

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB NUMBER 100633  
FAP NUMBER STPF-0028(60)  
PARAGOULD - NORTH (S)  
ROUTE 49, SECTION 2  
GREENE COUNTY**

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

By the

U.S. Department of Transportation  
Federal Highway Administration

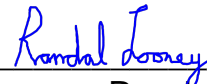
And the

Arkansas Department of Transportation

April 2021

April 15, 2021

Date of Approval



\_\_\_\_\_  
Randal Looney  
Environmental Coordinator  
Federal Highway Administration

The Environmental Division reviewed the referenced project and has determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Programmatic Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of the project is to widen Highway 49 from two 11' paved travel lanes with 5' paved shoulders to four 12' travel lanes, a 11' painted median, and 8' paved shoulders. Two existing bridges (Strs. 02459 and 02460) will be replaced with new bridges. The project is located in and just outside the City of Paragould in Greene County, Arkansas. The project length will be 2.3 miles. The average right of way width will increase from 120' to 190'. Approximately 19.5 acres of additional right of way will be required for construction of the improvements. Of this acreage, approximately 14.3 acres of prime farmland will be impacted. A NRCS-CPA-106 Form is attached. A project location map is attached.

The project will not involve underground storage tanks, hazardous materials, or any environmental justice issues. One business relocatee will be impacted, therefore *Public Law 91-646, Uniform Relocation Assistance Act of 1970*, as amended, will apply. The State Historic Preservation Officer's clearance is attached.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2022	12,000	5	60 mph
2042	14,000	5	60 mph

Total stream impacts due to the construction of the proposed project are estimated to be 560 linear feet (0.3 acre) of Johnson Creek; 245 linear feet (0.1 acre) of Jack's Creek; and 75 linear feet of Locust Creek. Total wetland impacts are estimated at 0.83 acre (0.59 temporary and 0.24 permanent). Compensatory mitigation for wetland impacts will be debited from the Department's Glaise Creek Mitigation Bank. Stream mitigation will be determined during the Section 404 permitting process. Construction should be covered under the terms of a Nationwide Permit 23 for Approved Categorical Exclusions as defined in Federal Register 82 (4): 1860 – 2008.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the Indiana bat (*Myotis sodalis*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*),

Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), and pondberry (*Lindera melissifolia*) as a protected species potentially occurring in the proposed project.

Utilizing the FHWA Programmatic Biological Opinion for Transportation Projects with the Range of the Indiana Bat and Northern Long-eared Bat, it has been determined that the project “may affect, but is not likely to adversely affect” the Indiana bat. See the attached NLAA Concurrence Letter. The USFWS concurred on January 12, 2021.

