



INTEROFFICE MEMORANDUM

December 21, 2018

TO: Master Files

FROM: *John Fleming* John Fleming, Division Head, Environmental Division *Price*

SUBJECT: Job Number 070380
FAP Number NHPP-0070(39)
Haynes Creek Str. & Apprs. (S)
Route 335, Section 20
Bridge Number M2913
Union County
Tier 2 Categorical Exclusion

The Environmental Division reviewed the referenced project and has determined it falls within the definition of a Tier 2 Categorical Exclusion under 23 Code of Federal Regulations, Section 771.117, and the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. A public hearing will not be offered for this project.

The purpose of this project is to replace the deficient bridge over Haynes Creek on Highway 335 in Union County, Arkansas. Total length of the project is 0.34 mile. The attached figure illustrates the project location.

The existing bridge M2913 is a 229-foot long by 25-foot wide concrete channel beam structure. Existing Hwy. 335 consists of two 9-foot wide paved travel lanes with 4-foot gravel shoulders. The existing right of way width is 86 feet.

Proposed improvements include one replacement bridge to be constructed 42 feet south of the existing bridge location. The approaches will consist of two 11-foot wide paved travel lanes with 4-foot shoulders (2-foot paved). The proposed right of way width will be 185 feet. Approximately 2.6 acres of new right of way and 0.24 acre of temporary construction easements will be required for the project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2018	520	5	55 mph
2038	570	5	55 mph

There are no relocations, endangered species, prime farmland, or environmental justice issues associated with this project. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is attached. 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.

Field inspections found evidence of existing oilfield pipes parallel to and crossing the project area leading to operating oilrigs and to oil storage facilities located east and southeast of the project area. No hazardous waste deposits were noted in the immediate area.

Wetlands are located on both sides of Hwy. 335, primarily west of Haynes Creek, and approximately 0.9 acre will be impacted. Haynes Creek is classified as a perennial stream and impacts to the stream are estimated to be less than 0.1 acre. Construction should be covered under the terms of a Nationwide Permit 23 for Approved Categorical Exclusions as defined in the Federal Register 82(4):1860 – 2008.

The official species list obtained from the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation website identified three endangered and threatened species as potentially occurring within the project boundaries. The Red-cockaded Woodpecker (*Picoides borealis*), Pink Mocket (*Lampsilis abrupta*), and Rabbitsfoot (*Theliderma cylindrica*) were identified; however, due to a lack of suitable habitat in the project area, it has been determined that the project will not affect these species.

Union County participates in the National Flood Insurance Program. The project is located in Flood Zone A. 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 project construction. None of the encroachments will constitute a substantial floodplain encroachment or a risk to property or life.

Based upon the ARDOT's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. This project does not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway or exposure of noise sensitive land uses to a new or existing highway noise source.

Attachments:

Project Location Map
SHPO Clearance
Environmental Study Checklist
USFWS Species List
Design Sheet

