

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB NUMBER 080633  
FAP NUMBER STPC-9095(39)  
HWY. 65/ROBINS ST. SIGNAL (CONWAY) (S)  
ROUTE 65B, SECTION 9  
FAULKNER 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 22, 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 this project is to improve the intersection at Highway 65B and Robins Street in Conway, Faulkner County. Improvements would include replacement of the existing traffic signal; raising the intersection grade; upgrading the railroad signal and crossing; and the construction of new railroad interconnect, sidewalk, curb and gutter, and storm drains. Total length of the project is 0.1 mile. A project location map is attached.

Existing and proposed roadway information can be found in the following table. Approximately 0.2 acre of additional right of way and 0.3 acre of temporary construction easements would be required for this project.

	<b>Highway 65B</b>	<b>Robins Street (W of intersection)</b>	<b>Robins Street (E of intersection)</b>
<b>Existing</b>			
Travel lanes	Four - 10' wide	One - 10' wide One - 16' wide	Two -14' wide
Turn lanes	One - 11' wide	One - 10' wide	None
Shoulders	Paved – 4' wide	Curb and gutter	None
Sidewalks	None	None	None
Average ROW	90' wide	None	None
<b>Proposed</b>			
Travel lanes	Four – 11' wide	No change	No change
Turn lanes	Center – 12' wide	No change	No change
Shoulders	Curb and gutter	No change	Curb and gutter
Sidewalks	East side – 5' wide	North side – 5'-6' wide	Both sides - 5' wide
Average ROW	98' wide	None (temporary easements)	70' wide

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2021	14,000 vpd	6	45 mph
2041	17,000 vpd	6	45 mph

