

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB 061744
FAP NHPP-0059(18)
OAK CREEK STR. & APPRS. (S)
ROUTE 86, SECTION 2
PRAIRIE 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

January 2022

January 21, 2022

Date of Approval

Randal Looney

Randal Looney
Environmental Coordinator
Federal Highway Administration

The Environmental Division reviewed the referenced project and 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 Highway 86 structure (#M1585) over Oak Creek in Prairie County. This structure has a condition rating of Poor. Total length of the project is 0.12 mile. A project location map is attached.

The existing cross section has two 10' wide paved travel lanes and 3' wide grass shoulders. The existing right of way width is 80'. The proposed cross section will have two 11' wide paved travel lanes with 4' (2' paved) wide shoulders. The existing structure will be replaced on existing location with a quintuple reinforced concrete box culvert. Traffic will be maintained via a signed detour route. The proposed ROW width is 175'. Approximately 1.3 acres of new right of way will be acquired.

Design data for the project is as follows:

Design Year	Average Daily Traffic (vpd)	Percent Trucks	Design Speed (mph)
2023	400	2	55
2043	450		

There are no relocations, environmental justice concerns, underground storage tanks/hazardous wastes, wetlands, or cultural resource impacts associated with this project; State Historic Preservation Officer clearance is attached. Approximately 1.3 acres of Prime Farmland will be converted to transportation use; 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 toxics (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 substantial increase in MSAT impacts of the project from that of the no-build alternative.

Based on the ARDOT noise policy, a noise analysis is not required for this project. Replacing the bridge with a box culvert 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.

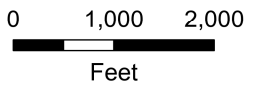
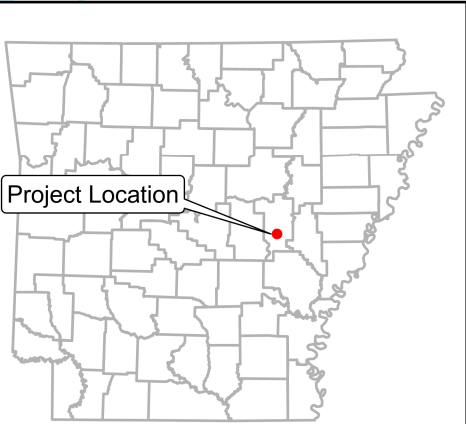
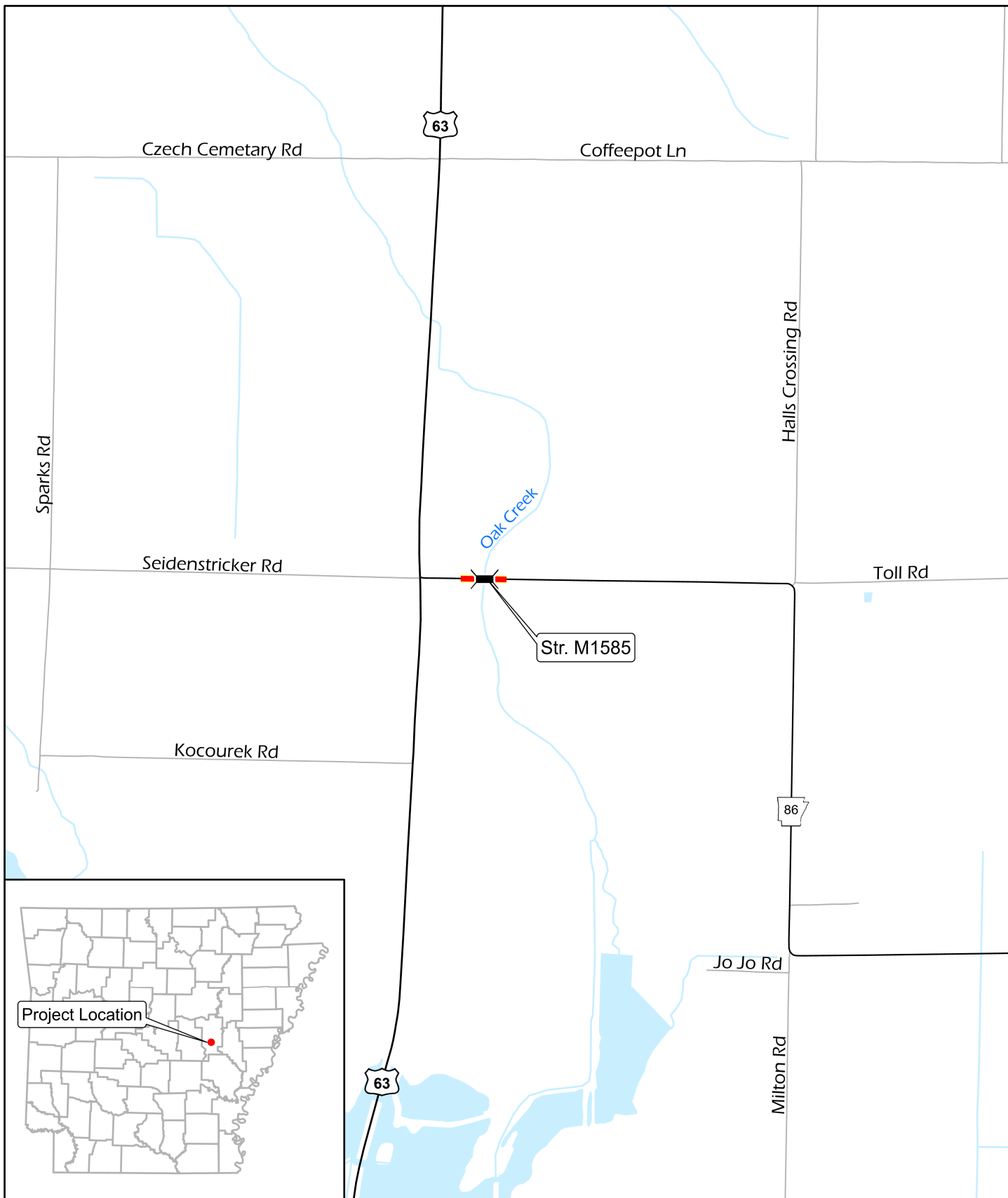
Prairie County participates in the National Flood Insurance Program. The project lies within the Zone A Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should 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.

