

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 090574
FAP NUMBER STPF-0076(201)
DISTRICT 9 BRIDGE DECK REHAB (2019) (S)
VARIOUS ROUTES
VARIOUS COUNTIES**

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

July 2019

July 31, 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 Memorandum of 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 the project is to rehabilitate bridge decks on the following seven bridges: #02157 and #02158 on Highway 71 in Benton County, #03345 on Highway 412 in Madison County, #A2771 on Highway 412 in Carroll County, #05330 on Highway 65 in Boone County, #02469 on Highway 62 in Marion County, and #00338 on Highway 14 in Marion County. A project location map is attached.

This bridge deck rehabilitation project will consist of removing the first ¾" of concrete decking with a rotor mill and hydro blasting to remove more loose concrete. Two inches of polymer modified concrete will be applied to each bridge resulting in a smooth deck with an intended useful life span of 20 years. All work will be on the bridge decks and will take place within the existing right of way.

There are no relocations, environmental justice issues, wetlands, floodplains, prime farmlands, noise impacts, or cultural resources associated with this project. Field inspections found no evidence of existing underground storage tanks. No hazardous waste is expected to be generated by this project. Wastewater generated from the hydro demolition process will be collected, treated, and released in accordance with special provisions. Rehabilitation activities will not result in the placement of fill below the ordinary high water mark of a water of the United States; therefore, a Section 404 permit will not be required.

Crooked Creek, crossed by Bridge #05330 on Highway 65, is considered a 303(d) impaired waterbody for total dissolved solids and warrants full containment of hydro demolition wastewater and bridge debris.

Bridge #03345 on Highway 412 passes over War Eagle Creek which is listed on the Nationwide Rivers Inventory (NRI), a list of rivers in the United States believed to possess one or more outstandingly remarkable natural or cultural values judged to be of more than local or regional significance. The Outstanding Resource Values for War Eagle Creek are its Geologic, Historic, Scenic, Fish, and Wildlife values. Coordination was initiated with the National Park Service (NPS), the federal agency administering the NRI program. No response from the NPS was received. No adverse impacts affecting War Eagle Creek's qualifying Outstanding Resource Values are anticipated as a result of the proposed project. Special provisions for Water Pollution Control & Restraining Conditions will be implemented in the contract for this NRI waterway.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Piping Plover (*Charadrius melodus*), Ozark cavefish (*Amblyopsis rosae*), Neosho Mucket (*Lampsilis rafinesqueana*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*), Snuffbox Mussel (*Epioblasma triquetra*), and Missouri bladderpod (*Physaria filiformis*) as protected species potentially affected by the proposed project. Based on the lack of habitat and distance to known species, it is determined that the proposed project will have no effect on the Piping Plover, Ozark cavefish, Neosho Mucket, Pink Mucket, Rabbitsfoot, Snuffbox Mussel, and Missouri bladderpod. Based on the negative assessment/survey results, limited effects from rehabilitation of the bridges, distance to known species locations, and application of standard sediment and erosion controls; the USFWS agrees with the "may affect, not likely to adversely affect" determination for gray bat, Indiana bat, northern long-eared bat, and Ozark big-eared bat. The USFWS concurrence was received on June 27, 2019.

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.

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



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

July 5, 2019

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

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

RE: Multiple Counties (Benton) — General
Section 106 Review — FHWA
Response Letter: Bridge Deck Rehabilitation
Property 6 (Bridge 02157 and Property 7 (Bridge 02158)
ARDOT Job Number: 090574
AHPP Tracking Number: 103851.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for the above-referenced job. The undertaking entails deck rehabilitation of two bridges in Benton County. All work will be within the existing right-of-way. Bridges 02157 and 02158 date from 1940. Both structures were significantly modified through reconstruction in 1976. The AHPP concurs that Bridges 02167 and 02158 are not eligible for inclusion in the National Register of Historic Places.

Based on the provided information and the negative results of the cultural resources survey, the AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking.

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
Dr. Ann Early, Arkansas Archeological Survey



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

(501) 324-9880
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info@arkansaspreservation.org
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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

June 6, 2019

Mr. Hector Santiago, Arkansas NRI Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Dr.
Omaha, Nebraska 68102-4226

Re: Job Number 090574
District 9 Bridge Deck Rehab (2019) (S)
Bridge No. 03345
Route 412, Section 4
Madison County

Dear Mr. Santiago,

The Federal Highway Administration requires coordination with the National Park Service on all Arkansas Department of Transportation (ARDOT) projects involving waterbodies on the Nationwide Rivers Inventory (NRI). Enclosed is a project location map for the referenced project.

The ARDOT is proposing to rehabilitate the War Eagle Creek Bridge on Highway 412 in Madison County (Lat: 36.1205, Lon:-93.6939) through the use of hydrodemolition. The bridge span across the War Eagle Creek (NRI waterbody) is 357 feet long and 34 feet wide. The enclosed Water Pollution Control SP and best management practices (BMPs) will be included in the project plans.