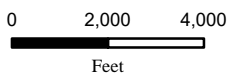
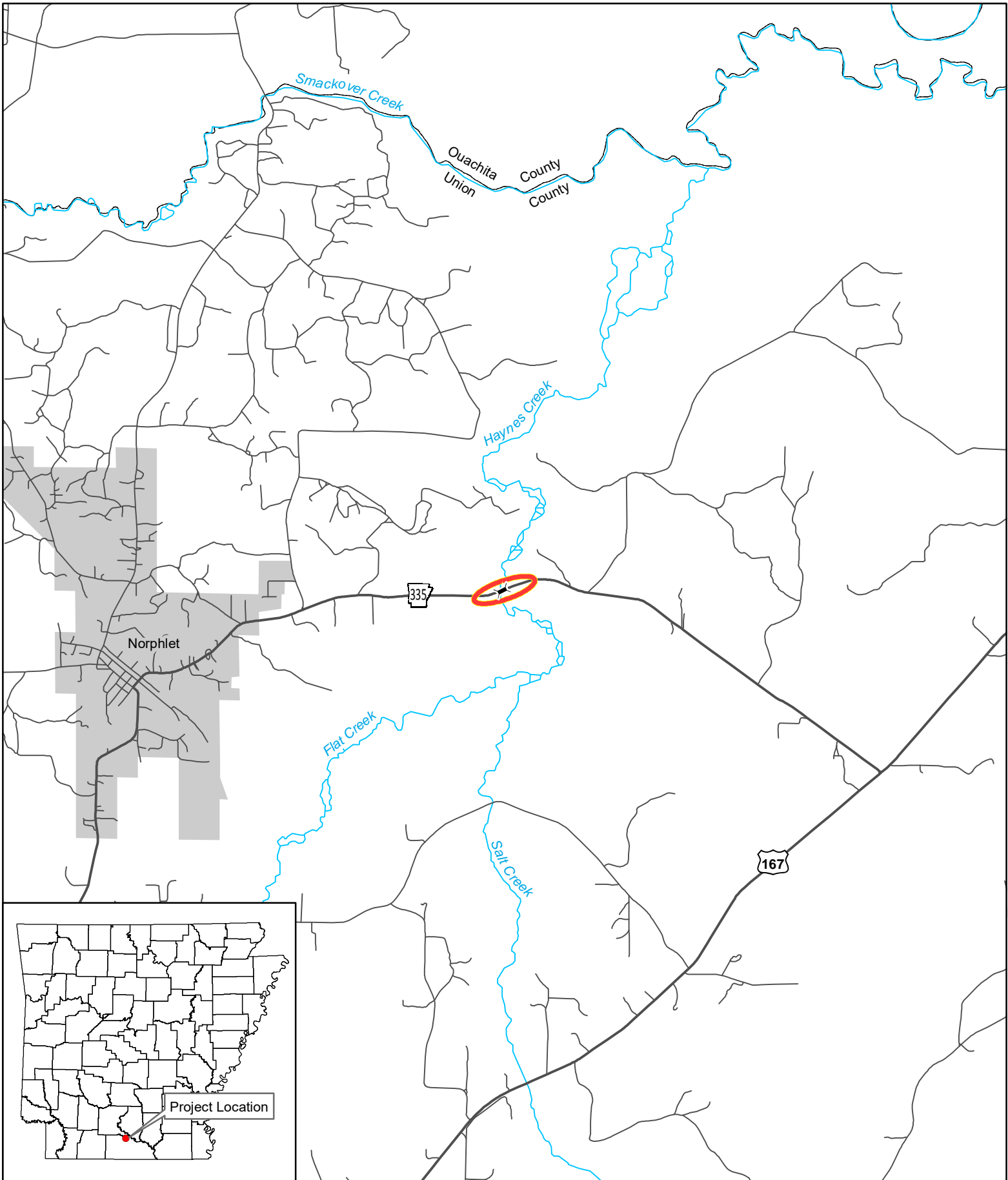
Approved:



Kevin Thornton
Assistant Chief Engineer-Planning

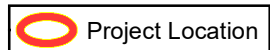
JF:TT:fc

c: Program Management
Right of Way
Roadway Design
Bridge Division
District 7
FHWA



ARDOT - Environmental GIS - Strawn
November 2, 2018

Job 070380
Haynes Creek Str. & Apprs.
(Hwy. 335)
Union County





ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

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

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

AHPP

10/14/16. pl
FHWA

November 19, 2018

NOV 19 2018

Ms. Stacy Hurst
Arkansas Historic Preservation Program
1100 North Street
Little Rock, Arkansas 72201

RE: Job Number 070380
Haynes Creek Str. & Apprs. (S)
Route 335, Section 2
Union County

Dear Ms. Hurst:

A Project Identification Form for the referenced project is enclosed. Please review for concurrence with the findings of my staff. If you have any questions or require additional information, please contact Wm. Lane Shields of my staff at 501-569-2077.

Sincerely,

John Fleming
Division Head
Environmental Division

JF:KB:WLS:fc

Enclosure
PIF

Date 11/26/2018
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.

Arkansas State Historic Preservation Officer



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 05, 2018

Consultation Code: 04ER1000-2019-SLI-0108

Event Code: 04ER1000-2019-E-00213

Project Name: 070380 Haynes Creek Str. & Apprs.

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.**

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.

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

Project Summary

Consultation Code: 04ER1000-2019-SLI-0108

Event Code: 04ER1000-2019-E-00213

Project Name: 070380 Haynes Creek Str. & Apprs.

