

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 030455
FAP NUMBER NHPP-0037(37)
DOOLEY CREEK STR. & APPRS. (S)
ROUTE 160, SECTION 2
LAFAYETTE 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 15, 2019

1/16/2019

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 this project is to replace a structurally deficient bridge on Highway 160 over Dooley Creek in Lafayette County. The total project length is 0.13 mile. A project location map is enclosed.

The existing bridge is 57' long and 22' wide and will be replaced on existing location with a 12' x 8' x 51' quintuple barrel reinforced concrete box culvert. The existing roadway has two 10' wide paved travel lanes with 4' wide unpaved shoulders. The average right of way width is 80'.

The proposed roadway will have two 11' wide paved travel lanes with 4' wide shoulders (2' paved). Approximately 1.2 acres of additional right of way and 2.2 acres of temporary construction easement will be required for this project. The proposed average right of way width will be 145'. A 0.33-mile long temporary detour road will be constructed to maintain traffic.

Design data for the project is as follows.

Design Year	Average Daily Traffic	Percent Trucks	Design Speed (mph)
2019	960	7	55
2039	1,000	7	55

There are no relocations, public water supplies, mapped floodplains, environmental justice issues, underground storage tanks, hazardous wastes, or cultural resources associated with this project. The State Historic Preservation Officer clearance is enclosed. Approximately 0.3 acre of Farmland of Statewide Importance will be converted to highway right of way. Form NRCS-CPA-106 for Farmland Conversion is enclosed. Approximately 0.5 acre of new right of way will be acquired from the Arkansas Game and Fish Commission's Lafayette County Wildlife Management Area. This area is primarily managed to provide public hunting, not as a wildlife refuge; therefore, it is not considered a Section 4(f) resource.

Based on the ARDOT's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. The project does not involve added

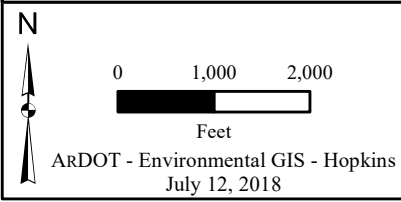
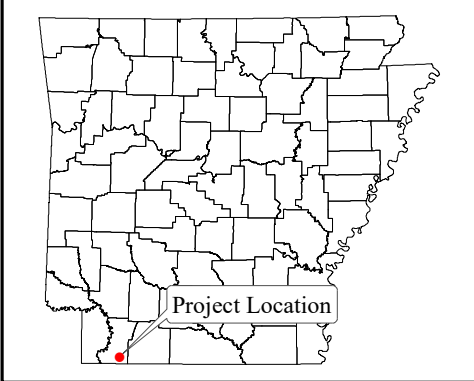
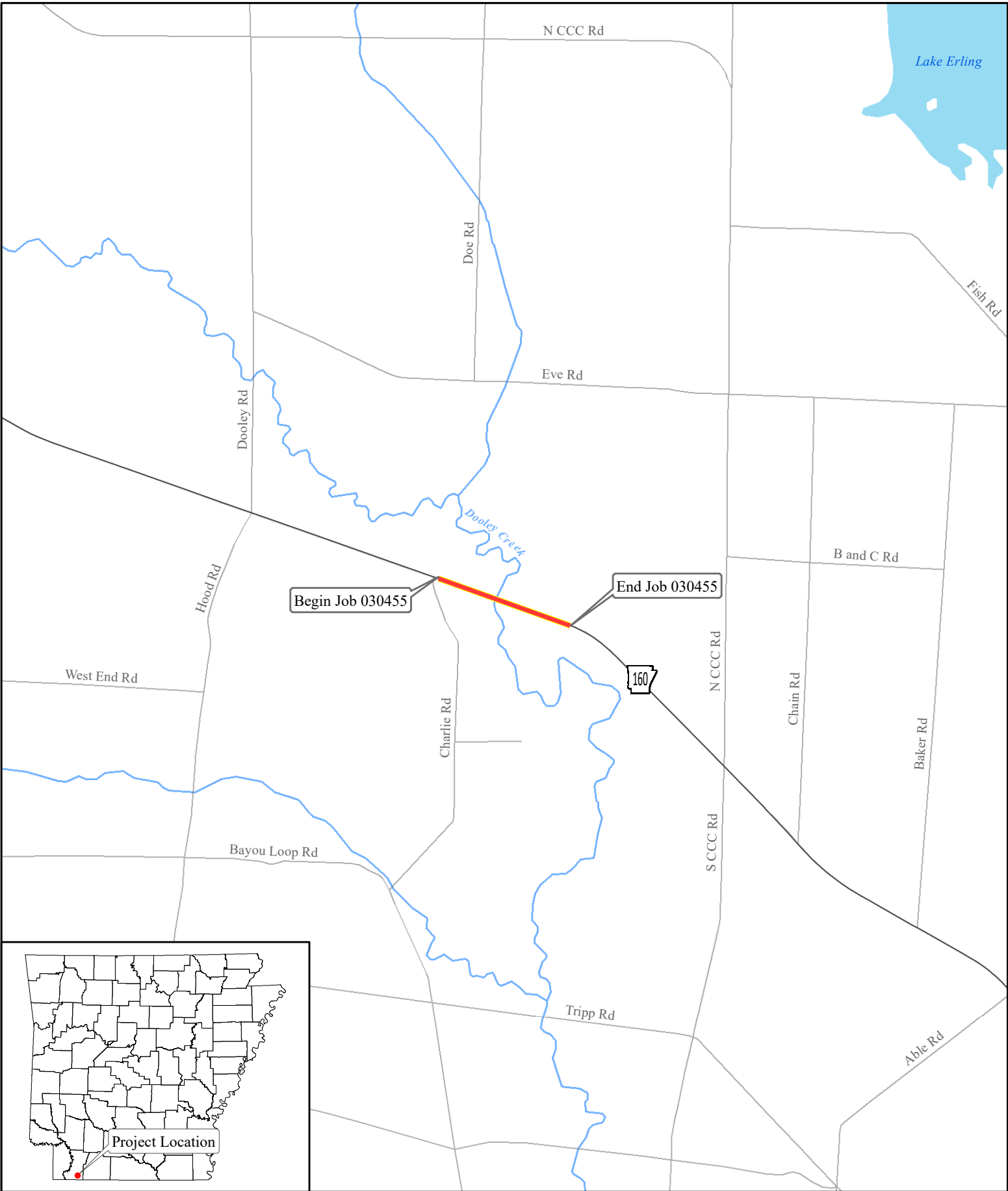
capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway, or exposure of noise sensitive land uses to a new or existing highway noise source.