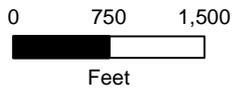
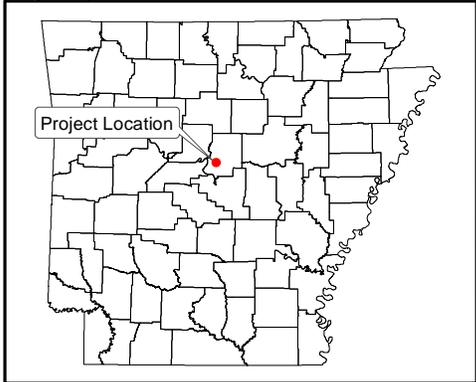
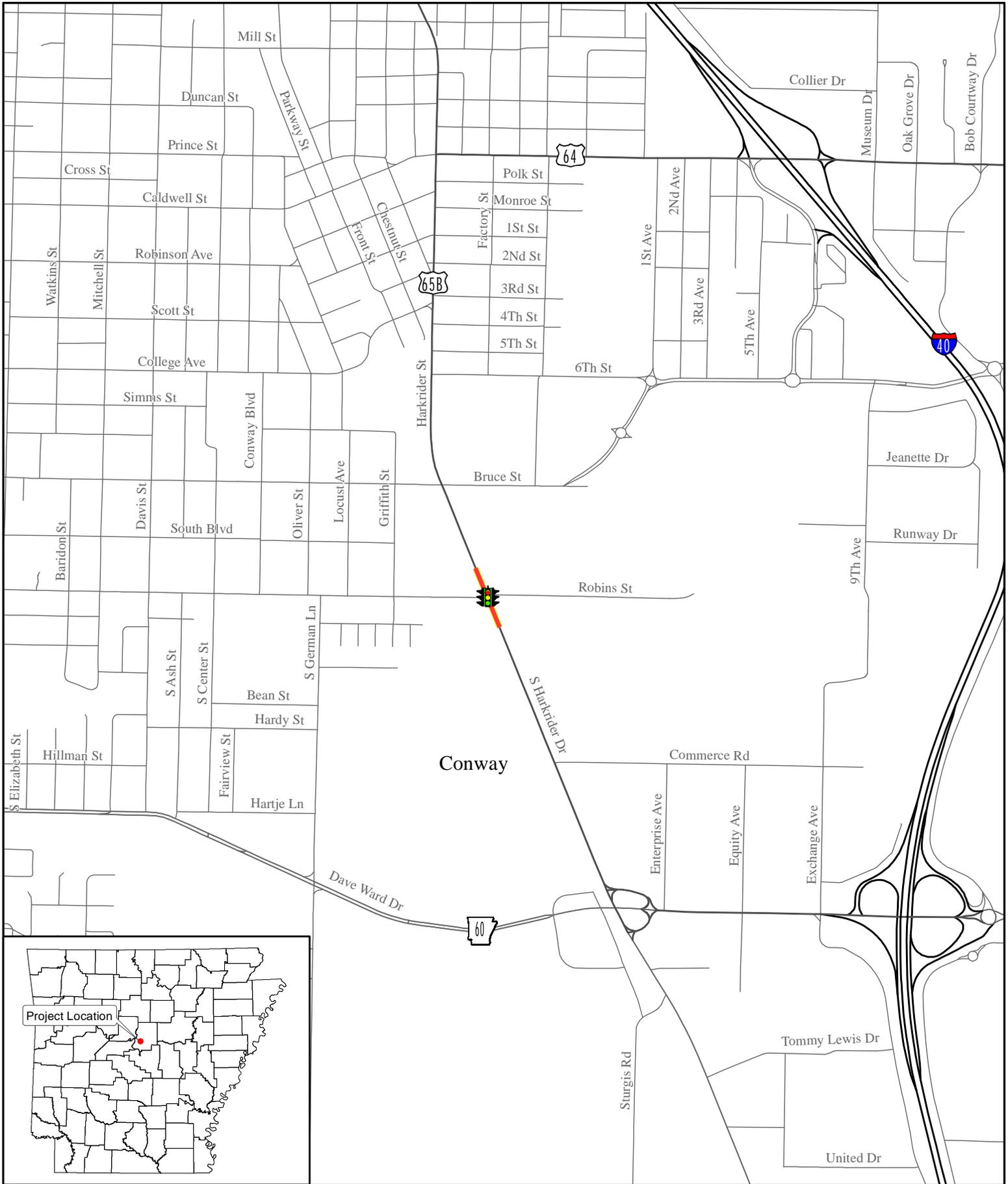
There are no environmental justice issues or impacts to public water supplies, prime farmland, floodplains, streams, wetlands, or cultural resources associated with this project. The project may result in up to one business relocation and one landlord business relocation. Public law 91-646, the Uniform Relocation Assistance Act of 1970, as amended, will apply. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. State Historic Preservation Officer clearance is attached.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The intersection improvements would not involve adding capacity, changing the roadway alignment, or exposing noise sensitive land uses to traffic noise sources. In compliance with federal guidelines, local authorities will not require notification.

The attached official species list obtained through the U.S. Fish and Wildlife Service Information for Planning and Consultation website identified the threatened Piping Plover (*Charadrius melodus*) and the candidate rattlesnake-master borer moth (*Papaipema eryngii*) as potentially occurring in the project area. A 'no effect' determination was made for both federally-listed species due to a lack of suitable habitat in the project area. The project would not have a discharge of dredged or fill material into Waters of the United States associated with the intersection improvement; therefore, a Section 404 permit will not be required.

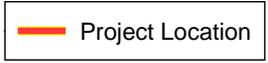
This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project would not result in changes in traffic volumes, vehicle mix, basic project location, or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

No other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts is attached.



ARDOT - Environmental GIS - Hopkins  
March 22, 2021

Job 080633  
Hwy. 65/Robins St. Signal  
(Conway)  
Faulkner County





Asa Hutchinson  
Governor  
Stacy Hurst  
Secretary

April 5, 2021

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

Re: Faulkner County – Conway  
Section 106 Review – FHWA  
Hwy.65B/Robins St. Signal  
(Conway) (S)  
Route 65B, Section 9  
ARDOT Job Number 080633  
AHPP Tracking Number 107646.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for the above-referenced job in Sections 7 and 18, Township 5 North, Range 13 West in Faulkner County, Arkansas. As described, the undertaking entails upgrading a traffic signal at the intersection of Highway 65B and Robins Street in Conway. The proposed area of potential effects is .53-acre.