Project Type: TRANSPORTATION

Project Description: replace bridge with structurally sufficient bridge on new location

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/33.32362561637365N92.62291073799133W>



Counties: Union, AR

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

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

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

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

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

Birds

NAME	STATUS
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered

Clams

NAME	STATUS
Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7829	Endangered
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened

Critical habitats

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

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


ARDOT Job Number 070380 FAP Number NHPP-0070(39)

Job Title Haynes Creek Str. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts anticipated
Cultural Resources	X			SHPO clearance attached
Economic	X			Will not be impacted by the project
Endangered Species	X			No effect upon endangered species
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		During construction
Floodplains		X		Zone A flood zone
Forest Service Property	X			No Forest Service Property in area
Hazardous Materials/Landfills		X		Staining from oil field operations
Land Use	X			2.6 acres to be acquired for the project
Migratory Birds		X		Migratory Bird SP to be included
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No noise impacts/receptors
Prime Farmland	X			No prime farmland
Protected Waters	X			None occur in project area
Public Recreation Lands	X			No recreational lands impacted.
Public Water Supply/WHPA	X			No WHPA/PWS impacts
Relocatees	X			No relocatees
Section 4(f)/6(f)	X			No 4(f)/6(f) impacts
Social	X			No social impacts
Underground Storage Tanks	X			No UST's in the immediate area
Visual	X			No visual impacts
Streams		X		Less than 0.1 acre of impact
Water Quality		X		During construction
Wetlands		X		0.9 acre of wetland impacts
Wildlife Refuges	X			None occur in project area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type Nationwide 23

Remarks: .

Signature of Evaluator  Date December 20, 2018

Date Sent: November 1, 2018
Revision Date: December 20, 2018

ROADWAY DESIGN REQUEST

Job Number 070380 FAP No. NHPP-0070(39) County Union

Job Name Haynes Creek Str. & Apprs. (S)

Design Engineer Kevin Wang Environmental Staff _____

Brief Project Description Bridge Replacement

A. Existing Conditions:

Roadway Width: 26' Shoulder Type/Width: 4' Agg.

Number of Lanes and Width: 2 - 9' Existing Right-of-Way: 86'

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 26' Shoulder Type/Width: 4'
(2' Paved)

Number of Lanes and Width: 2 - 11' Proposed Right-of-Way: 185'

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: N/A Length: _____

D. Design Traffic Data:

2018 ADT: 520 2038 ADT: 570 % Trucks: 5
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.34 mile(s)

F. Justification for proposed improvements: Structure is deficient

G. Total Relocatees: N/A Residences: N/A Businesses: N/A

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

Agency/Official	Person Contacted	Date



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

August 1, 2019

Regulatory Division

NATIONWIDE PERMIT NO. MVK 2019-00136

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

Dear Mr. Fleming:

Please refer to your recent request concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act. You requested authorization for the placement of dredged and fill material in waters of the United States associated with replacing the structure over Haynes Creek and upgrading the approaches. The new bridge will be constructed on existing alignment approximately 40 feet downstream from the existing bridge. Approaches will be upgraded to two 11-foot-wide lanes with 4-foot-wide shoulders. Temporary work roads will be constructed on both sides of the new bridge. Permanent impacts to Haynes Creek will be less than 300 linear feet and 0.1 acres. The project will adversely impact approximately 0.9 acres of wetlands. There are no endangered species or cultural resources impacts. The project was approved as a Tier 2 Categorical Exclusion by ArDOT on December 21, 2018. The project is located on State Highway 335, approximately two miles east of the City of Norphlet, in section 14, T. 16 S., R. 15 W., Union County, Arkansas. A vicinity map, project location map and temporary work road drawing are enclosed.

The proposed activities are authorized by Department of the Army Nationwide Permit (NWP) **No. 23** (copy enclosed), provided that the following **Special Condition** and General Conditions therein are met. For your convenience, we have highlighted the General Conditions of the NWP that are the most pertinent to your project. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the project, you should submit revised plans to this office for approval before construction of the change begins.

Special Condition:

ArDOT agrees to mitigate for the adverse impacts to 0.9 acres of wetlands with 8.83 wetland credits at an approved wetland mitigation bank before construction of the project begins. ArDOT will provide documentation of the mitigation bank

transaction to the U.S. Army Corps of Engineers Little Rock District Transportation Program Manager.

Please pay particular attention to General Condition No. 12 which stipulates that appropriate erosion and siltation controls be used during construction and all exposed soil be permanently stabilized. Erosion control measures must be implemented before, during and after construction.