The official species list from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation website identifies the Piping Plover (*Charadrius melodus*) and Red-cockaded Woodpecker (*Picoides borealis*) as potentially occurring at or near the project location. The USFWS concurred with a determination of “may affect, not likely to adversely affect” for both species due to the following conditions: limited amount of tree clearing; suboptimal habitat; distance to known species locations; and implementation of standard water quality and pollution control measures. The USFWS species list and concurrence letter are enclosed.

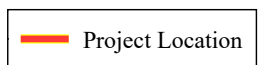
Construction activities and the temporary detour road will result in 0.1 acre of stream impacts, temporary impacts to 0.6 acre of bottomland hardwood wetlands, and 1.9 acres of permanent impacts to bottomland hardwood wetlands. Compensatory mitigation for the unavoidable loss of wetlands will be provided at the ARDOT-owned Red Chute Wetland Mitigation Bank. Construction activities should be allowed under the terms of a Section 404 Nationwide Permit 23 for Approved Categorical Exclusions as defined in Federal Register 82 (4):1860-2008.

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.

Aside from temporary construction-related impacts, no other adverse environmental impacts were identified. The checklist used to verify consideration of all potential environmental impacts is enclosed. A public involvement meeting will not be held for this project.



Job 030455
Dooley Creek Str. & Apprs.
(Hwy. 160)
Lafayette County





THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

September 19, 2018

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

RE: Lafayette County – General
Section 106 Review – FHWA
ARDOT Number 030455
Dooley Creek Str. & Apprs. (S)
Route 160, Section 2
AHPP Tracking Number 102055.01

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

Dear Mr. Fleming:

This letter is written in response to your inquiry regarding properties of architectural or historical significance in the area of the proposed referenced project. The staff of the Arkansas Historic Preservation Program has reviewed the documentation for the structures included in your letter of September 12, 2108. We have determined that ARDOT Bridge #2301 is not eligible for listing in the National Register of Historic Places. On the condition that the project does not extend beyond the surveyed corridor on both sides of bridge, we concur that this undertaking will have no effect to historic properties.

