

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 090555
FAP NUMBER NHPP-0005(48)
WEST FORK CROOKED CREEK STR. & APPRS. (S)
ROUTE 7, SECTION 19
BOONE COUNTY**

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

By the

U.S. Department of Transportation

Federal Highway Administration

And the

Arkansas Department of Transportation

April 2020

04/27/2020

Date of Approval



Randal Looney
Environmental Coordinator
Federal Highway Administration

The Environmental Division reviewed the referenced project and 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 replace the Highway 7 bridge (#02489) over the West Fork Crooked Creek in Boone County. The total length of the project is less than 1 mile. A project location map is attached.

The existing roadway approaches have two 11' wide paved travel lanes with 2' wide paved shoulders. The existing bridge is approximately 195' x 31.6'.

The proposed roadway approaches to the new bridge will have two 12' wide paved travel lanes with 8' (2' paved) wide shoulders. Up to 4.4 acres of new right of way will be acquired.

Design data for this project is as follows:

Design Year	Average Daily Traffic (vpd)	Percent Trucks	Design Speed (mph)
2021	4,700	3	55
2041	5,300		

There are no environmental justice concerns, relocations, underground storage tanks/hazardous materials, wetlands, or cultural resources associated with this project. State Historic Preservation Officer clearance is attached. Up to 0.6 acre of Prime Farmland will be converted to highway right of way; Form NRCS-CPA-106 is attached.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The bridge replacement 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.

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

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

The attached official species list obtained through US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website identified the following federally-listed species as potentially occurring in the project area: endangered gray bat (*Myotis grisescens*); endangered Indiana bat (*Myotis sodalis*); threatened northern long-eared bat (*Myotis septentrionalis*); endangered Ozark big-eared bat (*Corynorhinus townsendii ingens*); proposed threatened Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*); threatened Piping Plover (*Charadrius melodus*); threatened Red Knot (*Calidris canutus rufa*); and threatened Missouri bladderpod (*Physaria filiformis*).

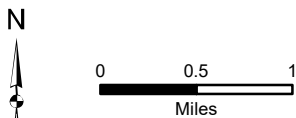
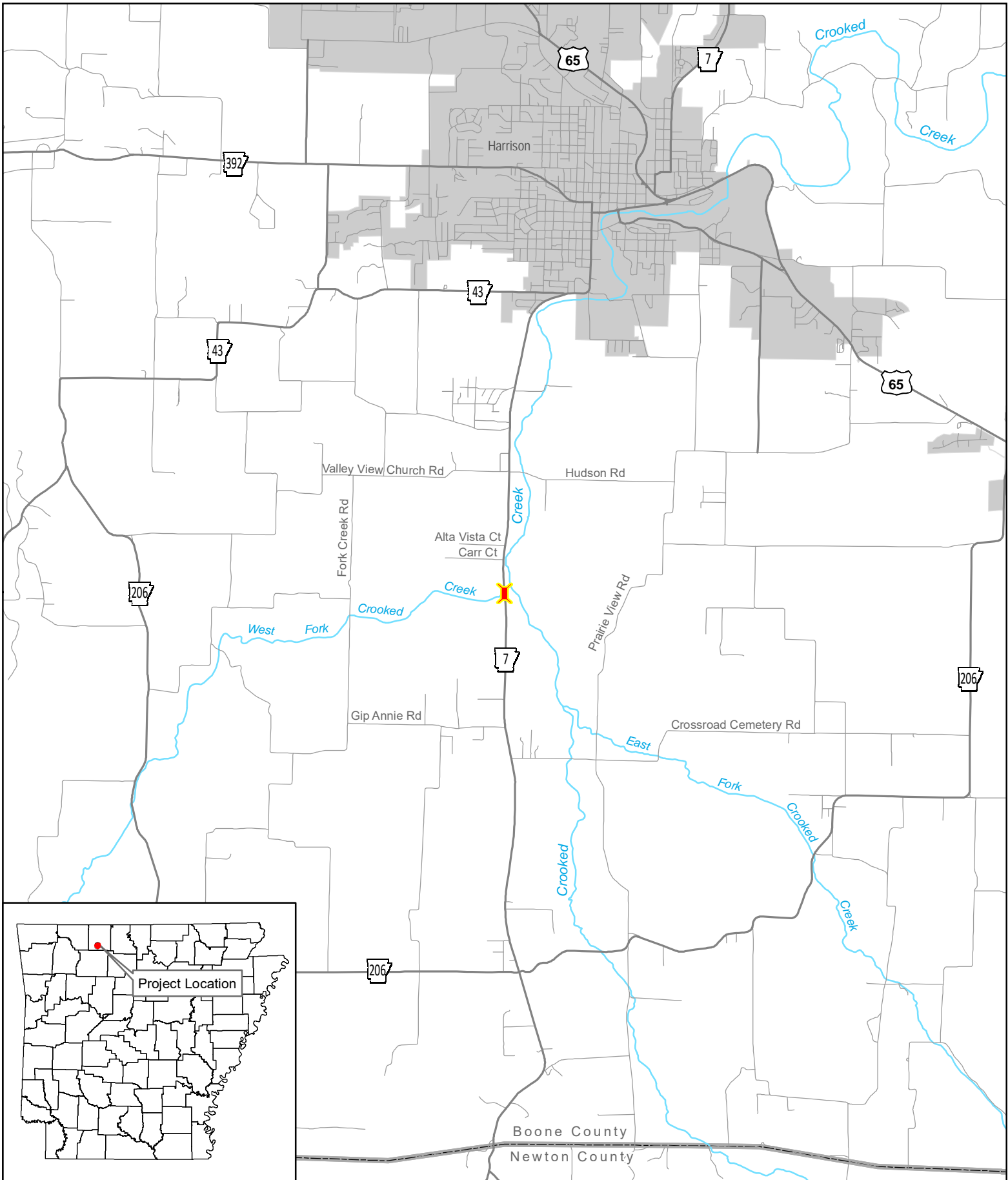
Consultation with the USFWS through IPaC determined that this project was outside of the scope of the programmatic biological opinion for Indiana and northern long-eared bats. A 'may affect, not likely to adversely affect' determination was made on all four bat species based on the proximity to documented roost caves, the removal of potential summer roosting and foraging habitat for Indiana and northern long-eared bats, and potential foraging habitat for Ozark big-eared and gray bats. A 'no effect' determination was made for Eastern Black Rail, Piping Plover, Red Knot, and Missouri bladderpod due to a lack of suitable habitat in the project area and distance to known occurrence records. The USFWS correspondence is attached.

