

#### ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director 10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2000

### INTEROFFICE MEMORANDUM

### August 2, 2024

TO: Master Files

FROM: Josh Seagraves, Division Head – Environmental Division

SUBJECT: Job 012497

FAP NHPP-40-2(85)

I-40 Sign Upgrades (Districts 6 &8) (S) Route I-40, Sections 21, 22, 32, & 33

Various Counties

Tier 1 Categorical Exclusion

The project proposes to replace main lane and interchange signs along Interstate 40 in Faulkner, Johnson, Pope, and Pulaski Counties, Arkansas. A project location map with sign information is attached.

The project will not involve relocations, endangered species, prime farmlands, wetlands, underground storage tanks, hazardous materials, any environmental justice issues, or cultural resources. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxics concerns. The cultural resources clearance is attached.

The official species lists obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation identified the following species as potentially occurring within the project area: Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), American Burying Beetle (*Nicrophorus americanus*), Monarch Butterfly (*Danaus plexippus*), and Missouri bladderpod (*Physaria filiformis*). This project will have "no effect" on the aforementioned federally listed species due to the limited scope of the action, lack of suitable habitat, and distance to known species locations. The official species list is attached.

The Alligator Snapping Turtle is currently a proposed threatened species, the Tricolored Bat is a proposed endangered species, and the Monarch Butterfly is a candidate species; however, the proposed project will not jeopardize the continued existence of any of these species.

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.

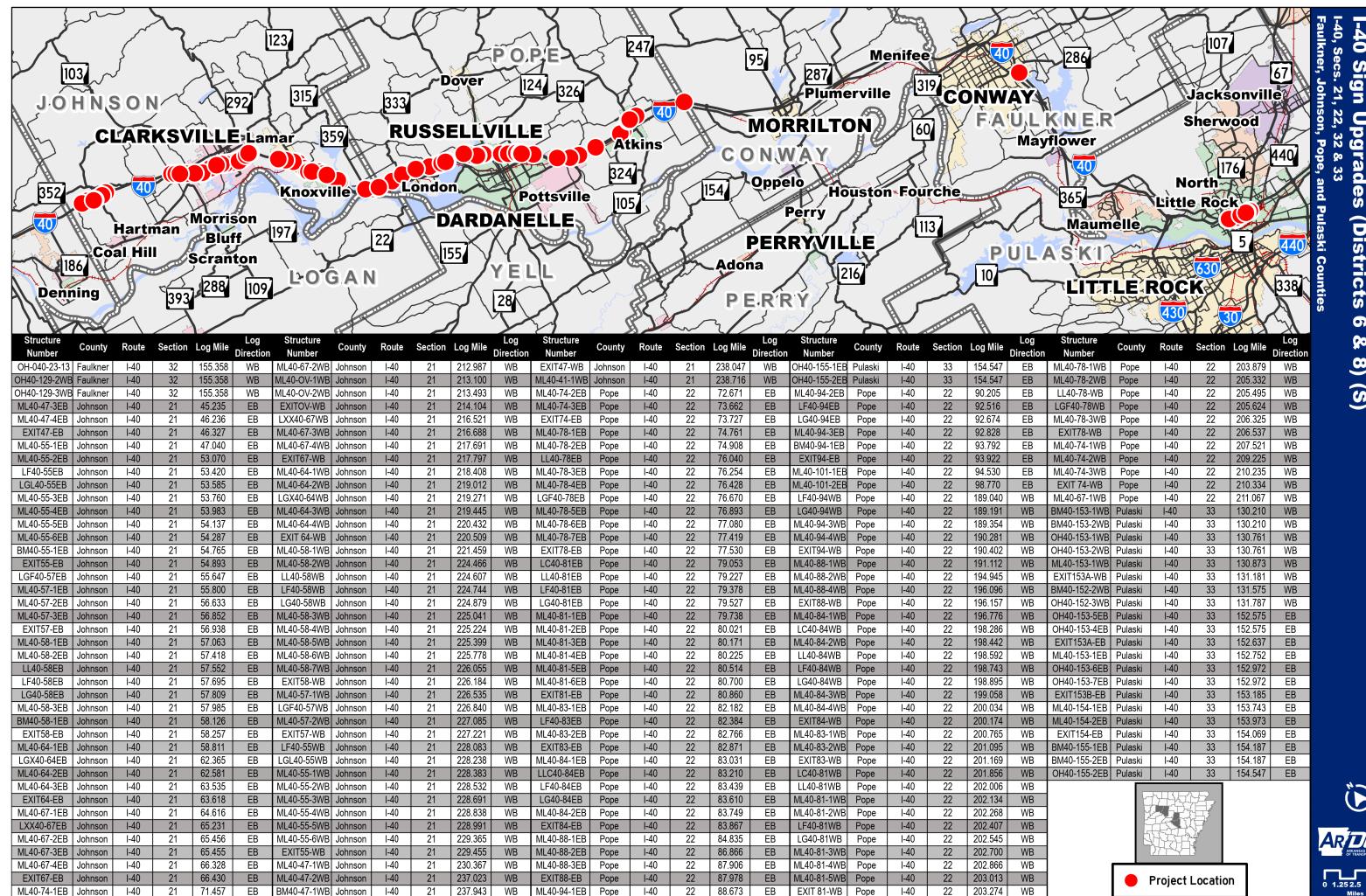
Job 012497 Tier 1 Categorical Exclusion Page 2 of 2

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

JS:DN:sw

### Attachments

c: Program Management Roadway Design District 6 District 8 FHWA



Document Path: \\San1\qis\ProgramsContracts\Sketches\012497\012497



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## **INTEROFFICE MEMORANDUM**

July 24, 2024

**TO:** Environmental Job File

**FROM:** Jason Kennedy, Cultural Resources

**SUBJECT:** Cultural Resources Clearance

Job 012497

I-40 Sign Upgrades (Districts 6 & 8) (S) Route I-40, Sections 21, 22, 32, & 33

Faulkner, Johnson, Pope, & Pulaski Counties

The project proposes to install and replace overhead/ground mounted signs at 172 locations on Interstate 40 in Faulkner, Johnson, Pope, and Pulaski Counties. No new right-of-way (ROW) will be acquired. All work will occur within the existing ROW.

