

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB NUMBER 110713  
FAP NUMBER NHPP-0019 (54)  
DRAINAGE DITCH & SUGAR CREEK STRS. & APPRS. (S)  
ROUTE 42, SECTION 3  
ROUTE 163, SECTION 2  
CROSS COUNTY**

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

By the

U.S. Department of Transportation  
Federal Highway Administration

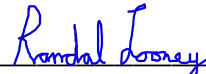
And the

Arkansas Department of Transportation

February 2021

February 23, 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 in Cross County is to replace the weight restricted bridge 03575 (75' x 26') on Highway 42 over a drainage ditch (Site 1) and bridge 04046 (85' x 27.8') on Highway 163 over Sugar Creek (Site 2) that has a short life expectancy due to its timber caps and piling. A project location map is attached.

The existing Highway 42 roadway consists of two 10-foot wide paved travel lanes with 2-foot wide paved shoulders. The existing Highway 163 roadway consists of two 10-foot wide paved travel lanes with 4-foot wide unpaved shoulders. Proposed improvements to both roadways include two 11-foot wide paved travel lanes with 4-foot (2-foot paved) wide shoulders. Both bridges will be replaced by box culverts. Up to 16.3 acres of additional right of way may be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed Highway 42	Design Speed Highway 163
2022	400	5	55 mph	35 mph
2042	450	5		

There are no relocations, environmental justice issues, wellhead protection areas/public water supplies, floodplains, or cultural resources associated with this project. State Historic Preservation Officer clearance is attached. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. Up to 3.0 acres of Prime Farmland may be impacted. Form NRCS-CPA-106 is attached.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The bridge replacements 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 through the US Fish and Wildlife Service's Information for Planning and Consultation website lists the Eastern Black Rail (*Laterallus jamaicensis spp. jamaicensis*), Piping Plover (*Charadrius melodus*),

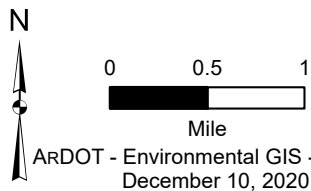
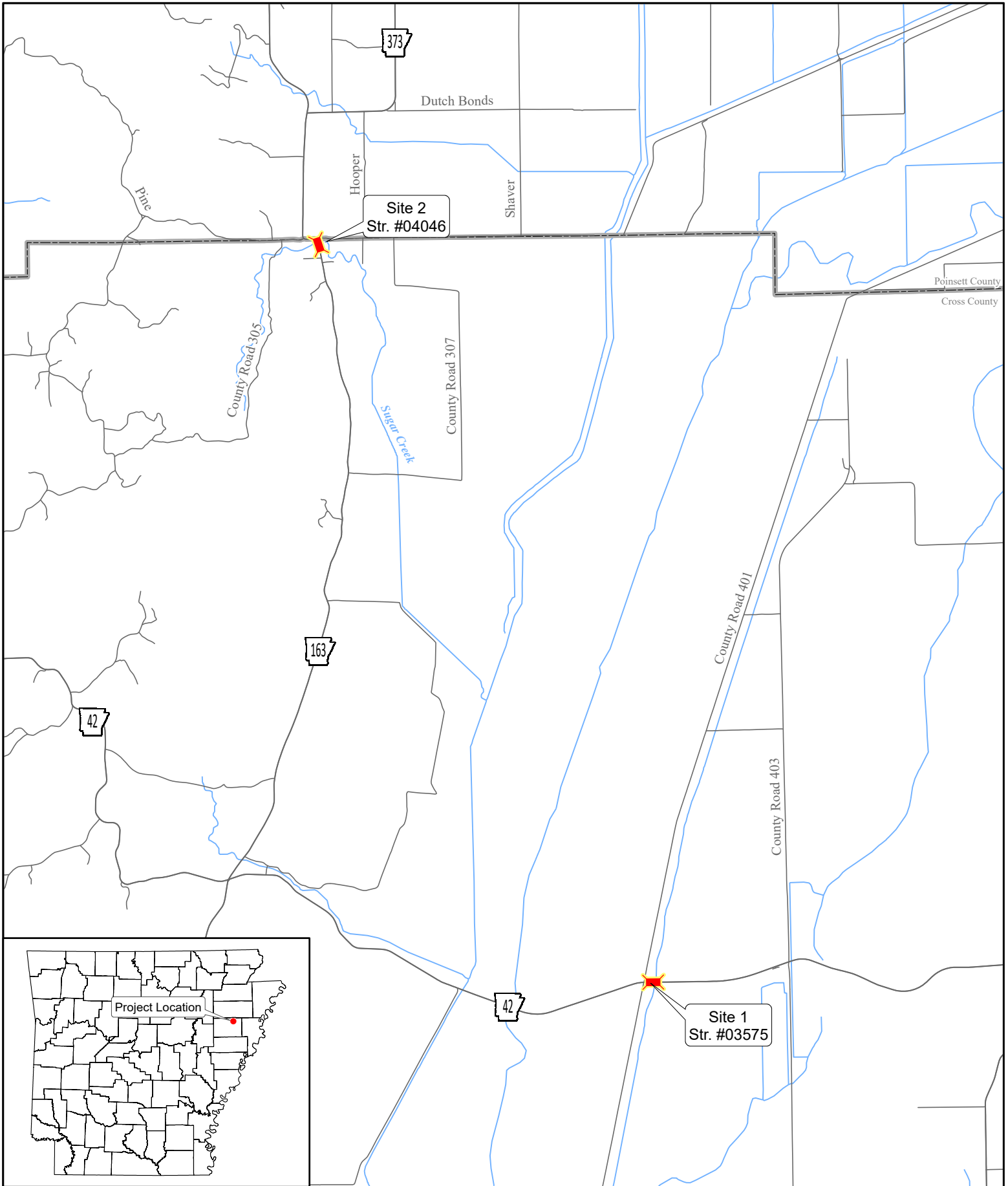
Red Knot (*Calidris canutus rufa*), Fat Pocketbook (*Potamilus capax*), Scaleshell Mussel (*Leptodea leptodon*), and pondberry (*Lindera melissifolia*) as protected species potentially occurring in the proposed project area. Based on the lack of habitat, scope of the project, and distance to known species occurrences, it has been determined that the proposed project will have “no effect” on the Eastern Black Rail, Piping Plover, and Red Knot. The official species is attached.

