

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 020714
FAP NUMBER STPB-0001(35)
BELLS GULLEY STR. & APPRS.
ROUTE 144, SECTION 0
ARKANSAS 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

December 2019

12/11/2019

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 replace the existing bridge with a reinforced concrete culvert. Total length of the project is 0.55 mile. A project location map is attached.

The existing roadway has two 10' wide paved travel lanes with 4' wide unpaved shoulders. The existing bridge (Bridge No. M4043) is 59' x 27.2'. Existing right of way width is 80'.

Proposed improvements include two 11' wide paved travel lanes with 4' wide shoulders. The average right of way width will be 160'. Approximately 5 acres of additional right of way will be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	250	4	55 mph
2040	300	4	55 mph

There are no relocations, environmental justice issues, underground storage tanks, hazardous wastes, or cultural resources associated with this project. State Historic Preservation Officer clearance is attached. Approximately 4.4 acres of Prime Farmland and 0.5 acre of Farmland of Statewide Importance will be converted to highway right of way. Form NRCS-CPA-106 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. 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.

The official species list obtained through the U.S. Fish and Wildlife Service's Information for Planning and Consultation website identifies the endangered Ivory-billed Woodpecker (*Campephilus principalis*) and the proposed threatened Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*) in the project area. A

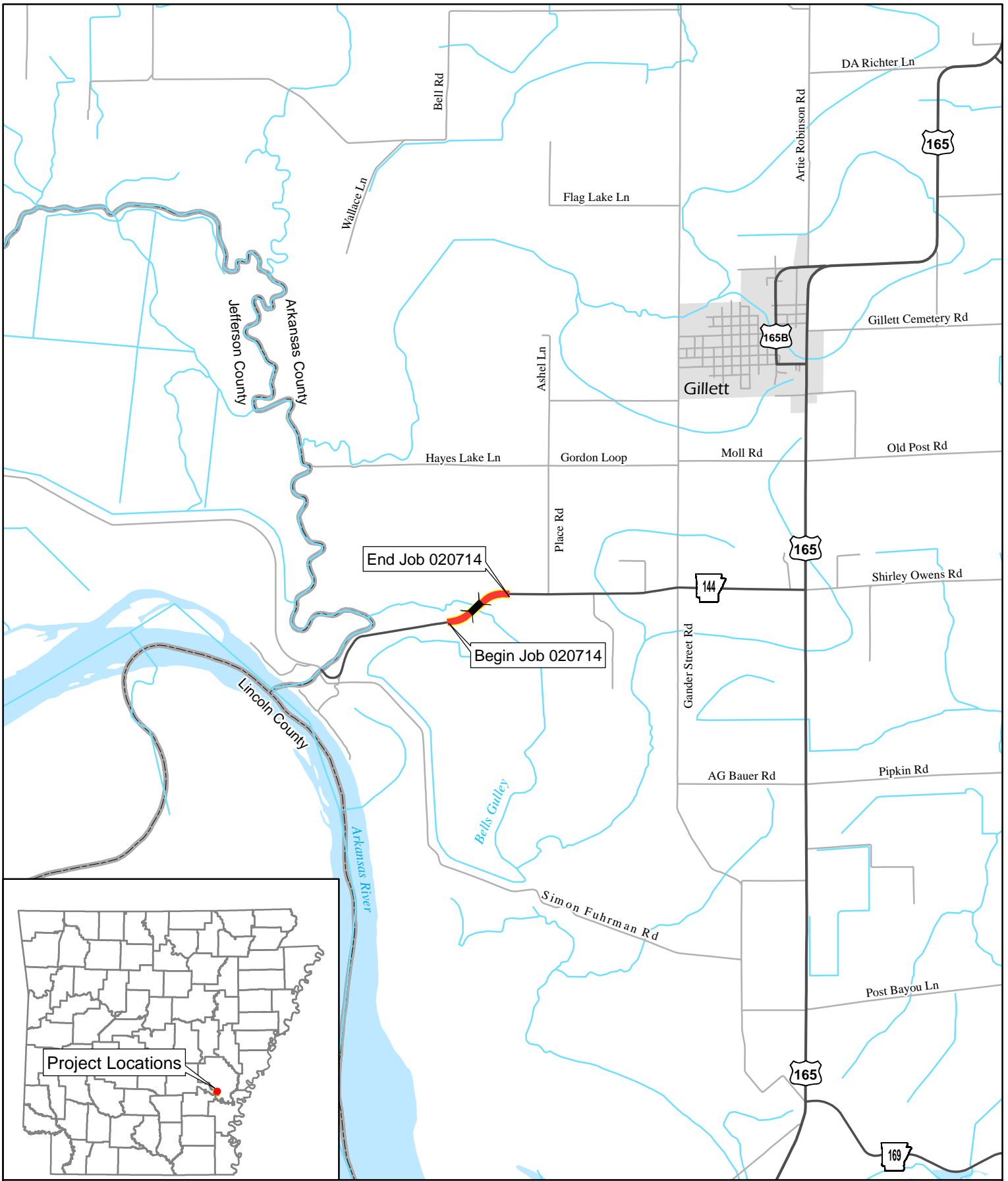
“no effect” determination was made for these bird species due to a lack of suitable habitat and distance to known occurrence records in the project area. The official species list is attached.

