



# INTEROFFICE MEMORANDUM

September 19, 2019

**TO:** Master Files

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

**SUBJECT:** Job Number 030525  
FAP Number NHPP-0037(41)  
Walker Creek Str. & Apprs. (S)  
Route 53, Section 5  
Bridge Number M0998  
Lafayette County  
Tier 2 Categorical Exclusion

The Environmental Division reviewed the referenced project and has determined 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 replace the bridge over Walker Creek on Highway 53 in Lafayette County, Arkansas. Total length of the project is 0.25 mile. A project location map is attached.

The existing bridge (M0998) is 25' wide and 39' long consisting of a concrete deck supported by concrete piles with cast in place concrete substructures. Highway 53 has two 10' wide travel lanes with 4' wide unpaved shoulders. There is no existing right of way of record.

The new structure will be a quadruple 10' x 5' x 63' steel reinforced concrete box culvert. built on the existing location. A detour route will be provided 80' to the east of the existing structure. The proposed approaches will consist of two 11' travel lanes with 4' shoulders (2' paved). The new right of way width will be 114'. Approximately 4.2 acres of new right of way and 0.96 acre of temporary construction easements will be needed to complete the project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	510	5	55 mph
2040	580	5	55 mph

There are no relocations, prime farmlands, environmental justice issues, hazardous materials, wellhead protection areas/public water supplies, or cultural resources associated with this project. Concurrence from the State Historic Preservation Officer 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 concerns.

The official species list obtained through US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identifies the threatened Piping Plover (*Charadrius melodus*) and the endangered Red-cockaded Woodpecker (*Picoides borealis*). A "no effect" determination was made for the federally listed bird species.

Permanent stream impacts are estimated at 63' in order to construct the concrete box culvert. Temporary stream impacts are estimated at 56' due to construction of the detour and its triple pipe culvert. Total impacts, including both permanent and temporary, to waters of the US are estimated at less than 0.1 acre. Construction of the proposed project should be allowed under the terms of a Nationwide 14 Section 404 Permit for Linear Transportation Projects as defined in the Federal Register 82(4):1860-2008.

Based upon the ARDOT's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. This project does not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway or exposure of noise sensitive land uses to a new or existing highway noise source.

Attachments:  
Project Location Map  
SHPO Clearance  
USFWS Species List  
Environmental Study Checklist  
Design Sheets

Approved:

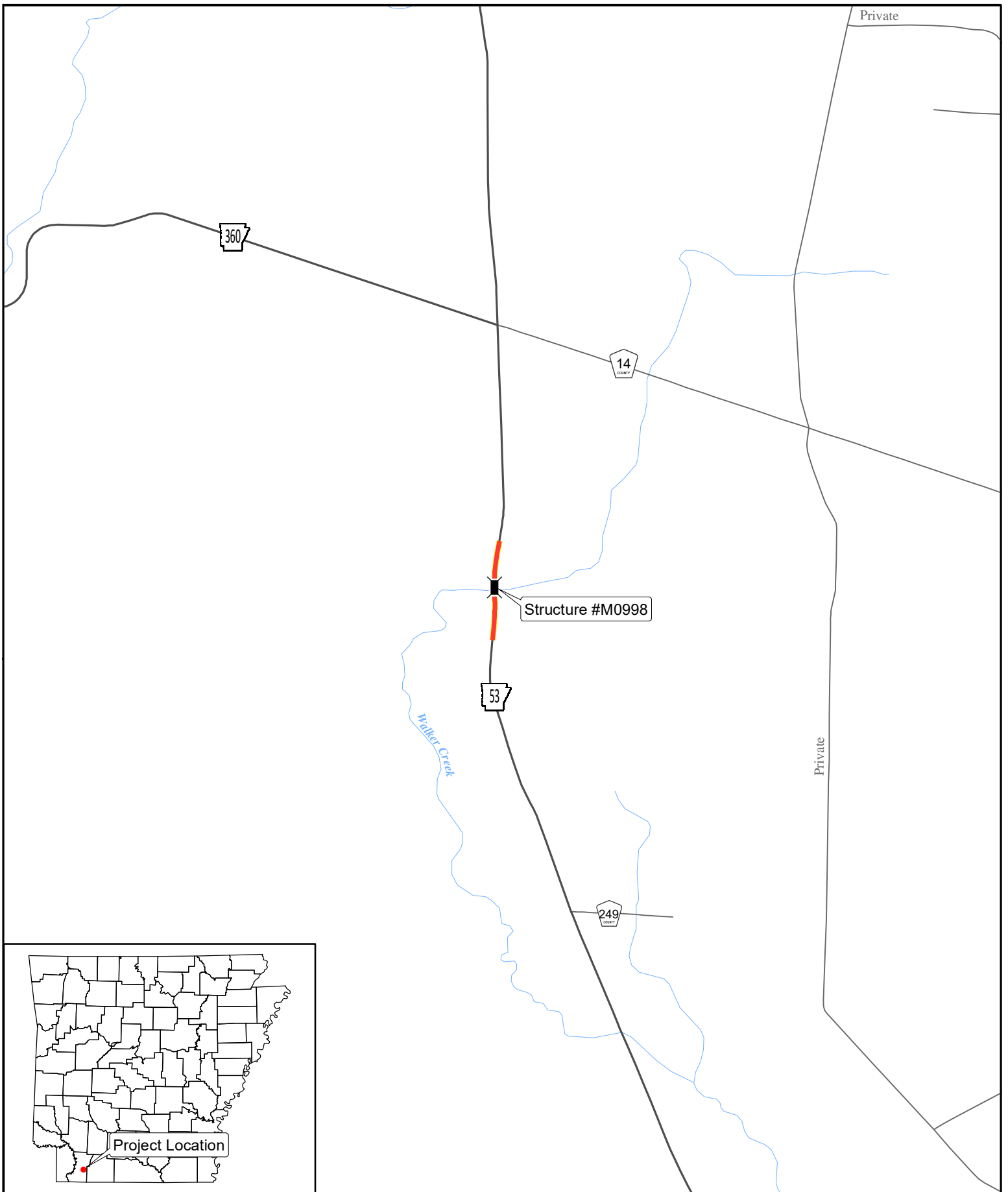


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Kevin Thornton  
Assistant Chief Engineer-Planning

JF:TT:am

c: Program Management  
Right of Way  
Roadway Design  
Bridge Division  
District 3  
FHWA



Private

360

14  
COUNTY

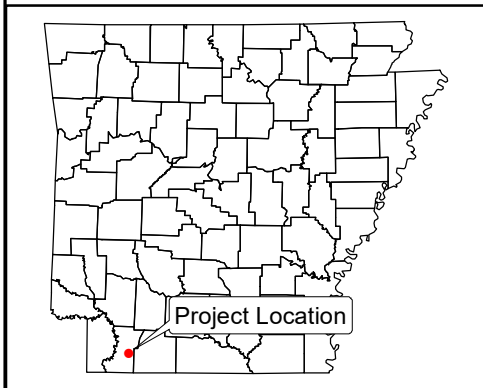
Structure #M0998

53

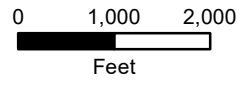
Walker Creek

Private

249  
COUNTY




Project Location



ARDOT - Environmental GIS - Hopkins  
August 19, 2019

Job 030525  
Walker Creek Str. & Apprs.  
(Hwy. 53)  
Lafayette County

 Project Location



THE DEPARTMENT OF ARKANSAS  
**HERITAGE**

Asa Hutchinson  
*Governor*

Stacy Hurst  
*Director*

May 20, 2019

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

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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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RE: Lafayette County — General  
Section 106 Review — FHWA  
Response Letter: Walker Creek Str. & Apprs. (S)  
Route 53, Section 5  
ARDOT Job Number: 030525  
AHPP Tracking Number: 103719.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for the above-referenced job. The proposed undertaking entails replacing ARDOT Bridge #M0998 on Arkansas Highway 53 north of Walker Creek in Lafayette County, Arkansas. The environmental clearance area for this project is 660 meters long with a total area of approximately 10.2 acres.

In correspondence dated May 8, 2019, the AHPP concurred that Bridge #M0998 is not eligible for inclusion in the National Register of Historic Places. Standing water north of the bridge prohibited subsurface investigation. Excavation of ten shovel tests by an ARDOT archeologist within the environmental clearance area south of the bridge proved negative for cultural materials. There are no known historic properties within or proximal to the area of potential effects. **Based on the provided information, the AHPP concurs with the finding of no historic properties affected pursuant to 36 CFR § 800.4(d)(1).**

Tribes that have expressed an interest in the area include the Caddo Nation (Ms. Tamara Francis), the Delaware Nation (Ms. Kim Penrod), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation (Mr. Everett Bandy), the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton), and the United Keetoowah Band of Cherokee Indians (Ms. Erin Thompson and Charlotte Wolfe). 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](mailto:eric.mills@arkansas.gov).

Sincerely,

  
Scott Kaufman  
Director, AHPP

cc: Mr. Randall Looney, Federal Highway Administration  
Dr. Ann Early, Arkansas Archeological Survey



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[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)  
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## 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:

August 13, 2019

Consultation Code: 04ER1000-2019-SLI-1351

Event Code: 04ER1000-2019-E-02741

Project Name: Hwy 53 Walker Creek Structures and Approaches (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](http://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

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## Project Summary

Consultation Code: 04ER1000-2019-SLI-1351

Event Code: 04ER1000-2019-E-02741

Project Name: Hwy 53 Walker Creek Structures and Approaches (S)

Project Type: TRANSPORTATION

Project Description: Bridge over Walker Creek in LaFayette County is being replaced with a large box culvert. Roadway in the approach to the new culvert will be widened from 28 feet to 30 feet. Length of the entire project will be ~1319 feet (1/4 mile).