Based on the lack of habitat, stream size and classification, and scope of the project, it has been determined that the proposed project “may affect, but is not likely to adversely affect” the Fat Pocketbook, Scaleshell Mussel, and pondberry. The USFWS Consistency Letter dated December 15, 2020, is attached.

There are no wetland impacts due to construction of this project. Stream impacts are estimated to be less than 0.1 acre per crossing. Construction should be allowed under the terms of a Nationwide Permit 14 for Linear Transportation Projects as defined in the Federal Register 82 (4):1860 – 2002. A pre-construction notification is not 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 (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.

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



Job 110713  
 Drainage Ditch & Sugar Creek  
 Strs. & Apprs. (Hwys. 42 & 163)  
 Cross County



**Brown, Caitlin M.**

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**From:** Eric Mills <Eric.Mills@arkansas.gov>  
**Sent:** Friday, November 13, 2020 10:35 AM  
**To:** Environmental Clearance  
**Cc:** Looney, Randal  
**Subject:** AHPP 104049.01-FHWA / ARDOT 110713\_Cross County

**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.

November 13, 2020

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

RE: Cross County — General  
Section 106 Review — FHWA  
Drainage Ditch & Sugar Creek  
Strs. & Apprs. (S)  
Route 42, Section 3  
Route 163, Section 2  
ARDOT Job Number 110713  
AHPP Tracking Number 104049.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program reviewed the Project Identification Form for the proposed undertakings in Township 9 North, Range 4 East, Sections 4 and 35, Cross County, Arkansas. As described, the proposed undertaking entails replacement of Bridge 03575 on Highway 42 and 04046 on Highway 163. In correspondence dated June 17, 2019 (AHPP Tracking Number 104049), the AHPP concurred Bridges 03575 and 04046 are not eligible for inclusion in the National Register. The survey area for the cultural resource investigation totaled 33.69 acres. Based on the provided information, including the results of the field investigation, the AHPP concurs with a finding of **no historic properties affected pursuant to 36 CFR 800.4(d)(1)** for the undertaking.