Permanent stream impacts are estimated at 62 linear feet. Wetland impacts are estimated at 2.3 acres. All wetlands in the project area are enrolled in the USDA Farm Service Agency’s Conservation Reserve Program. The ARDOT proposes the use of an estimated 22.14 wetland credits to mitigate the 2.3 acres of wetland impacts. The wetland credits will be mitigated at the Department’s proposed Ink Bayou Mitigation Bank. Construction of the proposed project should be allowed under the terms of a Nationwide 23 Permit for Approved Categorical Exclusions.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The bridge replacement will not involve adding capacity, substantially 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. Arkansas County participates in the National Flood Insurance Program.

The Project lies within the 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.

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



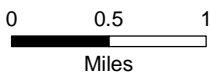
End Job 020714

Begin Job 020714

Project Locations

Job 020714
 Bells Gulley Str. & Apprs.
 (Hwy. 144)
 Arkansas County

Project Location



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

PART I (To be completed by Federal Agency) Job 020714	3. Date of Land Evaluation Request	4. Sheet 1 of _____
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1. Name of Project	5. Federal Agency Involved
2. Type of Project	6. County and State

PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form
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
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ %	7. Amount of Farmland As Defined in FPPA Acres: _____ %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

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)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
1. Area in Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
TOTAL CORRIDOR ASSESSMENT POINTS	160				

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100				
Total Corridor Assessment (From Part VI above or a local site assessment)	160				
TOTAL POINTS (Total of above 2 lines)	260				

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:

Signature of Person Completing this Part: _____ DATE _____

Joshua Graham

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



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Secretary
Parks, Heritage & Tourism

Arkansas Arts Council

Arkansas Historic
Preservation Program

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars Cultural Center

Old State House Museum



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September 24, 2019

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

RE: Arkansas County — General
Section 106 Review — FHWA
Bells Gulley Strs. & Apprs. (S)
Route 144, Section 0
ARDOT Job Number: 020714
AHPP Tracking Number: 104705

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form (PIF) for the above-referenced job. According to your correspondence, the undertaking entails replacing Bridge #M4043 on Arkansas Highway 144. The project will require a temporary construction easement and additional right-of-way totaling 5.89 acres.

Based on the provided information, the AHPP concurs that Bridge #M4043 is not eligible for inclusion in the National Register of Historic Places. Additionally, the AHPP concurs with a finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking.

In the event of a post-review discovery of historic properties within the area of potential effects, please contact the AHPP and other relevant parties in accordance with 36 CFR § 800.13(b)(3).