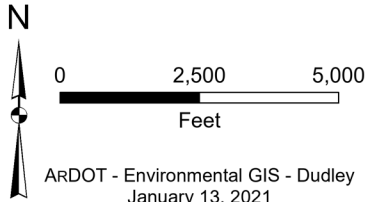
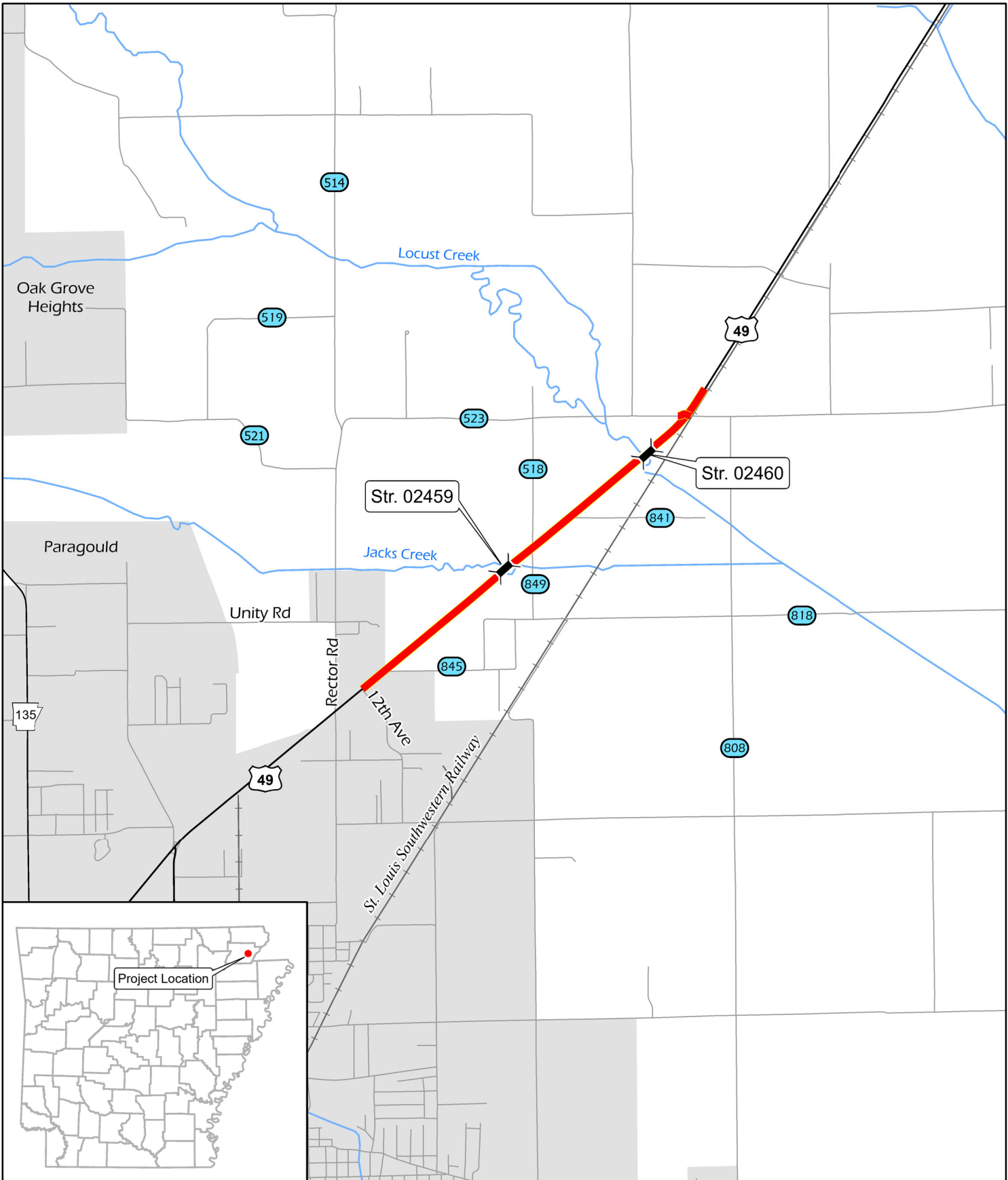
Based on the lack of habitat and distance to known species, it has been determined that the proposed project will have “no effect” on the aforementioned federally listed bird and plant species.

Greene County participates in the National Flood Insurance Program. The project lies within a Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of the encroachments will constitute a substantial floodplain encroachment or risk to property or life.


Noise predictions were made for this project using the FHWA Traffic Noise Model Version 2.5. As detailed in the attached Noise Assessment Report, a total of 13 noise sensitive receptors were predicted to experience noise impacts under future build conditions. Three of these receptors were predicted to be experiencing noise impacts under existing conditions. Future noise impacts would be minor (noise levels not exceeding a 1 to 2 dBA increase), and no substantial increases ( $\geq 10$  dBA) were predicted.

This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

A Phase II Virtual Public Involvement (VPI) was held on Thursday, January 21, 2021. The information was made available on the Department’s website from January 15, 2021 through February 5, 2020. A synopsis of the VPI meeting is attached.



Job 100633  
Paragould - North  
(Hwy. 49)  
Greene County

 Project Location



**Asa Hutchinson**  
Governor  
**Stacy Hurst**  
Secretary

February 9, 2021

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

Re: Greene County – Paragould  
Section 106 Review – FHWA  
Paragould - North (S)  
Route 49, Section 2  
ARDOT Job Number 100633  
AHPP Tracking Number 107377.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for the above-referenced job in Section 17 of Township 17 South, Range 6 East in Greene County. As described, the undertaking entails widening Highway 49 from two lanes to four for a length of approximately 2.288 miles. The survey area totals 19.53 acres, including the proposed right-of-way and temporary construction easement.