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

Sincerely,

Eric

**ERIC R. MILLS**

Archeologist / Section 106 Manager  
Arkansas Historic Preservation Program  
1100 North Street  
Little Rock, AR 72201  
[eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov)  
p: 501.324.9784 | f: 501.324.9184  
[ArkansasPreservation.com](http://ArkansasPreservation.com)

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

<b>PART I (To be completed by Federal Agency)</b> Job 110713	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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<b>PART II (To be completed by NRCS)</b>	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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<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment</b>			
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	Corridor A	Corridor B	Corridor C	Corridor D
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A. Total Acres To Be Converted Directly				
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B. Total Acres To Be Converted Indirectly, Or To Receive Services				
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C. Total Acres In Corridor				
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<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
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A. Total Acres Prime And Unique Farmland				
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B. Total Acres Statewide And Local Important Farmland				
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C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
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D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
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<b>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)</b>				
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	<b>Maximum Points</b>			
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1. Area in Nonurban Use	15			
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2. Perimeter in Nonurban Use	10			
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3. Percent Of Corridor Being Farmed	20			
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4. Protection Provided By State And Local Government	20			
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5. Size of Present Farm Unit Compared To Average	10			
--	----	--	--	--

6. Creation Of Nonfarmable Farmland	25			
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7. Availability Of Farm Support Services	5			
--	---	--	--	--

8. On-Farm Investments	20			
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9. Effects Of Conversion On Farm Support Services	25			
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10. Compatibility With Existing Agricultural Use	10			
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TOTAL CORRIDOR ASSESSMENT POINTS	160			
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<b>PART VII (To be completed by Federal Agency)</b>				
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Relative Value Of Farmland (From Part V)	100			
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Total Corridor Assessment (From Part VI above or a local site assessment)	160			
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<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>			
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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:
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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



December 15, 2020

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

Consultation Code: 04ER1000-2021-SLI-0324

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed your re-initiation request, assessment, and determinations for Arkansas Department of Transportation (ARDOT) Job - 110713 Drainage Ditch & Sugar Creek Strs. & Apprs. replacement of two drainage structures in Cross and Poinsett Counties, Arkansas. We received your email and determination on December 14, 2020.

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

The project consists of two drainage structures that eventually flow into Straight Slough and the St. Francis River. Based on the lack of habitat, distance to known species occurrences, and scope of the project, it is our determination that the proposed project will have "no effect" on the Eastern Black Rail, Piping Plover, Red Knot, and Pondberry (IPaC listed as NLAA).

Based on the lack of habitat, size and classification of the stream, and scope of the project, it is our determination that the proposed project "may affect, but is not likely to adversely affect" the Fat Pocketbook and Scaleshell Mussel.

As stated in the Consistency Letter, "The Service concurs with these "NLAA" and "No Effect" determination(s) for Eastern Black Rail, Piping Plover, Red Knot, Fat Pocketbook, and Scaleshell Mussel. No further consultation for this project is required for these species. The verification letter confirms you may rely on effect determinations provided in the Arkansas Determination Key for project review and guidance for federally listed species to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA)." Furthermore, due to the limited scope of the action, distance to known species locations, lack of habitat, and the standard special provisions and BMPs for sediment control, the Service concurs with the determination of "may affect, not likely to adversely affect" for Pondberry.

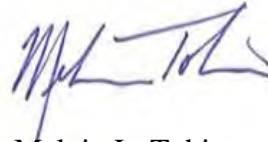
If the Proposed Action is modified, or new information reveals that it may affect any federally listed or proposed species, and/or any designated critical habitat, additional consultation may be required. If the proposed action has the potential to take Bald or Golden Eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may be necessary.

Mr. John Fleming

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For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or [lindsey\\_lewis@fws.gov](mailto:lindsey_lewis@fws.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melvin L. Tobin', with a stylized flourish at the end.

