

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB 012377**

**FAP NHPP-0076 (228)**

**DISTRICTS 8 & 9 BRIDGE PRESERVATION (2021)**

**VARIOUS ROUTES & SECTIONS**

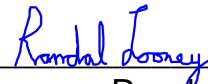
**VARIOUS COUNTIES**

Submitted Pursuant to 42 U.S.C. 4332(2) By the  
U.S. Department of Transportation  
Federal Highway Administration  
And the  
Arkansas Department of Transportation

May 2021

May 12, 2021

Date of Approval



\_\_\_\_\_  
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 Programmatic Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to preserve and rehabilitate a total of 4 bridges through hydrodemolition and polymer overlay in various counties across Districts 8 and 9. In addition, some guardrail and approach gutter replacement will be completed. All work will be performed within the existing right of way. A project location map is attached that includes bridge information.

The project will not involve relocations, endangered species, prime farmlands, wetlands, underground storage tanks, hazardous materials, any environmental justice issues, or cultural resources. Work on Bridge 01743 on Highway 14 over the Buffalo River will involve hydrodemolition, and a Special Provision (SP) will be included to protect the safety of vehicles and pedestrians in the project area. The cultural resources clearances are attached.

Based on the ARDOT noise policy, a noise analysis is not required for this project. Replacing the structures will not involve adding capacity, substantially changing the roadway alignment, or exposing noise sensitive land uses to traffic noise sources. In compliance with federal guidelines, local authorities will not require notification.

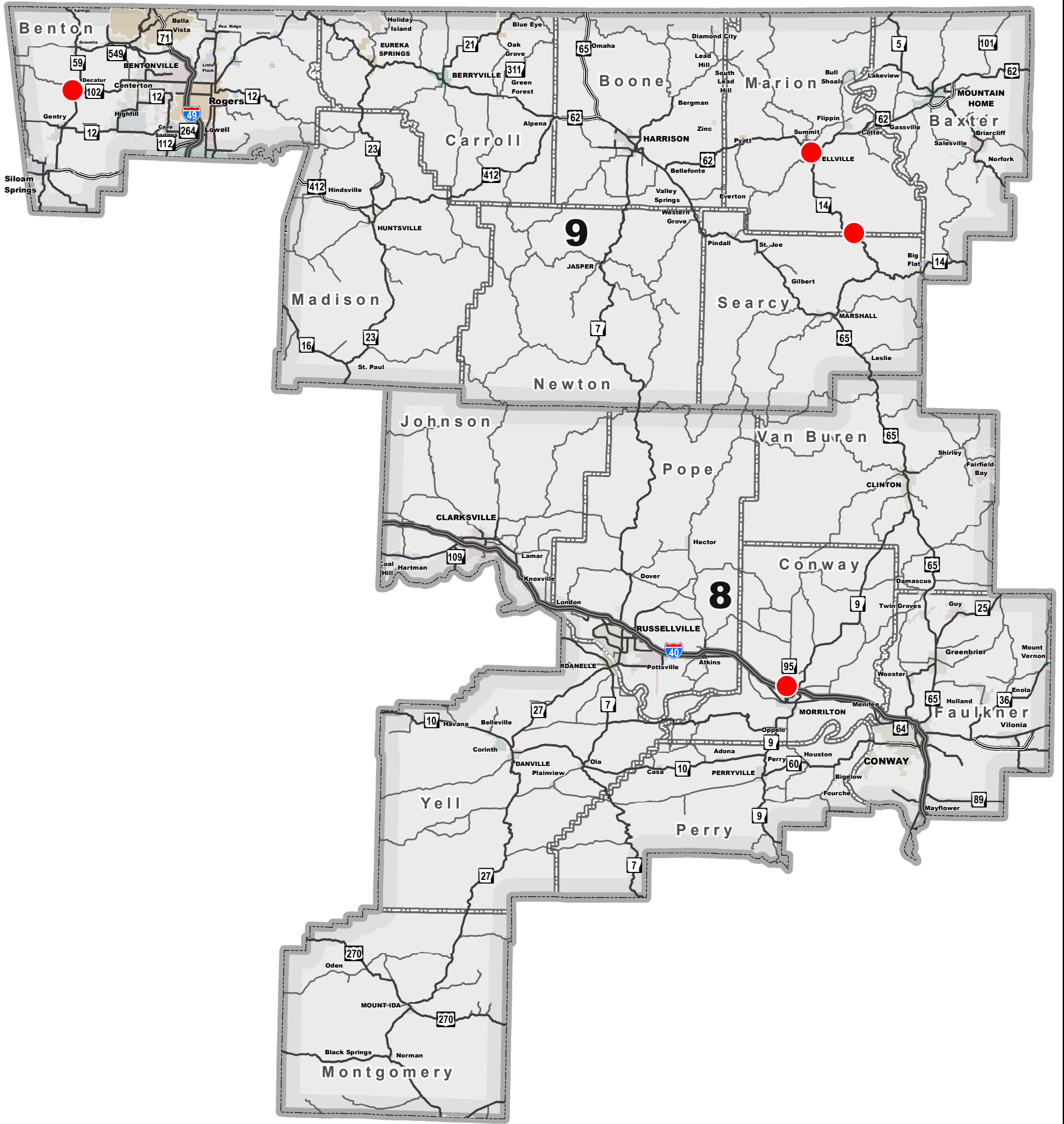
The official species list obtained from the US Fish and Wildlife Service's Information for Planning and Consultation identified the gray bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Eastern Black Rail (*Laterallus jamaicensis spp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus americana*), leopard darter (*Percina pantherina*), Ozark cavefish (*Amblyopsis rosae*), Rabbitsfoot (*Theliderma cylindrica*) and its designated Critical Habitat (Buffalo River), Snuffbox Mussel (*Epioblasma triquetra*), Missouri bladderpod (*Physaria filiformis*), and Hell Creek Crayfish (*Cambarus zophonastes*) as threatened and endangered species potentially occurring within the project area. Utilizing the FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the range of the Indiana bat and northern long-eared bat, a "no effect" determination was made for the Indiana bat and northern long-eared bat. The official species list and Consistency Letter are attached.