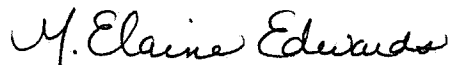
For your information, we have enclosed a copy of the Arkansas Department of Environmental Quality (ADEQ) Section 401 Water Quality Certification conditions, which are conditions of your permit. If you have any questions concerning compliance with the conditions of the 401 certification, you should contact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

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

The NWP determination will be valid until March 18, 2022. If NWP No. 23 is modified, suspended, or revoked during this period, your project may not be authorized unless you have begun or are under contract to begin the project. If work has started or the work is under contract, you would then have twelve (12) months to complete the work.

Your cooperation in the Regulatory Program is appreciated. If you have any additional questions about this permit or any of its provisions, please contact Mr. Johnny McLean at (501) 324-5295 and refer to Permit No. **MVK 2019-00136, Haynes Creek Structure and Approaches on State Highway 335 near Norphlet (ArDOT Project No. 070380).**

Sincerely,



for Sarah Chitwood
Chief, Regulatory Evaluation Branch

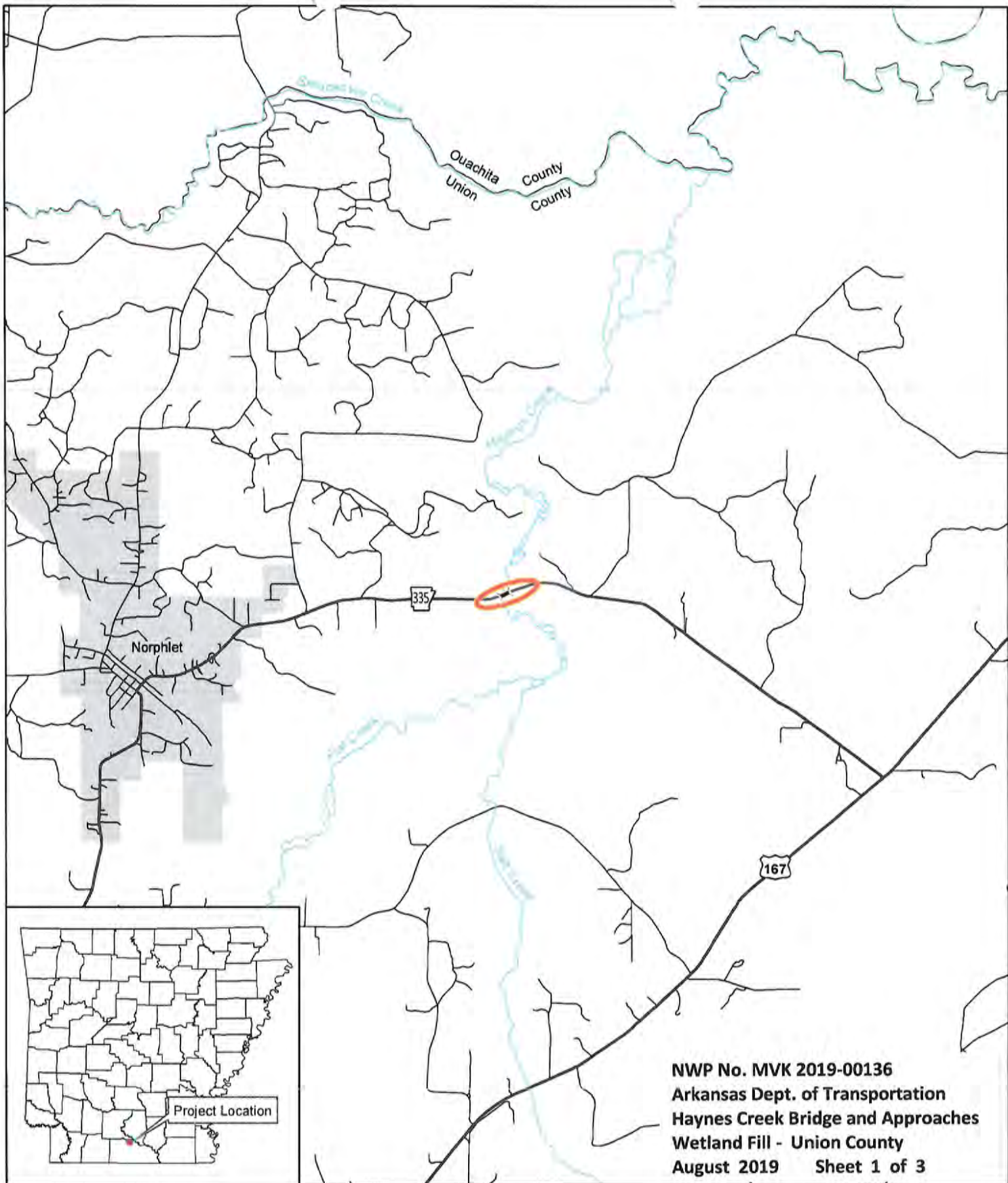
Enclosures

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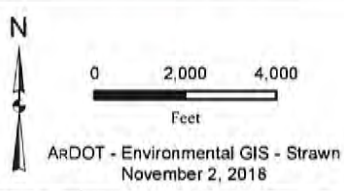
Vicksburg District Regulatory, w/cy encls.