Melvin L. Tobin  
Field Supervisor

cc: Project File

Read File

Filename: <C:\Users\lilewis\Documents\PROJECTS\FY2021\ARDOT\ArDOT Job 110713 ESTS Concurrence\AFO Letter -Job 110713 ESTS - 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:

December 14, 2020

Consultation Code: 04ER1000-2021-SLI-0324

Event Code: 04ER1000-2021-E-00858

Project Name: 110713 Drainage Ditch & Sugar Creek Strs. & Apprs.

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

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## Project Summary

Consultation Code: 04ER1000-2021-SLI-0324

Event Code: 04ER1000-2021-E-00858

Project Name: 110713 Drainage Ditch & Sugar Creek Strs. & Apprs.

Project Type: TRANSPORTATION

Project Description: replace two drainage structures

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.40561564195682N90.67685597602647W>



Counties: Cross, AR | Poinsett, AR

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## Endangered Species Act Species

There is a total of 6 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.

### 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 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

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## Clams

NAME	STATUS
<b>Fat Pocketbook <i>Potamilus capax</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	<b>Endangered</b>
<b>Scaleshell Mussel <i>Leptodea leptodon</i></b> 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>	<b>Endangered</b>

## Flowering Plants

NAME	STATUS
<b>Pondberry <i>Lindera melissifolia</i></b> 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>	<b>Endangered</b>

## Critical habitats

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

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# 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:

December 14, 2020

Consultation Code: 04ER1000-2021-I-0324

Event Code: 04ER1000-2021-E-00861

Project Name: 110713 Drainage Ditch & Sugar Creek Strs. & Apprs.

Subject: Concurrence verification letter for '110713 Drainage Ditch & Sugar Creek Strs. & Apprs.' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear William Bailey:

The U.S. Fish and Wildlife Service (Service) received on **December 14, 2020** your effect determination(s) for the '110713 Drainage Ditch & Sugar Creek Strs. & Apprs.' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers, and the assistance in the Service's Arkansas DKey, you made the following effect determination(s) for the proposed Action, including species protective measures that you confirmed will be implemented.

<b>Species</b>	<b>Determination</b>
Proposed Threatened Eastern Black Rail ( <i>Laterallus jamaicensis ssp. jamaicensis</i> )	No Effect
Threatened Red Knot ( <i>Calidris canutus rufa</i> )	No Effect
Threatened Piping Plover ( <i>Charadrius melodus</i> )	No Effect
Endangered Pondberry ( <i>Lindera melissifolia</i> )	NLAA
Endangered Fat Pocketbook ( <i>Potamilus capax</i> )	NLAA
Endangered Scaleshell ( <i>Leptodea leptodon</i> )	NLAA

**Status**

The Service concurs with the NLAA determination(s) for the species listed above. No further consultation for this project is required for these species. Your agency has met consultation requirements by informing the Service of your “No Effect” determinations. No consultation for this project is required for species that you determined will not be affected by this action.

This concurrence verification letter confirms you may rely on effect determinations you reached by considering the Arkansas DKey to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA). No further consultation for this project is required for species that you determined will not be affected by this action.

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate this key in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information reveals the action may affect listed species or designated critical habitat; 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

**Bald and Golden Eagle Protection Act:** The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/southeast/our-services/permits/eagles/>

To determine if your proposed activity is likely to take or disturb Bald Eagles, complete our step-by-step online self-certification process, which is located at <https://www.fws.gov/southeast/our-services/eagle-technical-assistance/>.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

110713 Drainage Ditch & Sugar Creek Strs. & Apprs.

**2. Description**

The following description was provided for the project '110713 Drainage Ditch & Sugar Creek Strs. & Apprs.':

replace two drainage structures

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.40561564195682N90.67685597602647W>



**Species Protection Measures**

Bridges and Culverts

<https://www.fws.gov/southeast/pdf/species-protective-measures/bridge-and-culvert-projects.pdf>

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## Qualification Interview

1. Have you made an effects determination of "no effect" for all species in the area 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").

*No*

2. Is the action authorized, funded, or being carried out by a Federal agency?

*Yes*

3. Choose the agency you represent in this consultation with the U.S. Fish and Wildlife Service:

*d. Federal Highway Administration*

4. Will project proponents follow [Special Provisions for avoidance and minimization](#) measures for listed species in Arkansas?