The attached official species list obtained through U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPac) website identifies the following federally listed species as having the potential to occur in the project area: Ivory-billed Woodpecker (*Campephilus principalis*); pondberry (*Lindera melissifolia*); Eastern Black Rail (*Laterallus jamaicensis* ssp. *jamaicensis*); Piping Plover (*Charadrius melodus*); Red Knot (*Calidris canutus rufa*); and the monarch butterfly (*Danaus plexippus*).

Due to the lack of habitat, it has been determined that the project will have "no effect" on the listed bird species and the pondberry; the IPaC determination is attached. The monarch butterfly is a candidate species and as such is not federally protected under the Endangered Species Act. However, the USFWS recommends agencies implement conservation measures for candidate species in action areas as these are species, by definition, that may warrant future protection under the Act. ARDOT will plant native wildflowers after construction as a conservation measure.

Permanent stream impacts to Oak Creek are estimated at less than 50' and less than 0.1 acre. Impacts to each of the four ephemeral tributaries to Oak Creek carried by the Highway 86 ditches are estimated at 300' and 0.2 acre per stream. The total stream impacts are estimated to be 1,200' and approximately 1.0 acre. The ephemeral streams will be relocated to new channels of similar size and dimensions directly adjacent to the current channels. The constructed channels should be considered adequate mitigation for the impacts to these incised streams lacking riparian vegetation. Construction of the proposed project should be allowed under the terms of a Nationwide 23 Section 404 Permit for Approved Categorical Exclusions as defined in the Federal Register 86(245):73522-73583.

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



Job 061744
Oak Creek Str. & Apprs.
(Hwy. 86)
Prairie County





Asa Hutchinson
Governor
Stacy Hurst
Secretary

October 21, 2021

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

RE: Prairie County: General
Section 106 Review: FHwA
Proposed Undertaking: Oak Creek Str. & Apprs. (S)
ARDOT Job Number: 061744
AHPP Tracking Number: 108870.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the project identification form for the above referenced undertaking in Prairie County, Arkansas in Sections 4 and 9, Township 1 North, Range 5 West. The proposed undertaking entails the replacement of Bridge Number M1585. The total project length for the bridge is .22 miles for an area of potential effect (APE) covering 5.1 acres.

An architectural resources review was conducted of the bridge, which is considered to be not eligible for inclusion in the National Register of Historic Places (NRHP). Fourteen shovel tests were excavated in the APE, all of which were negative for cultural materials.

Based on the provided information, the AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking and that no further archeological work is needed. We also concur that bridge M1585 is not eligible for inclusion in the NRHP.

Tribes that have expressed an interest in the area include the Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Jena Band of Choctaw Indians, the Muscogee (Creek) Nation, 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. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, call Jessica Cogburn at 501-324-9357 or email jessica.cogburn@arkansas.gov.

