

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
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October 3, 2016

Mr. Angel Correa
Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number FA5309
FAP Number STPR-0053(30)
Hwy. 155 – East (Phase 3)
Perry County
Tier 3 Categorical Exclusion

Dear Mr. Correa:

The Environmental Division has reviewed the referenced project and it falls within the definition of the Tier 3 Categorical Exclusion as defined by the AHTD/FHWA Memorandum of 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 reconstruct a section of County Road 14 (Union Valley Road) and replace minor drainage structures. The total length of the project is 3.2 miles. A project location map is enclosed.

The existing gravel roadway is 18-foot wide with no shoulders and has an existing right of way width of 60 feet. Proposed improvements to County Road 14 will consist of two 10-foot wide gravel travel lanes with 4-foot wide gravel shoulders to accommodate future paving. Proposed new right of way width will vary between 80' - 155'. Approximately 10.7 acres of additional right of way will be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2016	82	5	30 mph
2036	109	5	30 mph

Noise predictions have been made for this project utilizing the Federal Highway Administration's TNM 2.5 (Traffic Noise Model) procedures. These procedures indicate that noise levels are below the FHWA noise criteria beyond the project's proposed right of way limits for current (2016) and future (2036) planning periods. No sensitive receptors are currently impacted and no project related noise impacts are anticipated. Any excessive project noise, due to construction operations, should be of short duration and have a minimum adverse effect on land uses or activities associated with this project area. In compliance with Federal guidelines, local authorities will not require notification.

There are no relocations associated with this project. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is enclosed. There are no Executive Order 12898 Environmental Justice issues involved with this project. Construction of this project should be allowed under terms of a Nationwide Permit 14 for Linear Transportation Project as defined in the Federal Register 72(47):11180-11198. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. Approximately 1.3 acres of Prime Farmland and 0.03 acres of Farmland of Statewide Importance will be converted to county road right of way. Form NRCS-CPA-106 is enclosed.

The project lies within the known range of the threatened Northern Long-eared bat. A Biological Evaluation was conducted to determine the potential effects to the species and a copy of the evaluation is attached. It was determined that the project was consistent with actions covered in the Programmatic Biological Opinion and the 4(d) Rule. The US Fish and Wildlife Service concurred with this assessment on July 7, 2016 (see enclosed). The Programmatic Biological Opinion and 4(d) Rule prohibit the taking of any known occupied maternity roost trees during the pup season, which is defined as June 1 - July 31. At present there are no known maternity roost trees within the project area. A special provision will be included in the contract which requires the contractor to submit all offsite areas that will be cleared during the pup season to the US Fish and Wildlife Service prior to approval.

Approximately 4.27 acres of easement will be required from the Ouachita National Forest. Timber will be cut for construction of the proposed project and may be either commercially sold or sold by firewood permit. The timber can be piled and burned, if no other practicable alternative exists.

If you have any questions, please contact the Environmental Division at 569-2281.

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 10/3/2016

Sincerely,

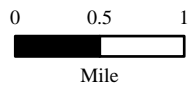
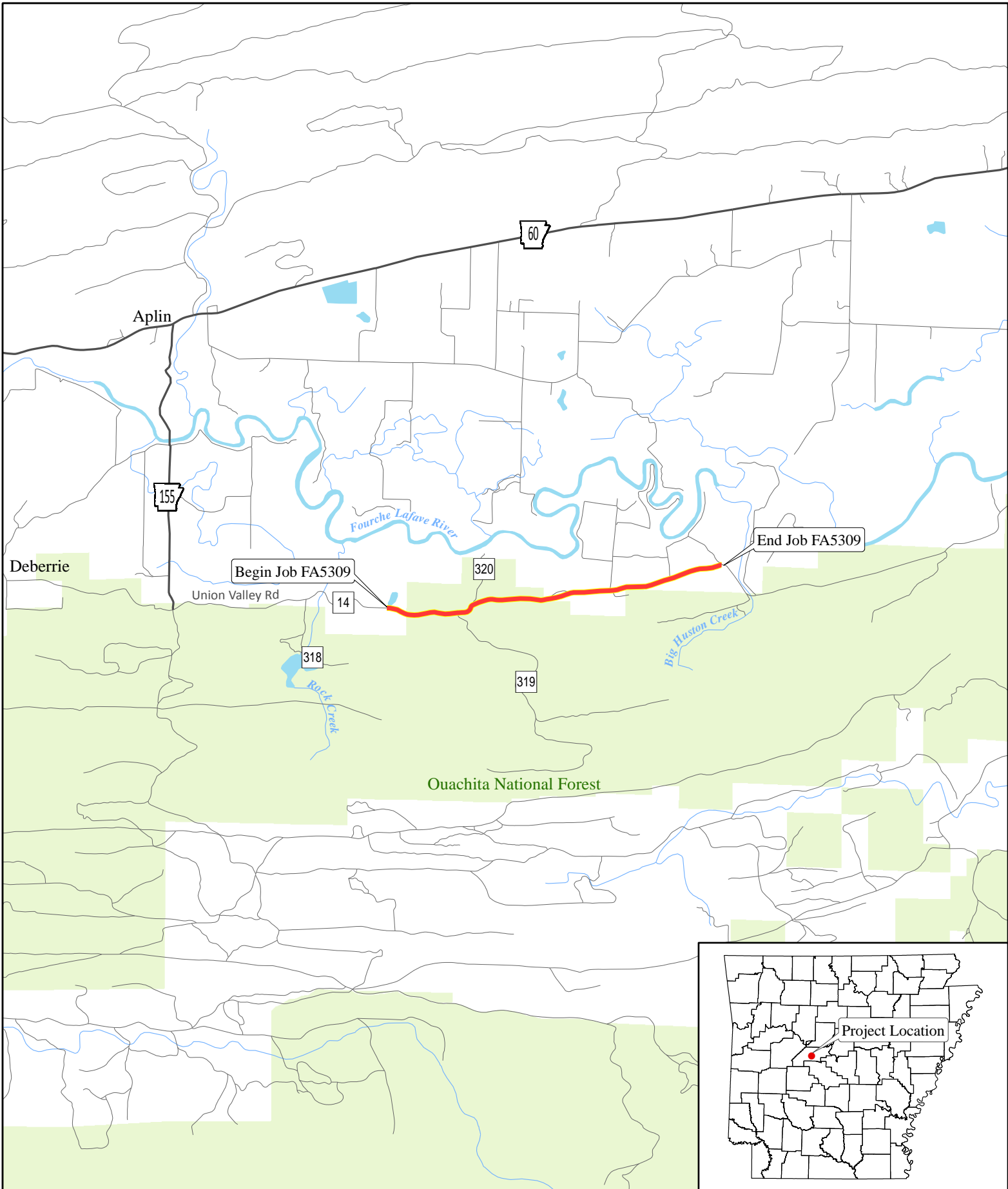


 John Fleming
Division Head
Environmental Division

Enclosures


JF:JB:fc

c: Program Management
Right of Way
State Aid
District 8
Master File



AHTD-Environmental GIS-Hopkins
July 21, 2015

Job FA5309 Hwy. 155 - East (Phase 3) Perry County

 Project Location

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

94899
FHWA

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February 12, 2016

AHPP
FEB 12 2016

Mr. Robert Scoggin
Arkansas Historic Preservation Program
323 Center Street, Suite 1500
Little Rock, Arkansas 72201

Re: AHTD Job Number FA5309
Hwy. 155-East (Phase 3)
Perry County

Dear Mr. Scoggin:

A Project Identification Form for the referenced project is enclosed. Please review for concurrence with the findings of my staff. If you have any questions or require additional information, please contact William McAlexander of my staff at 501-569-2078.

Sincerely,

John Fleming
Division Head
Environmental Division

JF:DW:WM:ym

Enclosure
PIF

RECEIVED
AHTD

FEB 18 2016

ENVIRONMENTAL
DIVISION

FEB 17 2016

Date

No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.

Frances McSwain, Deputy State
Historic Preservation Officer

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

PART I (To be completed by Federal Agency) Job FA5309		3. Date of Land Evaluation Request 8/30/2016	4. Sheet 1 of _____
1. Name of Project Hwy.155 – East (Phase 3) (S)		5. Federal Agency Involved FHWA	
2. Type of Project County Road Reconstruction		6. County and State Perry AR.	

PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form
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 NO	4. Acres Irrigated Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	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				
A. Total Acres Prime And Unique Farmland	1.3			
B. Total Acres Statewide And Local Important Farmland	.04			
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)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	10			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	0			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	40			

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	40			
TOTAL POINTS (Total of above 2 lines)	260	140			

1. Corridor Selected: New	2. Total Acres of Farmlands to be Converted by Project: 1.3 acres of Prime Farmland & .04 acres of Statewide Importance	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: *Janice* DATE 9/6/16

NOTE: Complete a form for each segment with more than one Alternate Corridor

From: Lewis, Lindsey [mailto:lindsey_lewis@fws.gov]
Sent: Thursday, July 07, 2016 8:38 AM
To: Bailey, William
Subject: Re: Revised BE FA5309 Perry County

Bill,

The U.S. Fish and Wildlife Service (Service) has reviewed the Biological Evaluation (BE) and your determination that the proposed action will not result in any prohibited incidental take. 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 ATHD's 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.

No further action is required at this time.

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/>

BIOLOGICAL EVALUATION

for

Activities Related to

**AHTD Job Number FA5309 (Phase III)
Hwy. 155 - East**

**Ouachita National Forest
Jessieville-Winona-Fourche Ranger District
Perry County, Arkansas**

by

**Bill Bailey
Environmental Scientist
Arkansas Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203
(501) 569-2281 (voice)
(501) 569-2009 (fax)
William.Bailey@arkansashighways.com**

June 2016

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PROJECT DESCRIPTION AND LOCATION

The Arkansas State Highway and Transportation Department (AHTD) is proposing improvements to Union Valley Road (Perry County Road 14) east of Highway 155. Job FA5309 (Phase III) will reconstruct the roadway for future paving of County Road 14 (CR 14), for a distance of approximately 3.15 miles. The existing 20-foot wide road has a gravel surface with no shoulders. The proposed improvements will provide two 10-foot travel lanes with four-foot shoulders and improving the horizontal alignment in a couple of sections.

PURPOSE AND NEED FOR THE PROPOSED ACTION

CR 14 is approximately three miles south of and roughly parallels Highway 60 in Perry County. Highway 155 connects Highway 60 and CR 14. State maintenance of Highway 155 ends at CR 14. South of CR 14, the route continues as Forest Service Road 207. CR 14 connects Highway 155 south of Aplin with Highway 9 approximately 11 miles to the east and approximately three miles south of Perryville, at its intersection with Highway 216.

Most of the proposed project is located in the Ouachita National Forest (ONF). There are a few parcels of private land which are primarily located on the north side of the roadway. County Road 14 provides access to areas within the National Forest that are subject to logging operations on a periodic basis, 27 acre Rock Creek lake, and a gravel quarry. The unpaved road requires maintenance on a regular basis. The traffic on, and maintenance of, the road leads to increased erosion and sediment in the local waterways. The proposed improvements will provide increased safety; improved travel times; lessen runoff and erosion of the existing road; and lessen maintenance needs and costs for Perry County.

PURPOSE AND NEED FOR THE BIOLOGICAL EVALUATION

This Biological Evaluation (BE) documents the possible effects of proposed road construction activities, including a minor amount of timber harvesting to expand the road's shoulder, on known and potential populations and habitat of Proposed, Endangered, Threatened, and Sensitive (PETS) species found on the Revised Regional Forester's Sensitive Species List (USDA-Forest Service 2007). This BE is in accordance with direction given in Forest Service Manual 2672.43 (USDA FS 2005c).

As part of the National Environmental Policy Act decision-making process, the BE provides a review of AHTD activities in sufficient detail to determine how a proposed action may affect or will affect any PETS species. Objectives of the BE are as follows:

- to ensure that AHTD actions do not contribute to loss of viability of any native plant or animal species or contribute to trends toward Federal listing of any species.
- to comply with the requirements of the Endangered Species Act, i.e., that actions of federal agencies not put at risk or adversely modify critical habitat of federally listed species.
- to provide a standard process to ensure that PETS species receive full consideration in the decision-making process. Decision makers will consider information in this BE to ensure that no species is placed in jeopardy by management actions.
- to meet the requirements of Forest Service Manual 2672.43(USDA FS 2005c), which provides direction for the preparation of site-specific BEs, including inventory requirements for PETS species.
- to incorporate any conservation measures specifically addressing any potential impacts from management activities related to known PETS habitat or potential habitat.

Only those PETS species known to occur or have suitable habitat in the action area have been considered for effects analysis in this BE.



PROPOSED MANAGEMENT ACTIONS

Proposed management actions include the use of Best Management Practices (BMPs) outlined in the National Pollution Discharge Elimination System (NPDES) and Section 404, Clean Water Act permits. These BMPs ensure that construction related activities related to the project will not have detrimental effects on the water quality within the watershed.

INVENTORY HISTORY

This BE is based on Arkansas Natural Heritage Commission 2010 records database, NatureServe Explorer Data (2015), Information for Planning and Conservation (IPaC) system, ONF PETS checklist (2014) from Jessieville-Winona-Fourche Ranger District, and published scientific literature, reports, and gray literature cited or reviewed. AHTD Environmental Analyst Kayti Ewing and Environmental Scientist Henry Langston conducted the survey for PETS species and their habitats for the proposed project on August 17-18, 2015. The results of these surveys are included in *Appendix B*.

SPECIES CONSIDERED AND SPECIES EVALUATED

All 80 PETS species were evaluated and/or inventoried according to Forest Service Manual 2672.43 (USDA FS 2005c). Of the 80 species found on the Revised Regional Forester's Sensitive Species List 9 are designated Federally Endangered, 5 are designated Federally Threatened, 0 are Federally Proposed for listing and 66 are Forest Service Sensitive. *Appendix A* lists all PETS species (Arkansas portion of the ONF) and indicates whether or not each is known to occur within the action area. The status of each species within the Jessieville-Winona-Fourche Ranger District and within the action area was based on known surveys and literature cited or reviewed. As expressed for each species listed in *Appendix A*, additional surveys are not needed at this time to provide more definitive information to improve the determination of effects on the evaluated PETS species. All inventory and analysis for PETS species was based on "best available science."

EVALUATED SPECIES SURVEY INFORMATION

Five (5) Forest Service Sensitive species are known to occur or may occur within the action area or the area of its influence, one of which is listed as a federally threatened species. This group is composed of two birds, one butterfly, one bat and two plant species (see *Appendix A*), and are the only five species evaluated for potential impacts from the proposed action.