*Yes*

5. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?

**Automatically answered**

*No*

6. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?

**Automatically answered**

*No*

7. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?

**Automatically answered**

*No*

8. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?

**Automatically answered**

*No*

9. [Semantic] Does the project intersect the American burying beetle consultation area?

**Automatically answered**

*No*

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10. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?  
**Automatically answered**  
*No*
11. [Semantic] Does the project intersect the Eastern black rail AOI?  
**Automatically answered**  
*Yes*
12. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
*No*
13. Does the project take place in marshy or flooded open field habitat?  
*No*
14. [Semantic] Does the project intersect the red knot AOI?  
**Automatically answered**  
*Yes*
15. [Semantic (same answer as "8.1.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
**Automatically answered**  
*No*
16. [Semantic (same answer as "8.2")] Does the project take place in marshy or flooded open field habitat?  
**Automatically answered**  
*No*
17. [Semantic] Does the project intersect the Piping Plover AOI?  
**Automatically answered**  
*Yes*
18. [Semantic (same answer as "8.1.3 or 9.3")] Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
**Automatically answered**  
*No*
19. [Semantic] Does the project intersect the Whooping Crane AOI?  
**Automatically answered**  
*No*
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20. [Semantic] Does the project intersect the interior least tern AOI?

**Automatically answered**

*No*

21. [Semantic] Does the project intersect the Gray Bat AOI?

**Automatically answered**

*No*

22. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?

**Automatically answered**

*No*

23. [Semantic] Does the project intersect the Indiana bat AOI?

**Automatically answered**

*No*

24. [Semantic] Does the project intersect the Northern Long-eared bat AOI?

**Automatically answered**

*No*

25. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?

**Automatically answered**

*No*

26. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?

**Automatically answered**

*No*

27. [Semantic] Does the project intersect the Ozark cavefish AOI?

**Automatically answered**

*No*

28. [Semantic] Does the project intersect the Missouri bladderpod AOI?

**Automatically answered**

*No*

29. [Semantic] Does the project intersect the Geocarpon AOI?

**Automatically answered**

*No*

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30. [Semantic] Does the project intersect the running buffalo clover AOI?  
**Automatically answered**  
*No*
31. [Semantic] Does the project intersect the Pondberry AOI?  
**Automatically answered**  
*Yes*
32. [Semantic] Does the project occur within the survey coordination area?  
**Automatically answered**  
*Yes*
33. This project intersects a waterbody where listed aquatic species may occur. Have you contacted the Arkansas Ecological Services Office to determine if a fish, mussel, or amphibian species survey or suitable habitat survey is recommended for this project?  
*Yes*
34. Was a species survey recommended by the Arkansas ES Field Office?  
*No*
35. Does the project contain any of the following activity types:  
Boat Ramps,  
Bridges,  
Culverts,  
Development,  
Dams or Impoundments (including berms and levees),  
Streambank Stabilization (or other streambank work),  
Pipeline and linear projects,  
Water intakes/withdrawals, or  
Stream or ditch relocation?  
*Yes*
36. Does the project include Streambank Stabilization (or other streambank work)?  
*No*
37. Does the project include Boat Ramps?  
*No*
38. Does the project include Bridges and Culverts?  
*Yes*
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39. Does the project include the Bridges and Culverts species [protective measures](#), as applicable to the project and site characteristics?

*Yes*

40. Does the project include Dams and Impoundments (including berms or levees)?

*No*

41. Does the project include Development?

*No*

42. Is the project a Pipeline or Linear Project?

*No*

43. Does the project include Water Intakes/Withdrawals?

*No*

44. Does the project include Stream or Ditch Relocation?

*No*

45. [Semantic] Does the project intersect the rabbitsfoot AOI?

**Automatically answered**

*No*

46. [Semantic] Does the project intersect the neosho mucket AOI?

**Automatically answered**

*No*

47. [Semantic] Does the project intersect the Spectaclecase AOI?

**Automatically answered**

*No*

48. [Semantic] Does the project intersect the snuffbox AOI?

**Automatically answered**

*No*

49. [Semantic] Does the project intersect the speckled pocketbook AOI?

