

PROGRAMMATIC CATEGORICAL EXCLUSION

**ARDOT JOB FA5310
FAP STPF-0053(47)
UNION VALLEY RD. SURFACING (S)
PERRY COUNTY**

Pursuant to 23 CFR Part 771.117
and the Programmatic Agreement between
the Federal Highway Administration
and the
Arkansas Department of Transportation

April 2026

4/9/2026
Date of Approval

Kustina Boykin
for Josh Seagraves
Division Head - Environmental
Arkansas Department of Transportation

The purpose of this project is to overlay the existing gravel Union Valley Road with asphalt in Perry County. The project will begin at Highway 155 and extend 5.3 miles east. The proposed roadway will consist of two 10' wide paved lanes and 4' wide unpaved shoulders. Reflectorized paint lane markings will be included in the project for added visibility. The project will remain within existing right of way. The project location map is attached.

The project would not involve relocations or impacts to Important Farmlands, underground storage tanks, hazardous materials, noise, public water supplies, floodplains, Waters of the U.S., or cultural resources. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxics concerns. The cultural resource clearance memo is attached.

The proposed project is within the Ouachita National Forest. The project would not require any additional easements from the U.S. Forest Service (USFS) or involve impacts to USFS resources. The Ouachita National Forest concurred that the project should be processed as a Categorical Exclusion and that no Biological Evaluation is required due to the limited scope of the project.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identified Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), and Monarch Butterfly (*Danaus plexippus*). The project will have "no effect" on the aforementioned species due to the limited scope of the action. The official USFWS official species list is attached.

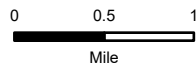
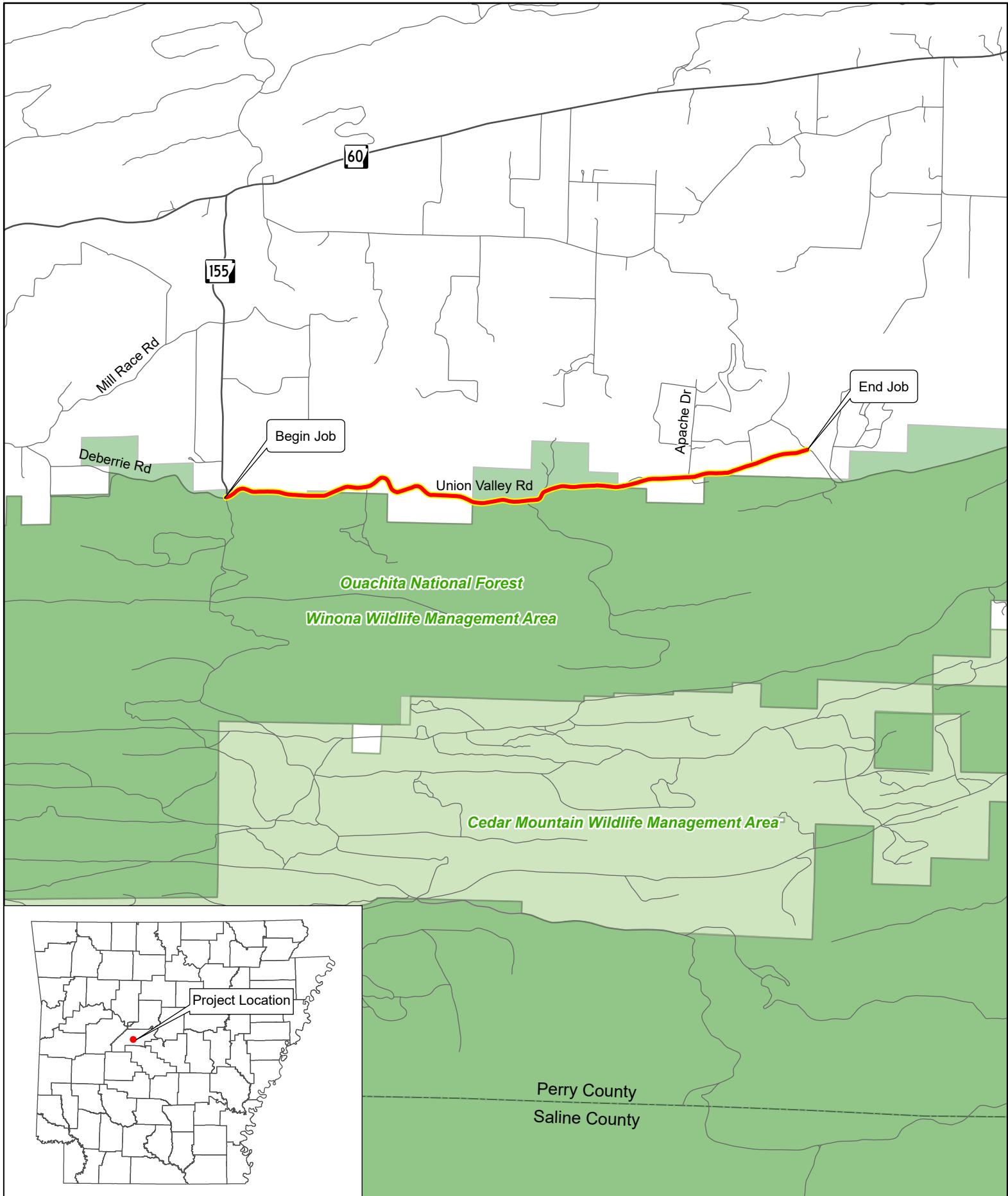
The Alligator Snapping Turtle and the Monarch Butterfly are currently proposed threatened species; however, the proposed project will not jeopardize the continued existence of either species.