Although several Sensitive aquatic species are known to occur in the Fourche La Fave River, no aquatic species were evaluated in this BE because of a lack of suitable habitat. All of the potential sensitive aquatic species prefer perennial water sources, but the project area contains only intermittent and ephemeral stream segments and all of the upland stream crossings have a distance of greater than 810 meters downstream to their confluence with the Fourche La Fave River. No direct impacts to aquatic species are expected and the indirect effects of sedimentation would be minimal due to erosion control measures utilized during construction and revegetation of all disturbed soils at project's end.

ENVIRONMENTAL BASELINE AND EFFECTS OF PROPOSED MANAGEMENT ACTIONS

Each specific proposed activity was evaluated to determine potential effects to the five sensitive species brought forward for analysis. These specific activities were listed in the “PROJECT DESCRIPTION AND LOCATION” section above. The most likely *general* effects are as follows:

Road Construction Activities:

- Would cause temporary soil disturbance from heavy equipment operation
- Could temporarily increase sedimentation by exposing soils susceptible to erosion before the action area could be revegetated
- Could impact or crush individual plants and animals on the ground directly by heavy equipment operation
- Would create small patches of early successional habitat through the conversion of forested tracts to road rights-of-way

These activities can be grouped or simplified into the following four impacts:

- **Soil disturbance**
- **Sedimentation**
- **Heavy equipment**
- **Creation of early successional habitat**

These impacts will be evaluated below for each of the five Sensitive species that occur or may occur within the action area.

Bachman’s Sparrow (*Aimophila aestivalis*) - Sensitive and Loggerhead Shrike (*Lanius ludovicianus*) - Sensitive

Bachman’s Sparrow’s preferred habitat includes pine woodlands or open habitats with a dense ground layer of grasses and forbs and an open understory with few dense shrubs. It has traditionally been associated with mature pine stands where wiregrass (*Aristida* sp.) or broomsedge (*Andropogon* sp.) dominate ground cover. In areas with no mature pine forest a majority of sparrows are found in open habitats such as road cuts, utility rights-of-way, and areas of early forest stage cover. They may also be found in degraded pastures and abandoned agricultural fields until plant succession eliminates open understory conditions. Populations can be especially high in areas maintained for the federally endangered Red-cockaded Woodpeckers (*Picoides borealis*). Frequent burning of pine forests help maintain habitat suitability by eliminating hardwood sprouts and shrubs.

The geographic range of Bachman’s Sparrow extends from south Virginia south to central Florida and west to eastern Texas and extreme southeastern Oklahoma. Occasionally birds are reported north to south-central Missouri, Kentucky, and Tennessee. In Arkansas, it occurs primarily in the central portion of the state. Bachman's Sparrow may be locally common in young pine plantations of the central and eastern Ouachita Mountains and in northern sections of the coastal plain. (Dunning 2006).

Loggerhead Shrikes prefer open habitats with short vegetation including pastures with fence rows, old orchards, mowed roadsides, cemeteries, golf courses, agricultural fields, and riparian areas. The Loggerhead Shrike has an extensive but shrinking range. It breeds from Saskatchewan, Canada south throughout Mexico and from the Atlantic coast west to the Pacific coast. Despite its wide distribution, the Loggerhead Shrike is one of the few North American passerines whose populations have declined

continent-wide in recent decades. Changes in human land-use practices, the spraying of biocides, and competition with species that are more tolerant of human-induced changes appear to be the major factors contributing to this decline. (Yosef 1996).

Direct Effects

Under the proposed activities, heavy equipment operation and ground disturbance may impact nesting success if conducted during the breeding season. Proposed activities are not likely to impact adult sparrows and shrike because they are highly mobile.

Indirect Effects

Under the proposed activities, approximately 4.29 acres (1.74 hectares) within the ONF will be converted to road rights-of-way. The resulting loss of potential habitat represents an insignificant amount of land within the 1.8 million acre ONF. The conversion of forested conditions to more open road rights-of-way may promote beneficial herbaceous growth preferred by the sparrow and shrike for foraging habitat. These narrow linear opens along the roadway are not likely to be used as nesting habitat due to disturbance by traffic and periodic maintenance. An increase in mortality rates may occur as the result of increased traffic and vehicle speeds. Soil disturbance and soil movement, controlled by erosion control measures, would not indirectly affect these species.

Cumulative Effects

Current and future silvicultural activities on adjacent and nearby Forest Service land would have beneficial effects on these species by providing additional areas containing early forest stage cover. Roadside management activities promote beneficial herbaceous growth preferred by these species for foraging, thus providing positive overall cumulative effects. Detailed analyses of all forest management activities are included in the Revised Forest Plan (USDA-Forest Service 2005a) and FEIS (USDA-Forest Service 2005b). Road construction activities occurring within the ONF are reviewed to ensure compatibility with the Forest Plan and FEIS. Further development within the area will likely be minimized because the right of way is bounded by National Forest System lands under the jurisdiction of the Ouachita National Forest and by large family owned farms.

Determination of Effects: *Proposed road construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Bachman’s Sparrow or Loggerhead Shrike.*

Diana Fritillary (*Speyeria diana*) – Sensitive

The Diana fritillary is a butterfly species of concern due to range-wide population declines and its apparent extirpation from large portions of its historical range (NatureServe 2009). The current range of this species includes the mountains of central Virginia, West Virginia, the western Carolinas, eastern Tennessee, northern Georgia, and Alabama with scattered locations in Arkansas and Missouri. Surveys conducted in western Arkansas indicate the butterfly is now documented in at least 12 counties including a historical record from Perry (ANHC Database, Assessed 2010, Moran and Baldrige 2002).

The Diana fritillary has been found to prefer areas maintained by fire and other openings, such as roads, glades, disturbed areas, and edges that allow for preferred nectar sources such as *Echinacia pallida*, *E. purpurea*, *Asclepias tuberosa*, and *Monarda fistulosa* (Rudolph and Ely 2000a,b; Rudolph *et al* 2006). Surveys conducted in western Arkansas during the early 1990s found the butterfly associated with disturbed habitat and natural prairies. Moran suggested that the relative scarcity of the butterfly may be related to its need for high quality nectar plants that have become rarer as prairies and wetlands have been

diminished (Moran and Baldrige 2002). Adults have been observed feeding on a variety of flowering plants including buttonbush (*Cephalanthus occidentalis*), purple coneflower (*Echinacea purpurea*), and compass plant (*Silphium laciniatum*) (ANHC 2002). During late summer, females lay one brood of eggs near violets (*Viola spp.*), the larval host plant. Larvae hatch in the fall, overwinter in leaf litter, and move to nearby violets to feed during the spring (Carlton and Nobles 1996).

Direct Effects

Under the proposed activities, heavy equipment operation may impact larva and eggs on the ground by crushing individuals depending on the time of year construction occurs. The proposed activities are not likely to impact adult butterflies because they are highly mobile.

Indirect Effects

Under the proposed activities, approximately 4.29 acres (1.74 hectares) within the ONF would be converted to road rights-of-way. Construction related activities and the conversion from forested conditions to open road rights-of-way may promote beneficial herbaceous growth preferred by this butterfly. A special seeding provision would be included in the contract that would include sowing of native grasses and wildflowers used as nectar sources by this butterfly. Increases in herbaceous cover would provide greater foraging and reproduction opportunities for this species. An increase in adult mortality could occur as the result of increased traffic and traffic speeds. Soil disturbance and soil movement, controlled by erosion control measures, would not indirectly affect this species.

Cumulative Effects

Current and future silvicultural activities on adjacent and nearby Forest Service land combined with the proposed project would have beneficial and overall positive cumulative effects on this butterfly. Increasing the total area of early stage forest cover will increase beneficial nectar producing wildflower species that are important food sources. Further development within the area will likely be minimized because the right of way is bounded by National Forest System lands under the jurisdiction of the Ouachita National Forest and by large family owned farms.

Determination of Effects: *Proposed road construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Diana fritillary.*

Ozark chinquapin (*Castanea pumila var. ozarkensis*) - Sensitive

Until the introduction of chestnut blight (*Endothia parasitica*) into the United States, the Ozark chinquapin had been considered a locally abundant and widespread species throughout the Interior Highlands Region. As a result of the spread of this parasite, few mature trees of this species still exist, although stump sprouts are quite common (Tucker 1989). The chestnut blight is the dominant threat to the species, thus making all others insignificant. Occurrence of this species in the project area would be highly unlikely based on habitat requirements which include upland slopes in steep terrain which are not characteristic of the proposed project limits. Vascular plant surveys conducted within the project area did not identify the Ozark chinquapin.

Direct Effects

In the event this species was overlooked and does occur heavy equipment utilized during the clearing of land for conversion to road rights-of-way may disrupt roots or root crowns or completely uproot and remove individual plants from the project area.

Indirect Effects

Under the proposed activities, temporary soil disturbance may allow non-native invasive species to become established and compete with this tree for nutrients, space, water and light. Invasive species noted in or near the project area include sericea lespedeza (*Lespedeza cuneata*), Chinese privet (*Ligustrum sinense*), tall fescue (*Festuca arundinacea*), and mimosa tree (*Albizia julibrissin*).

Cumulative Effects

Current and planned Forest Service activities near the project area are not likely to have adverse impacts to this species and in fact may promote its presence on the landscape. Thinning of timber, fire and wildlife habitat improvements all provide enhanced conditions under which the tree has been found to grow in the Ouachita Mountains. Cumulative effects to this species would be minimal due to the small acreage involved in this project and the small number of individuals likely encountered, if any.

Determination of Effects: *Proposed road construction activities “may impact individuals but are not likely to cause a trend to federal listing or loss of viability” for Ozark chinquapin.*

Shinner’s sunflower (*Helianthus occidentalis plantagineus*) – Sensitive

Shinner’s sunflower is endemic to Arkansas and Texas. It inhabits dry open areas (Flora of North America Ed. Committee 2006). Shinner’s sunflower is easily distinguished from other species within the genera by the relative lack of leaves on its stems. This species has been documented nearby from road rights-of way and also in glades along streams within the Ouachita National Forest where open, sunlit areas are abundant (Marsh and Golden 1996, Witsell 2004, 2005a). The presence of this species in shaded woodlands that currently exist adjacent to this road is unlikely.

Direct Effects

Vascular plant surveys conducted within the project area did not document the presence of Shinner’s sunflower. Although the vascular plant survey did not detect the species within the project area, there is the possibility that individuals of this species could be overlooked or not avoided during road construction activities and be displaced or uprooted and killed.

Indirect Effects

Temporary soil disturbance and creation of long, narrow patches of early successional habitat should benefit this sun loving species. Temporary soil disturbance may also allow non native species to become established. Invasive species noted in the project area that could compete with this plant include sericea lespedeza (*Lespedeza cuneata*), Chinese privet (*Ligustrum sinense*), tall fescue (*Festuca arundinacea*), and mimosa tree (*Albizia julibrissin*).

Cumulative Effects

Current and planned Forest Service activities could potentially have positive impacts on this species by providing more open conditions through the creation of early forest stage cover. The creation of early forest stage cover during road construction would provide positive overall cumulative effects by creating additional potential habitat.

Determination of Effects: *The proposed road construction activities “may impact individuals but are not likely to cause a trend to federal listing or loss of viability” for Shinner’s sunflower.*

Northern Long-eared Bat (*Myotis septentrionalis*) – Threatened

The northern long-eared bat is found in 37 states across most the eastern and north central United States. In Arkansas, the northern long-eared bat's range includes over 40 counties, mostly in the Ozark Highlands, Boston Mountains, Ouachita Mountains and the western part of South Central Plains Ecoregions. Summer habitat includes intact forested interiors with a large number of old trees, multiple forest strata and standing snags and woody debris (NatureServe Explorer 2015). Hibernation primarily occurs in caves (USFWS 2011). Northern long-eared bat populations are threatened by a range of stressors including disease, land use change, and direct human disturbance. Factors directly influencing this species include white-nose syndrome, winter and summer habitat modification, disturbance and destruction such as roost tree removal, cave vandalism and climate change (NatureServe Explorer 2015).

Direct Effects

According to initial consultation with the USFWS, no data of northern long-eared bats are recorded in the immediate project area; however, potential foraging habitat is present, and there is always the possibility that northern long-eared bats could be overlooked or not avoided during roadway construction activities.

Indirect Effects

Under the proposed activities, creation of early successional habitat could alter the species' foraging habitat.

Cumulative Effects

The Northern long-eared bat is protected under the Endangered Species Act (ESA) and the Forest Plan (USDA FS 2005a). Highway construction activities are reviewed to ensure compatibility with the Forest Plan (USDA FS 2005a) and the Endangered Species Act (ESA). Further development within the area will likely be minimized due to the amount of property currently owned or maintained by the Forest Service. As a result, no cumulative effects are expected to occur.

Determination of Effects: *The proposed highway construction activities are exempt for effects to the Northern-long eared bat under the 4(d) rule and the Programmatic Biological Opinion.*

CONSULTATION HISTORY WITH THE U.S. DEPARTMENT OF THE INTERIOR – U.S. FISH AND WILDLIFE SERVICE

Because there is one Proposed, Endangered, or Threatened species known to occur within the proposed action area concurrence from the U.S. Fish and Wildlife Service was obtained. The project is covered under the NLEB 4(d) Rule. *Appendix C* contains the Northern Long-Eared Bat 4(d) Rule Consultation Form.