**Automatically answered**

*No*

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50. [Semantic] Does the project intersect the ouachita rock pocketbook AOI?

**Automatically answered**

*No*

51. [Semantic] Does the project intersect the fat pocketbook AOI?

**Automatically answered**

*Yes*

52. [Semantic] Does the project intersect the Curtis pearlymussel AOI?

**Automatically answered**

*No*

53. [Semantic] Does the project intersect the scaleshell AOI?

**Automatically answered**

*Yes*

54. [Semantic] Does the project intersect the pink mucket AOI?

**Automatically answered**

*No*

55. [Semantic] Does the project intersect the Arkansas fatmucket AOI?

**Automatically answered**

*No*

56. [Semantic] Does the project intersect the winged mapleleaf AOI?

**Automatically answered**

*No*

57. [Semantic] Does the project intersect the leopard darter AOI?

**Automatically answered**

*No*

58. [Semantic] Does the project intersect the Yellowcheek darter AOI?

**Automatically answered**

*No*

59. [Semantic] Does the project intersect the Ozark hellbender AOI?

**Automatically answered**

*No*

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60. [Semantic] Does the project intersect the harperella AOI?

**Automatically answered**

*No*

61. [Semantic] Does the project intersect the pallid sturgeon AOI?

**Automatically answered**

*No*

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

ARDOT Job Number 110713 FAP Number NHPP-0019 (54)

Job Title Drainage Ditch & Sugar Creek Strs. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No air quality/MSAT impacts
Cultural Resources	X			SHPO clearance attached
Economic	X			No adverse impacts
Endangered Species		X		NLAA determination
Environmental Justice/Title VI	X			EJ populations impacts not anticipated
Fish and Wildlife		X		Temporary during construction
Floodplains	X			None in the project area
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No sites in project area
Land Use		X		Up to 16.3 acres of new Right of Way
Migratory Birds		X		Migratory Bird SP included
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland		X		Up to 3.0 acres Prime Farmland converted; NRCS form attached
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No impacts anticipated
Relocates	X			No relocations
Section 4(f)/6(f)	X			No impacts to 4f/6f resources
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No USTs in project area
Visual		X		Curves will be straightened out at Structure #04046
Streams		X		Less than 0.1 acre of impacts at each crossing
Water Quality		X		Temporary decline during construction
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? Yes

Section 404 Permit Required? Yes Type Nationwide Permit 14

Remarks: Preconstruction notification is not required.

Signature of Evaluator  Date 2/9/2021

**PROJECT DESIGN CRITERIA**

DATE: February 3, 2021  
 REV.: \_\_\_\_\_

JOB NO:	<u>110713</u>	ROUTE / SECTION:	<u>42/3<sup>(1)</sup>, 163/2<sup>(2)</sup></u>	LENGTH:	<u>0.54 mile</u>	COUNTY:	<u>Cross</u>
JOB NAME:	<u>Drainage Ditch &amp; Sugar Creek Strs. &amp; Apprs. (S)</u>					MIN ORDER:	<u>2018-080</u>
2022 ADT:	<u>400<sup>(1),(2)</sup></u>	2042 ADT:	<u>450<sup>(1),(2)</sup></u>	TRUCK:	<u>5%<sup>(1),(2)</sup></u>	4-LANE GRID SYSTEM:	<u>No</u>
APHN:	<u>No</u>	INCENTIVE/DISINCENTIVE:	<u>No</u>	FUNCTIONAL CLASSIFICATION:	<u>Major Collector</u>		

**EXISTING CONDITIONS**

ROADWAY WIDTH:	<u>24'-0"<sup>(1)</sup>, 28'-0"<sup>(2)</sup></u>	WIDTH OF TRAVELED WAY:	<u>20'-0"<sup>(1)</sup>, 20'-0"<sup>(2)</sup></u>	SHOULDERS (WIDTH/TYPE):	<u>2' Paved<sup>(1)</sup>, 4' Unpaved<sup>(2)</sup></u>
BIKE/PED ACCOMMODATIONS:	<u>No</u>	CRASH RATE:	<u>0.00<sup>(1)</sup>, 3.65<sup>(2)</sup></u>	STATEWIDE CRASH RATE:	<u>1.05<sup>(1),(2)</sup></u>

