



# INTEROFFICE MEMORANDUM

November 25, 2024

**TO:** Master Files

**FROM:** *for* Josh Seagraves, Division Head – Environmental *KB*

**SUBJECT:** Job 101234  
FAP STPSC-0061(31)  
McDonald St. – Geneva Dr. (Pocahontas) (S)  
Route 67, Section 19  
Randolph 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 proposed project includes the construction of full depth shoulders and striping to include a center turn lane on Highway 67 in Pocahontas in Randolph County. The total project length is approximately 0.4 mile. All work would occur within existing right of way. A project location map is attached.

The project would not involve relocations or impacts to Important Farmlands, Waters of the U.S., floodplains, underground storage tanks, hazardous materials, environmental justice populations, 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 toxics concerns. A Section 404 permit will not be required for the proposed project. Cultural resources clearance is attached.

The attached official species list obtained through U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) website identified the following nine species as having the potential to occur in the project area: Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), Curtis Pearlymussel (*Epioblasma curtisii*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*), Scaleshell Mussel (*Leptodea leptodon*), Western Fanshell (*Cyprogenia aberti*), Monarch Butterfly (*Danaus plexippus*), Missouri bladderpod (*Physaria filiformis*), and pondberry (*Lindera melissifolia*).

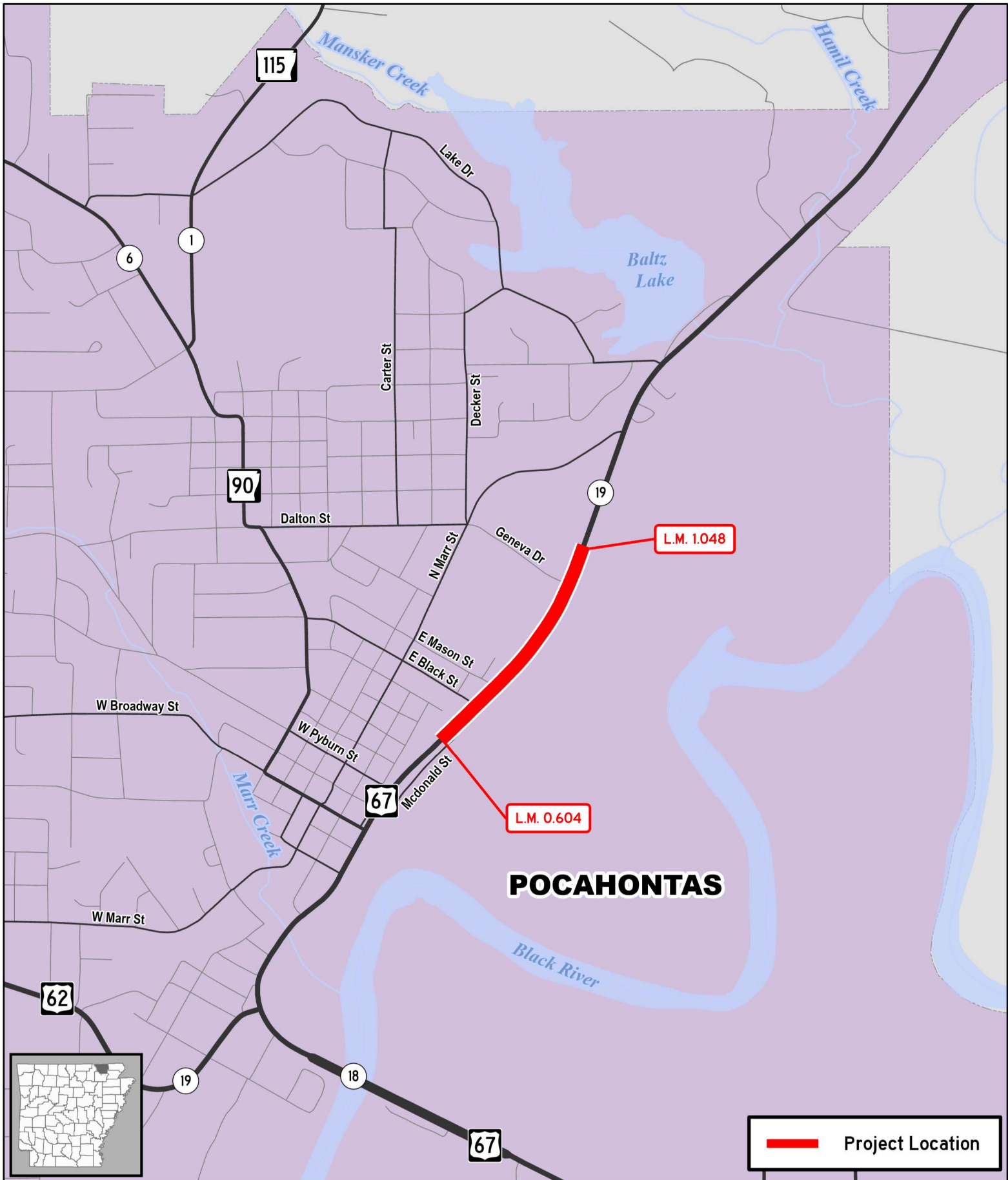
A determination of “no effect” has been reached for all threatened and endangered species due to the lack of suitable habitat in the project area. This project would not jeopardize the continued existence of any proposed or candidate species.