DETERMINATION OF EFFECTS

Based on the preceding documentation, discussions, and “best available science,” my “determination of effects” for the proposed action are as follows:

A. Sensitive Species

No Impact

Beneficial Impact

May impact individuals but is not likely to cause a trend to federal listing or loss of viability:

Bachman’s Sparrow and Loggerhead Shrike: *The proposed road construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Bachman’s Sparrow and Loggerhead Shrike.*

Diana fritillary: *The proposed timber harvesting, utility relocations, and road construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for the Diana fritillary.*

Ozark chinquapin: *The proposed timber harvesting, utility relocations, and road construction activities “may impact individuals but are not likely to cause a trend to Federal listing or loss of viability” for Ozark chinquapin.*

Shinner’s sunflower: *The proposed road construction activities “may impact individuals but are not likely to cause a trend to federal listing or loss of viability” for Shinner’s sunflower.*

B. Proposed, Threatened and Endangered Species

No Effect

Not Likely to adversely affect

Likely to adversely affect

Northern long-eared bat: *After consultation with the USFWS, the roadway construction activities are exempt for effects to the Northern long-eared bat under the 4(d) rule. Although there are no records of roosting within the project area, the potential for foraging habitat exists. There is the possibility that individuals of this species could be overlooked or not avoided during roadway construction activities.*



Bill Bailey
AHTD Environmental Scientist

6/7/16
Date

Concurrence by:



Mary Mentz
Jessievile-Winona-Fourche District Wildlife Biologist

6/4/16
Date

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Appendix A

PETS Species Checklist

Survey Needs Based on FSM 2672.43(USDA FS 2005e)

Proposed, Endangered, Threatened, and Sensitive Species List (Arkansas Portion of the Ouachita National Forest Only)

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
FEDERALLY ENDANGERED and THREATENED SPECIES				
American alligator	<i>Alligator mississippiensis</i>	TSA	No	Range does not include the Jessieville-Winona-Fourche Units of the District (AGFC Website).
American burying beetle	<i>Nicrophorus americanus</i>	E	No	Occurrence is not expected project area lies outside designated American Burying Beetle Area (Carlton and Rothwein 1998, USDI-FWS 2005b, USFWS Consultation Area Shapefile 2012).
Arkansas fatmucket mussel	<i>Lampsilis powellii</i>	T	No	Occurs in the Alum Fork of Saline River on the Winona Ranger District (ANHC Records 2010). Arkansas endemic; occurs in the Saline, Ouachita and Caddo River Systems only (Davidson 1997, Davidson and Clem 2002, USDI-FWS 2005a, USDA-FS 2005a, Robison and Allen 1995, Harris et al. 2009).
Harperella (plant)	<i>Ptilimnium nodosum</i>	E	No	Does occur in project area (Witsell and Baker 2011, USDA-FS 2005b, ANHC Records 2010, NatureServe Explorer 2015).
Indiana bat	<i>Myotis sodalis</i>	E	No	No records for the Arkansas portion of the forest and occurrence is unlikely (Sealander and Heidt 1990, Kurta and Kennedy eds. 2002, Southern Research Station data files NatureServe Explorer 2015).
Least Tern (bird)	<i>Sternula antillarum</i>	E	No	Nest on sandbars of large rivers (James and Neal 1986, USFWS 2013). Suitable habitat not available in project area.
Leopard darter (fish)	<i>Percina pantherina</i>	T	No	Range does not include the JWF Units (USDA-FS 2005b, ANHC Records 2010, NatureServe Explorer 2015). Located on Cossatot, Little and Glover Rivers.
Missouri bladderpod (plant)	<i>Physaria (Lesquerella) fliformis</i>	T	No	Not known from project area or surrounding counties, closest known location is Garland County (Witsell 2006).
Ouachita rock pocketbook mussel	<i>Arkansia wheeleri</i>	E	No	Range does not include JWF Units of District (USDA-FS 2005b, ANHC Records 2010, NatureServe Explorer 2015). Known from Red and Ouachita Rivers Systems.
Piping Plover (bird)	<i>Charadrius melodus</i>	E	No	Suitable habitat is not available on JWF Units. Nests on sandbars with most records from the Miss. Alluv. Plain. One record from the Ouachita Mountains in 1938 (James and Neal 1986).
Red-cockaded Woodpecker	<i>Picoides borealis</i>	E	No	Historically present although signs were looked for during previous watershed surveys and none were found.
Scaleshell mussel	<i>Leptodea leptodon</i>	E	No	Occurrence (c. 1991) within Winona Unit of District in the South Fourche La Fave River <i>only</i> (Harris 1992, Harris et al. 2009, USFWS 2001, Stoeckel and Moles 2002, ANHC Records 2010, NatureServe Explorer 2015).

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Winged maple-leaf mussel	<i>Quadrula fragosa</i>	E	No	Range does not include project area or JWF Units of District (Harris et al. 2009; ANHC Records 2010, NatureServe Explorer 2015). Occurs on Ouachita and Little Missouri Rivers.
Spectaclecase mussel	<i>Cumberlandia monodonta</i>	E	No	Does not occur in project area (Harris et al. 2009, NatureServe Explorer 2015). Occurs on lower Ouachita River and Mulberry.
Rabbitsfoot mussel	<i>Quadrula cylindrica cylindrica</i>	T	No	Does not occur within or downstream from the project area (Harris et al. 2009, USDI-FWS 2012). Populations occur in Spring and Black River Drainages.
Northern long-eared bat	<i>Myotis septentrionalis</i>	T	Yes	Potential foraging habitat within the project area. No known roost trees or hibernacula within the project area. The project is exempt for effects to the species under the 4(d) rule and the Programmatic Biological Option.
FOREST SERVICE SENSITIVE SPECIES - ANIMALS				
Peregrine Falcon	<i>Falco peregrinus anatum</i>	S	No	Unlikely to occur in project area. May occur casually in migration - does not nest here (James and Neal 1986).
Bachman's Sparrow	<i>Aimophila aestivalis</i>	S	Yes	May be found in or near project area. Requires open pine forest, early forest stage cover for nesting habitat (Haggerty 1986, 1995, 2000, Shriver and Vickery 2001, Tucker et al. 2004, 2006, Wood et al. 2004).
Bald Eagle	<i>Haliaeetus leucocephalus</i>	S	No	Not documented near project area. USDI-FWS (2007a) Guidelines apply. Recently de-listed from Federally Threatened status and placed on this list (USDA-FS 2007, USDI-FWS 2007b).
Caddo madtom (fish)	<i>Noturus taylori</i>	S	No	Range does not include the Jessieville-Winona-Fourche Units of District (AR Fish Database 2001, ANHC Records 2010). Arkansas Endemic (Robison and Allen 1995).
Caddo Mtn. salamander	<i>Plethodon caddoensis</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Trauth and Wilhide 1999, Trauth et al. 2004). Arkansas Endemic (Robison and Allen 1995).
Crayfish (no common name)	<i>Fallicambarus strawni</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Robison 2000). Arkansas Endemic (Robison and Allen 1995).
Crayfish (no common name)	<i>Orconectes menae</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Robison 2000, ANHC Records 2010).
Crayfish (no common name)	<i>Procambarus reimeri</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Robison 2000). Arkansas Endemic (Robison and Allen 1995).
Crayfish (no common name)	<i>Procambarus tenuis</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Robison 2000). Western AR.
Crystal darter (fish)	<i>Crystallaria asprella</i>	S	No	Range does not include JWF Units of District (Robison and Buchanan 1988).
Diana fritillary butterfly	<i>Speyeria diana</i>	S	Yes	Early seral plant species in gaps or open forests (Carlton and Nobles 1996, Rudolph and Ely 2000a, 2000b, Spencer 2006, Rudolph et al. 2006, Baltosser 2007, Campbell et al. 2007).
Fourche Mtn. salamander	<i>Plethodon fourchensis</i>	S	No	Range does not include Jessieville-Winona Units of District (Trauth and Wilhide 1999, Trauth et al. 2004). Arkansas Endemic (Robison and Allen 1995).

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Isopod (no common name)	<i>Lirceus bicuspidatus</i>	S	No	Not located in project area. Known from one location on Winona Unit <i>only</i> (ANHC Records 2010). Arkansas Endemic (Robison and Allen 1995).
Kiamichi shiner (fish)	<i>Notropis ortenburgeri</i>	S	No	Closest known locations: Two in Winona Unit (about 7 miles southeast of project area on South Fork of Alum Fork) and one in Jessieville Unit, approx. 9 miles west of South Fourche La Fave River Bridge (ANHC Records 2010, NatureServe Explorer 2015; Robinson and Buchannan, 1988). Petit Jean River Drainage and Saline River possibly.
Kiamichi slimy salamander	<i>Plethodon kiamichi</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Trauth and Wilhide 1999, Trauth <i>et al.</i> 2004).
Loggerhead Shrike (bird, migrant)	<i>Lanius ludovicianus</i>	S	No	Hayfields, maintained pastures etc. not forests (Burnside and Shepherd 1985).
Longnose darter	<i>Percina nasuta</i>	S	No	Does occur in the project area (Robison and Buchanan 1988, Robison 1992). Located on South Fourche La Fave River near Highway 7 bridge (ANHC Records 2010).
Louisiana fatmucket mussel	<i>Lampsilis hydiana</i>	S	Yes	Documented to occur downstream of Lake Winona in the Alum Fork Saline River (Harris and Gordon 1988, Brown and Brown 1989, Burns and McDonnell 1992, Johnston <i>et al.</i> 1993, NatureServe Explorer 2015, Harris <i>et al.</i> 2009, Posey 2009). Lewter <i>et al.</i> (2003) found <i>L. hydiana</i> in South Fourche La Fave River.
Ohio River pigtoe mussel	<i>Pleurobema cordatum</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Harris <i>et al.</i> 1997; Harris <i>et al.</i> 2009).
Ouachita darter	<i>Percina brucethompsoni</i>	S	No	Does not occur in the project area; is only known to occur in the upper Ouachita River drainages (Robison and Buchanan 1988, Robison 1992).
Ouachita madtom (fish)	<i>Noturus lachneri</i>	S	No	Documented above and below Lake Winona in the Alum Fork Saline River and tributaries, but below the Forest Boundary in the Middle Fork Saline (Rickett 1986, Robison and Buchanan 1988, Tatum and Nelson 1989, Bowman 1990, Patton and Zornes 1991, Gagen <i>et al.</i> 1998, ADEQ Web data 2008). Arkansas Endemic (Robison and Allen 1995). Not found in the Arkansas River drainage system.
Ouachita Mountain shiner (fish)	<i>Lythrurus snelsoni</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Robison and Buchanan 1988). Kiamichi, Upper and Lower Little Rivers.
Paleback darter (fish)	<i>Etheostoma pallidorsum</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Robison and Buchanan 1988, Robison 2004). Arkansas Endemic (Robison and Allen 1995). Ouachita River drainages.
Peppered shiner (fish)	<i>Notropis perpallidus</i>	S	No	Known from Ouachita and Saline Rivers. Range does not include Fourche-Jessieville-Winona Unit within the Forest administrative boundary (Robison 2001b, 2006).
Plain pocketbook mussel	<i>Lampsilis cardium</i>	S	No	Alum Fork of Saline, South Fourche La Fave and Ouachita Rivers. Does occur on South Fourche LaFave River (Brown and Brown 1989, ANHC Records 2010, NatureServe Explorer 2015).

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Purple lilliput pearlymussel	<i>Toxolasma lividum</i>	S	No	This species occurs in Alum Fork Saline River (Harris and Gordon 1988, Brown and Brown 1989, Burns and McDonnell 1992, Harris <i>et al.</i> 1997, ANHC Records 2010, NatureServe Explorer 2015).
Pyramid pigtoe mussel	<i>Pleurobema rubrum</i>	S	No	Located in Petit Jean River near the Fourche Unit of District (Harris <i>et al.</i> 1997; Harris <i>et al.</i> 2009; ANHC Records 2010).
Rich Mtn. salamander	<i>Plethodon ouachitae</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Trauth and Wilhide 1999, Trauth <i>et al.</i> 2004).
Rich Mtn. slit-mouth snail	<i>Stenotrema pilsbryi</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Robison and Allen 1995).
Sequoyah slimy salamander	<i>Plethodon sequoyah</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (Trauth and Wilhide 1999, Trauth <i>et al.</i> 2004).
Southeastern myotis (bat)	<i>Myotis austroriparius</i>	S	No	Current range does not include Jessieville-Winona-Fourche Units of Forest. (Sealander and Heidt 1990, Saugey <i>et al.</i> 1993, Tumilson <i>et al.</i> 2002, Britzke 2003, Southern Research Station datafiles). Historic record of the SE Myotis from an abandoned mine along the Ouachita River in 1953 prior to filling of Lake Ouachita. Caddo-Womble District, Compartment 1603 (Davis <i>et al.</i> 1955).
Southern hickorynut mussel	<i>Obovaria arkansasensis</i>	S	No	Documented downstream of Lake Winona in the Alum Fork Saline River (Brown and Brown 1989, Harris <i>et al.</i> 1997, Harris <i>et al.</i> 2009). Known location in Winona Unit in South Fourche La Fave River, approx. 6.5 miles northeast of Highway 7 Bridge (ANHC Records 2010, NatureServe Explorer 2015).
Small-footed myotis (bat)	<i>Myotis leibii</i>	S	No	Suitable habitat in the form of large exposed bluff lines and extensive talus or rock rivers does not occur in PA. Closest record from the Forest is from the Mena area (Saugey <i>et al.</i> 1993).
Western fanshell mussel	<i>Cyprogenia aberti</i>	S	No	Range does not include Jessieville-Winona-Fourche Units of District (ANHC Records 2010, NatureServe Explorer 2015). Is known from Saline and Ouachita Rivers.
FOREST SERVICE SENSITIVE SPECIES - PLANTS				
Arkansas meadow-rue	<i>Thalictrum arkansanum</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (Bates 1992a, b, ANHC Records 2010).
Arkansas (Browne's) waterleaf	<i>Hydrophyllum brownei</i>	S	No	Documented occurrence in Alum Fork of Saline River corridor below Forest Boundary (Marsico 2006, Witsell 2007a, Robison <i>et al.</i> 2008). Arkansas Endemic (Robison and Allen 1995).
Bush's poppymallow	<i>Callirhoe bushii</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District and/or Arkansas Units of Forest (USDA-FS 2005a, Appendix C, ANHC Records 2010).
Butternut (tree)	<i>Juglans cinerea</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010).
Carolina crownbeard	<i>Verbesina walteri</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (Bates 1992a, b, ANHC Records 2010).
Cossatot Leafcup	<i>Polymnia cossatotensis</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (Bates 1992a, b, ANHC Records 2010, Robison <i>et al.</i> 2008). Arkansas Endemic (Robison and Allen 1995).

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Cumberland sandreed	<i>Calamovilfa arcuata</i>	S	No	Known locations near project area; closest occurrence is approx. 4.5 miles northeast of South Fourche La Fave River Bridge in South Fourche La Fave River (ANHC Records 2010). District records elsewhere from riparian areas indicate potential for occurrence (Witsell 2004).
Glade larkspur	<i>Delphinium treleasei</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010).
Golden-glade cress	<i>Leavenworthia aurea</i>	S	No	Unknown from Jessieville-Winona-Fourche Units (Bates 1992a, b, ANHC Records 2010).
Grave's spleenwort	<i>Asplenium X gravesii</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010).
Gulf pipewort	<i>Eriocaulon kornickianum</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010).
Maple-leaved oak	<i>Quercus acerifolia</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010). Arkansas Endemic (Robison and Allen 1995).
Narrowleaf ironweed	<i>Vernonia lettermannii</i>	S	No	Unknown from Jessieville-Winona Units of District (Bates 1992a, b, ANHC Records 2010).
Moore's delphinium	<i>Delphinium newtonianum</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (Hardcastle 2003, ANHC Records 2010, Robison <i>et al.</i> 2008). Arkansas Endemic (Robison and Allen 1995).
Nuttall's cornsalad	<i>Valerianella nuttalli</i>	S	No	A few locations on Jessieville Unit of District associated with shale glades, north of Lake Ouachita in Garland County (Forest Botanist, ANHC Records 2010). Unknown from Project Area (Wilkes 1999).
Openground draba	<i>Draba aprica</i>	S	No	Known occurrences in the Jessieville and Winona Units of District in Garland and Saline County (ANHC Records 2010). Closest known location approx. 5.5 miles southeast of Bear Creek Bridge (ANHC Records 2010).
Ouachita false indigo	<i>Amorpha ouachitensis</i>	S	Yes	Witsell (2007b) reported this species within the Alum Fork Saline River riparian corridor downstream from Lake Winona and on private land (Central Arkansas Water) but within the watershed boundary. Known occurrence is 4.5 miles northeast of South Fourche La Fave Bridge in Perry County (ANHC Records 2010).
Ouachita Mtn. Goldenrod	<i>Solidago ouachitensis</i>	S	No	Known distribution does not include JWF District (McElderry and Gentry 2006b, ANHC Records 2010).
Ozark chinquapin	<i>Castanea pumila</i> var. <i>ozarkensis</i>	S	Yes	In project area. Closest known location in Winona Unit, approx. 3 miles northeast of South Fourche La Fave River Bridge (ANHC Records 2010). Damage already occurred if it exists it will re-sprout, as long as herbicide not used.
Ozark least trillium	<i>Trillium pusillum</i> var. <i>ozarkanum</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (Bates 1992a, b, ANHC Records 2010, FTN Associates 2007).
Ozark spiderwort	<i>Tradescantia ozarkana</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (Bates 1992a, b, ANHC Records 2010).
Palmer's cornsalad	<i>Valerianella palmeri</i>	S	No	Known locations on shale glades on Jessieville Unit in Garland County (Forest Botanist, ANHC Records 2010). Undocumented from project area.