We believe this project will not affect the river or foreclose it from wild, scenic, or recreational status. If you have any comments on the project, please forward them to us at your soonest convenience. If you require further information, you may contact Sarah DeVries of my staff at (501) 569-2553.

Sincerely,


for John Fleming

Division Head
Environmental Division

Enclosure

JF:SD:cb



IN REPLY REFER TO

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



June 27, 2019

Mr. John Fleming
c/o Bill Bailey
Arkansas Department of Transportation
10324 Interstate 30
Little Rock, Arkansas 72209

Dear Mr. Fleming:

Thank you for your email of June 25, 2019. The U.S. Fish and Wildlife Service (Service) is responding to your request, regarding multiple Arkansas Department of Transportation (ArDOT) proposals to bridge deck rehab of bridges in Arkansas. The project was described and assessed as follows (abbreviated and summarized):

The proposed project will include bridge deck rehab for seven bridges (2-Marion Co., 1-Boone Co., 1-Carroll Co., 1-Madison Co., and 2-Benton Co.). Bridge numbers 05330, A2771, and 02469 were inspected June 2019 and resulted in negative bat presence during inspections. Bridge inspection reports for bridge numbers 03345, 00338, 02157, and 02158 all indicated negative inspection results for bats. Based on the lack of bats observed under the bridges, we determine that the proposed project may affect, but is not likely to adversely affect listed bat species. Based on the scope of the project and lack of habitat, it is our determination that the proposed project will have no effect on all additional species identified by IPaC.

- Gray Bat *Myotis grisescens*
- Indiana Bat *Myotis sodalis*
- Northern Long-eared Bat *Myotis septentrionalis*
- Ozark Big-eared Bat *Corynorhinus (=Plecotus) townsendii ingens*
- Piping Plover *Charadrius melodus*
- Ozark Cavefish *Amblyopsis rosae*
- Neosho Mucket *Lampsilis rafinesqueana*
- Pink Mucket (pearlymussel) *Lampsilis abrupta*
- Rabbitsfoot *Quadrula cylindrica cylindrica*
- Snuffbox Mussel *Epioblasma triquetra*
- Missouri Bladderpod *Physaria filiformis*

The Arkansas Department of Transportation is requesting concurrence with these determinations.

Mr. John Fleming

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The Service has reviewed our records for these species and assessed the habitats in these areas. Due to the limited effects from rehabbing existing bridges, the distance to known species locations, and standard special provision for water quality, pollution, and sediment control conservation measures, the Service concurs with the determination of "may affect, not likely to adversely affect" for Gray Bat, Indiana Bat, Northern Long-eared Bat, and Ozark Big-eared Bat.

If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melvin L. Tobin', is positioned above the printed name.

Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2019\ARDOT\ArDOT Jobs 030542-050426-061606-080627-101045-101045\Comments-ArDOT Jobs 030542-050426-061606-080627-101045-101045.docx



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:

June 27, 2019

Consultation Code: 04ER1000-2019-SLI-1090

Event Code: 04ER1000-2019-E-02135

Project Name: 090574 District 9 Bridge Rehab.

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: 04ER1000-2019-SLI-1090

Event Code: 04ER1000-2019-E-02135

Project Name: 090574 District 9 Bridge Rehab.

Project Type: TRANSPORTATION

Project Description: hydrodemo of bridge decks

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.45965106528709N94.24467049812432W>



Counties: Benton, AR

Endangered Species Act Species

There is a total of 8 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.

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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.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7245	Endangered

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 final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

Fishes

NAME	STATUS
Ozark Cavefish <i>Amblyopsis rosae</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6490	Threatened

Clams

NAME	STATUS
Neosho Mucket <i>Lampsilis rafinesqueana</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3788	Endangered

Flowering Plants

NAME	STATUS
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5361	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 090574 FAP Number STPF-0076(201)

Job Title District 9 Bridge Deck Rehab (2019) (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT impacts anticipated
Cultural Resources	X			SHPO clearance attached
Economic	X			Will not be impacted by project
Endangered Species	X			USFWS correspondence 6/27/2019 attached
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		During construction activities only
Floodplains	X			No impacts to floodplains
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No hazardous waste involvement
Land Use	X			Will not be impacted by project
Migratory Birds		X		Migratory Bird SP included
Navigation/Coast Guard	X			No involvement
Noise Levels	X			No noise impacts
Prime Farmland	X			None in project area
Protected Waters		X		NRI Waters-War Eagle Creek-Bridge #03345
Public Recreation Lands	X			No recreational lands impacted
Public Water Supply/WHPA		X		Wellhead Protection SP required
Relocatees	X			No relocations
Section 4(f)/6(f)	X			No 4(f)/(6f) resources
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No USTs in project area
Visual	X			No changes to visual environment
Streams	X			No stream impacts
Water Quality		X		Hydro demolition water containment SP
Wetlands	X			None in project area
Wildlife Refuges	X			None in the area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? No
 Section 404 Permit Required? No Type N/A

Remarks: _____

Signature of Evaluator  Date July 18, 2019