Due to the distance to known species occurrences, the scope of the project, and the inclusion of the Water Pollution Control and Hydrodemolition Waste Water Special Provisions, it has been determined that the proposed project will have “no effect” the remaining federally listed species and the designated Critical Habitat. The Concurrence Letter dated September 18, 2020 is attached.

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

This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic concerns (MSAT). 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.

No other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts is attached.



0 5 10 Miles  
PM: PS: JL40961: 4/20/2021



Project Location

Str. No.	County	Route	Section	Log Mile	Log Direction	Treatment Type
05669	Benton	Hwy. 102	1	8.898	A	Hydrodemolition
03519	Conway	Hwy. 95	1	2.231	A	Hydrodemolition
03144	Marion	Hwy. 14	3	0.020	A	Hydrodemolition
01743	Marion	Hwy. 14	3	15.749	A	Hydrodemolition

# Job 012377

## Districts 8 & 9 Bridge Preservation (2021) (S)



ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2000

## INTEROFFICE MEMORANDUM

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April 19, 2021

**TO:** Job File

**FROM:** Shelby Linck, Cultural Resources

SL

**SUBJECT:** Cultural Resources Clearance Addendum  
Job Number 012377  
Districts 4, 8 & 9 Bridge Preservation (2021) (S)  
Various Routes, Various Sections  
Various Counties

The Arkansas Department of Transportation (ARDOT) proposes to complete removal and disposal of guardrails and approach gutters on three bridges throughout the state. These bridges are either less than 50 years old or are exempted under the Advisory Council on Historic Preservation's *Program Comment on Post-1945 Concrete and Steel Bridges* (77FR 68790). All work will occur inside of the existing ARDOT right-of-way. The undertaking has no potential to cause effects on historic properties as defined in 36 CFR § 800.3(a)(1). The project requires no further work or Section 106 review.



ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2000

## INTEROFFICE MEMORANDUM

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June 16, 2020

**TO:** Job File

**FROM:** Shelby Linck, Cultural Resources

**SUBJECT:** Cultural Resources Clearance *SL*  
Job Number 012377  
Districts 4, 8 & 9 Bridge Preservation (2021) (S)  
Various Routes, Various Sections  
Various Counties

The Arkansas Department of Transportation (ARDOT) proposes to complete bridge rehabilitation work including polymer overlay and hydrodemolition on bridges across the state. All work will occur inside of the existing ARDOT right-of-way. Jobs with those types of activities are referred to as bridge preservation work. The undertaking has no potential to cause effects on historic properties as defined in 36 CFR § 800.3(a) (1) and determined in consultation with the State Historic Preservation Office (email communication with Eric Mills on June 16, 2020; see attachment). The locations are shown on the attached map and require no further work or Section 106 review.

**From:** [Boykin, Kristina](#)  
**To:** [Linck, Shelby](#)  
**Subject:** FW: bridge preservation  
**Date:** Tuesday, June 16, 2020 10:33:45 AM  
**Attachments:** [image001.png](#)  
[RR signs MTF.pdf](#)

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Memo with no potential to cause effects per 36 CFR 800.3.

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**From:** Eric Mills <Eric.Mills@arkansas.gov>  
**Sent:** Tuesday, June 16, 2020 10:30 AM  
**To:** Boykin, Kristina <Kristina.Boykin@ardot.gov>  
**Subject:** RE: bridge preservation

**CAUTION:** This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Absolutely, if ARDOT/FHWA determines no potential to affect then we do not need to see these projects.

**ERIC R. MILLS**

Archeologist/Section 106 Manager

Division of Arkansas Heritage  
1100 North Street  
Little Rock, AR 72201  
[eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov)  
p: 501.324.9784 | f: 501.324.9184

[ArkansasHeritage.com](http://ArkansasHeritage.com)



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**From:** Boykin, Kristina <[Kristina.Boykin@ardot.gov](mailto:Kristina.Boykin@ardot.gov)>  
**Sent:** Tuesday, June 16, 2020 10:19 AM  
**To:** Eric Mills <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>  
**Subject:** RE: bridge preservation

Eric,

I would say these projects have no potential to cause effects. Or if you prefer a submittal, it would be like the pavement preservation letter and table. What do you think?

Kristina

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**From:** Eric Mills <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>  
**Sent:** Tuesday, June 16, 2020 10:13 AM  
**To:** Boykin, Kristina <[Kristina.Boykin@ardot.gov](mailto:Kristina.Boykin@ardot.gov)>  
**Subject:** RE: bridge preservation

**CAUTION:** This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kristina:

We can review historic bridges in groups if that works better for ARDOT. Is that what you're asking?

**ERIC R. MILLS**

Archeologist/Section 106 Manager

Division of Arkansas Heritage  
1100 North Street  
Little Rock, AR 72201  
[eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov)  
p: 501.324.9784 | f: 501.324.9184

[ArkansasHeritage.com](http://ArkansasHeritage.com)



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**From:** Boykin, Kristina <[Kristina.Boykin@ardot.gov](mailto:Kristina.Boykin@ardot.gov)>  
**Sent:** Tuesday, June 16, 2020 9:53 AM  
**To:** Eric Mills <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>  
**Subject:** bridge preservation

Hey Eric,

Instead of having the work in one pavement preservation job, they are separating out the work into bridge preservation. This work is confined to the bridge surface.

What would be the best way to handle all of the bridges? (A Section 106 PA would be handy right now 😊.)

Thanks,  
Kristina U. Boykin  
Section Head - Cultural Resources



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 18, 2020

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

Consultation Code: 04ER1000-2020-R-1329  
02EKOK00-2020-R-2659

Dear Mr. Fleming:

The Fish and Wildlife Service (Service) reviewed your assessment and determinations for Arkansas Department of Transportation (ARDOT) Job # 012377 hydrodemolition and polymer overlay bridge preservation on HWY 412 bridges A6476 and B6476 over the Illinois River in Benton County, Arkansas. The project was described and assessed as follows (abbreviated):