Any evidence of past human activities would have been destroyed with the construction of the interstate. If present, there is little potential to impact existing intact archeological sites or historic resources with the installation of the overhead mounted signs in the existing ROW. No new visual elements will be introduced since signs are already present along these roadways. No impacts will occur to historic properties present near these corridors.

The highway infrastructure and known construction practices were examined to assess previous ground disturbance. This type of undertaking is repetitive in nature and will not affect historic properties. All work will be within the existing ROW, and the limited scope of the project occurs within previously disturbed areas (interstate construction). Therefore, this project requires no Section 106 review under Appendix C, Activity 28, of the 2021 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: 07/29/2024 18:06:17 UTC

Project Code: 2024-0122778

Project Name: 012497 - I-40 Sign Upgrades (Districts 6 & 8) (S)

Subject: List of threatened and endangered species that may occur in your proposed project

location or may be affected by your proposed project

#### To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

### Attachment(s):

• Official Species List

### **OFFICIAL SPECIES LIST**

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

This species list is provided by:

Arkansas Ecological Services Field Office 110 South Amity Suite 300 Conway, AR 72032-8975 (501) 513-4470

### **PROJECT SUMMARY**

Project Code: 2024-0122778

Project Name: 012497 - I-40 Sign Upgrades (Districts 6 & 8) (S)

Project Type: Road/Hwy - Maintenance/Modification

Project Description: Various locations along Interstate 40 in Faulkner, Johnson, Pope, and

Pulaski Counties require the replacement of existing signs due to the loss of reflectivity or damage. Associated regulatory, warning, and interchange ramp signs will be replaced in order to provide an interstate facility that

meets current standards.

### **Project Location:**

The approximate location of the project can be viewed in Google Maps: <a href="https://www.google.com/maps/@35.14012095">https://www.google.com/maps/@35.14012095</a>,-92.53234496557695,14z



Counties: Arkansas

### **ENDANGERED SPECIES ACT SPECIES**

Project code: 2024-0122778

There is a total of 11 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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**MAMMALS** 

NAME **STATUS** 

Gray Bat *Myotis grisescens* 

Endangered

No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a>

Indiana Bat *Myotis sodalis* 

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/5949

Northern Long-eared Bat *Myotis septentrionalis* 

**Endangered** 

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045

Tricolored Bat Perimyotis subflavus

**Proposed** 

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515 **Endangered** 

**BIRDS** 

NAME **STATUS** 

Eastern Black Rail Laterallus jamaicensis ssp. jamaicensis

Threatened

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477

Piping Plover Charadrius melodus

Threatened

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

Rufa Red Knot Calidris canutus rufa

Threatened

There is **proposed** critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864

REPTILES

**NAME STATUS** 

Alligator Snapping Turtle *Macrochelys temminckii* 

**Proposed** 

No critical habitat has been designated for this species.

Threatened

Species profile: https://ecos.fws.gov/ecp/species/4658

**INSECTS** 

**NAME STATUS** 

American Burying Beetle *Nicrophorus americanus* 

Threatened

Population: Wherever found, except where listed as an experimental population

No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/66">https://ecos.fws.gov/ecp/species/66</a>

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NAME

### Monarch Butterfly *Danaus plexippus*

Candidate

No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>

### **FLOWERING PLANTS**

NAME STATUS

Missouri Bladderpod Physaria filiformis

Threatened

No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5361">https://ecos.fws.gov/ecp/species/5361</a>

### **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.

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### **IPAC USER CONTACT INFORMATION**

Agency: Arkansas Department of Transportation

Name: Sarah Hallett Address: 10324 I-30 City: Little Rock

State: AR Zip: 72209

Email sarah.hallett@ardot.gov

Phone: 5015692078

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

• BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

# ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

<b>Environmental Resource</b>	None	Minimal	Major	Comments-required for each item
Air Quality	Х			No impacts anticipated
Cultural Resources	X			None in project area
Economic	X			Will not be impacted by project
Endangered Species	X			No effect
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		Temporary during construction
Floodplains	Χ			No regulated floodplains in project area
Forest Service Property	Х			None in project area
Hazardous Materials/Landfills	Х			No sites in project area
Land Use	Х			Will not be impacted by project
Migratory Birds	Х			No bridge of large culvert work
Navigation/Coast Guard	Х			No impacts
Noise Levels	Х			No increases due to project
Prime Farmland	Х			None in project area
Protected Waters	Х			No impacts
Public Recreation Lands	Х			None in project area
Public Water Supply/WHPA	Х			No impacts anticipated
Relocatees	Х			No relocations
Section 4(f)/6(f)	Χ			4f resources not present
Social	Х			No impacts to the social environment
Underground Storage Tanks	Х			No USTs in project area
Visual	Χ			No changes to visual environment
Streams	X			None in project area
Water Quality		X		Temporary during construction
Wetlands	Χ			None in project area
Wildlife Refuges	X			None in project area
Section 401 Water Quality Certif Short-term Activity Authorization Section 404 Permit Required? Remarks:		•		No   No Type
	1			
Signature of Evaluator 2	Mue	lih		Date <u>8/2/24</u>