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

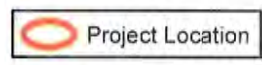
Mr. Lindsey Lewis, U.S. Fish & Wildlife Service, w/cy encls.

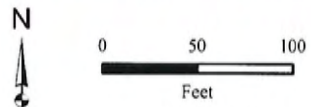


NWP No. MVK 2019-00136
Arkansas Dept. of Transportation
Haynes Creek Bridge and Approaches
Wetland Fill - Union County
August 2019 Sheet 1 of 3



Job 070380
Haynes Creek Str. & Apprs.
(Hwy. 335)
Union County





UTM Map

Job 070380
ARDOT - Environmental GIS - Strawn
January 22, 2019

- Wetland Impact
- Proposed Right of Way
- Temporary Construction Easement
- Existing Right of Way

NOTES

The temporary fill to construct the work road(s) shown has been permitted to facilitate construction of the project. The Contractor shall determine and provide temporary culverts of a size and number that will be sufficient to maintain low stream flows and assist passage of aquatic wildlife.

The contractor may submit an alternative work road plan for approval by the Engineer showing details of and describing the proposed modifications. A primary objective of any proposed modifications should be to minimize the reduction of waterway opening in the floodplain. The top of the alternative work road(s) shall not exceed the elevation shown. A determination will be made by the Engineer within ten (10) business days concerning the necessity or practicability of the request.

