




# INTEROFFICE MEMORANDUM

June 14, 2023

**TO:** Master Files

**FROM:** John Fleming, Division Head, Environmental Division 

**SUBJECT:** Job 030598  
FAP ER-0055(34)  
Hwy. 301 Flood Damage Repairs (Pike Co.) (S)  
Route 301, Sections 1  
Pike County  
Tier 1 Categorical Exclusion

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

The purpose of this project is to replace two drainage structures with box culverts along Highway 301 in Pike County. The drainage structures were damaged from flooding during severe storms associated with Hurricane Barry in 2019. The project will require 0.45 acre of new right of way. A project location map is attached.

The project will not involve relocations, underground storage tanks, hazardous materials, noise impacts, floodplains, farmland, environmental justice issues, or cultural resources. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic concerns. The State Historic Preservation Officer clearance is attached.

The official species list obtained from the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation identified the Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), Rabbitsfoot (*Theliderma cylindrica*) and Monarch Butterfly (*Danaus plexippus*) as species potentially occurring within the project area.

Using the FHWA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and the Northern Long-eared Bat (PBO) determination key, it has been determined the project "may affect but is not likely to adversely affect" the Indiana Bat (*Myotis sodalis*) and the Northern Long-eared Bat (*Myotis septentrionalis*). ARDOT will apply the following avoidance and minimization measure: the clearing of trees will be prohibited March 15 through November 15. The USFWS concurred on May 24, 2023.

The Eastern Black Rail, Piping Plover, Red Knot and Rabbitsfoot were also identified as possibly occurring within the project area. Based on the lack of habitat and distance to known species it is our determination that the project will have no effect on these species.

The Monarch Butterfly is a candidate species and as such is not federally protected under the Endangered Species Act. However, the USFWS recommends agencies implement conservation measures for candidate species in action areas as these are species, by definition, that may warrant future protection under the Act. ARDOT will plant native wildflowers after construction as a conservation measure.

The Alligator Snapping Turtle is currently a proposed threatened species, and the Tricolored Bat is a proposed endangered species; however, the proposed project will not jeopardize the continued existence of either species.

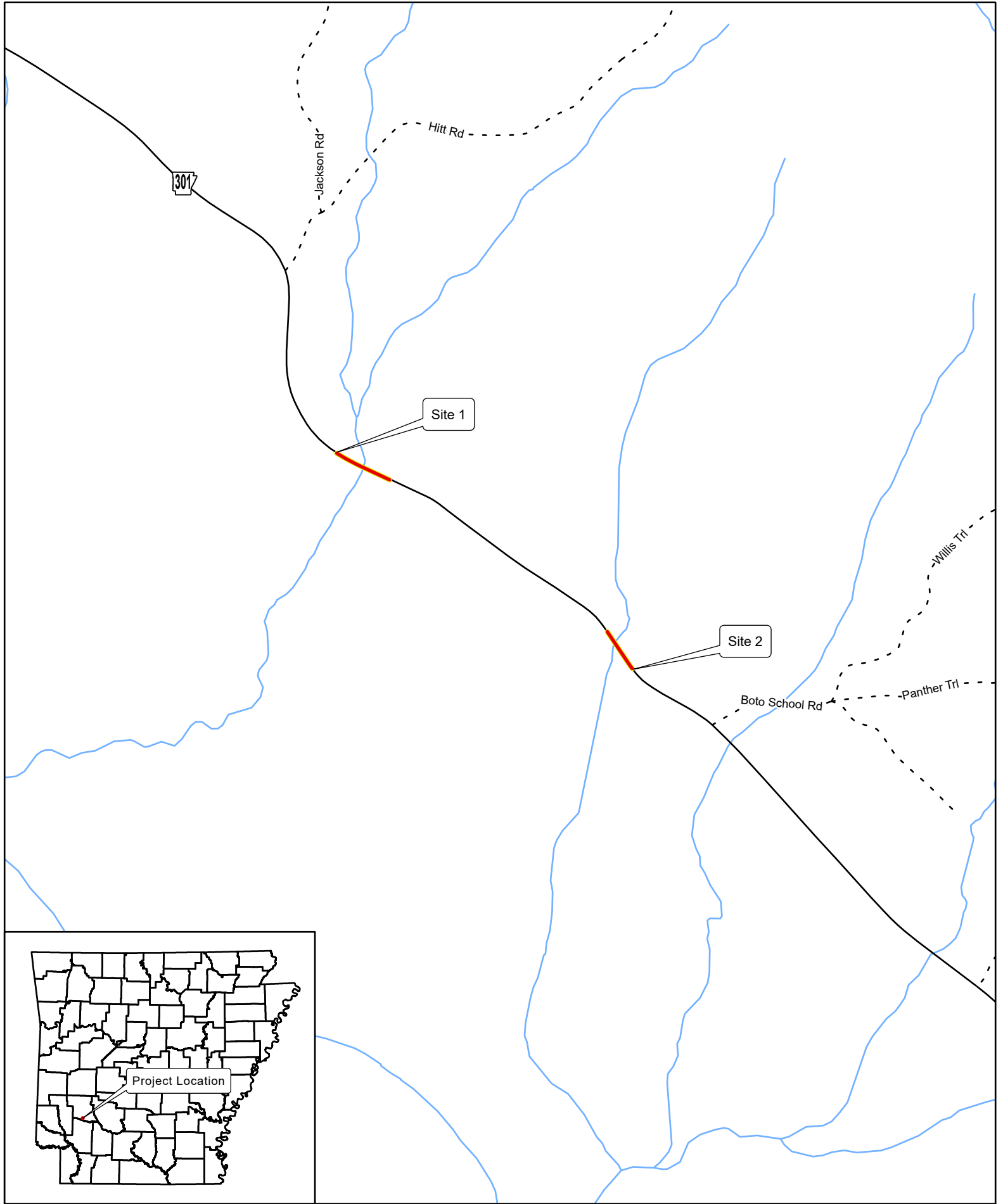
Total permanent impacts to waters of the United States for construction of the new box culverts will be approximately 0.05 acre. Construction should be allowed under the terms of a Section 404 Nationwide Permit 14 for Linear Transportation Projects as defined in Federal Register 86 (245): 73522-73583. Stream impacts at each crossing are less than 0.1 acre; therefore, a pre-construction notification will not be required.

