

**DRAFT EVALUATION AND DOCUMENTATION OF A
DE MINIMIS FINDING TO SECTION 4(F) PROPERTY
FOR PUBLIC PARKS, RECREATION LANDS, AND
WILDLIFE AND WATERFOWL REFUGES**

ARDOT Job Number 090523
FAP Number NHPP-0044(35)
War Eagle Creek Str. & Apprs.
Madison County

Withrow Springs State Park
Arkansas Department of Parks, Heritage and Tourism
Division of Arkansas State Parks

December 2020

Federal Highway Administration
Arkansas Department of Transportation

What is Section 4(f)?

Section 4(f) is part of a law that was passed to protect public parks, recreation areas, wildlife/waterfowl refuges, and important historic sites from being harmed by transportation projects.

Does Section 4(f) apply to Withrow Springs State Park?

The Arkansas Department of Transportation (ARDOT) has proposed a project that involves Withrow Springs State Park property. Section 4(f) protections are applicable because Withrow Springs State Park is a publically accessible park managed and used for recreational purposes.

Certain types of Section 4(f) impacts can be recognized as “*de minimus*”, which means relatively minor. The intent of this evaluation is to demonstrate that impacts to Withrow Springs State Park will be relatively minor. We can have a *de minimis* finding on projects that meet the conditions shown in **Table 1**.

Table 1	
When Can We Use A <i>De Minimis</i> Finding on Section 4(f) Properties?	Does It Apply To This Project?
Did we specially design the project to protect the park as much as possible? Did we use mitigation and enhancement where it was suitable?	Yes
Did the officials with authority over the park have a chance to consider this information and agree that the project will not greatly harm the characteristics that make the park important?	Yes
Did the public have an opportunity to review and comment on the effects of the project on the park and the characteristics that make it important to them?	Yes

What is the proposed project?

The Highway 23 bridge crossing War Eagle Creek is in poor condition. The ARDOT, in conjunction with the Federal Highway Administration, is proposing to replace the bridge. Safety improvements include reducing the roadway curvature north of the bridge and

modifying the County Road 8530 intersection. The new alignment will be west of the existing alignment, allowing the bridge to remain in place to maintain traffic during construction. The existing bridge will be removed upon construction completion.

Why is Withrow Springs State Park important?

Withrow Springs State Park is owned by the Arkansas Department of Parks, Heritage and Tourism – Division of Arkansas State Parks (ASP). Recreational activities in the park include hiking, boating, swimming, fishing, camping, and picnicking. Amenities in the project footprint include:

- River access (see **Figure 1**)
- War Eagle Trailhead and Trail (see **Figure 2** and **Figure 3**)
- River access and War Eagle Trailhead parking lot (see **Figure 4**)

Although typically not visible due to its streambank location, the War Eagle Spring Cave entrance is adjacent to the proposed temporary construction easement. A portion of the cave system likely extends under the project footprint.



Figure 1



Figures 2 and 3



Figure 4

Can we avoid the park?

There are no feasible and prudent alternatives to replacing the existing bridge and reconstructing the approaches without impacting park land. The location of the bluff, the War Eagle Trail, and trail features such as the War Eagle Cave and an associated spring prevent the alignment from shifting east. Replacing the bridge on existing alignment would still require additional transportation easement from the park, and result in additional impacts due to the need to construct a temporary bridge and/or the temporary closing of the park's south entrance.

What will the project do to the park?

The new bridge and approaches will require the conversion of approximately 2.78 acres of park property to transportation easement. An additional 1.93 acres will be temporarily required as construction easement. As shown in **Figure 5**, the acreage to be converted includes the river access, War Eagle Trailhead, and associated parking area amenities.

Impacts resulting from project construction will include:

Adverse Impacts

- 2.78 acres of the 786-acre Withrow Springs State Park will be converted to transportation easement.
- River access and War Eagle Creek Trailhead parking capacity will be slightly reduced.
- The War Eagle Trail will be temporarily closed.
- The War Eagle Trail and river access for both boating and general recreation will be temporarily restricted during construction and bridge demolition.
- Approximately 6,800 cubic yards of cut and 38,000 cubic yards of fill will be required in and near the unnamed tributary to War Eagle Creek.
- Approximately 900 linear feet of the unnamed tributary will require relocation.
- The War Eagle Spring Cave will require protection.
- Noise levels will temporarily increase during construction and bridge demolition.

Beneficial Impacts

- The new bridge will be safer and replace an existing bridge that is in poor condition.
- The new roadway alignment will reduce the existing roadway curve north of the bridge.
- The County Road 8530 intersection improvements will increase safety by improving sight distances.