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 of Oklahoma (Mr. Everett Bandy), the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton), and the United Keetoowah Band of Cherokee Indians (Ms. Sheila Bird). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Theresa Russell of my staff at (501)-324-9357.

Sincerely,

Scott Kaufman
Director, AHPP

**RECEIVED
ARDOT**

SEP 24 2018

**ENVIRONMENTAL
DIVISION**

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



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

(501) 324-9880
fax: (501) 324-9184
tdd: 711

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

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**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency) Job 030455	3. Date of Land Evaluation Request 7/26/18	4. Sheet 1 of _____
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1. Name of Project Dooley Creek Str. & Apprs. (Hwy. 160)	5. Federal Agency Involved FHWA
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2. Type of Project Bridge Replacement	6. County and State Lafayette AR.
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PART II (To be completed by NRCS)	1. Date Request Received by NRCS	2. Person Completing Form
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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	NO	4. Acres Irrigated	Average Farm Size
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5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
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PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D

A. Total Acres To Be Converted Directly				
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B. Total Acres To Be Converted Indirectly, Or To Receive Services				
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C. Total Acres In Corridor				
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PART IV (To be completed by NRCS) Land Evaluation Information				
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A. Total Acres Prime And Unique Farmland				
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B. Total Acres Statewide And Local Important Farmland	0.28			
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C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
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D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
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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)				
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PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
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1. Area in Nonurban Use	15	15			
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2. Perimeter in Nonurban Use	10	10			
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3. Percent Of Corridor Being Farmed	20	20			
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4. Protection Provided By State And Local Government	20	0			
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5. Size of Present Farm Unit Compared To Average	10	0			
--	----	---	--	--	--

6. Creation Of Nonfarmable Farmland	25	0			
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7. Availability Of Farm Support Services	5	5			
--	---	---	--	--	--

8. On-Farm Investments	20	0			
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9. Effects Of Conversion On Farm Support Services	25	0			
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10. Compatibility With Existing Agricultural Use	10	0			
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TOTAL CORRIDOR ASSESSMENT POINTS	160	50			
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PART VII (To be completed by Federal Agency)					
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Relative Value Of Farmland (From Part V)	100	100			
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Total Corridor Assessment (From Part VI above or a local site assessment)	160	50			
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TOTAL POINTS (Total of above 2 lines)	260	150			
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1. Corridor Selected: New <input type="checkbox"/> Existing <input checked="" type="checkbox"/>	2. Total Acres of Farmlands to be Converted by Project: 0.28 acres of Farmland of Statewide Importance.	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part: <i>John Baber</i>	DATE 12/3/18
--	-----------------

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



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



August 22, 2018

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

Dear Mr. Fleming,

Thank you for your email of August 20, 2018. The U.S. Fish and Wildlife Service (Service) is responding to your request regarding the Arkansas Department of Transportation (ArDOT) proposal to replace the Hwy 160 Bridge over Dooley Creek, Lafayette County, Arkansas. The project was described and assessed as follows (abbreviated and summarized):

ArDOT plan to replace highway 160 bridge over Dooley Creek in Lafayette County, Arkansas. The bridge is located approximately four miles east of Bradley, Arkansas at (33.078882°, -93.584962°). During construction, a temporary detour road will be created south of the existing bridge to maintain traffic during the replacement of the structure on existing location. Approximately 0.50 acre of trees (bottomland hardwood and pine) will be cleared to allow for the construction of the detour road.

IPaC identifies Piping Plover (*Charadrius melodus*) and Red-cockaded Woodpecker (*Picoides borealis*) as potentially occurring at or near the project location. Piping Plover may use this site as a temporary stopping ground during seasonal migrations. During construction, however, Piping Plover will likely avoid the site and rest at another one of the many potential stream side locations within the vicinity. A records search of the Arkansas Natural Heritage Commission database shows no known records of Piping Plover in the vicinity of the project and no further records from the state, however they are reported to pass through during migration. Red-cockaded Woodpecker utilize old growth pine forest with open understory as preferred nesting habitat. It is unlikely, based on the habitat type around the project location (limited old growth pine stands, young pines, and oak-hickory-ash), that this area would have any nesting Red-cockaded Woodpecker. Furthermore, there are no records or preferred habitats in close proximity to the action. Based upon the above information, we seek concurrence that this project will "not likely adversely affect" Piping Plover or Red-Cockaded Woodpecker.