Common Name	Scientific Name	Status*	Potentially Affected	Notes and Comments
Panicled false indigo	<i>Amorpha paniculata</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010).
Pineoak jewelflower	<i>Streptanthus squamiformis</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010).
Sand grape	<i>Vitis rupestris</i>	S	No	1 location near Steve, AR on private land near Fourche Unit (ANHC Records 2010).
Scott's spleenwort	<i>Asplenium X ebenoides</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (ANHC Records 2010).
Shinners' sunflower	<i>Helianthus occidentalis</i> ssp. <i>plantagineus</i>	S	Yes	Several known occurrences on the JWF Units of District near the project area; closest known location is approx. 2 miles downstream from South Fourche La Fave River Bridge (ANHC Records 2010).
Small's woodfern	<i>Dryopteris X australis</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (Bates 1992a, b; ANHC Records 2010). Requires "wet", shaded woodlands (Lellingner 1985).
Southern lady's slipper	<i>Cypripedium kentuckiense</i>	S	No	In project area. Closest known occurrences approx. 2 ½ miles north of the South Fourche La Fave River Bridge (ANHC Records 2010).
Threadleaf bladderpod	<i>Lesquerella angustifolia</i>	S	No	Unknown from Jessieville-Winona-Fourche Units of District (NatureServe Explorer 2015). Found on the Oklahoma portion of Ouachita National Forest.
Waterfall's sedge	<i>Carex latebracteata</i>	S	No	Documented from the Fourche and Jessieville Units of District in Montgomery, Garland and Yell Counties (Bates 1992a, b, McElderry et al. 2006a, ANHC Records 2010), but not near the project area; however, habitat exist. Known from shale outcrops.

***Status:**

P = proposed for federal listing as endangered

E = federal endangered species

T = federal threatened species

S = Amended Regional Forester's Sensitive Species List (2007)

TSA = Threatened by Similarity of Appearance to the American crocodile.

Appendix B**Hwy. 155 – East
FA5309 (Phase III)****VASCULAR PLANT SURVEY**

A vascular plant survey was conducted on August 17th and 18th of 2015 in the Ouachita National Forest near Highway 155 in southern Perry County by AHTD staff Kayti Ewing and Henry Langston. A total of 208 species were identified. 10 species (5%) are non-native, which were primarily found along the roadside. Non-native species (nn) are noted below. The plant survey did not find any species tracked by the ANHC or any species listed as PETS by the US Forest Service in the project area.

TREES (41 species)

<i>Acer rubrum</i>	red maple	
<i>Albizia julibrissin</i>	mimosa tree	nn
<i>Aralia spinosa</i>	devil's walking stick	
<i>Betula nigra</i>	river birch	
<i>Carpinus caroliniana</i>	ironwood	
<i>Carya laciniosa</i>	shellbark hickory	
<i>Carya texana</i>	black hickory	
<i>Carya tomentosa</i>	mockernut hickory	
<i>Cercis canadensis</i>	red bud	
<i>Cornus florida</i>	flowering dogwood	
<i>Cornus foemina</i>	stiff dogwood	
<i>Diospyros virginiana</i>	persimmon	
<i>Fraxinus pensylvanica</i>	green ash	
<i>Gleditsia triacanthos</i>	honey locust	
<i>Ilex decidua</i>	deciduous holly	
<i>Juniperus virginiana</i>	eastern red cedar	
<i>Liquidambar styraciflua</i>	sweetgum	
<i>Morus rubra</i>	red mulberry	
<i>Nyssa sylvatica</i>	blackgum	
<i>Ostrya virginiana</i>	hop hornbeam	
<i>Pinus echinata</i>	shortleaf pine	
<i>Pinus taeda</i>	loblolly pine	
<i>Platanus occidentalis</i>	sycamore	
<i>Prunus serotina</i>	black cherry	
<i>Prunus sp.</i>	plum	
<i>Quercus alba</i>	white oak	
<i>Quercus falcata</i>	southern red oak	
<i>Quercus marilandica</i>	blackjack oak	
<i>Quercus nigra</i>	water oak	

<i>Quercus pagoda</i>	cherrybark oak
<i>Quercus phellos</i>	willow oak
<i>Quercus rubra</i>	northern red oak
<i>Quercus stellata</i>	post oak
<i>Quercus velutina</i>	black oak
<i>Rhamnus caroliniana</i>	Carolina buckthorn
<i>Salix nigra</i>	black willow
<i>Sambucus canadensis</i>	elderberry
<i>Ulmus alata</i>	winged elm
<i>Ulmus americana</i>	American elm
<i>Ulmus rubra</i>	slippery elm
<i>Viburnum prunifolium</i>	blackhaw

SHRUBS (18 species)

<i>Callicarpa americana</i>	American beauty berry	
<i>Cephalanthus occidentalis</i>	buttonbush	
<i>Crataegus marshallii</i>	parsley hawthorn	
<i>Crataegus sp.</i>	hawthorn	
<i>Hamamelis virginiana</i>	American witchhazel	
<i>Hypericum prolificum</i>	shrubby St. John's wort	
<i>Ligustrum sinense</i>	privet	nn
<i>Opuntia humifusa</i>	prickly pear	
<i>Rosa carolina</i>	Carolina rose	
<i>Rhus aromatica</i>	fragrant sumac	
<i>Rhus copallina</i>	winged sumac	
<i>Rhus glabra</i>	smooth sumac	
<i>Styrax grandifolius</i>	bigleaf snowbell	
<i>Toxicodendron pubescens</i>	poison oak	
<i>Vaccinium arboreum</i>	farkleberry	
<i>Vaccinium pallidum</i>	low-bush blueberry	
<i>Vaccinium stamineum</i>	deerberry	
<i>Yucca glauca</i>	yucca	

WOODY VINES AND BRAMBLES (17 species)

<i>Berchemia scandens</i>	rattan vine	
<i>Bignonia capreolata</i>	crossvine	
<i>Brunnichia ovata</i>	American buckwheat vine	
<i>Campsis radicans</i>	trumpet creeper	
<i>Lonicera japonica</i>	Japanese honeysuckle	nn
<i>Mitchella repens</i>	partridge berry	
<i>Parthenocissus quinquefolia</i>	Virginia creeper	
<i>Rubus sp.</i>	blackberry	
<i>Rubus trivalis</i>	southern dewberry	
<i>Smilax bona-nox</i>	cat brier	

<i>Smilax glauca</i>	glaucous greenbrier
<i>Smilax rotundifolia</i>	roundleaf greenbrier
<i>Toxicodendron radicans</i>	poison ivy
<i>Trachelospermum difforme</i>	climbing dogbane
<i>Vitis aestivalis</i>	summer grape
<i>Vitis cinera</i>	graybark grape
<i>Vitis rotundifolia</i>	muscadine grape

DICOT FORBS (92 species)

<i>Acalypha sp.</i>	threeseed mercury	
<i>Ambrosia artemisiifolia</i>	common ragweed	
<i>Ambrosia bidentata</i>	lanceleaf ragweed	
<i>Antennaria parlinii</i>	pussytoes	
<i>Asclepias syriaca</i>	common milkweed	
<i>Baptisia sp.</i>	wild indigo	
<i>Boehmeria cylindrica</i>	false nettle	
<i>Boltonia asteroides</i>	white doll's daisy	
<i>Bradburia pilosa</i>	soft goldenaster	
<i>Chamaecrista fasciculata</i>	partridge pea	
<i>Cirsium altissimum</i>	tall thistle	
<i>Clitoria mariana</i>	butterfly pea	
<i>Commelina erecta</i>	dayflower	
<i>Conyza canadensis</i>	Canadian horseweed	
<i>Coreopsis grandiflora</i>	largeflower tickseed	
<i>Coreopsis tinctoria</i>	plains coreopsis	
<i>Croton capitatus</i>	woolly croton	
<i>Croton glandulosus var. septentrionalis</i>	tropic croton	
<i>Croton sp.</i>	croton	
<i>Cunila origanoides</i>	dittany	
<i>Cuscuta sp.</i>	dodder	
<i>Daucus carota</i>	Queen Anne's lace	nn
<i>Desmodium sp.</i>	tick-trefoil	
<i>Desmondium rotundifolium</i>	dollar leaf	
<i>Diodia teres</i>	rough buttonweed	
<i>Diodia virginiana</i>	Virginia buttonweed	
<i>Echinacea purpurea</i>	purple coneflower	
<i>Elephantopus carolinianus</i>	Carolina elephantsfoot	
<i>Erechtites hieraciifolius</i>	burnweed	
<i>Erigeron tenuis</i>	slenderleaf fleabane	
<i>Eupatorium perfoliatum</i>	common boneset	
<i>Eupatorium serotinum</i>	late boneset	
<i>Euphorbia corollata</i>	flowering spurge	
<i>Euphorbia nutans</i>	nodding spurge	
<i>Fragaria virginiana</i>	Virginia strawberry	
<i>Galactia regularis</i>	eastern milkpea	
<i>Galium texense</i>	Texas bedstraw	

<i>Geum canadense</i>	white avens	
<i>Helenium amarum</i>	yellow sneezeweed	
<i>Helianthus divaricatus</i>	woodland sunflower	
<i>Helianthus hirsutus</i>	hairy sunflower	
<i>Hieracium gronovii</i>	hawkweed	
<i>Hypericum hypericoides</i>	St. Andrew's cross	
<i>Hypericum sp.</i>	St. John's wort	
<i>Kummerowia striata</i>	Japanese clover	nn
<i>Lactuca candensis</i>	wild lettuce	
<i>Lepidium virginicum</i>	Virginia pepperweed	
<i>Lespedeza bicolor</i>	shrubby bush clover	
<i>Lespedeza cuneata</i>	sericea lespedeza	nn
<i>Lespedeza sp.</i>	bush clover	
<i>Lespedeza virginica</i>	slender lespedeza	
<i>Ludwigia alternifolia</i>	seedbox	
<i>Lycopus sp.</i>	bugle weed	
<i>Mimulus ringens</i>	monkey flower	
<i>Monarda bradburiana</i>	Bradbury's beebalm	
<i>Monarda fistulosa</i>	wild bergamot	
<i>Nelumbo lutea</i>	American lotus	
<i>Nymphaea odorata</i>	American water lily	
<i>Oenothera rhombipetala</i>	fourpoint evening primrose	
<i>Oxalis stricta</i>	yellow woodsorrel	
<i>Passiflora incarnata</i>	purple passionflower vine	
<i>Passiflora lutea</i>	yellow passionflower vine	
<i>Penstemon sp.</i>	penstemon	
<i>Perilla frutescens</i>	beefsteak plant	
<i>Persicaria punctata</i>	dotted smartweed	
<i>Persicaria sp.</i>	smartweed	
<i>Phytolacca americana</i>	pokeweed	
<i>Plantago sp.</i>	plantain	
<i>Pluchea camphorata</i>	camphor weed	
<i>Prunella vulgaris</i>	self-heal	
<i>Ptillimnium capillaceum</i>	mock bishop's weed	
<i>Pycnanthemum muticum</i>	mountain mint	
<i>Pycnanthemum tenuifolium</i>	slender mountain mint	
<i>Rhexia mariana</i>	little brown jug	
<i>Rudbeckia hirta</i>	black-eyed Susan	
<i>Sabatia sp.</i>	rose gentian	
<i>Salvia lyrata</i>	lyreleaf sage	
<i>Sanicula canadensis</i>	Canadian black snakeroot	
<i>Senna obtusifolia</i>	sicklepod	
<i>Silphium integrifolium</i>	rosinweed	
<i>Solanum carolinense</i>	Carolina horsenettle	
<i>Solidago altissima</i>	Canada goldenrod	
<i>Solidago rugosa</i>	wrinkleleaf goldenrod	
<i>Solidago sp.</i>	goldenrod	
<i>Sonchus asper</i>	sow thistle	

<i>Stylosanthes biflora</i>	pencil flower
<i>Symphotrichum sp.</i>	aster
<i>Tephrosia virginiana</i>	goat's rue
<i>Verbascum sp.</i>	mullein
<i>Verbena urticifolia</i>	white vervain
<i>Verbesina sp.</i>	crownbeard
<i>Vernonia baldwinii</i>	Baldwin's ironweed

MONOCOT FORBS (2 species)

<i>Iris cristata</i>	iris
<i>Manfreda virginica</i>	false aloe

GRASSES AND SEDGES (35 species)

<i>Agrostis sp.</i>	bentgrass	
<i>Andropogon virginicus</i>	broomsedge	
<i>Aristida sp.</i>	threeawn	
<i>Bromus japonicus</i>	Japanese brome	nn
<i>Carex aureolensis</i>	goldenfruit sedge	
<i>Carex spp.</i>	sedge	
<i>Carex tribuloides</i>	blunt broom sedge	
<i>Chasmanthium latifolium</i>	inland sea oats	
<i>Chasmanthium laxum</i>	slender woodoats	
<i>Cyperus echinatus</i>	globe flatsedge	
<i>Cyperus odoratus</i>	fragrant flatsedge	
<i>Cyperus sp.</i>	flatsedge	
<i>Danthonia spicata</i>	poverty oat grass	
<i>Dichanthelium boscii</i>	deer's tongue	
<i>Dichanthelium oligosanthes</i>	Heller's rosette grass	
<i>Dichanthelium scoparium</i>	velvet panic grass	
<i>Dichanthelium sp.</i>	rosette grass	
<i>Digitaria sp.</i>	crabgrass	nn
<i>Elymus virginicus</i>	Virginia wildrye	
<i>Juncus effusus</i>	common rush	
<i>Juncus coriaceous</i>	leathery rush	
<i>Juncus sp.</i>	rush	
<i>Juncus validus</i>	roundhead rush	
<i>Leptochloa sp.</i>	sprangletop	
<i>Melica nitens</i>	threeflower melicgrass	
<i>Panicum anceps (Coleataenia anceps)</i>	beaked panic grass	
<i>Panicum sp.</i>	panic grass	
<i>Paspalum floridanum</i>	Florida paspalum	
<i>Rhynchospora corniculata</i>	shortbristle horned beaksedge	
<i>Rhynchospora glomerata</i>	clustered beaksedge	
<i>Schedonorus arundinaceus</i>	tall fescue	nn
<i>Setaria parviflora</i>	knotroot bristlegrass	

Sorghum halepense
Tridens flavus
Vulpia sp.