JF:JG:sw

Attachments:

- Project Location Map
- SHPO Clearance
- Environmental Study Checklist
- Design Request Form

c: Program Management  
Right of Way  
Roadway Design  
District 3  
FHWA



301

Jackson Rd

Hitt Rd

Site 1

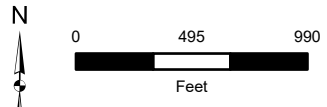
Site 2

Boto School Rd

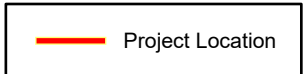
Willis Trl

Panther Trl

Project Location



Job 030598  
Hwy. 301 Flood Damage Repairs  
Pike County





Sarah Huckabee Sanders  
Governor  
Shea Lewis  
Interim Secretary

June 12, 2023

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

RE: Pike County: General  
Section 106 Review: FHwA  
Proposed Undertaking: Hwy. 301 Flood Damage Repairs (Pike Co.) (S)  
Route 301, Section 1  
ARDOT Number: 030598  
AHPP Tracking Number: 111063.02

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the submitted project identification form (PIF) for the above referenced undertaking in Section 35, Township 8 South, Range 25 West in Pike County, Arkansas. The proposed project entails repairing flood damages at two locations on Highway 301 by installing box culverts on the existing highway centerline.

There are no previously recorded archeological sites or historic properties located within the area of potential effect (APE). The AHPP would like to note the nearby presence of sites 3PI0348 and 3PI0349, both of which are outside the APE and currently undetermined in eligibility for listing on the National Register of Historic Places. A total of five shovel tests were excavated within the APE, all of which were negative for cultural materials.


Based on the provided information, the AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking.

Tribes that have expressed an interest in the area include the Caddo Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Osage Nation, the Quapaw Nation, and the Shawnee Tribe. We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, call George Burson at 501-324-9270 or email [George.Burson@arkansas.gov](mailto:George.Burson@arkansas.gov).

Sincerely,

George  
Burson

 Digitally signed by George  
Burson  
Date: 2023.06.12  
15:30:21 -05'00'

*for*

Scott Kaufman  
AHPP Director and State Historic Preservation Officer

cc: Dr. Melissa Zabecki, Arkansas Archeological Survey  
Mr. Randal Looney, Federal Highway Administration

**From:** [Lewis, Lindsey](#)  
**To:** [Hutcheson, Clint R.](#)  
**Subject:** Re: [EXTERNAL] 030598 Concurrence for ARDOT  
**Date:** Thursday, May 25, 2023 8:54:51 AM  
**Attachments:** [image001.jpg](#)

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Clint,

"The U.S. Fish and Wildlife Service (Service) has received your request dated May 24, 2023 to verify that the 030598 Hwy. 301 Flood Damage Repairs (Pike Co.) (S) (Proposed Action) may rely on the concurrence provided in the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.)."

"Based on the information you provided, you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the endangered northern long-eared bat (*Myotis septentrionalis*). Consultation with the Service pursuant to section 7(a)(2) of ESA (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required."

You may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO.

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

The Service has no additional comments or concerns and agrees with the assessment, determinations, and concurrences made by ARDOT and through the Indiana Bat and Northern Long-eared Bat (PBO) Dkey and supplemental determinations of no effect and no-jeopardy for the listed species identified.