Based on the provided information, the AHPP concurs with a finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking.

Tribes that have expressed an interest in the area include the Delaware Nation, the Osage Nation, the Quapaw Nation, and the Shawnee Tribe. We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

If you have any questions, please contact Eric Mills of my staff at (501) 324-9784 or [eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov).

Sincerely,

/s/ Eric Mills for

Scott Kaufman  
Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration  
Dr. Melissa Zabecki, Arkansas Archeological Survey

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

<b>PART I (To be completed by Federal Agency)</b> Job100633	3. Date of Land Evaluation Request	4. Sheet 1 of _____
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1. Name of Project	5. Federal Agency Involved
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2. Type of Project	6. County and State
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<b>PART II (To be completed by NRCS)</b>	1. Date Request Received by NRCS	2. Person Completing Form
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3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated   Average Farm Size
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5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ % _____	7. Amount of Farmland As Defined in FPPA Acres: _____ % _____
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
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<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment</b>			
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	Corridor A	Corridor B	Corridor C	Corridor D
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A. Total Acres To Be Converted Directly				
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B. Total Acres To Be Converted Indirectly, Or To Receive Services				
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C. Total Acres In Corridor				
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<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
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A. Total Acres Prime And Unique Farmland				
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B. Total Acres Statewide And Local Important Farmland				
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C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
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D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
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<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>				
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	<b>Maximum Points</b>			
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1. Area in Nonurban Use	15			
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2. Perimeter in Nonurban Use	10			
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3. Percent Of Corridor Being Farmed	20			
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4. Protection Provided By State And Local Government	20			
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5. Size of Present Farm Unit Compared To Average	10			
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6. Creation Of Nonfarmable Farmland	25			
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7. Availability Of Farm Support Services	5			
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8. On-Farm Investments	20			
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9. Effects Of Conversion On Farm Support Services	25			
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10. Compatibility With Existing Agricultural Use	10			
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TOTAL CORRIDOR ASSESSMENT POINTS	160			
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<b>PART VII (To be completed by Federal Agency)</b>				
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Relative Value Of Farmland (From Part V)	100			
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Total Corridor Assessment (From Part VI above or a local site assessment)	160			
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<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>			
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1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used?  YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:
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Signature of Person Completing this Part:	DATE
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*Joshua Graham*

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



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Arkansas Ecological Services Field Office  
110 South Amity Suite 300  
Conway, AR 72032-8975  
Phone: (501) 513-4470 Fax: (501) 513-4480  
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

January 12, 2021

Consultation Code: 04ER1000-2021-SLI-0420

Event Code: 04ER1000-2021-E-01148

Project Name: 100633 Paragould - North

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 endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

**If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

**Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species.** Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

**If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.**

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

**If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities.** Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

**Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further.** Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at [www.fws.gov/endangered/esa-library/index.html#consultations](http://www.fws.gov/endangered/esa-library/index.html#consultations).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be



completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

Attachment(s):

- Official Species List
-

## Official Species List

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

This species list is provided by:

**Arkansas Ecological Services Field Office**

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

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## Project Summary

Consultation Code: 04ER1000-2021-SLI-0420

Event Code: 04ER1000-2021-E-01148

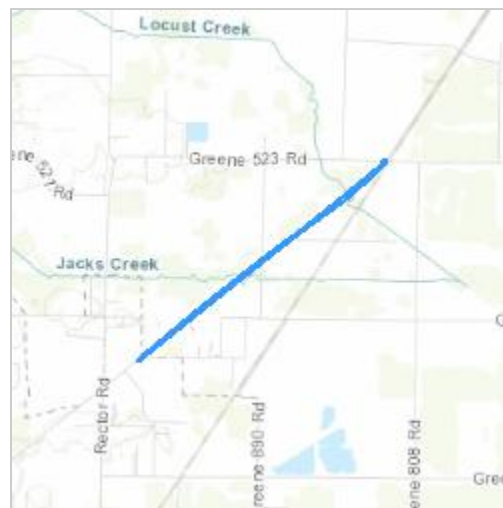
Project Name: 100633 Paragould - North

Project Type: TRANSPORTATION

Project Description: widen highway from 2 lanes to 4 and replace 2 bridges

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.1017546,-90.45682226750684,14z>