Permanent stream impacts are estimated at 42 feet. 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.

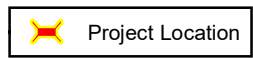
No other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts is attached.

Commitments

ARDOT has committed to conducting acoustic monitoring surveys for federally-listed bats at this site during the active season (May 1 – July 31).



Job 090555
 West Fork Crooked Creek
 Str. & Apprs. (Hwy. 7)
 Boone County





ARKANSAS DEPARTMENT OF TRANSPORTATION

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

ENVIRONMENTAL DIVISION

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2281 | Fax: 501.569.2009

105556.01
FHWA

April 22, 2020

AHPP

APR 22 2020

Secretary Stacy Hurst
Arkansas Historic Preservation Program
1100 North Street
Little Rock, Arkansas 72201

RE: Job Number 090555
West Fork Crooked Creek Str. &
Apprs. (S)
Route 7, Section 19
Boone County

Dear Secretary Hurst:

A Project Identification Form (PIF) is enclosed for the referenced project. Please review for concurrence with the findings of my staff. If you have any questions or require additional information, please contact Daniel Hildebran of my staff at (501) 569-4512.

Date 4.23.20
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.
FOR Ernie Mills
Arkansas State Historic Preservation Officer

Sincerely,

John Fleming
Division Head
Environmental Division

JF:KB:DH:cb

Enclosure
PIF

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

PART I (To be completed by Federal Agency) Job 090555	3. Date of Land Evaluation Request	4. Sheet 1 of _____
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1. Name of Project	5. Federal Agency Involved
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2. Type of Project	6. County and State
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PART II (To be completed by NRCS)	1. Date Request Received by NRCS	2. Person Completing Form
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3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated Average Farm Size
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5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ % _____	7. Amount of Farmland As Defined in FPPA Acres: _____ % _____
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
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PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
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	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

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

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	
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PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
1. Area in Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
TOTAL CORRIDOR ASSESSMENT POINTS	160				

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

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part:	DATE
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Joshua Graham
NOTE: Complete a form for each segment with more than one Alternate Corridor



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



January 27, 2020

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

Consultation Code: 04ER1000-2020-SLI-0420

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ArDOT) Job 090555 - West Fork Crooked Creek Str. & Apprs. (S) - Hwy 7, Boone County, Arkansas. We received your email and determination on January 17, 2020.

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

ArDOT proposes to replace the bridge on Hwy. 7 over West Fork Crooked Creek, south of Harrison in Boone County. Designs for the project area are not available yet. See Attached KMZs.