The project is within the Perryville Waterworks surface water source protection area; however, ground disturbance will not occur. A Water Pollution Control Special Provision will be included in the job contract.

This project will not have a discharge of dredged or fill material into waters of the United States; therefore, a Section 404 permit will not be required.

Commitments made as part of the NEPA process:

- Water Pollution Control SP



Job FA5310
Union Valley Rd. Surfacing
Perry County





ARDOT.gov | Jared D. Wiley, P.E., Director


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

Phone: (501) 569-2000 | Voice/TTY 711 | Fax: (501) 569-2400

INTEROFFICE MEMORANDUM

April 8, 2026

TO: Environmental Job File

FROM: Jason Kennedy, Cultural Resources 

SUBJECT: Cultural Resources Clearance
Job FA5310
Union Valley Rd. Surfacing (S)
Perry County

This job proposes to construct approximately 5.27 miles of new surface on Union Valley Road within the Ouachita National Forest, in Perry County. State funds and forces will be used. All work will occur within the existing Perry County right-of-way (ROW).

A records check at the Arkansas Archeological Survey shows seven sites near the proposed project area. Sites 3PE0211, 3PE0216, and 3PE0356 were recorded as isolated prehistoric finds. Sites 3PE0215, 3PE0355/PE0107, 3PE0357, and 3PE0366 were recorded as historic sites located along the project corridor. One historic structure, PE0107/3PE0355, is shown on the Arkansas Historic Preservation Program's structure database as eligible for the National Register of Historic Places near the project area. A road is shown near the project area on the 1846 GLO plat for Township 3 North, Range 19 West. No cultural indicators are shown on the 1840 GLO plat for Township 3 North, Range 18 West. On the 1963 Aplin, ARK 7.5 topographic quadrangle map, fourteen structures are located along the project area. On the 1968 Nimrod, ARK 7.5 topographic quadrangle map, two structures are located along the project area.

The highway infrastructure, known construction practices, utilities, and available plans were examined to assess previous ground disturbance. This type of undertaking has no potential to cause effects to historic properties. All work will be within the existing Perry County ROW, and the current scope of the project occurs within previously disturbed areas (road construction). Therefore, this project requires no Section 106 review under Appendix B, Activity 2, of the 2024 Amended Programmatic Agreement.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480

In Reply Refer To:

04/09/2026 13:45:59 UTC

Project Code: 2026-0074153

Project Name: FA5310 Union Valley Road Surfacing

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

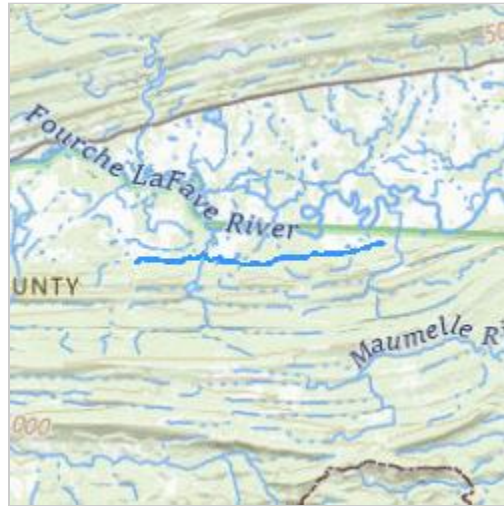
Conway, AR 72032-8975

(501) 513-4470

PROJECT SUMMARY

Project Code: 2026-0074153
Project Name: FA5310 Union Valley Road Surfacing
Project Type: Railroad - Maintenance/Modification
Project Description: Paving 5.28 miles of Union Valley Road in Perry County, Arkansas
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@34.9368871,-92.91783290027092,14z>



Counties: Perry County, Arkansas

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 threatened, endangered, or candidate species on this species list.

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

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

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

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

MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

REPTILES

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

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

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

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

IPAC USER CONTACT INFORMATION

Agency: Arkansas Department of Transportation
Name: Kayti Ewing
Address: 10324 I-30
City: Little Rock
State: AR
Zip: 72209
Email: kayti.ewing@ardot.gov
Phone: 5015692522

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration

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

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480

In Reply Refer To:

04/09/2026 13:53:22 UTC

Project code: 2026-0074153

Project Name: FA5310 Union Valley Road Surfacing

Subject: No Effect Technical Assistance letter for the 'FA5310 Union Valley Road Surfacing' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat.

To whom it may concern:

This letter records the determination of effects to federally listed (or proposed) bat species anticipated to result from FA5310 Union Valley Road Surfacing (the Project). This determination is based upon information you entered into the assisted determination key (Dkey) associated with the above referenced Programmatic Biological Opinion/Conference Opinion (PBO/PCO) in the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system on the date listed above.

Ensuring Accurate Determinations When Using IPaC:

The Service developed the IPaC system and this Dkey in accordance with the ESA and based on the PBO/PCO. All information submitted by the project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in the Dkey invalidates this letter.

Determinations:

Based on the information you provided (Project Description shown below), you have determined that the Project will have the following effect determinations:

Species	Listing Status	Determination
Indiana Bat (<i>Myotis sodalis</i>)	Endangered	No effect
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	No effect

If the Project is not modified, **no consultation is required for these species**. If the Project is modified, or new information reveals that it may affect the Indiana bat, northern long-eared bat, or tricolored bat in a manner or to an extent not considered in the PBO/PCO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge, culvert, or structure assessment failed to detect Indiana bat, northern long-eared bat, or tricolored bat use or occupancy, yet bats are later detected prior to, or during construction, promptly notify the local Service Field Office within 2 working days of the discovery. In addition, please document whether incidental take occurred, and if so, the type (i.e. kill or harm) and amount (i.e. number of individuals) and submit documentation to the local Service Field Office within 5 working days from the completion of the bridge, culvert, or structure construction (use Appendix E - Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form in the [User's Guide](#)). In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service. In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service.

If the Project may affect any other federally listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Field Office is required for those species/designated critical habitat. If the Project has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency to contact this Service Field Office

The following species may occur in your project area and **are not** covered by this determination:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Eastern Black Rail *Laterallus jamaicensis jamaicensis* Threatened
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Piping Plover *Charadrius melodus* Threatened
- Rufa Red Knot *Calidris canutus rufa* Threatened

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

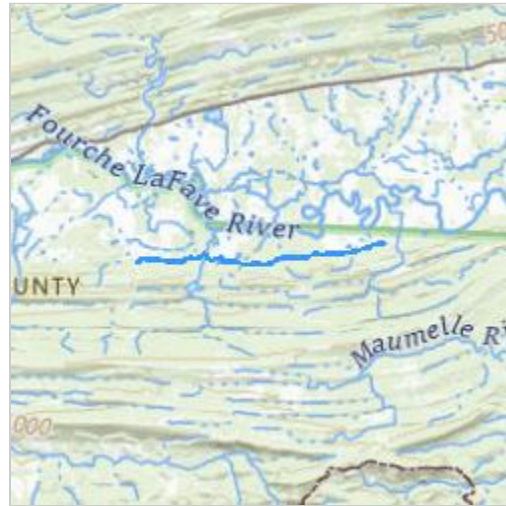
NAME

FA5310 Union Valley Road Surfacing

DESCRIPTION

Paving 5.28 miles of Union Valley Road in Perry County, Arkansas

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@34.9368871,-92.91783290027092,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required for those species.

