



INTEROFFICE MEMORANDUM

March 6, 2025

TO: Master Files

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

SUBJECT: Job 110831
FAP ACSTPF-0019(61)
Hwy. 42 Slide Repairs (Cross Co.) (S)
Route 42, Section 3
Cross County
Tier 1 Categorical Exclusion

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

The purpose of this project is to rehabilitate seven slide areas along Hwy. 42 between the St. Francis River and County Rd. 401 in Cross County using rock buttresses and geotextiles. Approximately 0.7 acre of temporary construction easement will be required for this project. A project location map is attached.

The project will not involve relocations, prime farmlands, wetlands, underground storage tanks, hazardous materials, 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. The cultural resources clearance is attached.

The official species list obtained from the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation identified the Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), Fat Pocketbook (*Potamilus capax*), Scaleshell Mussel (*Leptodea leptodon*), Monarch Butterfly (*Danaus plexippus*), and pondberry (*Lindera melissifolia*) as species potentially occurring within the project area.

Utilizing the "Arkansas Multi-Species Determination Key," it has been determined that the project will have "no effect" on the Eastern Black Rail, Piping Plover, Red Knot, and Northern Long-eared Bat, and "may affect but is not likely to adversely affect" the Fat Pocketbook, Scaleshell Mussel, and the pondberry. The USFWS concurred with these determinations on 01/22/2025.

The Alligator Snapping Turtle and the Monarch Butterfly are currently proposed threatened species; however, the proposed project will not jeopardize the continued existence of either of these species.

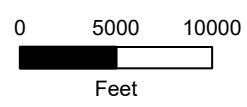
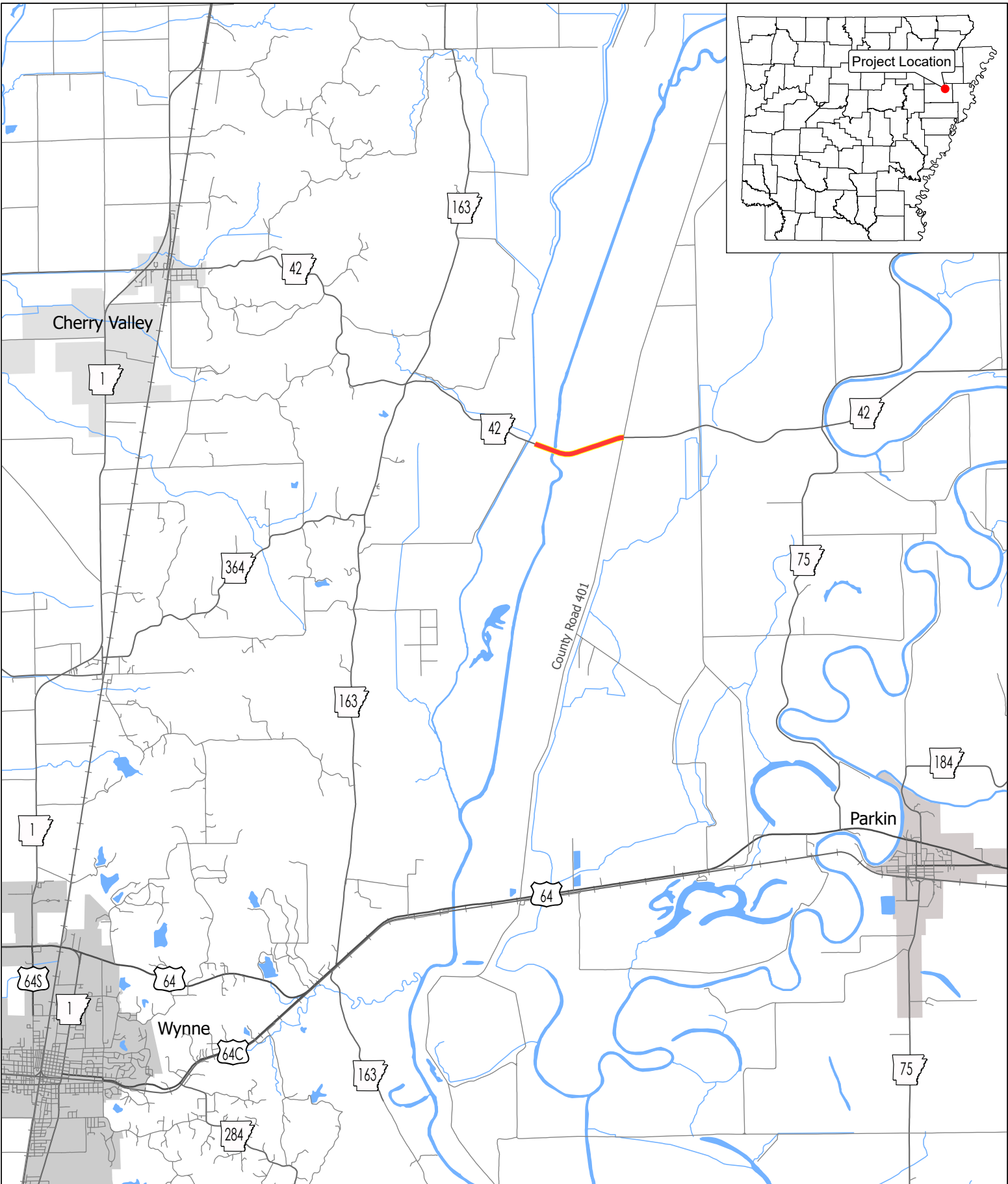
Waters of the US will not be impacted by this project; therefore, a Section 404 permit will not be required.