Due to the limited effects of the action, the habitat types at this location, distance to known species locations, and standard special provision for water quality conservation measures, the

Mr. John Fleming

2

Service concurs with the determination of "may affect, not likely to adversely affect" for Piping Plover or Red-Cockaded Woodpecker.

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,



Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2018\ARDOT\Dooley Creek Bridge\Comments -
Dooley Creek Bridge - 030455 - Coordination.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:

July 18, 2018

Consultation Code: 04ER1000-2018-SLI-1308

Event Code: 04ER1000-2018-E-02020

Project Name: 030455 - Dooley Creek Str. & Apprs. (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.**

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.

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: 04ER1000-2018-SLI-1308

Event Code: 04ER1000-2018-E-02020

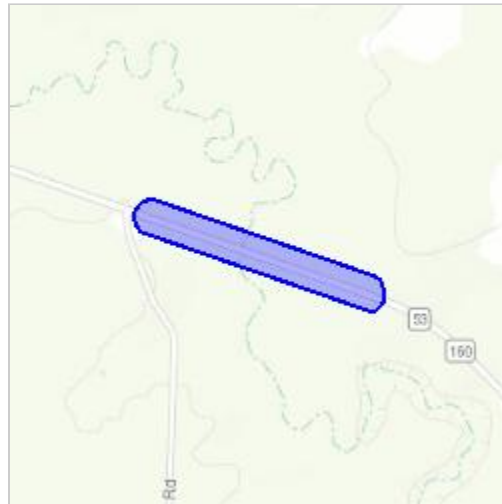
Project Name: 030455 - Dooley Creek Str. & Apprs. (S)

Project Type: TRANSPORTATION

Project Description: Bridge replacement on Hwy 160 over Dooley Creek in Lafayette Co. AR.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/33.07880825389697N93.58471423431185W>



Counties: Lafayette, AR

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 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
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
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	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 Number 030455 FAP Number NHPP-0037(37)

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

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts; project in AQ attainment area
Cultural Resources	X			SHPO clearance (9/19/18)
Economic	X			No adverse impacts
Endangered Species		X		*USFS Concurrence (8/22/18)
Environmental Justice/Title VI	X			EJ populations not located in area
Fish and Wildlife		X		**0.5 acre acquired from Lafayette Co. WMA
Floodplains	X			None occur in project area
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None identified in project area
Land Use		X		1.2 acres new ROW; 2.2 acres TCE
Migratory Birds	X			No structures with nests
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			No impacts identified
Prime Farmland		X		0.3 acre Farmland of Statewide/Local importance
Protected Waters	X			None occur in project area
Public Recreation Lands		X		**0.5 acre acquired from Lafayette Co. WMA
Public Water Supply/WHPA	X			None in project area
Relocatees	X			No relocations necessary
Section 4(f)/6(f)	X			No 4(f) / 6(f) resources in project footprint
Social	X			No adverse social impacts identified
Underground Storage Tanks	X			None located in project area
Visual	X			No adverse visual quality impacts
Streams		X		Temporary during construction
Water Quality		X		Temporary during construction
Wetlands		X		***2.5 acres impacted
Wildlife Refuges	X			None in the area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type NWP 23

Remarks:

*Determination of "may affect, but not likely to adversely affect" Red-cockaded Woodpecker and Piping Plover. **WMA managed for wildlife and timber to provide hunting opportunities, not as a refuge. ***Mitigation of 24.4 wetland credits from Red Chute Mitigation Bank

Signature of Evaluator Mary L. Pearson Date 01/08/19

Date Sent: November 27, 2018
Date Revised: January 7, 2019

ROADWAY DESIGN REQUEST

Job Number 030455 FAP No. NHPP-0037(37) County Lafayette

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

Design Engineer Stephen Sichmeller Environmental Staff _____

Brief Project Description Replacement of 1 bridge with a R.C. Box Culvert

A. Existing Conditions:

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

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

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: 145'