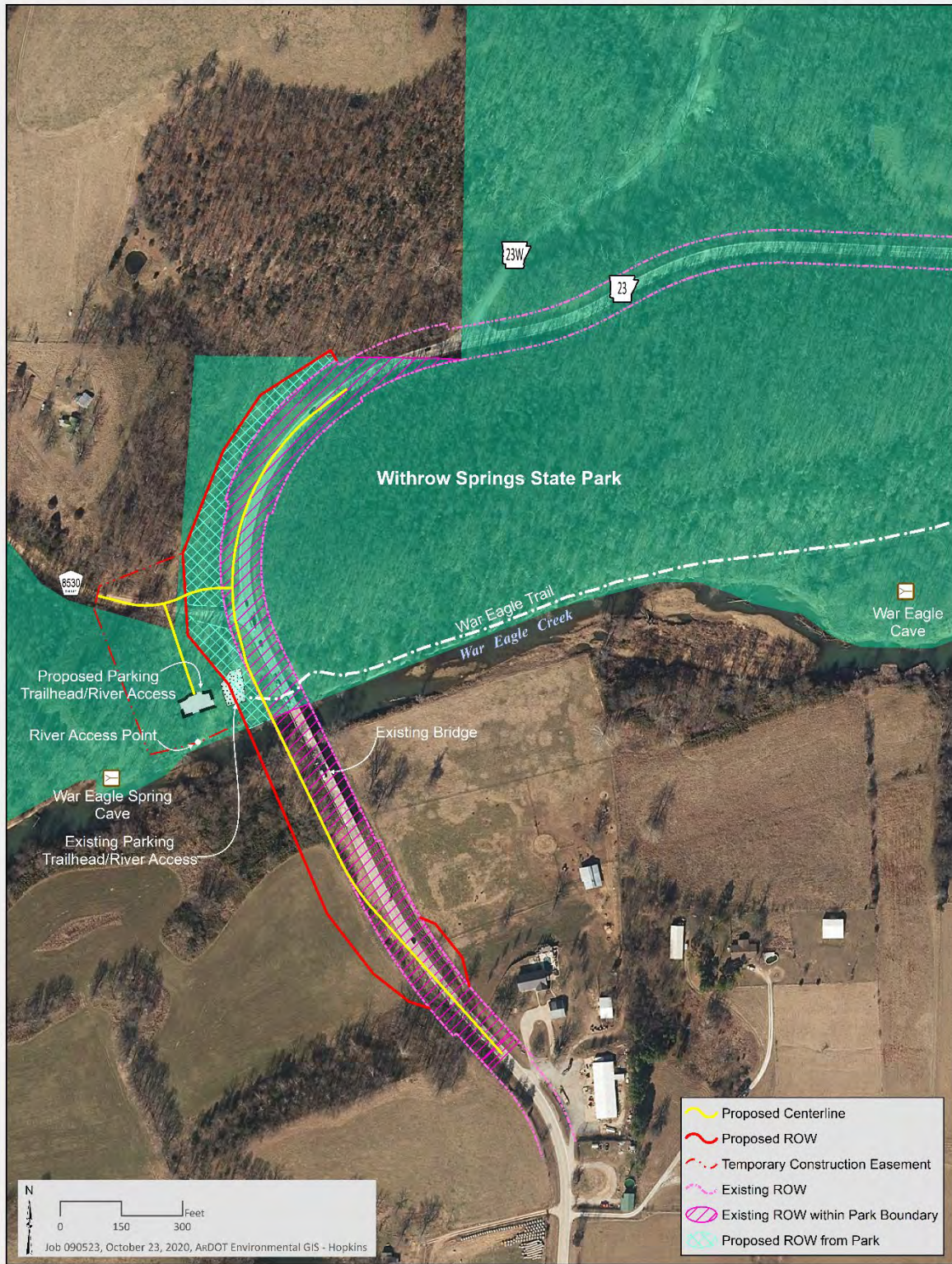


Figure 5

What did we do to reduce harm to the park?

Early coordination efforts between ARDOT and ASP officials included meetings held in May 2018 and October 2019. The coordination process resulted in shifting the proposed alignment from east to west of the existing bridge, and substantially reducing the project scope. Additional coordination efforts during Spring 2020 resulted in project design revisions to ensure river access is maintained and the parking area provides adequate space for vehicles with boat trailers to safely maneuver. Project design revisions were also made to ensure the channel for the relocated section of the unnamed tributary approximates its current size and dimension. The following measures were included in the proposed project to reduce harm to the park:

- The additional transportation easement acreage was minimized to the extent practicable.
- The War Eagle Trail length will be preserved.
- The park's south entrance will remain open during construction.
- Coordination with ASP officials about construction timing, clear zones, and park user diversions around the construction zone will be ongoing.
- Special provisions for boater safety, limiting the length of time War Eagle Creek can be inaccessible to river traffic, and protecting the War Eagle Spring Cave will be included in the project contract.
- The parking area, river access and trailhead will be restored upon project completion.

How did we involve the public in this evaluation?

Note for Public Review Draft – The Final Section 4(f) Evaluation document will include a summary of received public comments: A Public Notice in the *Madison County Record* on November 26, 2020 invited the public to review and comment on the proposed project's effects on Withrow Springs State Park. The Draft Section 4(f) Evaluation document was available on the ARDOT website and at the Huntsville and Eureka Springs public libraries. The public comment period occurred from November 30 through December 14, 2020. Public comments received are included in Appendix A.

The ASP has agreed that this project will not have a harmful effect on Withrow Springs State Park. A signed copy of the concurrence is included in Appendix B.

What is the decision?

This evaluation concludes that the proposed project will not adversely affect the protected features, qualities, or activities that qualify the park for protection under Section 4(f), thus qualifying for a *de minimis* finding on Withrow Springs State Park.

APPENDIX A
PUBLIC COMMENTS

Note for Draft Document:

A summary of Public Comments will be inserted here.

APPENDIX B
CONCURRENCE STATEMENT

Department of Parks, Heritage and Tourism – Division of Arkansas State Parks

I concur with the assessment and the proposed minimization and mitigation of impacts to Parlarm Creek Park as detailed in the enclosed Section 4(f) Evaluation and Documentation of De Minimis Findings to Section 4(f) Property for Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges.

_____Signature

Director, Division of Arkansas State Parks_____Title

_____Date