



# INTEROFFICE MEMORANDUM

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April 16, 2018

**TO:** Master Files

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

**SUBJECT:** Job Number 110648  
FAP Number NHPP-0019(43)  
Hwy. 364 Str. & Apprs. (S)  
Route 364, Section 2  
Bridge Number M3865  
Cross County  
Tier 2 Categorical Exclusion

The Environmental Division has reviewed the referenced project and 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 a substandard bridge over an un-named tributary of Prairie Creek on Highway 364 in Cross County. The total length of the project is 0.04 mile. A project location map is attached.

The existing roadway consists of two 10-foot wide paved travel lanes with 4-foot wide gravel shoulders. Existing right of way width is approximately 80 feet.

The existing 29.5' x 30' bridge (M3865) is comprised of eight aluminum military units placed side by side on timber pile bents. This bridge has a sufficiency rating of 37.36 and is functionally obsolete.

Proposed improvements include replacing the existing bridge with a triple 8' x 5' x 82' R.C. box culvert at the location of the existing bridge. The bridge approaches will have two 10-foot wide paved travel lanes with 4-foot shoulders (2-foot paved). The new average right of way width will be 156 feet. A temporary detour will be located immediately north of the existing bridge.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2018	370	4	55 mph
2038	400	4	55 mph

There are no relocations, hazardous waste, or environmental justice issues associated with this project. Approximately 0.36 acre of new right of way will be required to construct this project, none of which is prime farmland. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is attached.

There are no wetlands involved with this project. Replacing the existing bridge over an un-named intermittent tributary of Prairie Creek will result in less than 0.1 acre of impacts to waters of the United States. Construction of this project should be allowed under terms of a Section 404 Nationwide 14 Permit for Linear Transportation Projects as defined in the Federal Register 82(4):1860-2008.

The official species list obtained through the U.S. Fish & Wildlife Service's (USFWS) Information for Planning and Consultation website found one threatened species, Piping Plover (*Charadrius melodus*), and two endangered species, pondberry (*Lindera melissifolia*) and Fat Pocketbook (*Potamilus capax*), as potentially occurring within the project area. Due to the lack of suitable habitat in the project area and distance to any known species locations, it was determined that the project will have no effect on listed species.

Attachments:

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

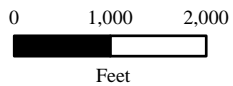
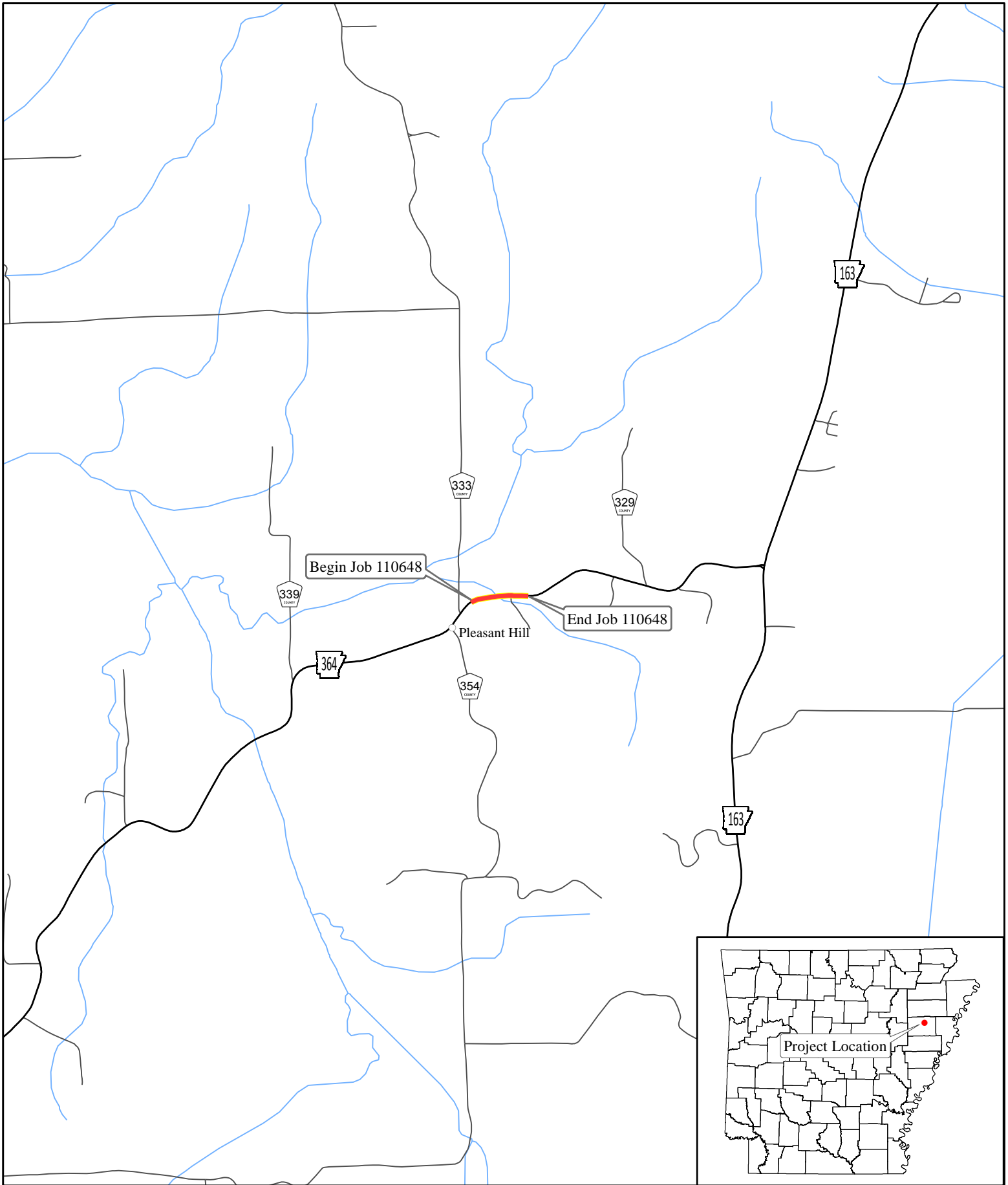
Approved:



Kevin Thornton  
Assistant Chief Engineer-Planning

JF:SL:fc

c: Program Management  
Right of Way  
Roadway Design  
District 1  
FHWA



Job 110648  
Hwy. 364 Str. & Apprs.  
Cross County



ARKANSAS STATE HIGHWAY  
AND  
TRANSPORTATION DEPARTMENT

96916  
FHWP

Scott E. Bennett, P.E.  
Director  
Telephone (501) 569-2000  
Voice/TTY 711



P.O. Box 2261  
Little Rock, Arkansas 72203-2261  
Telefax (501) 569-2400  
www.arkansashighways.com

December 1, 2016

AHPP

DEC 05 2016

Ms. Frances McSwain  
Arkansas Historic Preservation Program  
1100 North Street  
Little Rock, Arkansas 72201

RECEIVED  
AHTD

DEC 09 2016

ENVIRONMENTAL  
DIVISION

Re: AHTD Job Number 110648  
Hwy. 364 Str. & Apprs. (S)  
Cross County

Dear Ms. McSwain:

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 Milton Hughes of my staff at 501-569-2080.

Sincerely,

*Brenda Price*

for John Fleming  
Division Head  
Environmental Division

Enclosure  
Project Identification Form

JF:DW:MH:ym

DEC 06 2016

Date

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

*Frances McSwain*  
Frances McSwain, Deputy State  
Historic Preservation Officer

DEC 06 2016



## 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:  
Consultation Code: 04ER1000-2018-SLI-0478  
Event Code: 04ER1000-2018-E-00716  
Project Name: ArDot Project 110648 Cross County

February 02, 2018

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/engangered/esa-library/index.html#consultations](http://www.fws.gov/engangered/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

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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

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## Project Summary

Consultation Code: 04ER1000-2018-SLI-0478

Event Code: 04ER1000-2018-E-00716

Project Name: ArDot Project 110648 Cross County

Project Type: TRANSPORTATION

Project Description: Replace the existing bridge with a R.C. Box Culvert on existing location. A temporary detour will be constructed on the north side of the existing structure. The current bridge is over an un-named intermittent tributary to Prairie Creek.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.34629633979649N90.7152760033068W>



Counties: Cross, AR

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## 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. 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.

### 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

### Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	Endangered

### Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

### Critical habitats

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

# ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 110648 FAP Number NHPP-0019(43)

Job Title Hwy. 364 Str. & Apprs. (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		
Cultural Resources	X			
Economic	X			
Endangered Species	X			
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife	X			
Floodplains	X			
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds		X		Bird SP
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			Wellhead Protection for Offsite Areas SP required
Relocates	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		Temporary during construction
Water Quality		X		Minor impacts during construction
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? Yes

Section 404 Permit Required? Yes Type NW-14

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

Signature of Evaluator  Date April 12, 2018

Date Sent: February 1, 2017

## ROADWAY DESIGN REQUEST

Job Number 110648 FAP No. NNPP-0019(43) County Cross

Job Name Hwy. 364 Str. & Apprs. (S)

Design Engineer Primary Design Environmental Staff \_\_\_\_\_

Brief Project Description To replace a bridge structure with a Triple R.C. Box Culvert

A. Existing Conditions:

Roadway Width: 20' Shoulder Type/Width: 4' grav.

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

Sidewalks? \_\_\_\_\_ Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? \_\_\_\_\_ Location: \_\_\_\_\_ Width: \_\_\_\_\_

B. Proposed Conditions:

Roadway Width: 20' Shoulder Type/Width: 4' SHLD. /2' PAVED

Number of Lanes and Width: 2-10" Proposed Right-of-Way: 156'

Sidewalks? \_\_\_\_\_ Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? \_\_\_\_\_ Location: \_\_\_\_\_ Width: \_\_\_\_\_

C. Construction Information:

If detour: Where: Lt. side of C.L.97 Length: 970'

D. Design Traffic Data:

2018 ADT: 370 2038 ADT: 400 % Trucks: 4  
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.038 mile(s)

F. Justification for proposed improvements: Deficient bridge structure

G. Total Relocates: 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