Johnson grass
purple top
sixweeks fescue
nn

FERNS (3 species)

Asplenium platyneuron
Botrychium sp.
Polystichum acrosticoides

ebony spleenwort
grape fern
christmas fern

Appendix C

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service’s (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:

	YES	NO
1. Does the project occur wholly outside of the WNS Zone ¹ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency ² to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³ Arkansas Highway & Transportation Department,
william.bailey@arkansashighways.com, 501-569-2617

Project Name: Hwy. 155 – East (Phase 3)(S)

Project Location (include coordinates if known): Perry County (34.935812, -92.923237)

Basic Project Description (provide narrative below or attach additional information): Construction of this project will widen and pave existing Perry County Rd. No. 14. The existing drainage structures will be removed and replaced with new, appropriately sized structures.

¹ <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

² See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of forest conversion		
If known, estimated acres ⁵ of forest conversion from April 1 to October 31		
If known, estimated acres of forest conversion from June 1 to July 31 ⁶		
Does the project include timber harvest? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of timber harvest	4.27 acres	
If known, estimated acres of timber harvest from April 1 to October 31	0	
If known, estimated acres of timber harvest from June 1 to July 31	0	
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature:  Date Submitted: 6/13/16

⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.

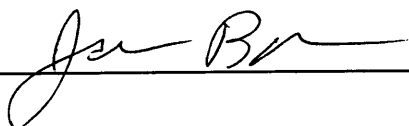
AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

AHTD Job Number FA5309 FAP Number STPR-0053(30)
 Job Title Hwy. 155 - East

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary
Cultural Resources	X			
Economic	X			
Endangered Species		X		BE to USFWS; concurrence recvd. 7/7/16
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife		X		During construction
Floodplains	X			
Forest Service Property		X		4.27 acres
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds	X			
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland		X		1.3 acres prime farmland and .04 acres of statewide importance
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocates	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		Replacing culverts
Water Quality		X		During construction
Wetlands		X		Less than 0.1 acre of herbaceous wetlands on eastern end of the job
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type NW14

Remarks: _____

Signature of Evaluator  Date 9/6/16

Date Submitted: March 17, 2016

Date Returned: _____

STATE AID DESIGN REQUEST

Job Number FA5309 FAP No. STPR-0053(30) County Perry

Job Name Hwy. 155 – East (Phase 3) (S)

Design Engineer Phillip Ammons Environmental Staff _____

Brief Project Description The purpose of this project is to reconstruct road near existing location.

A. Existing Conditions:

1. Roadway Width:	Metric: _____	English: <u>18'</u>
2. Shoulder Width:	Metric: _____	English: <u>0</u>
3. Number of Lanes and Width:	Metric: _____	English: <u>2-9'</u>
4. Existing Right-of-Way:	Metric: _____	English: <u>60' approx..</u>

B. Proposed Conditions:

1. Roadway Width:	Metric: _____	English: <u>20'</u>
2. Shoulder Width:	Metric: _____	English: <u>4'</u>
3. Number of Lanes and Width:	Metric: _____	English: <u>2-10'</u>
4. Average Right-of-Way:	Metric: _____	English: <u>80'-155'</u>

C. Construction Information:

If detour: Where: N/A Length: Metric: _____ English: _____

D. Design Data: (updated traffic requested)

2016 82 ADT: 2036 109 ADT: 5% Trucks: _____

Design Speed: _____ km/h 30 m.p.h.

E. Approximate total length of project: _____ kilometer(s) 3.153 mile(s)

F. Justification for proposed improvements: Continuation of FA5306 to reconstruct and surface roadway.

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

H. Have you coordinated with any of the following: (provide name and date)

City and/or County Officials: County Judge

State Agency: _____

Federal Agency: _____



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil

November 17, 2020

Regulatory Division

NATIONWIDE PERMIT NO. SWL 2016-00219-1

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

Dear Mr. Fleming:

Please refer to your recent request concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344). You requested authorization for work, including the placement of dredged and fill material, in waters of the United States associated with the proposed roadway and drainage improvements along approximately 3.2 miles of County Road 14 (Union Valley Road). The project was previously authorized in 2016, but work was never initiated by ArDOT. Approximately 10.7 acres of additional right-of-way will be required for the project. Work includes the widening of an existing 18-foot-wide gravel road with no shoulders, improved to two 10-foot-wide gravel lanes with 4-foot-wide gravel shoulders. Drainage improvements include the placement of approximately 64 linear feet of triple 72-inch diameter pipe culverts (STA 107+84); 54 linear feet of triple 42-inch diameter pipe culverts (STA 142+60); 46 linear feet of triple 38-inch diameter arch pipe culverts (STA 150+54); and 52 linear feet of 38-inch diameter arch pipe culverts (STA 233+37). Total impacts to waters of the United States include approximately 216 linear feet of temporary stream impacts to four unnamed tributaries of Fourche LaFave River in addition to approximately 0.09 acres of permanent impacts to two small wetlands. Approximately 4.3 acres of easement will be acquired from the Ouachita National Forest Service and a Biological Evaluation was completed in June 2016. The project may affect but is not likely to adversely affect the Northern Long-Eared Bat. The Federal Highway Administration approved the project as a Tier 3 Categorical Exclusion on October 3, 2016. The project is located near Ragsdale in sections 3, 4, 5, 6; T. 3 N.; R. 18 W., Perry County, Arkansas.

The proposed activities are authorized by six Department of the Army Nationwide Permits (NWP) **No. 14** (copy enclosed), provided that the following **Special conditions** and General conditions therein, are met. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the facilities, you should submit revised plans to this office for approval before construction of the change begins.

Special conditions:

- 1. ArDOT agrees to prohibit the off-site clearing of trees within 150 feet of any known Northern Long-eared Bat (NLEB) occupied maternity roost tree during the pup rearing season (June 1 through July 31) or within 0.25 miles of any NLEB hibernaculum.**
- 2. All off-site clearing of trees must be coordinated with the U.S. Fish and Wildlife Service.**

Please pay particular attention to General Condition **No. 12**, which stipulates that appropriate erosion and siltation controls be used during construction and all exposed soil be permanently stabilized. Erosion control measures must be implemented during and after construction of the proposed project to comply with this permit condition.

Also, in order to fully comply with the conditions of the NWP, you must submit the enclosed compliance certification within 30 days of completion of the project. This is required pursuant to General Condition **No. 30** of the permit.

For your information, we have enclosed a copy of the Arkansas Department of Environmental Quality (ADEQ) Section 401 Water Quality Certification conditions, which are conditions of your permit. If you have any questions concerning compliance with the conditions of the 401 certification, you should contact Mr. Jim Wise or Ms. Melanie Treat at the ADEQ, Water Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118, telephone (501) 682-0040.

The NWP determination will be valid until March 18, 2017. If NWP **No. 14** is modified, suspended, or revoked during this period, your project may not be authorized unless you have begun or are under contract to begin the project. If work has started or the work is under contract, you would then have twelve months to complete the work.

The authorization of this work by a NWP does not relieve you of complying with other applicable local, state, and Federal laws, nor does it grant any property rights or exclusive privileges.

Your cooperation in the Regulatory Program is appreciated. If you have any questions about this permit or any of its provisions, please contact Johnny McLean at (501) 324-5295 and refer to **Permit No. SWL 2016-00219, Union Valley Road Improvements in Perry County, ArDOT Job No. FA5309.**

Sincerely,

CHITWOOD.S
ARAHL.12493
59609

Digitally signed by
CHITWOOD.SARAH.L.12
49359609
Date: 2020.11.17
14:11:42 -06'00'

Sarah Chitwood
Chief, Regulatory Division

Enclosures

Copy furnished:

Arkansas Department of Environmental Quality, Melanie Treat, w/copy encls.

U.S. Fish and Wildlife Service, Lindsey Lewis, w/copy encls.

Ch, Regulatory Enforcement, w/copy encls.

PERMITTEE COMPLIANCE CERTIFICATION

PERMIT NO.: Permit No. SWL 2016-00219, Union Valley Road Improvements in Perry County, ArDOT Job No. FA5309

NWP/S NO.: 14

PERMITTEE NAME: ArDOT

DATE OF ISSUANCE: _____

PROJECT MANAGER: Johnny McLean

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

**US Army Corps of Engineers, Little Rock
ATTENTION: CESWL-RD
PO Box 867
Little Rock, Arkansas 72203-0867**

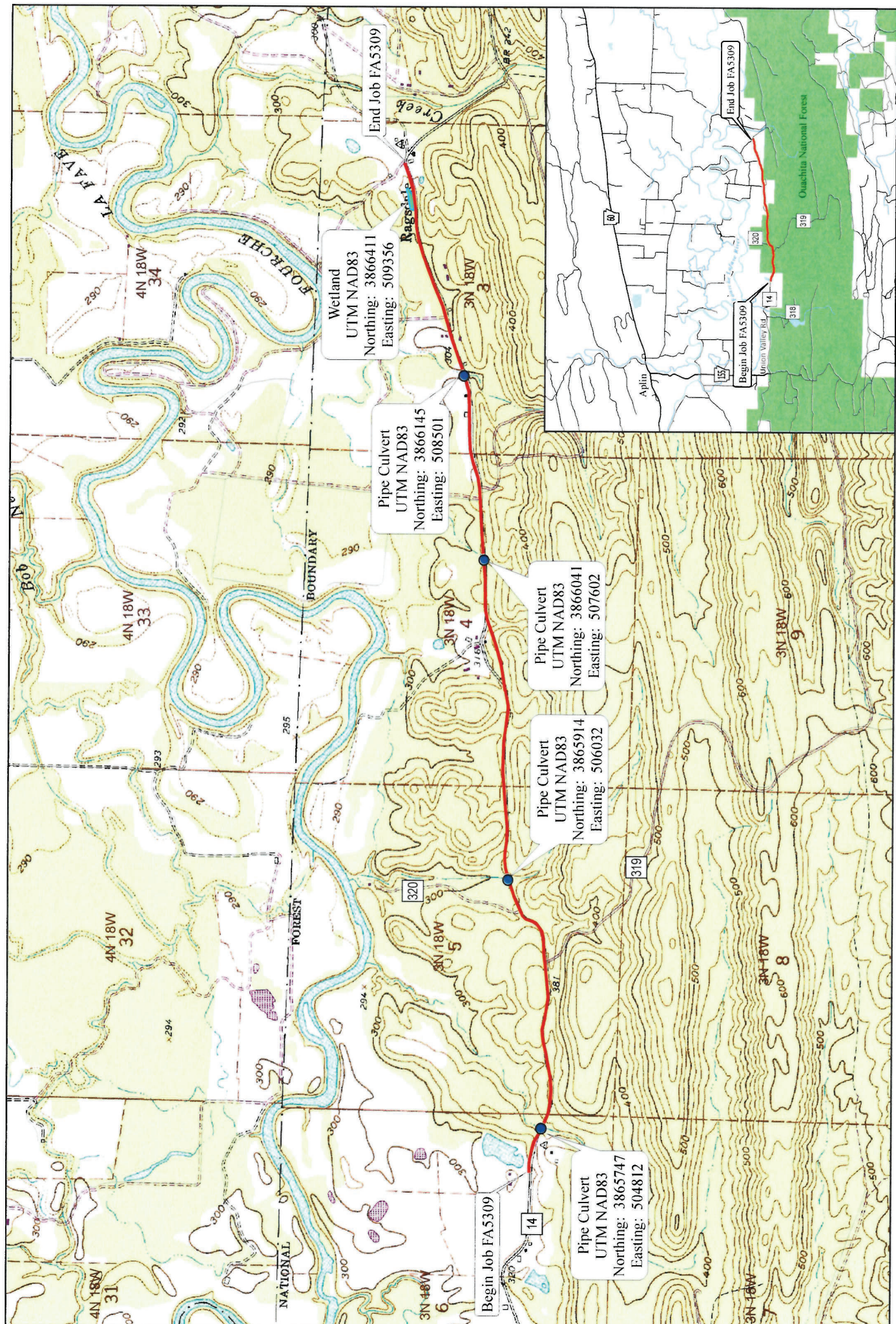
Please note that your permitted activity is subject to a compliance inspection by a US Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

DATE WORK COMPLETED: _____

SIGNATURE OF PERMITTEE

DATE



Job FA5309
Hwy. 155 - East (Phase 3)
Perry County

Scale 1:24,000
 AHTD-Environmental GIS-Hopkins
 August 23, 2016

SWL 2016-00219-1
 ARDOT(FA5309)-PERRY COUNTY-HWY 155 EAST (PHASE 3)(S)
 SECTIONS 3,4,5,6; T. 3 N.; R. 18 W.

November 2020
 Sheet 1 of 14

TRAFFIC CONTROL DEVICES
 20' X 30' X 12" RT. CO. RD. 390
 STA. 135+75

STA. 142+60 IN PLACE
 48" X 28" C.M. PIPE CULVERT
 40' L.T. FWD. SKEWED STRUCT
 10' L.T. SKEWED STRUCT
 AT STA. 142+92

TRP. 42" X 34" PIPE CULVERT
 W/ F.S. L.T. & RT.
 D.A. L. 50' AL. 0.28' X 220 C.F.S.
 42" R.C. PIPE (CLASS B) (TY. 3 BED.) 144 LIN. FT.
 48" C.M./PLASTIC PIPE (TYPE 2 BED.) 142 LIN. FT.