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

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

Thank you for the opportunity to review this undertaking. 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,

Eric R. Mills

Digitally signed by Eric R.  
Mills  
Date: 2021.04.05  
15:50:13 -05'00'

for

Scott Kaufman  
Director, AHPP

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



## 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:

November 20, 2019

Consultation Code: 04ER1000-2020-SLI-0248

Event Code: 04ER1000-2020-E-00453

Project Name: 080633 - Hwy 65B/Robins St. Signal (Conway) (S)

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

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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
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## 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: 04ER1000-2020-SLI-0248

Event Code: 04ER1000-2020-E-00453

Project Name: 080633 - Hwy 65B/Robins St. Signal (Conway) (S)

Project Type: TRANSPORTATION

Project Description: This project is a traffic signal upgrade and the intersection of Highway 65B and Robins Street in Conway Arkansas.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.077155556361376N92.43475802762774W>



Counties: Faulkner, AR

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## Endangered Species Act Species

There is a total of 2 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.

## Birds

NAME	STATUS
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. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened

## Insects

NAME	STATUS
Rattlesnake-master Borer Moth <i>Papaipema eryngii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7863">https://ecos.fws.gov/ecp/species/7863</a>	Candidate

## Critical habitats

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

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

ARDOT Job Number 080633 FAP Number STPC-9095(39)

Job Title Hwy. 65/Robins St. Signal (Conway) (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Cultural Resources	X			"No historic properties affected"
Economic	X			No adverse impacts anticipated
Endangered Species	X			"No effect" on all listed species
Environmental Justice/Title VI	X			No impacts anticipated
Fish and Wildlife	X			No impacts anticipated
Floodplains	X			No impacts anticipated
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None in project area
Land Use		X		0.2 acre proposed ROW, 0.3 acre TCE
Migratory Birds	X			No impacts anticipated
Navigation/Coast Guard	X			No navigable waterways impacted
Noise Levels	X			No noise increases due to project
Prime Farmland	X			No impacts anticipated
Protected Waters	X			None in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No impacts anticipated
Relocatees		X		1 business and 1 landlord relocation
Section 4(f)/6(f)	X			No impacts anticipated
Social	X			No impacts anticipated
Underground Storage Tanks	X			None in project area
Visual	X			No changes to visual environment
Streams	X			None in project area
Water Quality	X			None in project area
Wetlands	X			None in project area
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? No  
 Short-term Activity Authorization Required? No  
 Section 404 Permit Required? No Type None

Remarks: \_\_\_\_\_

Signature of Evaluator  Date 3/23/2021

**ROADWAY DESIGN REQUEST**

Job Number 080633 FAP No. \_\_\_\_\_ County Faulkner

Job Name Hwy. 65B/Robins St. Signal (Conway) (S)

Design Engineer Brian Bettinardi Environmental Staff \_\_\_\_\_

Detailed Project Description Replacing the existing traffic signal at the intersection of Hwy. 65B & Robins St. in Conway. The new traffic signal will have a RR Interconnect. The intersection improvements will include raising the grade of the intersection, curb and gutter, sidewalk, storm drain, and upgrades to the railroad signal and railroad crossing.

A. Existing Conditions:

Roadway Width: 51' & 54' Shoulder Type/Width: 4'

Number of Lanes and Width: 4-10' & 1-11' Existing Right-of-Way: 90'

Sidewalks? N/A Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? N/A Location: \_\_\_\_\_ Width: \_\_\_\_\_

B. Proposed Conditions:

Roadway Width: 56' Shoulder Type/Width: C&G

Number of Lanes and Width: 4-11' & 1-12' Proposed Right-of-Way: 90' - 105'

Sidewalks? Yes Location: Right. Width: 5'

Bike Lanes? N/A Location: \_\_\_\_\_ Width: \_\_\_\_\_

C. Construction Information:

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

D. Design Traffic Data:

2021 ADT: 14,000 2041 ADT: 17,000 % Trucks: 6

Design Speed: 45 m.p.h.

E. Approximate total length of project: 0.133 mile(s)

F. Justification for proposed improvements: Inters. Impvts. & Signal Upgrade with RR Impvts.

G. Total Relocates: 1 Residences: 0 Businesses: 1

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

Agency/Official	Person Contacted	Date