The official species list obtained through U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website identified the endangered Gray Bat (*Myotis grisescens*), the endangered Indiana Bat (*Myotis sodalis*), the threatened Northern Long-eared Bat (*Myotis septentrionalis*), the endangered Ozark Big-eared Bat (*Corynorhinus (=Plecotus) townsendii ingens*), the proposed threatened Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), the threatened Piping Plover (*Charadrius melodus*), the threatened Red Knot (*Calidris canutus rufa*), and the threatened Missouri Bladderpod (*Physaria filiformis*) as potentially occurring in the project area. See attached species list.

USFWS via IPaC indicated that this project is outside of the scope of programmatic consultation due to the removal of trees >9 inches dbh in suitable habitat during the period between May 1- July 31. The letting date for this project is May 2021, so timing of clearing restrictions would likely delay construction. Presence/absence surveys for this project were not conducted. (ArDOT has committed to conducting habitat assessments and/or surveys as appropriate and coordinated with the USFWS during the active season and according to approved protocols prior to construction.)

The project will require clearing of up to 1.98 acres of suitable Indiana Bat and Northern Long-eared Bat summer roosting/foraging habitat. The project is 7.62 miles from the nearest Indiana Bat record, 7.00 miles from the nearest Northern Long-eared Bat record, 19.03 miles from the nearest Ozark Big-eared Bat record, and 2.04 miles from the nearest Gray Bat record. All four records were for roost caves.

A “may affect, not likely to adversely affect” determination was made for Gray Bat, Indiana Bat, Northern Long-eared Bat, and Ozark Big-eared Bat due to the proximity of the project area to known roost caves, the removal of suitable summer roosting habitat for IBAT and NLEB, and removal of potential foraging habitat for all four species.

A “no effect” determination was made for Eastern Black Rail, Piping Plover, Red Knot, and Missouri Bladderpod, due to lack of suitable habitat in the project area and distance to known occurrence records.

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 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 suitable foraging and roosting habitat effects, limited scope of the action (occurring along existing roadway, bridge and right-of-way), limited tree removal, the distance to known species locations, pre-construction survey, habitat, and bridge assessments, and the standard provisions for stream sediment control and water quality conservation measures, the Service concurs with your determinations of “not likely to adversely affect” for Gray Bat, Indiana Bat, Northern Long-eared Bat, and Ozark Big-eared. The Service also agrees with your assessment for the other species identified. This concurrence concludes your ESA Section 7 responsibilities relative to these species for this action.

Mr. John Fleming

3

For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melvin L. Tobin". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping underline.

Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2020\ARDOT\ArDOT Job 090555 - West Fork Crooked Creek\AFO Letter -Job 090555 - West Fork Crooked Creek - 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:

January 17, 2020

Consultation Code: 04ER1000-2020-SLI-0420

Event Code: 04ER1000-2020-E-00932

Project Name: 090555 - West Fork Crooked Creek Str. & Apprs. (S) - Hwy 7

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List
-

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2020-SLI-0420

Event Code: 04ER1000-2020-E-00932

Project Name: 090555 - West Fork Crooked Creek Str. & Apprs. (S) - Hwy 7

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: This is a bridge replacement project over West Fork Crooked Creek along AR Hwy 7 south Of Harrison AR.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.18411250175768N93.12365507047178W>



Counties: Boone, AR

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

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

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

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

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

Mammals

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

Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Proposed Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Flowering Plants

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

Critical habitats

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

Endangered species review

EVALUATING: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

Qualification interview

The following questions will determine whether this key applies to your project and provide guidance to help you make appropriate determinations for the species covered by this key.

1. Is the project within the range of the Indiana bat^[1]? 001

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

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]? 002

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

Automatically answered

Yes

3. Which Federal Agency is the lead for the action? 003

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales) 004

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

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]? 005

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

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]? 007

[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? 010

Yes

8. Will the project include *any* type of activity that could impact a **known** hibernaculum^[1], or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a **known** hibernaculum? 011

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

No

9. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat) 012

[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](#).

Yes

10. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat? 013

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

Yes

11. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail? 014

No

12. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area? 017

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

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

13. Does the project include activities **within documented Indiana bat habitat**^[1] **within** ^[2]? 022.Q

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

14. Will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors? 026.Q

Yes

15. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]? 027

[1] Coordinate with the local Service Field Office for appropriate dates.

C) During both the active and inactive seasons

16. When in the active season will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors? 028

C) During the active season both during and outside of the period May 1 to July 31

17. Will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors that occurs between May 1 and July 31 be limited such that all trees can be visually assessed for use by bats? 029

No

18. Does the project include activities **within documented NLEB habitat**^{[1][2]}? 030.Q

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

19. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors? 034.Q

Yes

20. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur? 035

C) During both the active and inactive seasons

21. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces? 043

Yes

22. Will **more than** 10 trees be removed **between** 0-100 feet of the road/rail surface *during* the active season^[1]? 037.Q

[1] Areas containing more than 10 trees will be assessed by the local Service Field Office on a case-by-case basis with the project proponent.