PLAN & PROFILE STA. 130+00 - STA. 145+00

DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION

FEDERAL DISTRICT	STATE	PROJECT NO.	SHEET NO.
6	ARK.	FAS309	23

U.S. NATIONAL FOREST

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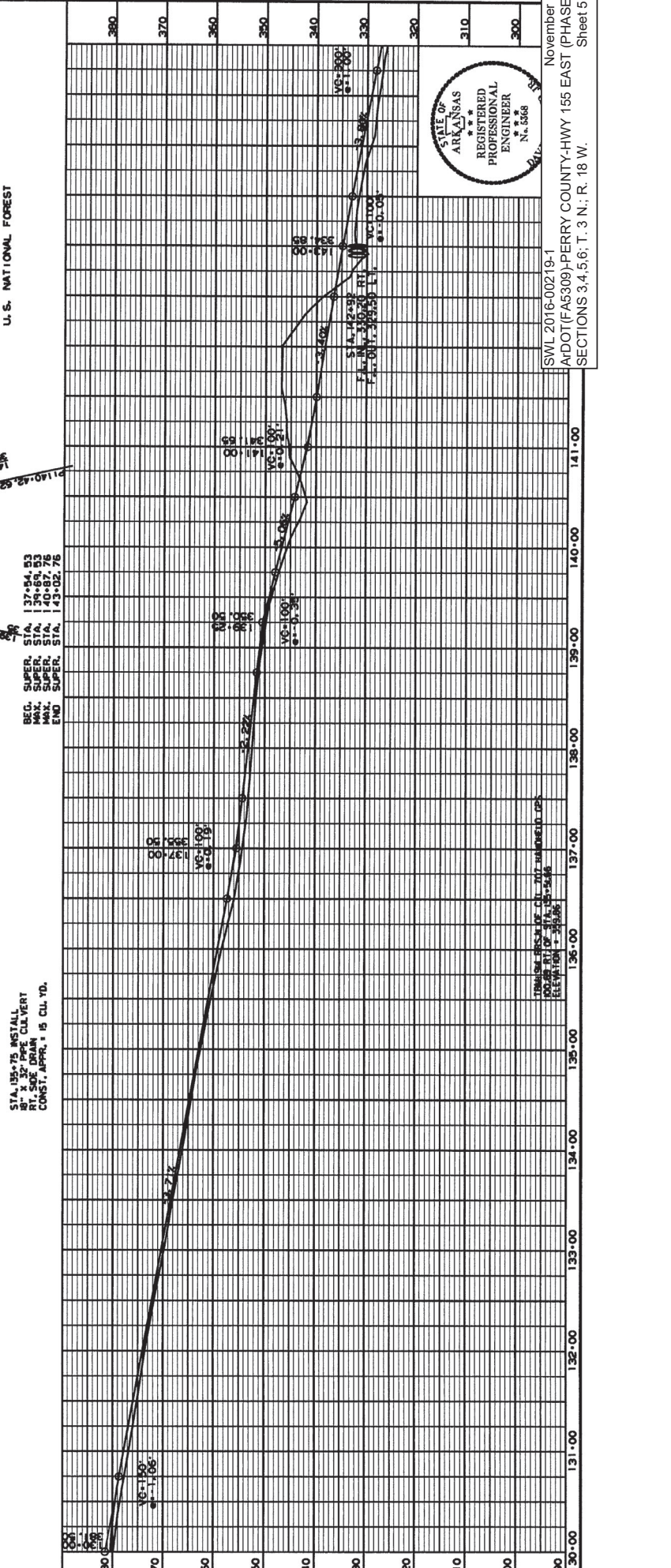
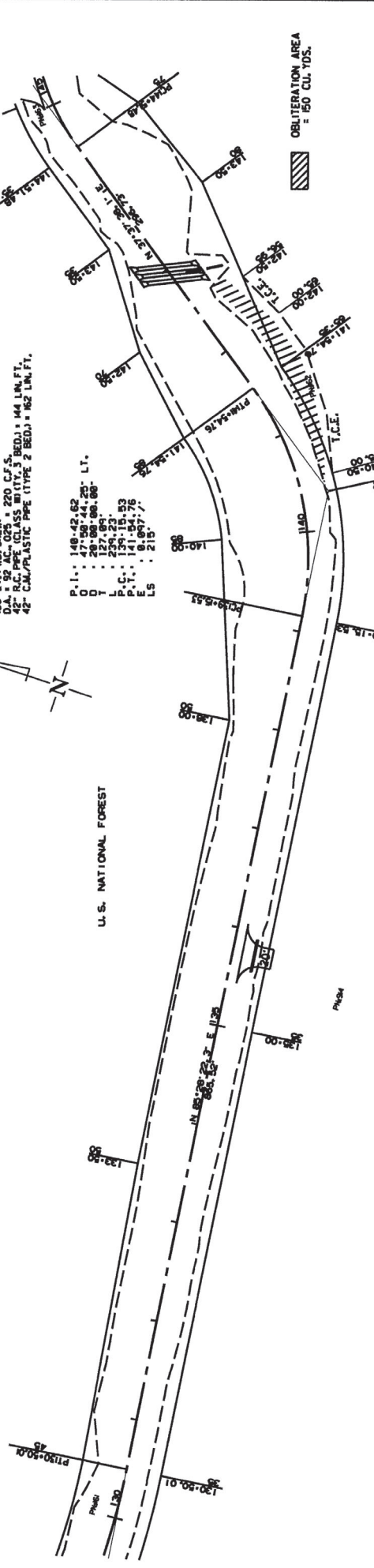
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November 2020
 A/DOT (FAS309)-PERRY COUNTY-HWY 155 EAST (PHASE 3)(S)
 SECTIONS 3, 4, 5, 6; T. 3 N.; R. 18 W.
 SWL 2016-00219-1

DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION

TRAFFIC CONTROL DEVICES
 STA. 148+25 L.T. (CO. RD. 320)
 STA. 148+25 L.T. (CO. RD. 320)
 APPROACH ON L.T. = 85' CUL. VD.

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P.I.: 145-27.13
 O : 38.11
 Y : 78.65
 L.C.: 146-23
 P.C.: 144-51.48
 P.T.: 148-01.72
 E : 2.28
 L.S. : 228'

BEG. SUPER. STA. 143-04.48
 MAX. SUPER. STA. 145-23.75
 END SUPER. STA. 147-65.72

STA. 150+34 IN PLACE
 36" X 30" PIPE CULVERT
 REMOVE AND CONSTRUCT
 48" X 30" PIPE CULVERT
 W/ 2 1/2" L.T. 3' RT. 48" ARCH PIPE CULVERT
 D.A. = 1/4" AC. 025 = 304 C.F.S.
 59" X 36" R.C. ARCH PIPE (CLASS III) 2 BEDJ = 138 L.M. FT.
 57" X 36" C.A. ARCH PIPE (TYPE 2 BEDJ = 138 L.M. FT.)

P.I.: 153-93.87
 O : 24.89
 Y : 153.66
 L.C.: 151.56
 P.C.: 152.46.71
 P.T.: 158.06.71
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 151-27.21
 MAX. SUPER. STA. 152-77.21
 END SUPER. STA. 156-03.77

P.I.: 180-97.93
 O : 18.17
 Y : 4.08
 L.C.: 184.25
 P.C.: 181.23.98
 P.T.: 187.23.98
 E : 8.833
 L.S. : 158'

BEG. SUPER. STA. 155-04.71
 MAX. SUPER. STA. 157-54.71
 END SUPER. STA. 162-36.95

P.I.: 149-97.22
 O : 14.73
 Y : 29.59
 L.C.: 147.25
 P.C.: 145.23.98
 P.T.: 151.23.98
 E : 8.833
 L.S. : 158'

BEG. SUPER. STA. 149-04.48
 MAX. SUPER. STA. 151-54.48
 END SUPER. STA. 156-36.95

P.I.: 152-41.77
 O : 15.24
 Y : 30.58
 L.C.: 150.46.71
 P.C.: 148.46.71
 P.T.: 154.46.71
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 152-04.48
 MAX. SUPER. STA. 154-54.48
 END SUPER. STA. 159-36.95

P.I.: 155-04.71
 O : 15.55
 Y : 31.10
 L.C.: 153.06
 P.C.: 151.06
 P.T.: 157.06
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 155-04.71
 MAX. SUPER. STA. 157-54.71
 END SUPER. STA. 162-36.95

P.I.: 158-06.71
 O : 15.87
 Y : 31.74
 L.C.: 156.07
 P.C.: 154.07
 P.T.: 160.07
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 158-06.71
 MAX. SUPER. STA. 160-56.71
 END SUPER. STA. 165-36.95

P.I.: 152-41.77
 O : 15.24
 Y : 30.58
 L.C.: 150.46.71
 P.C.: 148.46.71
 P.T.: 154.46.71
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 152-04.48
 MAX. SUPER. STA. 154-54.48
 END SUPER. STA. 159-36.95

P.I.: 155-04.71
 O : 15.55
 Y : 31.10
 L.C.: 153.06
 P.C.: 151.06
 P.T.: 157.06
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 155-04.71
 MAX. SUPER. STA. 157-54.71
 END SUPER. STA. 162-36.95

P.I.: 158-06.71
 O : 15.87
 Y : 31.74
 L.C.: 156.07
 P.C.: 154.07
 P.T.: 160.07
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 158-06.71
 MAX. SUPER. STA. 160-56.71
 END SUPER. STA. 165-36.95

P.I.: 161-09.72
 O : 16.10
 Y : 32.20
 L.C.: 159.08
 P.C.: 157.08
 P.T.: 163.08
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 161-09.72
 MAX. SUPER. STA. 163-59.72
 END SUPER. STA. 168-36.95

P.I.: 155-04.71
 O : 15.55
 Y : 31.10
 L.C.: 153.06
 P.C.: 151.06
 P.T.: 157.06
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 155-04.71
 MAX. SUPER. STA. 157-54.71
 END SUPER. STA. 162-36.95

P.I.: 158-06.71
 O : 15.87
 Y : 31.74
 L.C.: 156.07
 P.C.: 154.07
 P.T.: 160.07
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 158-06.71
 MAX. SUPER. STA. 160-56.71
 END SUPER. STA. 165-36.95

P.I.: 161-09.72
 O : 16.10
 Y : 32.20
 L.C.: 159.08
 P.C.: 157.08
 P.T.: 163.08
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 161-09.72
 MAX. SUPER. STA. 163-59.72
 END SUPER. STA. 168-36.95

P.I.: 164-12.73
 O : 16.12
 Y : 32.24
 L.C.: 162.11
 P.C.: 160.11
 P.T.: 166.11
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 164-12.73
 MAX. SUPER. STA. 166-62.73
 END SUPER. STA. 171-36.95

P.I.: 158-06.71
 O : 15.87
 Y : 31.74
 L.C.: 156.07
 P.C.: 154.07
 P.T.: 160.07
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 158-06.71
 MAX. SUPER. STA. 160-56.71
 END SUPER. STA. 165-36.95

P.I.: 161-09.72
 O : 16.10
 Y : 32.20
 L.C.: 159.08
 P.C.: 157.08
 P.T.: 163.08
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 161-09.72
 MAX. SUPER. STA. 163-59.72
 END SUPER. STA. 168-36.95

P.I.: 164-12.73
 O : 16.12
 Y : 32.24
 L.C.: 162.11
 P.C.: 160.11
 P.T.: 166.11
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 164-12.73
 MAX. SUPER. STA. 166-62.73
 END SUPER. STA. 171-36.95

P.I.: 167-15.74
 O : 16.15
 Y : 32.28
 L.C.: 165.14
 P.C.: 163.14
 P.T.: 169.14
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 167-15.74
 MAX. SUPER. STA. 169-65.74
 END SUPER. STA. 174-36.95

P.I.: 160-09.72
 O : 16.10
 Y : 32.20
 L.C.: 158.09
 P.C.: 156.09
 P.T.: 162.09
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 160-09.72
 MAX. SUPER. STA. 162-59.72
 END SUPER. STA. 167-36.95

P.I.: 163-12.73
 O : 16.12
 Y : 32.24
 L.C.: 161.12
 P.C.: 159.12
 P.T.: 165.12
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 163-12.73
 MAX. SUPER. STA. 165-62.73
 END SUPER. STA. 170-36.95

P.I.: 166-15.74
 O : 16.15
 Y : 32.28
 L.C.: 164.15
 P.C.: 162.15
 P.T.: 168.15
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 166-15.74
 MAX. SUPER. STA. 168-65.74
 END SUPER. STA. 173-36.95

P.I.: 169-18.75
 O : 16.18
 Y : 32.32
 L.C.: 167.18
 P.C.: 165.18
 P.T.: 171.18
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 169-18.75
 MAX. SUPER. STA. 171-68.75
 END SUPER. STA. 176-36.95

P.I.: 162-11.73
 O : 16.11
 Y : 32.22
 L.C.: 160.11
 P.C.: 158.11
 P.T.: 164.11
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 162-11.73
 MAX. SUPER. STA. 164-61.73
 END SUPER. STA. 169-36.95

P.I.: 165-14.74
 O : 16.14
 Y : 32.26
 L.C.: 163.14
 P.C.: 161.14
 P.T.: 167.14
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 165-14.74
 MAX. SUPER. STA. 167-64.74
 END SUPER. STA. 172-36.95

P.I.: 168-17.75
 O : 16.17
 Y : 32.30
 L.C.: 166.17
 P.C.: 164.17
 P.T.: 170.17
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 168-17.75
 MAX. SUPER. STA. 170-67.75
 END SUPER. STA. 175-36.95

P.I.: 171-20.76
 O : 16.20
 Y : 32.34
 L.C.: 169.20
 P.C.: 167.20
 P.T.: 173.20
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 171-20.76
 MAX. SUPER. STA. 173-70.76
 END SUPER. STA. 178-36.95

P.I.: 174-23.77
 O : 16.23
 Y : 32.38
 L.C.: 172.23
 P.C.: 170.23
 P.T.: 176.23
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 174-23.77
 MAX. SUPER. STA. 176-73.77
 END SUPER. STA. 181-36.95

P.I.: 177-26.78
 O : 16.26
 Y : 32.42
 L.C.: 175.26
 P.C.: 173.26
 P.T.: 179.26
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 177-26.78
 MAX. SUPER. STA. 179-76.78
 END SUPER. STA. 184-36.95

P.I.: 180-29.79
 O : 16.29
 Y : 32.46
 L.C.: 178.29
 P.C.: 176.29
 P.T.: 182.29
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 180-29.79
 MAX. SUPER. STA. 182-79.79
 END SUPER. STA. 187-36.95

P.I.: 183-32.80
 O : 16.32
 Y : 32.50
 L.C.: 181.32
 P.C.: 179.32
 P.T.: 185.32
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 183-32.80
 MAX. SUPER. STA. 185-82.80
 END SUPER. STA. 190-36.95

P.I.: 186-35.81
 O : 16.35
 Y : 32.54
 L.C.: 184.35
 P.C.: 182.35
 P.T.: 188.35
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 186-35.81
 MAX. SUPER. STA. 188-85.81
 END SUPER. STA. 193-36.95

P.I.: 189-38.82
 O : 16.38
 Y : 32.58
 L.C.: 187.38
 P.C.: 185.38
 P.T.: 191.38
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 189-38.82
 MAX. SUPER. STA. 191-88.82
 END SUPER. STA. 196-36.95