Job 101234  
Tier 1 Categorical Exclusion  
Page 2 of 2

#### Attachments

c: Program Management  
Right of Way  
Roadway Design  
District 10  
FHWA

JS:MS:sw



**POCAHONTAS**

 Project Location

**Job 101234**  
**McDonald St. – Geneva Dr. (Pocahontas) (S)**  
 Hwy. 67, Sec. 19  
 Randolph County





## INTEROFFICE MEMORANDUM

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November 21, 2024

**TO:** Environmental Job File

**FROM:** Jason Wilhelmi, Cultural Resources JW

**SUBJECT:** Cultural Resources Clearance  
Job 101234  
McDonald St. – Geneva Dr.  
(Pocahontas) (S)  
Route 67, Section 19  
Randolph County

This project proposes to construct full depth shoulders and striping to include a center turn lane on 0.44 miles of Hwy. 67 in Pocahontas, Randolph County. No new right-of-way (ROW) will be acquired. All work will occur within the existing roadway.

The records review of the Arkansas Archeological Survey (ARAS) database found that there are no archaeological sites recorded in or near the project area. The records review of the Arkansas Historic Preservation Program's (AHPP) database showed no historic structures near the project area. No cultural features were found on the 1936 Randolph County General Highway and Transportation map, quadrangle maps, or the 1821 and 1855 GLO plats.

The existing topography, aerial imagery, previous infrastructure and construction practices were examined to assess previous ground disturbance. All work will be within the existing ROW, and the scope of the project occurs within previously disturbed areas (highway construction). This type of undertaking will not affect historic properties. This project requires no Section 106 review under Appendix B, Activity 2, of the 2024 Amended Programmatic Agreement.



## 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

In Reply Refer To:

11/20/2024 19:16:05 UTC

Project Code: 2025-0022285

Project Name: ARDOT Job #101234 - McDonald St. – Geneva Dr. (Pocahontas) (S)

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, 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.*).

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 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 IPaC system by completing the same process used to receive the enclosed list.