Yes

23. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost? 042.Q

No

24. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces? 044

Yes

25. Are *any* trees being removed **greater than** 9 inches diameter at breast height (dbh)? 041.Q

Yes

EVALUATION PROGRESS

Your project is outside of the scope of the programmatic consultation for this key because your project includes tree removal in suitable, but

not documented, Indiana bat roosting/foraging habitat or travel corridors during May 1 - July 31 and trees >9 inches dbh are being removed. Please contact the appropriate U.S. Fish and Wildlife Service office for additional assistance with your project.

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

ARDOT Job Number 090555 FAP Number NHPP-0005(48)

Job Title West Fork Crooked Creek Str. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			In attainment; no MSAT concerns
Cultural Resources	X			SHPO clearance attached
Economic	X			No adverse impacts
Endangered Species		X		No effect and NLAA determinations
Environmental Justice/Title VI	X			EJ populations not identified in area
Fish and Wildlife		X		Temporary during construction
Floodplains		X		Zone A; SP included
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None identified in project area
Land Use		X		4.4 acres new ROW
Migratory Birds		X		Migratory Bird SP included
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No permanent increase in noise levels
Prime Farmland		X		0.6 acre Prime Farmland
Protected Waters	X			None in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			WPA SP Included*
Relocatees	X			Relocations not necessary
Section 4(f)/6(f)	X			Section 4(f)/6(f) resources not in area
Social	X			No adverse effects
Underground Storage Tanks	X			None identified in project area
Visual	X			No adverse visual quality effects
Streams		X		Temporary during construction, NW14
Water Quality		X		Temporary decline during construction
Wetlands	X			None in project area
Wildlife Refuges	X			None in project area

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

Remarks:

*WHP SP-1.2 miles from project is WHPA for Well #1 of Krooked Kreek Water Assoc.

Signature of Evaluator Mary Pearson Date 02/04/2020

PROJECT DESIGN CRITERIA

DATE: September 23, 2019
REV.: _____

JOB NO: 090555 ROUTE / SECTION: 7/19 LENGTH: 0.56 mlie COUNTY: Boone
 JOB NAME: West Fork Crooked Creek Str. & Apprs. (S) MIN ORDER: 2018-080
 2021 ADT: 4,700 2041 ADT: 5,300 TRUCK: 3% 4-LANE GRID SYSTEM: No
 APHN: Yes INCENTIVE/DISINCENTIVE: Yes FUNCTIONAL CLASSIFICATION: Minor Arterial

EXISTING CONDITIONS

ROADWAY WIDTH: 28' WIDTH OF TRAVELED WAY: 22' SHOULDERS (WIDTH/TYPE): 2' (Paved)
 BIKE/PED ACCOMMODATIONS: None CRASH RATE: 1.07 STATEWIDE CRASH RATE: 1.07

BRIDGE INFORMATION

Bridge No.	Log Mile	Length x Width	Structure Type	BCI	Deck Rating	Superstructure Rating	Substructure Rating	Posted
02489	4.66	195.0' x 31.6'	Concrete Tee Beam	67.65	5	5	7	5

* Refer to PDC Bridge Information Codes

RECOMMENDED CRITERIA

NO. OF LANES: 2 WIDTH: 12' SHOULDERS (WIDTH/TYPE): 8' (2' Paved)
 DIVIDED: No MEDIAN WIDTH: N/A PARKING: None
 BRIDGE WIDTHS: 40' DESIGN SPEED - RURAL: 55 URBAN: N/A
 DEGREE OF ACCESS CONTROL: None CLEAR ZONE: 4:1 (30') / 6:1 (22')
 LOCATION OF INTERCHANGES: N/A CHANNELIZED INTERSECTION: As warranted
 TRAFFIC SIGNALS: As warranted RR X-ING PROTECTION: N/A
 BIKE/PED ACCOMMODATIONS: N/A
 PREVIOUS PLANNING STUDY: N/A
 STUDY FINDING: N/A

RECOMMENDED TYPE FUNDS:

PRELIM COST ESTIMATE: ROADWAY: \$2,000,000 BRIDGE: \$1,100,000 TOTAL: \$3,100,000

REMARKS:

- Replace exlating bridge with a bridge
- Use AASHTO Green Book
- Minimum Pavement Design

RECOMMENDED BY:

Charles Ellis: 
Date: 9-26-19

Trinity Smith: 
Date: 9/23/19

APPROVED BY:

Mike Fugett: 
ACE-Design

Date: 9/30/19

(ATTACH NEW PROJECT MEMO, LOCATION MAP, AND CRASH ANALYSIS)