P.I.: 192-41.83
 O : 16.41
 Y : 32.62
 L.C.: 190.41
 P.C.: 188.41
 P.T.: 194.41
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 192-41.83
 MAX. SUPER. STA. 194-91.83
 END SUPER. STA. 199-36.95

P.I.: 195-44.84
 O : 16.44
 Y : 32.66
 L.C.: 193.44
 P.C.: 191.44
 P.T.: 197.44
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 195-44.84
 MAX. SUPER. STA. 197-94.84
 END SUPER. STA. 202-36.95

P.I.: 198-47.85
 O : 16.47
 Y : 32.70
 L.C.: 196.47
 P.C.: 194.47
 P.T.: 200.47
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 198-47.85
 MAX. SUPER. STA. 200-97.85
 END SUPER. STA. 205-36.95

P.I.: 201-50.86
 O : 16.50
 Y : 32.74
 L.C.: 199.50
 P.C.: 197.50
 P.T.: 203.50
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 201-50.86
 MAX. SUPER. STA. 203-100.86
 END SUPER. STA. 208-36.95

P.I.: 204-53.87
 O : 16.53
 Y : 32.78
 L.C.: 202.53
 P.C.: 200.53
 P.T.: 206.53
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 204-53.87
 MAX. SUPER. STA. 206-103.87
 END SUPER. STA. 211-36.95

P.I.: 207-56.88
 O : 16.56
 Y : 32.82
 L.C.: 205.56
 P.C.: 203.56
 P.T.: 209.56
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 207-56.88
 MAX. SUPER. STA. 209-106.88
 END SUPER. STA. 214-36.95

P.I.: 210-59.89
 O : 16.59
 Y : 32.86
 L.C.: 208.59
 P.C.: 206.59
 P.T.: 212.59
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 210-59.89
 MAX. SUPER. STA. 212-109.89
 END SUPER. STA. 217-36.95

P.I.: 213-62.90
 O : 16.62
 Y : 32.90
 L.C.: 211.62
 P.C.: 209.62
 P.T.: 215.62
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 213-62.90
 MAX. SUPER. STA. 215-112.90
 END SUPER. STA. 220-36.95

P.I.: 216-65.91
 O : 16.65
 Y : 32.94
 L.C.: 214.65
 P.C.: 212.65
 P.T.: 218.65
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 216-65.91
 MAX. SUPER. STA. 218-115.91
 END SUPER. STA. 223-36.95

P.I.: 219-68.92
 O : 16.68
 Y : 32.98
 L.C.: 217.68
 P.C.: 215.68
 P.T.: 221.68
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 219-68.92
 MAX. SUPER. STA. 221-118.92
 END SUPER. STA. 226-36.95

P.I.: 222-71.93
 O : 16.71
 Y : 33.02
 L.C.: 220.71
 P.C.: 218.71
 P.T.: 224.71
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 222-71.93
 MAX. SUPER. STA. 224-121.93
 END SUPER. STA. 229-36.95

P.I.: 225-74.94
 O : 16.74
 Y : 33.06
 L.C.: 223.74
 P.C.: 221.74
 P.T.: 227.74
 E : 8.663
 L.S. : 158'

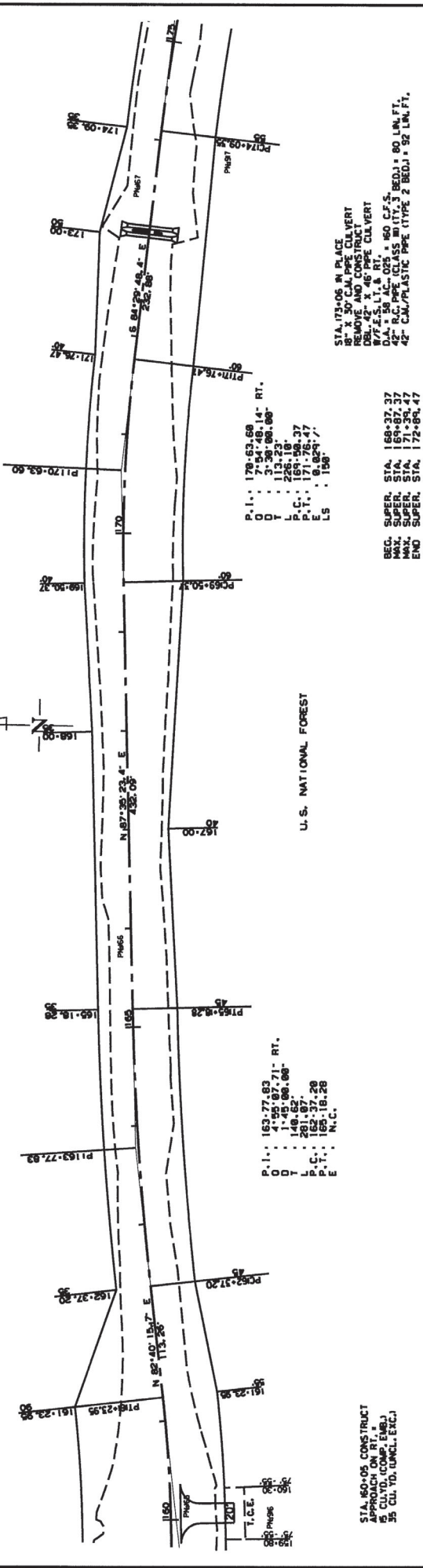
BEG. SUPER. STA. 225-74.94
 MAX. SUPER. STA. 227-124.94
 END SUPER. STA. 232-36.95

P.I.: 228-77.95
 O : 16.77
 Y : 33.10
 L.C.: 226.77
 P.C.: 224.77
 P.T.: 230.77
 E : 8.663
 L.S. : 158'

BEG. SUPER. STA. 228-77.95
 MAX. SUPER. STA. 230-1

DATE	BY	CHKD	DATE	BY	CHKD	DATE	BY	CHKD
PROJECT NO.			SHEET NO.			TOTAL SHEETS		
6			25			303		
FAS309			25			K03		

PLAN & PROFILE STA. 160+00 - STA. 175+00

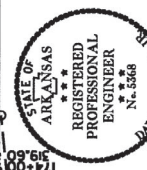
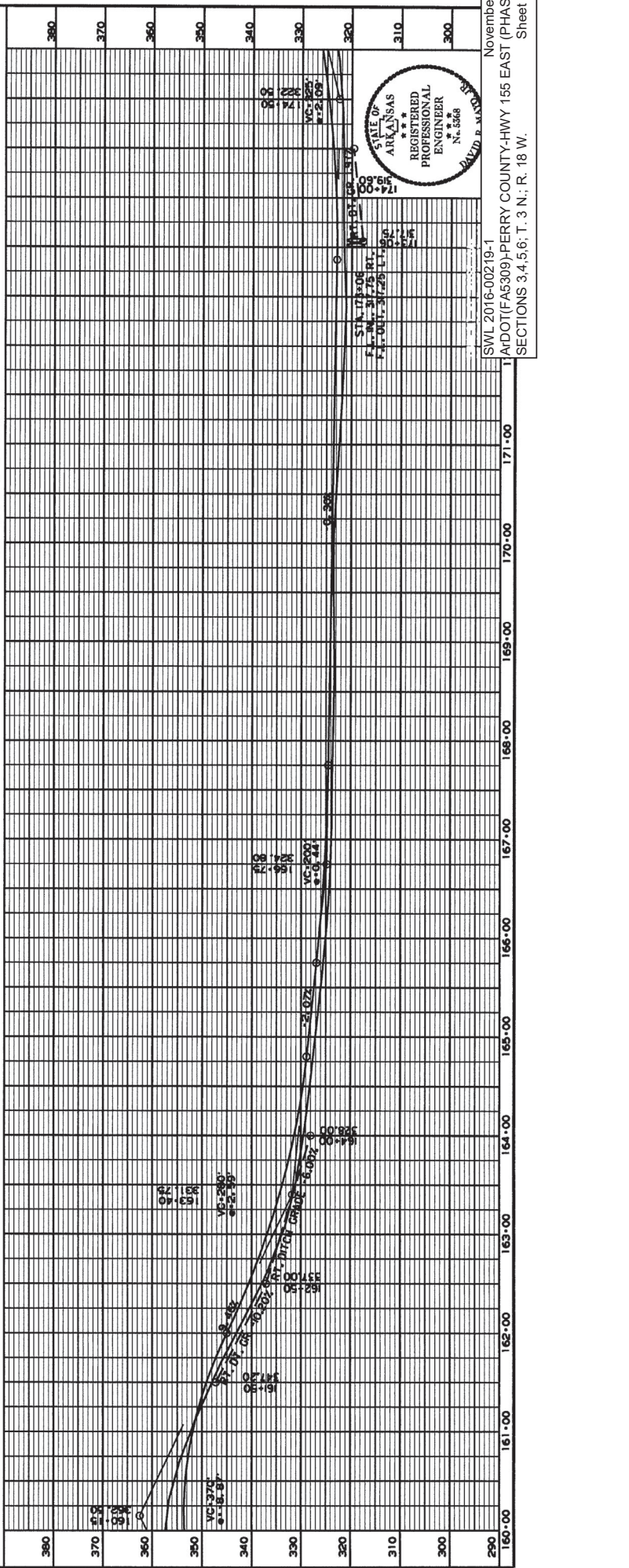


P.I.: 170-63.68
 O.D.: 7-54'48.14" RT.
 V.L.: 13-23'08.00"
 L.: 228.18'
 P.C.: 169-58.27
 P.T.: 172-29.47
 L.S.: 198

P.I.: 163-77.63
 O.D.: 4-55'07.71" RT.
 V.L.: 1-45'00.00"
 L.: 108.57'
 P.C.: 163-37.28
 P.T.: 165-18.28
 E.: N.C.

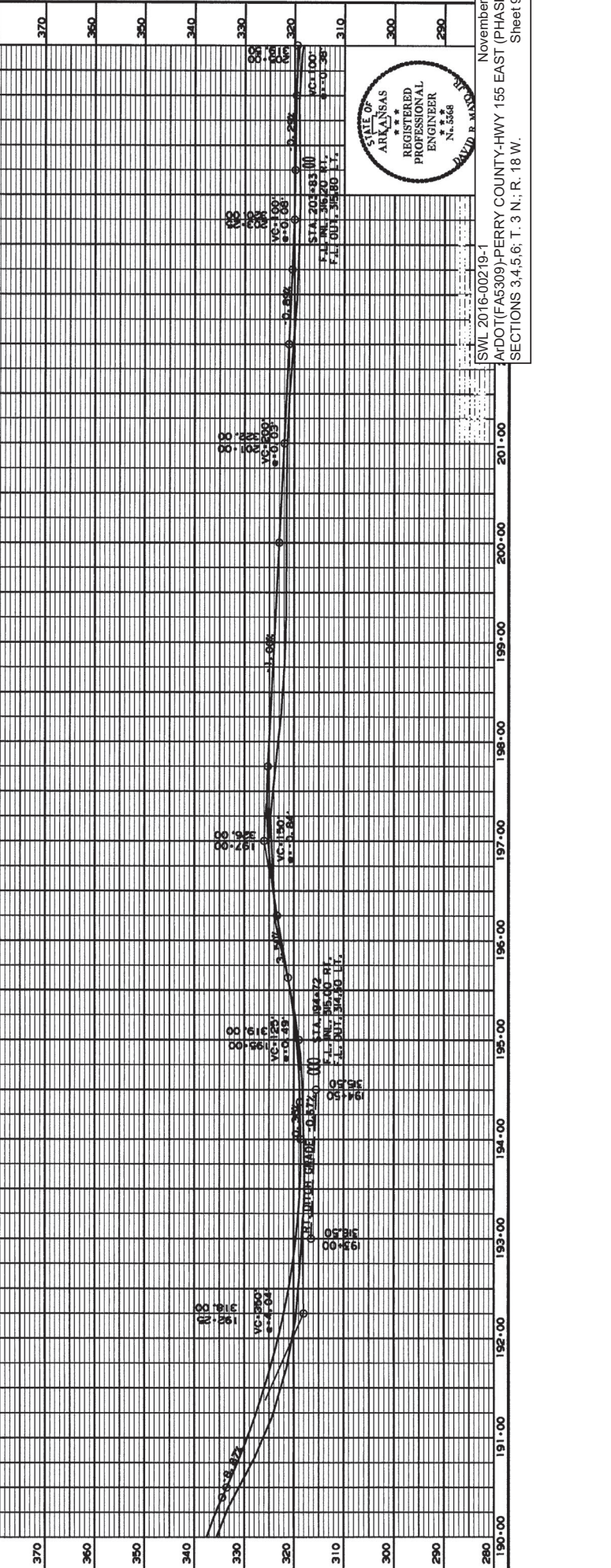
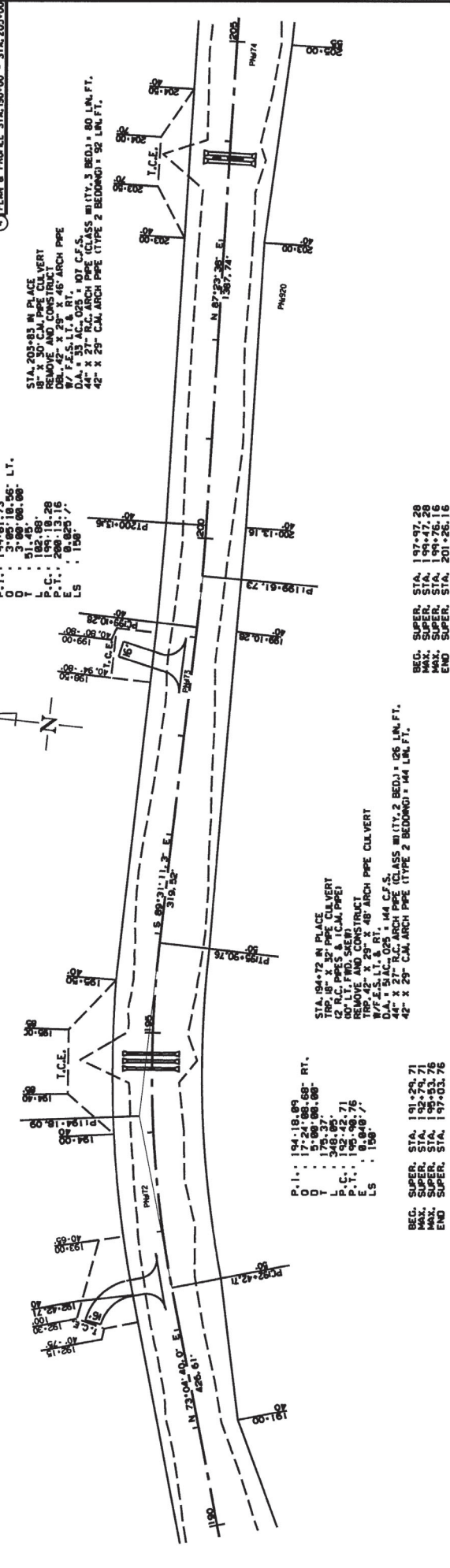
STA. 160+05 CONSTRUCT
 APPROACH ON RT. 1/2
 CULV. (COMP. EMB.)
 25 CU. YD. (UNCL. EMB.)