Counties: Greene County, Arkansas

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## Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

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

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

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

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

### Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered

### Birds

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

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## Flowering Plants

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

## Critical habitats

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



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Arkansas Ecological Services Field Office  
110 South Amity Suite 300  
Conway, AR 72032-8975  
Phone: (501) 513-4470 Fax: (501) 513-4480  
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

January 12, 2021

Consultation code: 04ER1000-2021-I-0420

Event Code: 04ER1000-2021-E-01154

Project Name: 100633 Paragould - North

Subject: Concurrence verification letter for the '100633 Paragould - North' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **100633 Paragould - North** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

**For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities:** If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

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

- Eastern Black Rail *Laterallus jamaicensis* ssp. *jamaicensis* Threatened
  - Piping Plover *Charadrius melodus* Threatened
  - Pondberry *Lindera melissifolia* Endangered
  - 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***

100633 Paragould - North

### ***Description***

widen highway from 2 lanes to 4 and replace 2 bridges

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## Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

## Qualification Interview

1. Is the project within the range of the Indiana bat<sup>[1]</sup>?

[1] See [Indiana bat species profile](#)

**Automatically answered**

*Yes*

2. Is the project within the range of the Northern long-eared bat<sup>[1]</sup>?

[1] See [Northern long-eared bat species profile](#)

**Automatically answered**

*No*

3. Which Federal Agency is the lead for the action?

*A) Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction<sup>[1]</sup> activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

*No*

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces<sup>[1]</sup>?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

*No*

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum<sup>[1]</sup>?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

*No*

7. Is the project located **within** a karst area?

*No*

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8. Is there *any* suitable<sup>[1]</sup> summer habitat for Indiana Bat or NLEB **within** the project action area<sup>[2]</sup>? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

*Yes*

9. Will the project remove *any* suitable summer habitat<sup>[1]</sup> and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

*Yes*

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

*No*

11. Have presence/probable absence (P/A) summer surveys<sup>[1][2]</sup> been conducted<sup>[3][4]</sup> **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

*No*

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12. Does the project include activities **within documented Indiana bat habitat**<sup>[1][2]</sup>?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur<sup>[1]</sup>?

[1] Coordinate with the local Service Field Office for appropriate dates.

*B) During the inactive season*

15. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

16. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

17. Are *all* trees that are being removed clearly demarcated?

Yes

18. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

19. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

20. Does the project include slash pile burning?

No

21. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

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22. Is there *any* suitable habitat<sup>[1]</sup> for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

23. Has a bridge assessment<sup>[1]</sup> been conducted **within** the last 24 months<sup>[2]</sup> to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

#### SUBMITTED DOCUMENTS

- 02460--2019.pdf <https://ecos.fws.gov/ipac/project/ZX5UDUUGGNGZDOC2QSREH2557E/projectDocuments/98317906>
- 02459--2019.pdf <https://ecos.fws.gov/ipac/project/ZX5UDUUGGNGZDOC2QSREH2557E/projectDocuments/98317907>

24. Did the bridge assessment detect *any* signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)<sup>[1]</sup>?

[1] If bridge assessment detects signs of *any* species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing *any* work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

25. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

26. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

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27. Will the project involve the use of **temporary** lighting *during* the active season?

*No*

28. Will the project install new or replace existing **permanent** lighting?

*No*

29. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

*No*

30. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

*Yes*

31. Will the project raise the road profile **above the tree canopy**?

*No*

32. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

**Automatically answered**

*Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO*

33. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

**Automatically answered**

*Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.*

34. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

**Automatically answered**

*Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected*

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35. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

36. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal<sup>[1]</sup> in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

37. **Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

38. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**<sup>[1]</sup> Indiana bat or NLEB roosts<sup>[2]</sup> (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

## Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated 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 species list?
-

