
Lanes? None	Location: N/A	Width: N/A				
C. Construction Information: If detour: Where: N/A Length: N/A						
D. Design Traffic Data: <u>2017</u> ADT: <u>4000</u> <u>2037</u> ADT: <u>5400</u> % Trucks: <u>3</u> Design Speed: <u>45 to 50</u> m.p.h.						
E. Approximate total length of project: 2.932 mile(s)						
F. Justification for proposed improvements: Safety Study						
G. Total Relocatees: 0	Residences: 0) Businesses	s: _0			
H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No						
Agency/Official	Person Cont	acted [Date			

(1) Existing Site 1 – 12' Lanes, 4' Shoulders Site 2 – 11' Lanes, 4' Shoulders Site 3 – 10' Lanes, 3' Shoulders Site 4 – 10' Lanes, 3' Shoulders Site 5 – 11' Lanes, 3' Shoulders