STA. 173+06 IN PLACE
 8" X 50" C.A. PIPE CULVERT
 REMOVE AND CONSTRUCT
 16" CULVERT
 87' E.S.L. 1.4 RT.
 D.A. 1.58 AC. 0.05 = 160 C.F.S.
 42" R.C. PIPE (CLASS III) 17.3 BED. 1' 80 LIN. FT.
 42" C.A. PLASTIC PIPE (TYPE 2 BED.) 1' 52 LIN. FT.



November 2020
 SWL 2016-00219-1
 A/DOT (FAS309)-PERRY COUNTY-HWY 155 EAST (PHASE 3)(S)
 SECTIONS 3,4,5,6; T. 3 N.; R. 18 W.

DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION
STA. 192+50 CONSTRUCT APPROACH ON L.T. = 60' CUL. VD.						
STA. 193+30 - 514.2+43 REMOVAL AND DISPOSAL OF FENCE						
STA. 193+30 - 514.2+43 WIRE FENCE						
STA. 194+72 IN PLACE 12" R.C. PIPES & 12" R.C. ARCH PIPE						
STA. 195+00 - 200+00 CONSTRUCT 42" X 29" C.M. ARCH PIPE (TYPE 2 BEDDING) 92' LIN. FT.						
STA. 200+00 - 205+00 CONSTRUCT 42" X 29" C.M. ARCH PIPE (TYPE 2 BEDDING) 52' LIN. FT.						



November 2020
 A/DOT(F-A5309)-PERRY COUNTY-HWY 155 EAST (PHASE 3)(S)
 SECTIONS 3,4,5,6; T. 3 N.; R. 18 W.

DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION

4 PLAN & PROFILE STA. 205+00 - STA. 220+00

STA. 208+00 IN PLACE
24" x 30" C.M. PIPE CULVERT
REMOVE AND CONSTRUCT
W/ 4" F.S. L.T. & RT.
D.A. x 4 AC-025 1.29 C.F.S.
24" R.C. PIPE (CLASS III) 1.31 x 40 L.M. FT.
24" C.M./PLASTIC PIPE (TYPE 2 BEDDING) 1.46 L.M. FT.

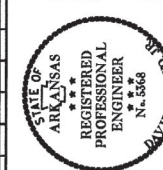
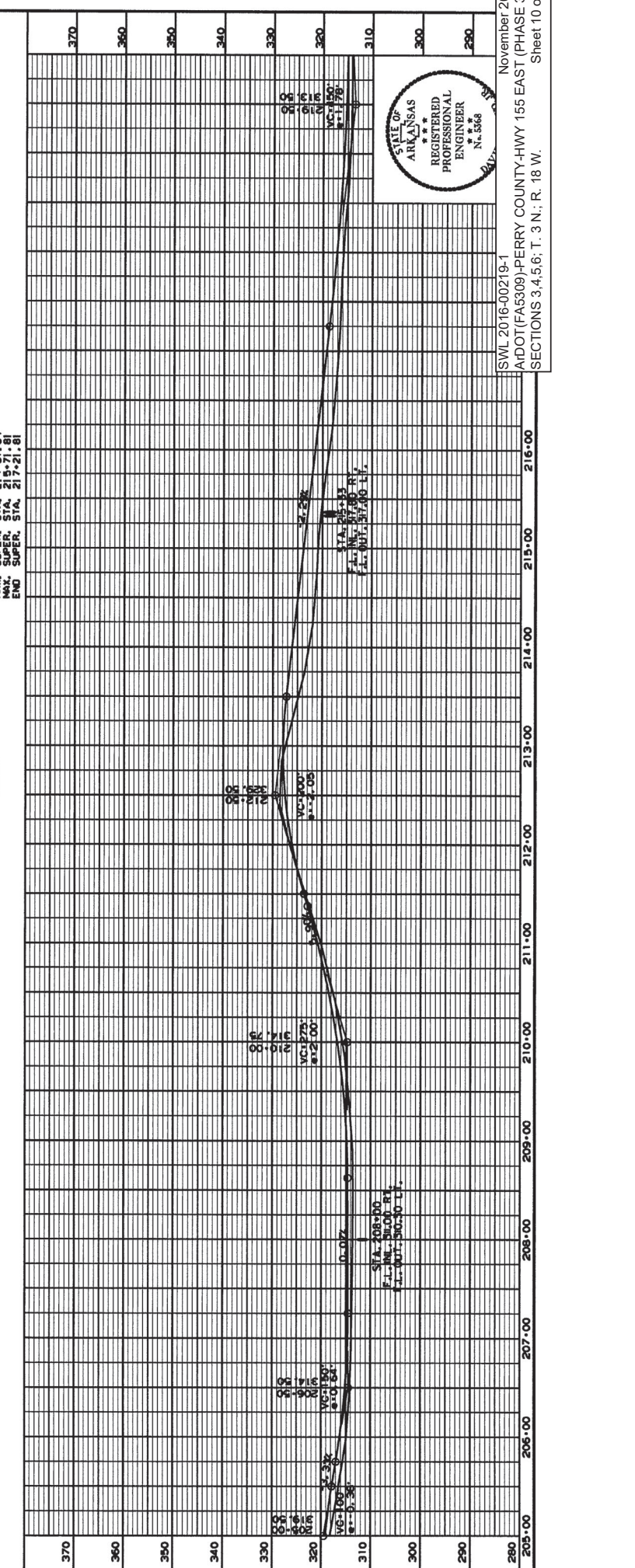
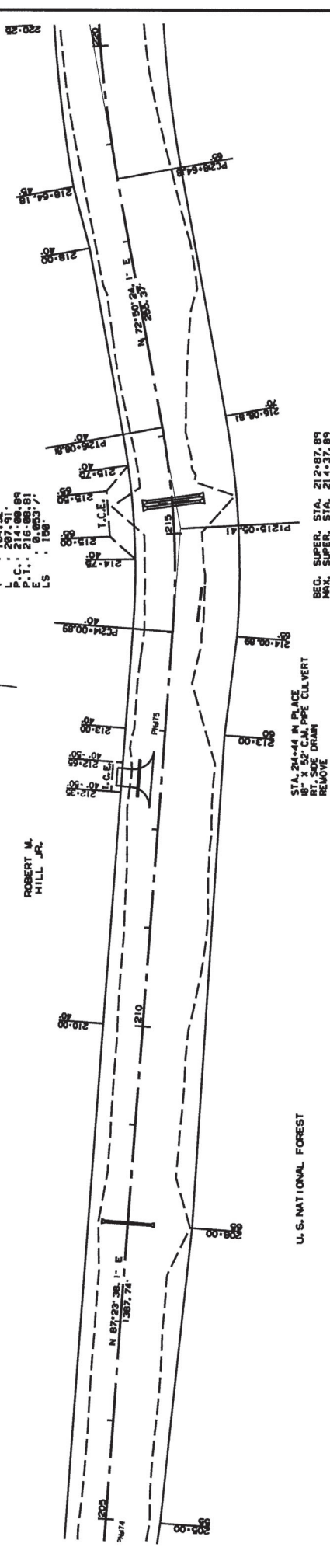
REMOVAL AND DISPOSAL OF FENCE
STA. 251+60 - STA. 228+50
FENCE REMOVED AND RECONSTRUCTED
STA. 24+45 - STA. 202+50
STA. 202+80 - STA. 253+60

STA. 202+80 INSTALL
18" x 28" PIPE CULVERT
L.T. SOE DRAIN
CONST. APPR. 15 CU. YD.

STA. 205+60 IN PLACE
18" x 28" PIPE CULVERT
REMOVE AND CONSTRUCT
W/ 4" F.S. L.T. & RT.
D.A. x 4 AC-025 1.29 C.F.S.
30" R.C. PIPE (CLASS III) 1.33 BEDDING 1.08 L.M. FT.
30" C.M./PLASTIC PIPE (TYPE 2 BEDDING) 1.08 L.M. FT.

STA. 218+00 IN PLACE
REMOVE AND CONSTRUCT
DBL. 50" x 54" PIPE CULVERT
W/ 4" F.S. L.T. & RT.
D.A. x 4 AC-025 1.29 C.F.S.
30" R.C. PIPE (CLASS III) 1.33 BEDDING 1.08 L.M. FT.
30" C.M./PLASTIC PIPE (TYPE 2 BEDDING) 1.08 L.M. FT.

P.I.: 218.09541
O : 14.33' 14.07' LT.
D : 7.08' 68.00'
T : 184.07'
P.C.: 214.88.89
P.T.: 216.88.81
L.S.: 136'



November 2020
A/DOT (FA5309)-PERRY COUNTY-HWY 155 EAST (PHASE 3)(S)
SECTIONS 3,4,5,6; T. 3 N.; R. 18 W.
SWL 2016-00219-1

Nationwide Permit No. 14

Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and

distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization.

Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of

aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction

notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP

activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54

U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts.

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that

may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory

mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects.

Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a

forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to

the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army

Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the NWP

may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal

and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

- (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
 - (8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;
 - (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and
 - (10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.
- (c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.
- (d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.
- (2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss

of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

1. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

District Engineer's Decision

2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

3. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless

additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31)



MAR 16 2017

Colonel Robert G. Dixon
District Commander
U.S. Army Corps of Engineers
P.O. Box 867
Little Rock, Arkansas 72203-0867

RE: Public Notice: Re-issuance of Nationwide Permits

Dear Colonel Dixon:

The Arkansas Department of Environmental Quality (ADEQ) has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers Nationwide Permits (NWP) for the State of Arkansas.

ADEQ has determined that there is a reasonable assurance that the activities covered under most these NWP will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Therefore, pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for all NWP with the exception of NWP 14, 29, and 43, contingent upon the following conditions:

- 1) An individual water quality certification request must be submitted to ADEQ for Activities which may impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural Scenic Waterways and their tributaries (within 1 mile) as defined in Regulation No. 2, Water Quality Standards.
- 2) The applicant shall contact ADEQ to determine if a Short Term Activity Authorization (STAA) is needed when performing work in the wetted area of any waterbody. More information can be obtained by contacting the Water Division Planning Section of ADEQ at 501-682-0946.
- 3) The applicant shall implement all practicable best management practices (BMP) to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 4) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact ADEQ immediately.
- 5) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.

- 6) If a construction site will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Reg.6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Regulation No. 6. If the construction site will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit Number ARR 150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of ADEQ at (501) 682-0621.

For NWP 14, 29, and 43, where a Pre-Construction Notification (PCN) is required, in addition to conditions 1-6 listed above, an individual water quality certification request must be submitted to ADEQ in cases and the activity occurs in:

- a. Waterbodies on the most currently approved 303(d) list for turbidity/siltation, including tributaries of the listed stream (within 1 mile) and waters upstream of the listed segment (within 1 mile).
- b. Waterbodies with an approved Total Maximum Daily Load (TMDL) for turbidity/siltation, including their tributaries (within 1 mile) and waters upstream of the listed segment (within 1 mile).

If you have additional questions regarding this certification, please contact Ms. Lazendra Hairston at (501) 682-0946.

Sincerely,



Caleb Osborne
Associate Director, Office of Water Quality

cc: Elaine Edwards, Chief Regulatory Division USACE
Jim Ellis, Project Manager USACE
Wanda Boyd, U.S. EPA,

Ewing, Anne (Kayti)

Subject: FW: Federal Land Transfer. Job FA 5309, Perry County - NW 404 Permit

From: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Sent: Tuesday, April 13, 2021 10:01 AM
To: Looney, Randal (FHWA) <Randal.Looney@dot.gov>; Blakeney, David (FHWA) <David.Blakeney@dot.gov>
Cc: Seagraves, Josh <Josh.Seagraves@ardot.gov>
Subject: RE: Federal Land Transfer. Job FA 5309, Perry County - NW 404 Permit

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Randal and David:

The correct expiration date for Nationwide Permit No. SWL 2016-00219-1 issued on November 17, 2020, is March 18, 2022, and the paragraph should read as follows:

The NWP determination will be valid until March 18, 2022. If NWP **No. 14** is modified, suspended, or revoked during this period, your project may not be authorized unless you have begun or are under contract to begin the project. If work has started or the work is under contract, you would then have twelve (12) months to complete the work.

Let me know if you need anything else.

Johnny
501-340-1382
501-765-9938

From: Looney, Randal (FHWA) <Randal.Looney@dot.gov>
Sent: Tuesday, April 13, 2021 9:48 AM
To: Blakeney, David (FHWA) <David.Blakeney@dot.gov>
Cc: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Subject: [Non-DoD Source] RE: Federal Land Transfer. Job FA 5309, Perry County - NW 404 Permit

Johnny: Can you provide a response to this email that indicates the correct permit expiration date? Thanks - Randal

From: Blakeney, David (FHWA) <David.Blakeney@dot.gov>
Sent: Tuesday, April 13, 2021 9:27 AM
To: Looney, Randal (FHWA) <Randal.Looney@dot.gov>
Subject: RE: Federal Land Transfer. Job FA 5309, Perry County - NW 404 Permit

Since the Permit was provide(provided) to ARDOT, will it attach a copy of an email noting correction, to the Permit?

I ask this because I'll have to provide documentation of the correction to the Forest Service contact before approval of Federal land Transfer is granted by the Forest Service.

David Blakeney
Realty/Civil Rights
Arkansas Division-FHWA
501-324-6438

From: Looney, Randal (FHWA) <Randal.Looney@dot.gov>
Sent: Tuesday, April 13, 2021 9:18 AM
To: Blakeney, David (FHWA) <David.Blakeney@dot.gov>
Subject: RE: Federal Land Transfer. Job FA 5309, Perry County - NW 404 Permit

Per our COE liaison, Johnny Mclean it is a typo and should read March 18 1022(2022).

From: Blakeney, David (FHWA) <David.Blakeney@dot.gov>
Sent: Monday, April 12, 2021 10:59 AM
To: Looney, Randal (FHWA) <Randal.Looney@dot.gov>
Subject: Federal Land Transfer. Job FA 5309, Perry County - NW 404 Permit

Hi Randall:

The contact I am working with at the Forest Service caught something in the new 404 Permit.

On Page 2, Item 2., 4th paragraph, the date referenced is March 18, 2017. I think that is a typo, because the original 404 Permit had the March 18, 2017 date, which is why a new 404 Permit had to be requested.

Please review and let me know what you think.

Both permits are attached.

Thanks,

David