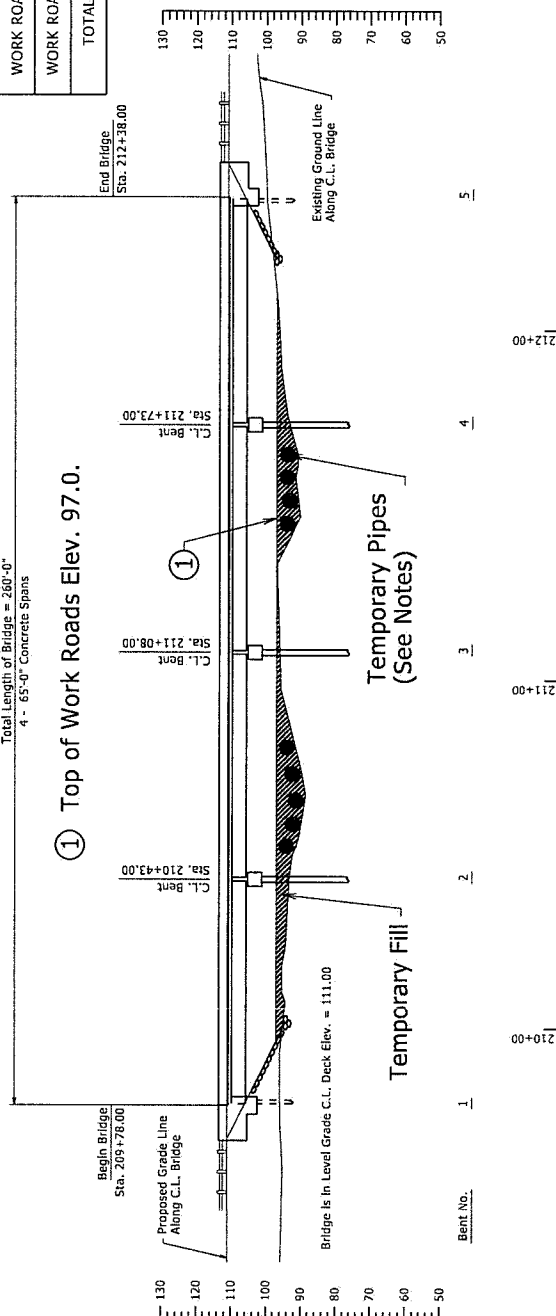
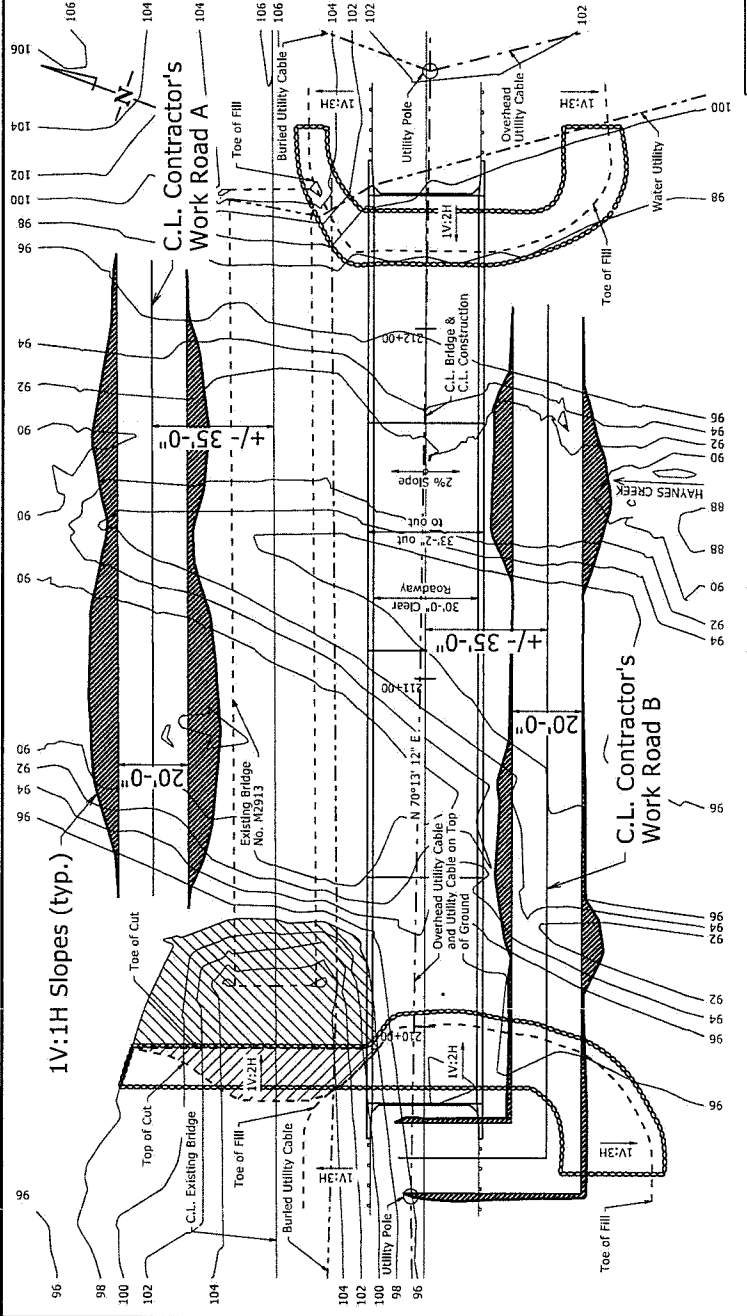
A modification of the Section 404 Permit and additional review time by the Corps of Engineers may be required if the alternative work road(s) increases the volume of temporary fill that has been permitted for the project. The contract time will not be extended for the time required to consider or approve any alternate work road(s) submittals.

Any additional work or expenses incurred preparing, submitting, or completing the alternate work road plan shall be at no additional cost to the Department. See Subsection 110.05(C). The Contractor is responsible for maintenance of the work road(s) during the contract period.

APPROXIMATE QUANTITIES

(Below Elevation 96.0)

	FILL AREA (SQ. FT.)	FILL VOLUME (CU. YD.)
WORK ROAD A	3650	872
WORK ROAD B	5708	508
TOTAL	9358	1380



CONCEPTUAL WORK PLAN FOR TEMPORARY FILL BRIDGE OVER HAYNES CREEK

JOB 070380