No

3. How many acres<sup>[1]</sup> of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

2.5

4. Please describe the proposed bridge work:

*remove existing structure and replace with a new bridge*

5. Please state the timing of all proposed bridge work:

*tree clearing during the inactive season, bridge removal/construction unsure*

6. Please enter the date of the bridge assessment:

*5/20/2019 for both*

## Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

### TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

### TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

### TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

### TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

### GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

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## **Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat**

This key was last updated in IPaC on December 29, 2020. 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) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

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# VIRTUAL PUBLIC INVOLVEMENT SYNOPSIS

**Job Number 100633**

**Paragould – North (Hwy. 49)**

**Greene County**

**January 15, 2021 through February 5, 2021**

A Phase II “Live” Virtual Public Involvement (VPI) meeting for the proposed widening of Highway 49 from 12<sup>th</sup> Avenue in Paragould north to Greene County Road 523 was held on Thursday, January 21, 2021. Project information was made available on the ARDOT’s website from January 15, 2021 through February 5, 2021. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in the *Paragould Daily Press* on Thursday, January 14, 2021, and Tuesday, January 19, 2021.
- Letters mailed to public officials on January 11, 2021.
- Flyers mailed to citizens.

The following information and links were available on the ARDOT website:

- Short video presentation about the project
- Public meeting notice
- Project location map
- Project design plans
- Online comment form
- Interactive project map
- Frequently asked questions with answers

Table 1 describes the results of the public participation at the meeting.

<b>TABLE 1</b>	
<b>Public Participation</b>	<b>Totals</b>
Online registration of attendance at Phase II VPI	27
Number of website viewers (English/Spanish)	313/29
Online Comment Forms received	14
<b>Total comments received</b>	<b>14</b>

*ARDOT staff reviewed all comments received and evaluated their contents. The summary of comments listed below reflects the personal perception or opinion of the person or organization making the statement. The sequencing of the comments is random and is not intended to reflect importance or numerical values. Some of the comments were combined and/or paraphrased to simplify the synopsis process.*

An analysis of the responses received as a result of the public survey is shown in Table 2.

<b>TABLE 2</b>	
<b>Survey Results</b>	<b>Totals</b>
Feel there is a need for the project	13
Do not feel there is a need for the project	1
Beneficial impacts due to the proposed project	14
Adverse impacts due to the proposed project	0
Had a suggestion to better serve the needs of the community	5
Know of historical sites in the project area	0
Know of environmental constraints to the project	1
Know of home or property limitations to the project	0

The following are comments concerning issues associated with the project:

- Four individuals liked that the roadway would be expanded to four travel lanes with a middle left turn lane.
- Two individuals wanted the roadway expansion to continue to Marmaduke and one individual wanted it extended to Rector.
- One individual wanted the design speed to be less than 60 miles per hour.

A listing of general comments concerning the proposed project follows:

- Helpful with traffic and will make it safer for motorists.
- Please consider not increasing the speed to 60 mph.
- It will ease the load on first responders as well as increase the number of potential employees to help the shortage areas in Paragould.
- Please consider making the intersection of Greene County Road 849 & Hwy. 49 safer.

Attachments: Blank comment form  
VPI Exhibit

DN:TT:am

**ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT)  
CITIZEN COMMENT FORM**

**ARDOT JOB NUMBER 100633  
Paragould – North (S) (Hwy. 49)  
GREENE COUNTY**

**LOCATION:  
ONLINE “LIVE” WEBEX VIRTUAL PUBLIC INVOLVEMENT MEETING  
THURSDAY, JANUARY 21, 2021 @ 5:30 P.M.**

Make your comments on this form and mail it by 4:30 p.m. on **Friday, February 5, 2021** to: Arkansas Department of Transportation, Environmental Division, P.O. Box 2261, Little Rock, AR, 72203-2261. Email: [environmentalpimeetings@ardot.gov](mailto:environmentalpimeetings@ardot.gov).

Yes    No

    Do you feel there is a need for the proposed widening on Hwy. 49 – North with painted median from 2 to 4 lanes in Paragould, AR? Comment (optional) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you feel that the proposed project will have any impacts ( Beneficial or  Adverse) on your property and/or community (economic, environmental, social, etc.)? Please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

    Do you have a suggestion that would make this proposed project better serve the needs of the community? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yes      No

      Does your home or property offer any limitations to the project, such as septic systems, that the Department needs to consider in its design?