Thanks,

Lindsey Lewis

Biologist

US Fish & Wildlife Service  
Arkansas Field Office  
110 South Amity Rd., Suite 300  
Conway, Arkansas 72032

(501) 513-4489 - voice  
(501) 513-4480 - fax  
[Lindsey\\_Lewis@fws.gov](mailto:Lindsey_Lewis@fws.gov)  
<http://www.fws.gov/arkansas-es/>

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

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**From:** Hutcheson, Clint R. <Clinton.Hutcheson@ardot.gov>  
**Sent:** Wednesday, May 24, 2023 9:18 AM  
**To:** Lewis, Lindsey <lindsey\_lewis@fws.gov>  
**Subject:** [EXTERNAL] 030598 Concurrence for ARDOT

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Lindsey,

ARDOT is requesting the USFWS concurrence on the NLAA determination on the Northern Long-eared Bat and Indiana Bat.

Clint Hutcheson

*Clint Hutcheson*

Lead Water Resource Specialist  
Natural Resources Section - Environmental Division  
Arkansas Department of Transportation  
10324 Interstate 30  
Little Rock, AR 72203  
501-569-2084  
Email: [Clinton.Hutcheson@ardot.gov](mailto:Clinton.Hutcheson@ardot.gov)

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

ARDOT Job 030598 FAP ER-0055(34)

Job Title Hwy. 301 Flood Damage Repairs (Pike Co.) (S)

| Environmental Resource         | None | Minimal | Major | Comments-required for each item   |
|--------------------------------|------|---------|-------|---|
| Air Quality                    | X    |         |       | No air quality/MSAT impacts   |
| Cultural Resources             | X    |         |       | SHPO clearance included   |
| Economic                       | X    |         |       | No adverse impacts  |
| Endangered Species             |      | X       |       | "NLAA" determination for Indiana and Northern Long-Eared Bat. A "no effect" was determined for the remaining species. |
| Environmental Justice/Title VI | X    |         |       | No impacts anticipated  |
| Fish and Wildlife              |      | X       |       | Minimal during construction   |
| Floodplains                    | X    |         |       | None within the project   |
| Forest Service Property        | X    |         |       | None in project area  |
| Hazardous Materials/Landfills  | X    |         |       | No impacts anticipated  |
| Land Use                       |      | X       |       | Will require 0.45 acre of new ROW   |
| Migratory Birds                |      | X       |       | Migratory Bird SP required  |
| Navigation/Coast Guard         | X    |         |       | No navigable waterways involved   |
| Noise Levels                   | X    |         |       | No increases due to project   |
| Prime Farmland                 | X    |         |       | No impacts anticipated  |
| Protected Waters               | X    |         |       | None in the project area  |
| Public Recreation Lands        | X    |         |       | None in the project area  |
| Public Water Supply/WHPA       | X    |         |       | None in the project area  |
| Relocatees                     | X    |         |       | No relocations  |
| Section 4(f)/6(f)              | X    |         |       | No 4f/6f resources present  |
| Social                         | X    |         |       | No impacts to the social environment  |
| Underground Storage Tanks      | X    |         |       | No USTs in project area   |
| Visual                         | X    |         |       | No changes to visual environment  |
| Streams                        |      | X       |       | Nationwide Permit 14 required   |
| Water Quality                  |      | X       |       | Temporary during construction   |
| Wetlands                       | X    |         |       | No impacts anticipated  |
| Wildlife Refuges               | X    |         |       | No impacts anticipated  |

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

Remarks: \_\_\_\_\_

Signature of Evaluator  Date 6/6/2023

**ROADWAY DESIGN REQUEST**

Job Number 030598 FAP No. ER-0055(34) County Hempstead

Job Name Hwy. 301 Flood Damage Repairs (Hempstead Co.) (S)

Design Engineer George Davison *GD* Environmental Staff \_\_\_\_\_

Detailed Project Description This job has two sites. Site 1 has an existing bridge that will be replaced with an R.C. Box Culvert. Site 2 has temporary pipes that will also be replaced with an R.C. Box Culvert. Traffic at both sites will be maintained in one lane, running traffic head to head using a temporary signal.

**A. Existing Conditions:**

Roadway Width: 24' Shoulder Type/Width: 2' Gravel  
Number of Lanes and Width: 2-10' Existing Right-of-Way: 80'  
Sidewalks? No Location: N/A Width: N/A  
Bike Lanes? No Location: N/A Width: N/A

**B. Proposed Conditions:**

Roadway Width: Site 1 – 30'  
Site 2 – 28' Shoulder Type/Width: 4' Paved  
Number of Lanes and Width: Site 1 – 2-11'  
Site 2 – 2-10' Proposed Right-of-Way: 190'  
Sidewalks? No Location: N/A Width: N/A  
Bike Lanes? No Location: N/A Width: N/A

**C. Construction Information:**

If detour: Where: On Site Length: 200'

**D. Design Traffic Data:**

2023 ADT: 350 2043 ADT: 390 % Trucks: 9  
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.057 mile(s)

F. Justification for proposed improvements: Emergency Repair due to flood damage.

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

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

| Agency/Official | Person Contacted | Date |
|-----------------|------------------|------|
|                 |                  |      |
|                 |                  |      |
|                 |                  |      |