Tribes that have expressed an interest in the area include the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Ms. Madison Currie), the Jena Band of Choctaw Indians (Ms. Alina J. Shively), the Muscogee (Creek) Nation (Ms. Corain Lowe-Zepeda), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation (Mr. Everett Bandy), and the Shawnee Tribe (Ms. Tonya Tipton). We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Eric Mills of my staff at 501-324-9784 or email eric.mills@arkansas.gov.

Sincerely,



Scott Kaufman
Director, AHPP

cc: Mr. Randall Looney, Federal Highway Administration
Ms. Elizabeth Toombs, Cherokee Nation
Ms. Karen Brunso, Chickasaw Nation
Ms. Madison Currie, Choctaw Nation of Oklahoma
Ms. Alina J. Shively, Jena Band of Choctaw Indians
Ms. Corain Lowe-Zepeda, Muscogee (Creek) Nation
Dr. Andrea Hunter, Osage Nation
Mr. Everett Bandy, Quapaw Nation
Ms. Tonya Tipton, Shawnee Tribe
Dr. Ann Early, 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:

October 23, 2019

Consultation Code: 04ER1000-2020-SLI-0100

Event Code: 04ER1000-2020-E-00240

Project Name: 020714 - Bells Gulley Str. & Apprs. (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.

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: 04ER1000-2020-SLI-0100

Event Code: 04ER1000-2020-E-00240

Project Name: 020714 - Bells Gulley Str. & Apprs. (S)

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: This job is a replacement of a bridge with a triple reinforced 4-sided box culvert. Located in Arkansas County, AR on Hwy 144. The replacement structure will be built south of existing (upstream on Bell's Gulley). Project will include the replacement of 8 drive entrances, with pipe culverts installed.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.089261780841284N91.41798287210008W>



Counties: Arkansas, AR

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 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
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Proposed Threatened
Ivory-billed Woodpecker <i>Campephilus principalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8230	Endangered

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 020714 FAP Number STPB-0001(35)

Job Title Bells Gulley Str. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			In attainment area; no MSAT concerns
Cultural Resources	X			SHPO clearance attached
Economic	X			No adverse
Endangered Species	X			"No effect" determinations
Environmental Justice/Title VI	X			EJ populations not identified in project area
Fish and Wildlife		X		Temporary impacts during construction
Floodplains	X			Zone A; SP required
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None identified in project footprint
Land Use		X		5 acres new ROW
Migratory Birds		X		Migratory Bird SP included
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No noise increases
Prime Farmland		X		4.4 acres PFL; 0.48 acre Statewide Importance
Protected Waters	X			None in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			None in project area
Relocatees	X			No relocations required
Section 4(f)/6(f)	X			No 4(f)/6(f) resources in area
Social	X			No adverse effects
Underground Storage Tanks	X			None identified in project footprint
Visual	X			No adverse impacts
Streams		X		Up to 62' of stream impacts; Nationwide 23 Section 404 Permit
Water Quality		X		Temporary decline during construction
Wetlands		X		Up to 2.3 acres of wetland impacts; Nationwide 23 Section 404 Permit
Wildlife Refuges	X			None in project area

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

Remarks: _____

Signature of Evaluator Mary Pearson Date 11/25/19

ROADWAY DESIGN REQUEST

Job Number 020714 FAP No. STPB-0001(35) County Arkansas

Job Name Bells Gulley Str. & Apprs. (S)

Design Engineer Nick Dail Environmental Staff _____

Brief Project Description Replace existing bridge with R.C. Box Culvert.

A. Existing Conditions:

Roadway Width: 28'-0" Shoulder Type/Width: 4' (Unpaved)

Number of Lanes and Width: 2-10' Existing Right-of-Way: 80'

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

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

B. Proposed Conditions:

Roadway Width: 30' Shoulder Type/Width: 4' (Paved)

Number of Lanes and Width: 2-11' Proposed Right-of-Way: 160'

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:

2020 ADT: 250 2040 ADT: 300 % Trucks: 4
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.55 mile(s)

F. Justification for proposed improvements: Bridge is structurally deficient.

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

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

Agency/Official	Person Contacted	Date