Sidewalks? No Location: _____ Width: _____

Bike Lanes? No Location: _____ Width: _____

C. Construction Information:

If detour: Where: South of existing roadway Length: 1742.28

D. Design Traffic Data:

2019 ADT: 960 2039 ADT: 1000 % Trucks: 7.0%
Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.201 mile(s)

F. Justification for proposed improvements: Bridge is structurally deficient

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



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil

December 30, 2019

Regulatory Division

NATIONWIDE PERMIT NO. MVK 2019-01003

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

Dear Mr. Fleming:

Please refer to your recent request concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act. You requested authorization for the placement of dredged and fill material in waters of the United States associated with replacing the bridge over Dooley Creek and upgrading the approaches. The existing bridge will be replaced with a quintuple concrete box culvert and an existing triple box culvert will be replaced with another triple box culvert. The new culverts will be constructed on existing location and a temporary detour will be constructed immediately downstream from the existing bridge. The existing approaches will be upgraded to 11-foot-wide lanes with 4-foot-wide shoulders. The project is approximately 0.2 miles in length will require the acquisition of 1.2 acres of additional right-of-way, with 0.5 acres from the Arkansas Game and Fish Commission Lafayette County Wildlife Management Area. Approximately 95 linear feet of Dooley Creek will be permanently impacted. Total permanent and temporary impacts to adjacent wetlands will be approximately 2.01 acres. The project may affect but is not likely to adversely affect the Piping Plover (*Charadrius melodus*) and Red-cockaded Woodpecker (*Picoides borealis*). There are no cultural resources impacts. The project was approved as a Tier 3 Categorical Exclusion by the Federal Highway Administration on January 16, 2019. The project is located on State Highway 160, approximately three miles east of the City of Bradley, in section 22, T. 19 S., R. 24 W., Lafayette County, Arkansas. A vicinity map, project location map, wetland impacts map and wetland impacts worksheet are enclosed.

The proposed activities are authorized by Department of the Army Nationwide Permit (NWP) **No. 23** (copy enclosed), provided that the following **Special Condition** and General Conditions therein are met. For your convenience, we have highlighted the General Conditions of the NWP that are the most pertinent to your project. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the project, you should submit revised plans to this office for approval before construction of the change begins.

Special Condition:

ArDOT agrees to mitigate for the adverse impacts to 2.01 acres of wetlands with 20.7 wetland credits from the Little Bodcau Mitigation Bank in Lafayette County. ArDOT will provide documentation of the mitigation bank transaction to the U.S. Army Corps of Engineers Little Rock District Transportation Program Manager.

Please pay particular attention to General Condition No. 12 which stipulates that appropriate erosion and siltation controls be used during construction and all exposed soil be permanently stabilized. Erosion control measures must be implemented before, during and after construction.

For your information, we have enclosed a copy of the Arkansas Department of Environmental Quality (ADEQ) Section 401 Water Quality Certification conditions, which are conditions of your permit. If you have any questions concerning compliance with the conditions of the 401 certification, you should contact Ms. Melanie Treat or Mr. Jim Wise at the ADEQ, Water Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118, telephone (501) 682-0040.

Also, in order to fully comply with the conditions of the NWP, you must submit the enclosed compliance certification within 30 days of completion of the project. This is required pursuant to General Condition No. 30 of the permit.

The NWP determination will be valid until March 18, 2022. If NWP **No. 23** is modified, suspended, or revoked during this period, your project may not be authorized unless you have begun or are under contract to begin the project. If work has started or the work is under contract, you would then have twelve (12) months to complete the work.

Your cooperation in the Regulatory Program is appreciated. If you have any additional questions about this permit or any of its provisions, please contact Mr. Johnny McLean at (501) 324-5295 and refer to Permit No. **MVK 2019-01003, Dooley Creek Structures and Approaches on State Highway 160 near Bradley (ArDOT Project No. 030455).**