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      Do you know of any historical sites, family cemeteries, or archaeological sites in the project area? Please note and discuss with staff. \_\_\_\_\_

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      Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with ARDOT staff. \_\_\_\_\_

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It is often necessary for the ARDOT to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name: \_\_\_\_\_ (Please Print)

Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_--

\_\_\_\_\_

E-mail: \_\_\_\_\_

Please make additional comments here. \_\_\_\_\_

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For additional information, please visit our website at [www.ardot.gov](http://www.ardot.gov)



Job 100633  
Paragould - North  
Highway 49  
Greene County



Preliminary Subject to Revision

End Job 100633

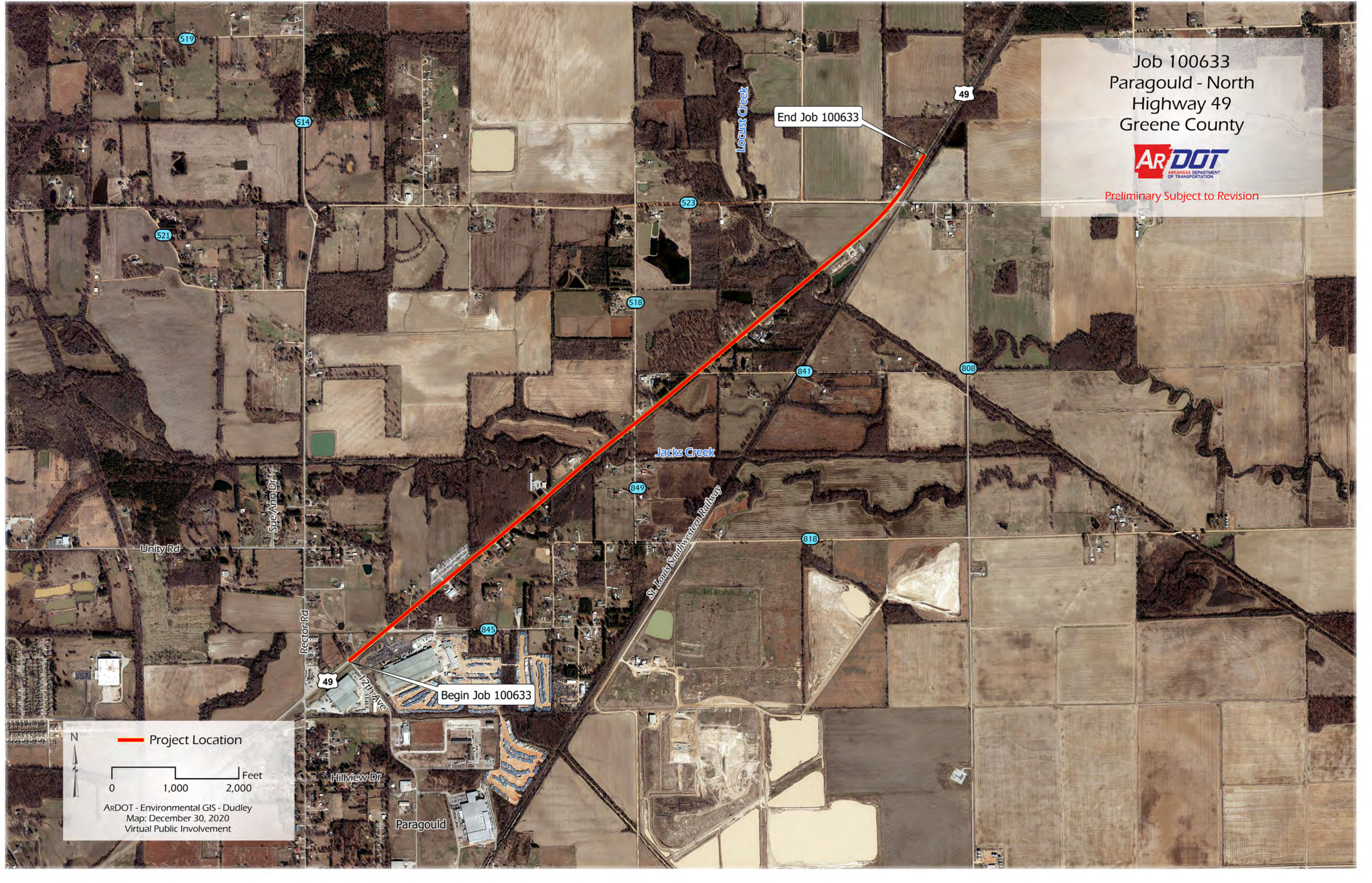
Begin Job 100633

 Project Location

N

0 1,000 2,000 Feet

ARDOT - Environmental GIS - Dudley  
Map: December 30, 2020  
Virtual Public Involvement



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

ARDOT Job Number 100633 FAP Number STPF-0028(60)

Job Title Paragould – North (S)


Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts anticipated
Cultural Resources	X			Cultural Resources clearance attached
Economic	X			No impacts anticipated
Endangered Species	X			NLAA and “No Effect” determinations
Environmental Justice/Title VI	X			No impacts anticipated
Fish and Wildlife		X		Minor impacts during construction
Floodplains		X		Zone A Special Flood Hazard Area
Forest Service Property	X			None in the project Area
Hazardous Materials/Landfills	X			No impacts anticipated
Land Use		X		19.5 acres of additional ROW needed
Migratory Birds	X			Migratory Bird SP included
Navigation/Coast Guard	X			None in the project area
Noise Levels		X		Noise Assessment Report attached
Prime Farmland		X		14.3 acres, NRCS-CPA-106 attached
Protected Waters	X			None in the project area
Public Recreation Lands	X			None in the project area
Public Water Supply/WHPA	X			WHP SP included