The official species list obtained from the U.S. Fish and Wildlife Service's Information for Planning and Consultation identified the Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalists*), Northern Long-eared Bat (*Myotis septentrionalis*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Eastern Black Rail (*Laterallus jamaicensis spp. jamaicensis*), Interior Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Red-cockaded Woodpecker (*Picoides borealis*), Whooping Crane (*Grus americana*), Leopard Darter (*Percina pantherina*), Ozark Cavefish (*Amblyopsis rosae*), Yellowcheek Darter (*Etheostoma moorei*), Arkansas Fatmucket (*Lampsilis powellii*), Neosho Mucket (*Lampsilis rafinesqueana*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrical*), Scaleshell (*Leptodea leptodon*), Snuffbox Mussel (*Epioblasma triquetra*), Speckled Pocketbook (*Lampsilis streckeri*), Winged Mapleleaf (*Quadrula fragosa*), and American Burying Beetle (*Nicrophorus americanus*) as threatened and endangered species potentially occurring within the project area. Utilizing the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the range of the Indiana Bat and Northern Long-eared Bat, a "no effect" determination was made for the Indiana Bat and Northern Long-eared Bat.

Based on presence of the Neosho Mucket and the Rabbitsfoot upstream and downstream of Bridges A6476 and B6476 on Highway 412 over the Illinois River in Benton County and utilizing the Water Pollution Control Special Provision, it is our determination that the proposed project may affect, but is not likely to adversely affect the Neosho Mucket and the Rabbitsfoot. Due to the lack of habitat and distance to known species occurrences, it is our determination that the scope of the proposed project will have "no effect" on the Gray Bat, Ozark Big-eared Bat, Eastern Black Rail, Interior Least Tern, Piping Plover, Red Knot, Red-cockaded Woodpecker, Whooping Crane, Leopard Darter, Ozark Cavefish, Yellowcheek Darter, Arkansas Fatmucket, Pink Mucket, Scaleshell, Snuffbox Mussel, Speckled Pocketbook, Winged Mapleleaf, and American Burying Beetle.

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

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana Bat (*Myotis sodalis*) or the threatened Northern Long-eared Bat (*Myotis septentrionalis*). If the Proposed Action is not modified, no consultation is required for these two species.

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

Due to the limited scope of the action occurring only on the surface of existing bridges, distance to known species locations, and the standard special provisions and BMPs for sediment and wastewater pollution control, the Service concurs with the determination of "may affect, not likely to adversely affect" for Neosho Mucket and Rabbitsfoot.

If the Proposed Action is modified, or new information reveals that it may affect any federally listed or proposed species, and/or any designated critical habitat, additional consultation may be required. If the proposed action has the potential to take Bald or Golden Eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may be necessary. If karst features or listed species are encountered during construction, all activities should be suspended, and the Service should be contacted to advise on how to proceed and to assist in determining whether or not re-initiation of consultation is necessary. For further assistance or if you have any questions, please contact Lindsey Lewis at [lindsey\\_lewis@fws.gov](mailto:lindsey_lewis@fws.gov) or (501) 513-4489.

Sincerely,



Melvin L. Tobin  
Field Supervisor

cc: Project File

Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2020\ARDOT\ARDOT Job 012377\ARDOT Job 012377 - 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:

August 13, 2020

Consultation Code: 04ER1000-2020-SLI-1329

Event Code: 04ER1000-2020-E-03279

Project Name: 012377 Districts 4, 8 and 9 Bridge Preservation (2021) (S)

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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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

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

### **Oklahoma Ecological Services Field Office**

9014 East 21st Street  
Tulsa, OK 74129-1428  
(918) 581-7458

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## Project Summary

Consultation Code: 04ER1000-2020-SLI-1329

Event Code: 04ER1000-2020-E-03279

Project Name: 012377 Districts 4, 8 and 9 Bridge Preservation (2021) (S)

Project Type: TRANSPORTATION

Project Description: Hydrodemolition and Polymer Overlay

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.34160169094872N93.26716209879825W>



Counties: Baxter, AR | Benton, AR | Boone, AR | Carroll, AR | Clark, AR | Cleburne, AR | Conway, AR | Crawford, AR | Faulkner, AR | Franklin, AR | Garland, AR | Howard, AR | Izard, AR | Johnson, AR | Logan, AR | Lonoke, AR | Madison, AR | Marion, AR | Montgomery, AR | Newton, AR | Perry, AR | Pike, AR | Polk, AR | Pope, AR | Pulaski, AR | Saline, AR | Scott, AR | Searcy, AR | Sebastian, AR | Sevier, AR | Stone, AR | Van Buren, AR | Washington, AR | White, AR | Yell, AR | Delaware, OK

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## Endangered Species Act Species

There is a total of 28 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 Fisheries<sup>1</sup>, 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.