Sincerely,


Sarah Chitwood

Chief, Regulatory Evaluation Branch

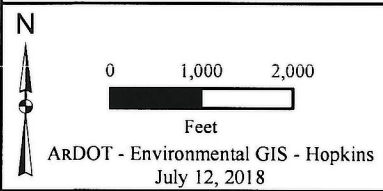
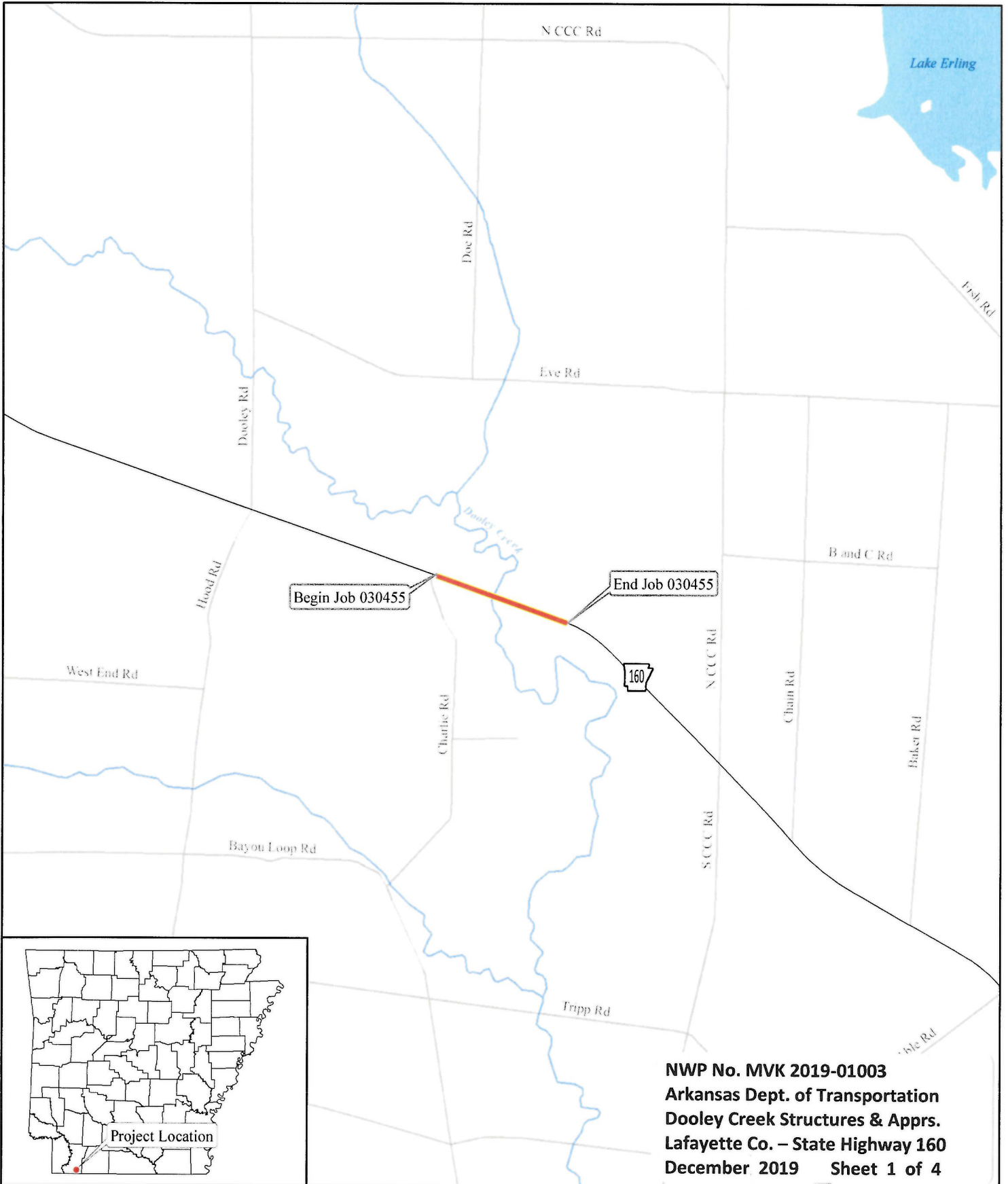
Enclosures

Copy Furnished:


Vicksburg District Regulatory, w/cy encls.