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/33.19560424975006N93.53189381600848W>



Counties: Lafayette, AR

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## 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 Fisheries<sup>1</sup>, 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.

## 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
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7614">https://ecos.fws.gov/ecp/species/7614</a>	Endangered

## Critical habitats

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

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**ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST  
FOR CONSIDERATION OF POTENTIAL IMPACTS**


ARDOT Job Number 030525 FAP Number NHPP-0037(41)

Job Title Walker Creek Str. & Apprs. (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			"No Effect" upon endangered species
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		Temporary impacts during construction
Floodplains	X			No Floodplain SP required
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No sites in project area
Land Use	X			Will not be impacted by project
Migratory Birds		X		Migratory Bird SP to be placed in contract
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No increases due to project
Prime Farmland	X			No farmland impacted
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No public water supplies or WHPA's
Relocates	X			No relocations
Section 4(f)/6(f)	X			4(f)/6(f) resources not present
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		Stream impacts less than 0.1 acre
Water Quality		X		Temporary impacts during construction
Wetlands	X			None in project area
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? N  
 Short-term Activity Authorization Required? Y  
 Section 404 Permit Required? Y Type NWP-14

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

Signature of Evaluator  Date September 11, 2019

**PROJECT DESIGN CRITERIA**

DATE: June 27, 2019  
REV.: \_\_\_\_\_

JOB NO: 030525 ROUTE / SECTION: 53 / 5 LENGTH: 0.26 mile COUNTY: Lafayette  
 JOB NAME: Walker Creek Str. & Apprs. (S) MIN ORDER: 2018-080  
 2020 ADT: 510 2040 ADT: 580 TRUCK: 5% 4-LANE GRID SYSTEM: No  
 APHN: No INCENTIVE/DISINCENTIVE: No FUNCTIONAL CLASSIFICATION: Major Collector

EXISTING CONDITIONS

ROADWAY WIDTH: 28' WIDTH OF TRAVELED WAY: 20' SHOULDERS (WIDTH/TYPE): 4' unpaved  
 CRASH RATE: 0.00 STATEWIDE CRASH RATE: 1.07

BRIDGE INFORMATION

Bridge No.	Log Mile	Length x Width	Structure Type	BCI	Deck Rating	Superstructure Rating	Substructure Rating	Posted
M0998	13.94	39.0' x 25.0'	Steel Multi-Beam	52.92	5	5	6	3

\* Refer to PDC Bridge Information Codes

RECOMMENDED CRITERIA

NO. OF LANES: 2 WIDTH: 11' SHOULDERS (WIDTH/TYPE): 4' shoulder (2' paved)  
 DIVIDED: N/A MEDIAN WIDTH: N/A PARKING: N/A  
 BRIDGE WIDTHS: N/A DESIGN SPEED - RURAL: 55 mph URBAN: N/A  
 DEGREE OF ACCESS CONTROL: N/A CLEAR ZONE: 6:1 - 18'  
 LOCATION OF INTERCHANGES: N/A CHANNELIZED INTERSECTION: N/A  
 TRAFFIC SIGNALS: N/A RR X-ING PROTECTION: N/A  
 PREVIOUS PLANNING STUDY: N/A  
 STUDY FINDING: N/A

RECOMMENDED TYPE FUNDS: \_\_\_\_\_  
 PRELIM COST ESTIMATE: ROADWAY: \$750,000 BRIDGE: \$0 TOTAL: \$750,000

REMARKS:

Replace 1 Structure with R.C. Box Culvert  
 Use AASHTO Green Book

RECOMMENDED BY:

Charles Ellis: *Charles R. Ellis*  
 Date: 7/2/19

Trinity Smith: *Trinity Smith*  
 Date: 7/2/19

APPROVED BY:

Mike Fugett: *[Signature]*  
 ACE-Design

Date: 7/5/19

(ATTACH NEW PROJECT MEMO, LOCATION MAP, AND CRASH ANALYSIS)

Date Sent: August 9, 2019

**ROADWAY DESIGN REQUEST**

Job Number 030525 FAP No. NHPP-0037(41) County Lafayette

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

Design Engineer Taylor Clark Environmental Staff \_\_\_\_\_

Brief Project Description Structure Replacement

A. Existing Conditions:

Roadway Width: 28' Shoulder Type/Width: 4' Unpaved

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

Sidewalks? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

B. Proposed Conditions:

Roadway Width: 30' Shoulder Type/Width: 4' (2' Paved)

Number of Lanes and Width: 2 @ 11' Proposed Right-of-Way: 114'

Sidewalks? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

C. Construction Information:

If detour: Where: East of Existing Length: 0.25 Miles

D. Design Traffic Data:

2020 ADT: 510 2040 ADT: 580 % Trucks: 5  
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.25 mile(s)

F. Justification for proposed improvements: Structure Replacement Required

G. Total Relocatees: 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