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

### Mammals

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

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## Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Proposed Threatened
Least Tern <i>Sterna antillarum</i> Population: interior pop. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8505">https://ecos.fws.gov/ecp/species/8505</a>	Endangered
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 <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7614">https://ecos.fws.gov/ecp/species/7614</a>	Endangered
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Experimental Population, Non- Essential

## Fishes

NAME	STATUS
Leopard Darter <i>Percina pantherina</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/8470">https://ecos.fws.gov/ecp/species/8470</a>	Threatened
Ozark Cavefish <i>Amblyopsis rosae</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6490">https://ecos.fws.gov/ecp/species/6490</a>	Threatened
Yellowcheek Darter <i>Etheostoma moorei</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7871">https://ecos.fws.gov/ecp/species/7871</a>	Endangered

## Clams

NAME	STATUS
Arkansas Fatmucket <i>Lampsilis powellii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2213">https://ecos.fws.gov/ecp/species/2213</a>	Threatened
Neosho Mucket <i>Lampsilis rafinesqueana</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3788">https://ecos.fws.gov/ecp/species/3788</a>	Endangered
Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7829">https://ecos.fws.gov/ecp/species/7829</a>	Endangered
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5165">https://ecos.fws.gov/ecp/species/5165</a>	Threatened
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5881">https://ecos.fws.gov/ecp/species/5881</a>	Endangered
Snuffbox Mussel <i>Epioblasma triquetra</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4135">https://ecos.fws.gov/ecp/species/4135</a>	Endangered
Speckled Pocketbook <i>Lampsilis streckeri</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7869">https://ecos.fws.gov/ecp/species/7869</a>	Endangered
Winged Mapleleaf <i>Quadrula fragosa</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4127">https://ecos.fws.gov/ecp/species/4127</a>	Endangered

## 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: <a href="https://ecos.fws.gov/ecp/species/66">https://ecos.fws.gov/ecp/species/66</a>	Endangered

## Crustaceans

NAME	STATUS
Benton County Cave Crayfish <i>Cambarus aculabrum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5011">https://ecos.fws.gov/ecp/species/5011</a>	Endangered
Hell Creek Cave Crayfish <i>Cambarus zophonastes</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1552">https://ecos.fws.gov/ecp/species/1552</a>	Endangered

## Flowering Plants

NAME	STATUS
Geocarpon minimum No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7699">https://ecos.fws.gov/ecp/species/7699</a>	Threatened
Harperella <i>Ptilimnium nodosum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3739">https://ecos.fws.gov/ecp/species/3739</a>	Endangered
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5361">https://ecos.fws.gov/ecp/species/5361</a>	Threatened
Running Buffalo Clover <i>Trifolium stoloniferum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2529">https://ecos.fws.gov/ecp/species/2529</a>	Endangered

## Critical habitats

There are 4 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Leopard Darter <i>Percina pantherina</i> <a href="https://ecos.fws.gov/ecp/species/8470#crithab">https://ecos.fws.gov/ecp/species/8470#crithab</a>	Final
Neosho Mucket <i>Lampsilis rafinesqueana</i> <a href="https://ecos.fws.gov/ecp/species/3788#crithab">https://ecos.fws.gov/ecp/species/3788#crithab</a>	Final
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> <a href="https://ecos.fws.gov/ecp/species/5165#crithab">https://ecos.fws.gov/ecp/species/5165#crithab</a>	Final
Yellowcheek Darter <i>Etheostoma moorei</i> <a href="https://ecos.fws.gov/ecp/species/7871#crithab">https://ecos.fws.gov/ecp/species/7871#crithab</a>	Final



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Assistant Director-Ecological Services  
1849 C Street Nw  
Room 3345  
Washington, DC 20240-0001  
Phone: (202) 208-4646 Fax: (202) 208-5618

IPaC Record Locator: 468-23000140

August 13, 2020

Subject: Consistency letter for the '012377 Districts 4, 8 and 9 Bridge Preservation (2021) (S)' project (TAILS 04ER1000-2020-R-1329, 02EKOK00-2020-R-2659) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **012377 Districts 4, 8 and 9 Bridge Preservation (2021) (S)** (Proposed Action) may rely on the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the threatened Northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species.**

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

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

may also be required. In either of these circumstances, please advise the lead Federal action agency accordingly.