Cross County participates in the National Flood Insurance Program. The project lies within a 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 a risk to property or life.

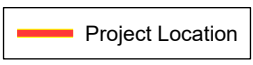
Attachments

c: Materials
Program Management
Right of Way
Roadway Design
District 1
FHWA

JS:KR:sw



**Job 110831
Hwy. 42 Slide Repairs
Cross County**





ARKANSAS DEPARTMENT OF TRANSPORTATION

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

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

INTEROFFICE MEMORANDUM

September 4, 2024

TO: Environmental Job File

FROM: M. Hughes, Cultural Resources M H

SUBJECT: Cultural Resources Constraints
Job 110831
Hwy. 42 Slide Repairs (Cross Co.) (S)
Route 42, Section 3
Cross County

This job proposes to utilize Federal-Aid Emergency Relief Funds to repair seven slide areas on Highway 42 with rock buttresses. All work will take place on existing disturbed ground. No new right-of-way (ROW) will be required.

A records review and a remote visual inspection have been conducted for this project. The review included the site files at the Arkansas Archeological Survey's (ARAS) database for previously recorded archeological sites and the Arkansas Historic Preservation Program's (AHPP) database for National Register of Historic Places (NRHP) listed and eligible structures. Map review included the 1846 General Land Office (GLO) plat of Township 9 North, Range 4 East; the 1936 Cross County highway map; the 1940, 1956 and 1966 15' Princedale, ARK topographic maps; the 1984 7.5' Princedale, ARK topographic map; and a 1957 aerial image. None of the resources reviewed indicated potential sites, structures, or cultural resources in or near the project locations.

The highway infrastructure, known construction practices, utilities, and available plans were examined to assess previous ground disturbance. This type of undertaking will not affect historic properties. All work will be within the existing ROW, and the current scope of the project occurs within previously disturbed areas. Therefore, this project requires no Section 106 review under Appendix C, Activity 32 of the 2021 Programmatic Agreement.

From: [Lewis, Lindsey](#)
To: [Hallett, Sarah J.](#)
Subject: Re: [EXTERNAL] Concurrence Request 110831 Hwy. 42 Slide Repairs (Cross Co.) (S)
Date: Wednesday, January 22, 2025 6:27:36 AM
Attachments: [image001.png](#)

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.

Sarah,

As stated in the Consistency Letter, the Service concurs with the "No Effect" and "NLAA" determination(s) for the listed species identified. 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)."

The Service recommends that your agency contact the Arkansas Ecological Services Field Office to re-initiate consultation or re-evaluate the determination key(s) in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information/surveys reveal the action may affect listed species, karst habitat, or designated critical habitat; or 3) 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 are committed.

The Service has no additional comments or concerns and agrees with the determinations, non-jeopardy determinations, all other justifications provided, Monarch Butterfly conservation measures, and concurrences made through the Arkansas Dkey.