Relocatees		X		1 business relocatee
Section 4(f)/6(f)	X			No 4(f)/6(f) impacts anticipated
Social	X			No social impacts
Underground Storage Tanks	X			No UST’s impacted
Visual	X			No visual impacts
Streams		X		560 linear feet of Johnson Creek; 245 linear feet of Jack’s Creek; 75 feet of Locust Creek
Water Quality		X		Temporary decline during construction
Wetlands		X		0.83 acre of wetland impacts
Wildlife Refuges	X			None in the project area

Section 401 Water Quality Certification Required? N

Short-term Activity Authorization Required? Y

Section 404 Permit Required? Y Type NW23

Remarks: Paragould Light & Water wells are 0.97 mile from the project.

Signature of Evaluator  Date April 12, 2021

**ROADWAY DESIGN REQUEST**

Job Number 100633 FAP No. \_\_\_\_\_ County Greene

Job Name Paragould – North (S)

Design Engineer Nick Dail Environmental Staff \_\_\_\_\_

Detailed Project Description This project consists of widening Hwy. 49 from 2 to 4 lanes with painted median in Greene County. Two existing bridges on Hwy. 49 will be replaced with proposed new bridges on the new locations. A tri. R.C. box culvert will be retained and extended. This project consists of earthwork, ACHM binder and surface courses, aggregate base course, drainage structures, and erosion control.

**A. Existing Conditions:**

Roadway Width: 32' Shoulder Type/Width: 5' Paved

Number of Lanes and Width: 2-11' Existing Right-of-Way: 120'

Sidewalks? No Location: N/A Width: N/A

Bike Lanes? No Location: N/A Width: N/A

**B. Proposed Conditions:**

Roadway Width: 75' Shoulder Type/Width: 8' Paved

Number of Lanes and Width: 4 @ 12' Proposed Right-of-Way: 190'  
1 @ 11'

Sidewalks? No Location: N/A Width: N/A

Bike Lanes? No Location: N/A Width: N/A

**C. Construction Information:**

If detour: Where: N/A Length: N/A

**D. Design Traffic Data:**

2022 ADT: 12000 2042 ADT: 14000 % Trucks: 5

Design Speed: 60 m.p.h.

E. Approximate total length of project: 2.288 mile(s)

F. Justification for proposed improvements: Capacity improvements

G. Total Relocatees: 1 Residences: \_\_\_\_\_ Businesses: 1

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date