Sincerely,

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**

PART I (To be completed by Federal Agency) Job 061744		3. Date of Land Evaluation Request		4. Sheet 1 of _____	
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			
		<div style="display: flex; justify-content: space-between;"><div>Corridor A</div><div>Corridor B</div><div>Corridor C</div><div>Corridor D</div></div>			
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			
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"/>	
5. Reason For Selection:					

Signature of Person Completing this Part:

DATE

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

Endangered Species Act Review

EVALUATING: CONSULTATION ON EFFECTS OF PROPOSED PROJECTS TO THREATENED AND ENDANGERED SPECIES IN ARKANSAS

Qualification interview

The following questions will determine whether this key applies to your project and provide guidance to help you make appropriate determinations for the species covered by this key.

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").

☒ Yes

EVALUATION PROGRESS

When the action agency determines its proposed action will not affect a listed species, there is no need to coordinate further with the Service. If listed species will not be directly or indirectly exposed to the proposed action or any resulting environmental changes, an action agency may conclude "no effect" and document the finding, thus completing the section 7 process. For example, if the species or its suitable habitat is not present in the action area and the project does not otherwise present any effects to the species, action agencies typically conclude and document "No Effect - species not present" as their finding."

As documentation of this "no effect" determination print this screen, add it to your project files, and select "exit review" on the progress ribbon to return to the project home page.



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:

September 30, 2021

Consultation Code: 04ER1000-2021-SLI-1654

Event Code: 04ER1000-2021-E-04923

Project Name: ARDOT Job 061744 - Oak Creek Str. & Apprs. (S)

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.

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: 04ER1000-2021-SLI-1654

Event Code: Some(04ER1000-2021-E-04923)

Project Name: ARDOT Job 061744 - Oak Creek Str. & Apprs. (S)

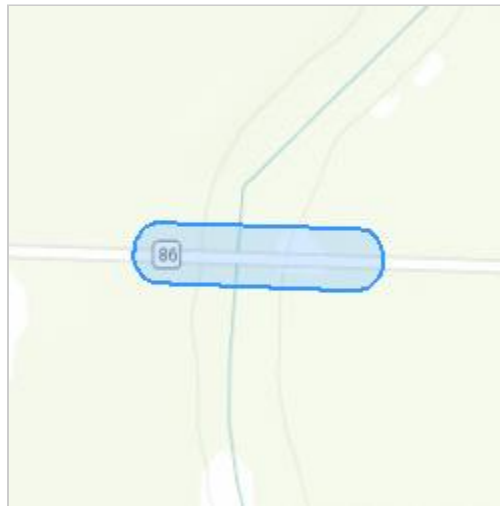
Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: replacing a small bridge over Oak Creek with a box culvert on the existing alignment

Project Location:

Approximate location of the project can be viewed in Google Maps: [https://](https://www.google.com/maps/@34.7283145,-91.5494905,14z)

www.google.com/maps/@34.7283145,-91.5494905,14z



Counties: Prairie County, Arkansas

Endangered Species Act Species

There is a total of 6 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	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
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 final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1279	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 061744 FAP NHPP-0059(18)

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

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT; no impacts
Cultural Resources	X			SHPO clearance attached
Economic	X			No adverse impacts
Endangered Species	X			No effect determinations
Environmental Justice/Title VI	X			EJ populations not identified in area
Fish and Wildlife		X		Minimal during construction
Floodplains		X		SFHA A; Floodplain SP included
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None identified in project area
Land Use		X		Approx. 1.3 acres new ROW acquired
Migratory Birds	X			Migratory Bird SP included
Navigation/Coast Guard	X			None in project area
Noise Levels	X			Noise analysis not required
Prime Farmland		X		Approx. 1.3 acres Prime Farmland
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 necessary
Section 4(f)/6(f)	X			4(f) / 6(f) properties not in area
Social	X			No adverse impacts
Underground Storage Tanks	X			None identified in project area
Visual	X			No adverse impacts; analysis not required
Streams		X		Total impacts @ 1,300 linear feet and approximately 1 acre
Water Quality		X		Temporary decrease during construction
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? Yes

Section 404 Permit Required? Yes Type NW23

Remarks: .

Signature of Evaluator Mary Pearson Date 01/04/21

Date Sent: November 17, 2021

ROADWAY DESIGN REQUEST

Job Number 061744 FAP No. NHPP-0059(18) County Prairie

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

Design Engineer George Davison *GD* Environmental Staff _____

Detailed Project Description This project will construct a box culvert on existing location and will be closed during construction with a signed alternate detour route.

A. Existing Conditions:

Roadway Width: 26' Shoulder Type/Width: 3' Grass

Number of Lanes and Width: 2-10' Existing Right-of-Way: N/A

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

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

B. Proposed Conditions:

Roadway Width: 28' Shoulder Type/Width: 4' (2' Paved)

Number of Lanes and Width: 2-11' Proposed Right-of-Way: 175'

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:

2023 ADT: 400 2043 ADT: 450 % Trucks: 2

Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.12 mile(s)

F. Justification for proposed improvements: Superstructure & Substructure in Poor Condition

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