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

- American Burying Beetle, *Nicrophorus americanus* (Endangered)
  - Arkansas Fatmucket, *Lampsilis powellii* (Threatened)
  - Benton County Cave Crayfish, *Cambarus aculabrum* (Endangered)
  - Eastern Black Rail, *Laterallus jamaicensis ssp. jamaicensis* (Proposed Threatened)
  - Geocarpon minimum, (Threatened)
  - Gray Bat, *Myotis grisescens* (Endangered)
  - Harperella, *Ptilimnium nodosum* (Endangered)
  - Hell Creek Cave Crayfish, *Cambarus zophonastes* (Endangered)
  - Least Tern, *Sterna antillarum* (Endangered)
  - Leopard Darter, *Percina pantherina* (Threatened)
  - Missouri Bladderpod, *Physaria filiformis* (Threatened)
  - Neosho Madtom, *Noturus placidus* (Threatened)
  - Neosho Mucket, *Lampsilis rafinesqueana* (Endangered)
  - Ozark Big-eared Bat, *Corynorhinus (=Plecotus) townsendii ingens* (Endangered)
  - Ozark Cavefish, *Amblyopsis rosae* (Threatened)
  - Pink Mucket (pearlymussel), *Lampsilis abrupta* (Endangered)
  - Piping Plover, *Charadrius melodus* (Threatened)
  - Rabbitsfoot, *Quadrula cylindrica cylindrica* (Threatened)
  - Red Knot, *Calidris canutus rufa* (Threatened)
  - Red-cockaded Woodpecker, *Picoides borealis* (Endangered)
  - Running Buffalo Clover, *Trifolium stoloniferum* (Endangered)
  - Scaleshell Mussel, *Leptodea leptodon* (Endangered)
  - Snuffbox Mussel, *Epioblasma triquetra* (Endangered)
  - Speckled Pocketbook, *Lampsilis streckeri* (Endangered)
  - Whooping Crane, *Grus americana* (Experimental Population, Non-Essential)
  - Winged Mapleleaf, *Quadrula fragosa* (Endangered)
  - Yellowcheek Darter, *Etheostoma moorei* (Endangered)
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## **Project Description**

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

### **Name**

012377 Districts 4, 8 and 9 Bridge Preservation (2021) (S)

### **Description**

Hydrodemolition and Polymer Overlay

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## Determination Key Result

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

## Qualification Interview

1. Is the project within the range of the Indiana bat<sup>[1]</sup>?

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

**Automatically answered**

*Yes*

2. Is the project within the range of the Northern long-eared bat<sup>[1]</sup>?

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

**Automatically answered**

*Yes*

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

*A) Federal Highway Administration (FHWA)*

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

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

*No*

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

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

*No*

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

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

*No*

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

*Yes*

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

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

*No*

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

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

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

*No*

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

*No*

11. Does the project include slash pile burning?

*No*

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

*No*

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

No

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

No

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

No

16. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

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

No

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

**Automatically answered**

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

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

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

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

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

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## **U.S. Fish & Wildlife Service Contact List**

### **Oklahoma Ecological Services Field Office**

9014 East 21st Street  
Tulsa, OK 74129-1428  
(918) 581-7458

### **Arkansas Ecological Services Field Office**

110 South Amity Suite 300  
Conway, AR 72032-8975  
(501) 513-4470

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

ARDOT Job Number 012377 FAP Number NHPP-0076(228)

Job Title Districts 8 & 9 Bridge Preservation (2021) (S)

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

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

Remarks: .

Signature of Evaluator  Date 5/7/2021