Thanks,

Lindsey Lewis
Biologist

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

(501) 513-4489 - voice
(501) 513-4480 - fax
Lindsey_Lewis@fws.gov
<http://www.fws.gov/arkansas-es/>

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

From: Hallett, Sarah J. <Sarah.Hallett@ardot.gov>
Sent: Thursday, January 16, 2025 9:40 AM
To: Lewis, Lindsey <lindsey_lewis@fws.gov>
Subject: [EXTERNAL] Concurrence Request 110831 Hwy. 42 Slide Repairs (Cross Co.) (S)

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

Lindsey,

ARDOT is planning a slide repair on Hwy. 42 in Cross County. The project will use the rock buttress repair method.

I have attached the updated IPAC species list for your convenience. The project should have no effect on the Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), and Rufa Red Knot (*Calidris canutus rufa*) due to limited scope of the project, lack of habitat, and distance to known populations as indicated in the USFWS Arkansas DKey consistency letter (attached). The Arkansas DKey determined the project is not likely to adversely affect the Fat Pocketbook (*Potamilus copax*), Scaleshell Mussel (*Leptodea leptodon*), and Pondberry (*Lindera melissifolia*).

The project will not jeopardize the existence of the Alligator Snapping Turtle (*Macrochelys temminckii*) or the Monarch Butterfly (*Danaus plexippus*).

The Arkansas Department of Transportation is requesting concurrence with these effects determinations. Please contact me if you have any questions.

Sarah Hallett
Natural Resources Specialist
Environmental Division
Arkansas Department of Transportation
10324 Interstate 30
Little Rock, AR 72209
P: (501) 569-2078





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:

12/16/2024 22:13:33 UTC

Project Code: 2025-0032789

Project Name: 110831- Hwy. 42 Slide Repairs (Cross Co.) (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

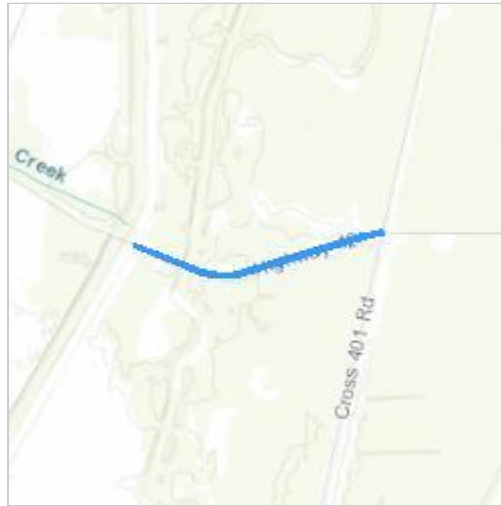
Conway, AR 72032-8975

(501) 513-4470

PROJECT SUMMARY

Project Code: 2025-0032789
Project Name: 110831- Hwy. 42 Slide Repairs (Cross Co.) (S)
Project Type: Slide Repair - Roadways
Project Description: Slide repair.
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.3613255000001,-90.63927331274657,14z>



Counties: Cross County, Arkansas

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.

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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: https://ecos.fws.gov/ecp/species/10477	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 does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

REPTILES

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

CLAMS

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2780	Endangered
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5881	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

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

Address: 10324 I-30

City: Little Rock

State: AR

Zip: 72209

Email sarah.hallett@ardot.gov

Phone: 5015692078

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

- **BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)**

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

ARDOT Job 110831 FAP ACSTPF-0019(61)

Job Title Hwy. 75 Slide Repairs (Cross Co.) (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Cultural Resources	X			Cultural resources memo attached
Economic	X			No impacts anticipated
Endangered Species		X		NLAAs, see USFWS consultation
Civil Rights/Title VI	X			No impacts
Fish and Wildlife	X			No impacts anticipated
Floodplains		X		Zone A SFHA
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None in project area
Land Use		X		~0.7 acre TCE required
Migratory Birds	X			No bridge or large culvert work
Navigation/Coast Guard	X			No navigable waters
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
Section 4(f)/6(f)	X			No impacts anticipated
Social	X			No impacts anticipated
Underground Storage Tanks	X			No impacts anticipated
Visual	X			No impacts anticipated
Streams	X			None in project area
Water Quality		X		Temporary 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 N/A

Remarks: .

Signature of Evaluator Katheryn Rose Date 3/4/2025