**BRIDGE INFORMATION**

Bridge No.	Log Mile	Length x Width	Structure Type	BCI	Deck/Culvert Rating	Superstructure Rating	Substructure Rating	Posted
<sup>(1)</sup> 03575	9.48	75.0' x 26.0'	Concrete Slab	60.31	7	7	6	3
<sup>(2)</sup> 04046	14.31	85.0' x 27.8'	Steel Multi-Beam	63.71	5	5	6	5

\* Refer to PDC Bridge Information Codes

**RECOMMENDED CRITERIA**

NO. OF LANES:	<u>2</u>	WIDTH:	<u>11'-0"<sup>(1),(2)</sup></u>	SHOULDERS (WIDTH/TYPE):	<u>4' (2' Paved)<sup>(1),(2)</sup></u>
DIVIDED:	<u>No</u>	MEDIAN WIDTH:	<u>N/A</u>	PARKING:	<u>N/A</u>
BRIDGE WIDTHS:	<u>N/A<sup>(1),(2)</sup></u>	DESIGN SPEED - RURAL:	<u>55 mph<sup>(1)</sup>, 35 mph<sup>(2)</sup></u>	URBAN:	<u>N/A</u>
DEGREE OF ACCESS CONTROL:	<u>None</u>	CLEAR ZONE:	<u>18' @ 4:1, 14' @ 6:1<sup>(1)</sup> 10' @ 4:1, 10' @ 6:1<sup>(2)</sup></u>		
LOCATION OF INTERCHANGES:	<u>N/A</u>	CHANNELIZED INTERSECTION:	<u>N/A</u>		
TRAFFIC SIGNALS:	<u>N/A</u>	RR X-ING PROTECTION:	<u>N/A</u>		
BIKE/PED ACCOMMODATIONS:	<u>None</u>				
PREVIOUS PLANNING STUDY:	<u>None</u>				
STUDY FINDING:	<u>N/A</u>				

RECOMMENDED TYPE FUNDS:	<u>NHPP</u>
PRELIM COST ESTIMATE:	ROADWAY: <u>\$3,300,000</u> BRIDGE: <u>\$0</u> TOTAL: <u>\$3,300,000</u>

**REMARKS:**

R.C. Box Culverts  
<sup>(1)</sup> Site 1  
<sup>(2)</sup> Site 2 - Use 3R Design Criteria  
 Use AASHTO Green Book

**RECOMMENDED BY:**


Charles Ellis: Charles R Ellis

Trinity Smith: Trinity Smith

Date: 2/5/21

Date: 2-4-2021

**APPROVED BY:**

Mike Fugett:   
 AC Design

Date: 02-05-2021

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

## PDC Bridge Information Codes

### BCI = Bridge Condition Index

ARDOT's replacement for Sufficiency Rating, used as an indicator of bridge condition.  
A higher index value indicates a better bridge condition.

### Deck, Superstructure, and Substructure

- 1 - Imminent Failure Condition (bridge closed pending corrective action)
- 2 - Critical Condition (Advanced loss to primary structure, may close bridge)
- 3 - Serious Condition (primary structure affected)
- 4 - Poor Condition (advanced deterioration)
- 5 - Fair Condition (minor section loss)
- 6 - Satisfactory Condition (minor deterioration)
- 7 - Good Condition (some minor problems)
- 8 - Very Good Condition (no problems noted)
- 9 - Excellent Condition

**Summary:** Lower numbers indicate elements that have more deterioration. A value of 4 or less would have indicated a Structurally Deficient bridge in the previous system.

### Posted

- 0 - More than 39.9% below legal loads
- 1 - 30.0-39.9% below legal loads
- 2 - 20.0-29.9% below legal loads
- 3 - 10.0-19.9% below legal loads
- 4 - 0.1-9.9% below legal loads
- 5 - Equal to or above legal loads

**Summary:** Lower numbers indicate a bridge cannot carry heavier loads.  
Code 4 or Less: Posting Required.  
Code 5: No Posting Required

### REMARKS:

Bridge Width = 0 signifies a culvert under fill.

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