QUALIFICATION INTERVIEW

1. Which Federal Agency is the lead federal agency the action?

A) Federal Highway Administration (FHWA)

2. Does the Action Area intersect the species list area of the Northern long-eared bat?

Automatically answered

Yes

3. Does the Action Area intersect the species list area of the Indiana bat?

Automatically answered

Yes

4. Is the project within 0.5 miles radius of an entrance/opening to any known Indiana bat hibernaculum?

No

5. [Semantic] Is any portion of the action area within a 0.5 mile radius of an entrance/opening to any known NLEB or TCB hibernacula?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact the Field Office listed in the letterhead of this letter.

Automatically answered

No

6. Does the action area overlap with any state where bats may use talus or anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs for hibernation?

Automatically answered

Yes

7. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

8. Does your project's activities include raising the road profile above the tree canopy in documented habitat for the Indiana bat, NLEB, or TCB?

Note: For the definition of documented habitat, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>

No

9. Is your project located within a karst area?

No

10. Will the project include bridge, culvert, or structure removal, replacement, and/or alteration activities?

Note: For definitions of bridge, culvert, and structure, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>.

No

11. Do your project's activities involve tree removal/trimming, temporary lighting, new/additional permanent lighting, ground disturbance, percussives that involves noise/vibration above existing background levels, vibrations, or slash pile burning?

No

12. Does the Action Area intersect the species list area of the Indiana bat?

Automatically answered

Yes

13. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

Automatically answered

No

14. Does the Action Area intersect the species list area of the northern long-eared bat (NLEB)?

Automatically answered

Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determinations for all other species included on the FWS IPaC generated species list?

Yes

2. Have you made a May Affect determination for any other species on the FWS IPaC generated list?

No

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING IBAT, NLEB, OR TCB

This key was last updated in IPaC on April 08, 2026. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) and may affect the federally listed endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and/or federally proposed endangered tricolored bat (*Perimyotis subflavus*).

This decision key should only be used to verify project applicability with the Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024. The programmatic consultation limited transportation activities that may affect the covered bat species and addresses situations that are both likely and not likely to adversely affect the covered bat species. This decision key will assist in identifying the effect of a specific project/activity and the applicability of the programmatic consultation. The programmatic consultation is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic consultation, or that may affect ESA-listed species other than the Indiana bat, northern long-eared bat, or tricolored bat, or their designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Arkansas Department of Transportation

Name: Kayti Ewing

Address: 10324 I-30

City: Little Rock

State: AR

Zip: 72209

Email: kayti.ewing@ardot.gov

Phone: 5015692522

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration

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

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

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

ARDOT Job FA5310 FAP STPF-0053(47)

Job Title Union Valley Rd. Surfacing (S)

Class Determination C(26)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Community/Social	X			No impacts anticipated
Cultural Resources	X			CR memo attached
Economic	X			No adverse impacts
Federal Lands	X			Within USFS Ouachita National Forest property, no impacts anticipated
Floodplains	X			None within the project area
Hazardous Materials	X			None identified in the project area
Important Farmland	X			None impacted by the project
Land Use	X			All within existing right of way
Protected Species	X			A "No effect" determination was made
Protected Waters	X			None within the project area
Public Water Supply		X		Surface Water Source Protection Area-Perryville Waterworks
Relocations	X			No relocations necessary
Section 4(f)/6(f) properties	X			None impacted by the project
Solid Waste	X			None identified in the project area
Streams	X			None impacted by the project
Traffic Noise	X			No increases from the project
Visual	X			No adverse impacts
Water Quality	X			No impacts anticipated
Wetlands	X			None within the project area

Permits: Indicate either a "yes" or "no" if permit is required or not.

Section 404 Permit Required? No Type N/A

Section 408 Approval Required? No

Section 9 USCG Bridge Permit Required? No

Section 10 Navigable Waters Permit Required? No

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? No

Remarks:

The Ouachita National Forest Service was coordinated with on the scope of the project and concluded that no Biological Evaluation is required. A Water Pollution Control SP will be included.

Signature of Evaluator  Date 4/9/2026