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.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

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 Code 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

Project Code: 2025-0022285

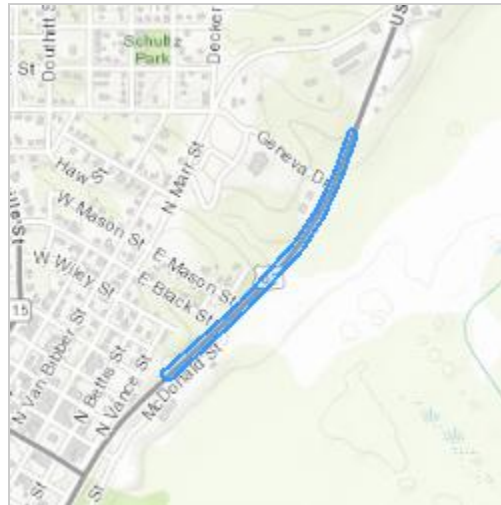
Project Name: ARDOT Job #101234 - McDonald St. – Geneva Dr. (Pocahontas) (S)

Project Type: Road/Hwy - Maintenance/Modification

Project Description: Construct full-depth shoulders within the existing roadway and repaint to include a left-turn lane

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.2653575,-90.96372733447343,14z>



Counties: Randolph County, Arkansas

## ENDANGERED SPECIES ACT SPECIES

There is a total of 15 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 does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

**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>	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 <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

**REPTILES**

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4658">https://ecos.fws.gov/ecp/species/4658</a>	Proposed Threatened

**CLAMS**

NAME	STATUS
Curtis Pearlymussel <i>Epioblasma florentina curtisii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5628">https://ecos.fws.gov/ecp/species/5628</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

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is <b>final</b> critical habitat for this species. Your location does not overlap 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
Western Fanshell <i>Cyprogenia aberti</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6895">https://ecos.fws.gov/ecp/species/6895</a>	Threatened

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## FLOWERING PLANTS

NAME	STATUS
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
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

## CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## **IPAC USER CONTACT INFORMATION**

Agency: Arkansas Department of Transportation

Name: Joseph Ledvina

Address: 10324 I-30

City: Little Rock

State: AR

Zip: 72209

Email: joseph.ledvina@ardot.gov

Phone: 5015692025

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Highway Administration

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

# Endangered Species Act Review

EVALUATING: AFO ARKANSAS MULTI-SPECIES DETERMINATION KEY

## 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. Have you made an effects determination of "no effect" for all species in the area 0.9 of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").

Yes

### EVALUATION PROGRESS

When the action agency determines its proposed action will not affect a listed species, there is no need to coordinate further with the Service. If listed species will not be directly or indirectly exposed to the proposed action or any resulting environmental changes, an action agency may conclude "no effect" and document the finding, thus completing the section 7 process. For example, if the species or its suitable habitat is not present in the action area and the project does not otherwise present any effects to the species, action agencies typically conclude and document "No Effect - species not present" as their finding."

**As documentation of this "no effect" determination print this screen, add it to your project files, and select "exit review" on the progress ribbon to return to the project home page.**

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

ARDOT Job 101234 FAP Number STPSC-0061(31)

Job Title McDonald St. – Geneva Dr. (Pocahontas) (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Cultural Resources	X			Falls under 2024 programmatic agreement
Economic	X			No adverse impacts anticipated
Endangered Species	X			“No effect” on all listed species
Environmental Justice/Title VI	X			No adverse impacts anticipated
Fish and Wildlife		X		Minimal impacts during construction
Floodplains	X			No impacts anticipated
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No impacts anticipated
Land Use	X			No impacts anticipated
Migratory Birds	X			No bridge or large culvert work
Navigation/Coast Guard	X			No navigable waters in project area
Noise Levels	X			No impacts anticipated
Prime Farmland	X			No impacts anticipated
Protected Waters	X			None in project area
Public Recreation Lands	X			No impacts anticipated
Public Water Supply/WHPA	X			None in project area
Relocatees	X			No relocations anticipated
Section 4(f)/6(f)	X			No impacts anticipated
Social	X			No adverse impacts anticipated
Underground Storage Tanks	X			No impacts anticipated
Visual	X			No impacts anticipated
Streams	X			None in project area
Water Quality		X		Minimal impacts 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? No  
 Section 404 Permit Required? No Type None

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

Signature of Evaluator Mikayla Shaddon Date 11/22/2024