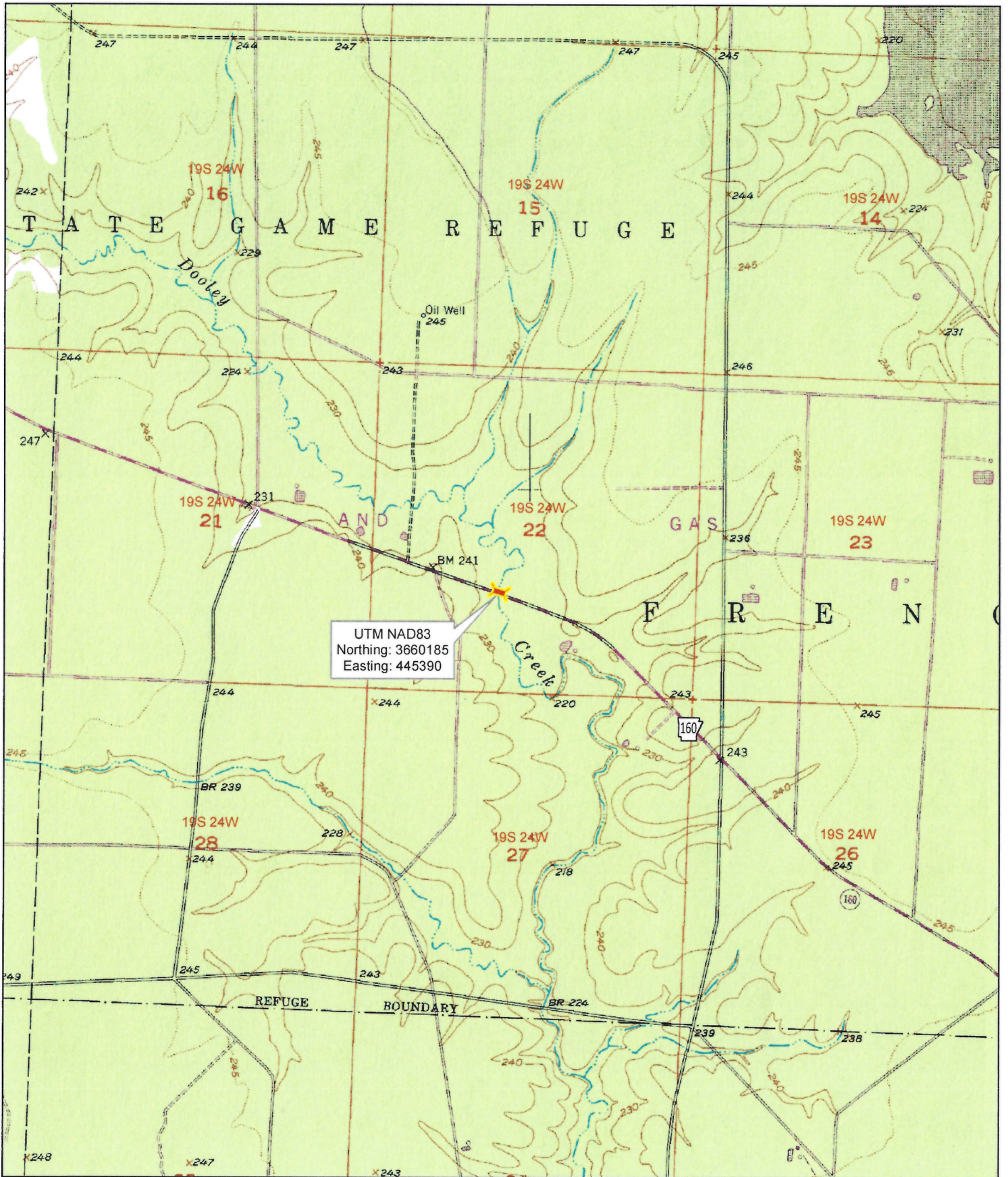
Ms. Melanie Treat, Arkansas Department of Environmental Quality, w/cy encls.

Mr. Lindsey Lewis, U.S. Fish & Wildlife Service, w/cy encls.

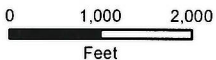


Job 030455
 Dooley Creek Str. & Apprs.
 (Hwy. 160)
 Lafayette County

 Project Location



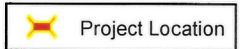
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 Easting: 445390



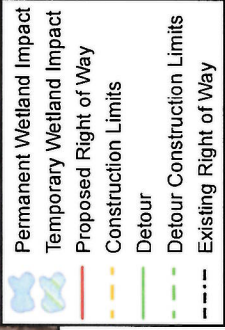
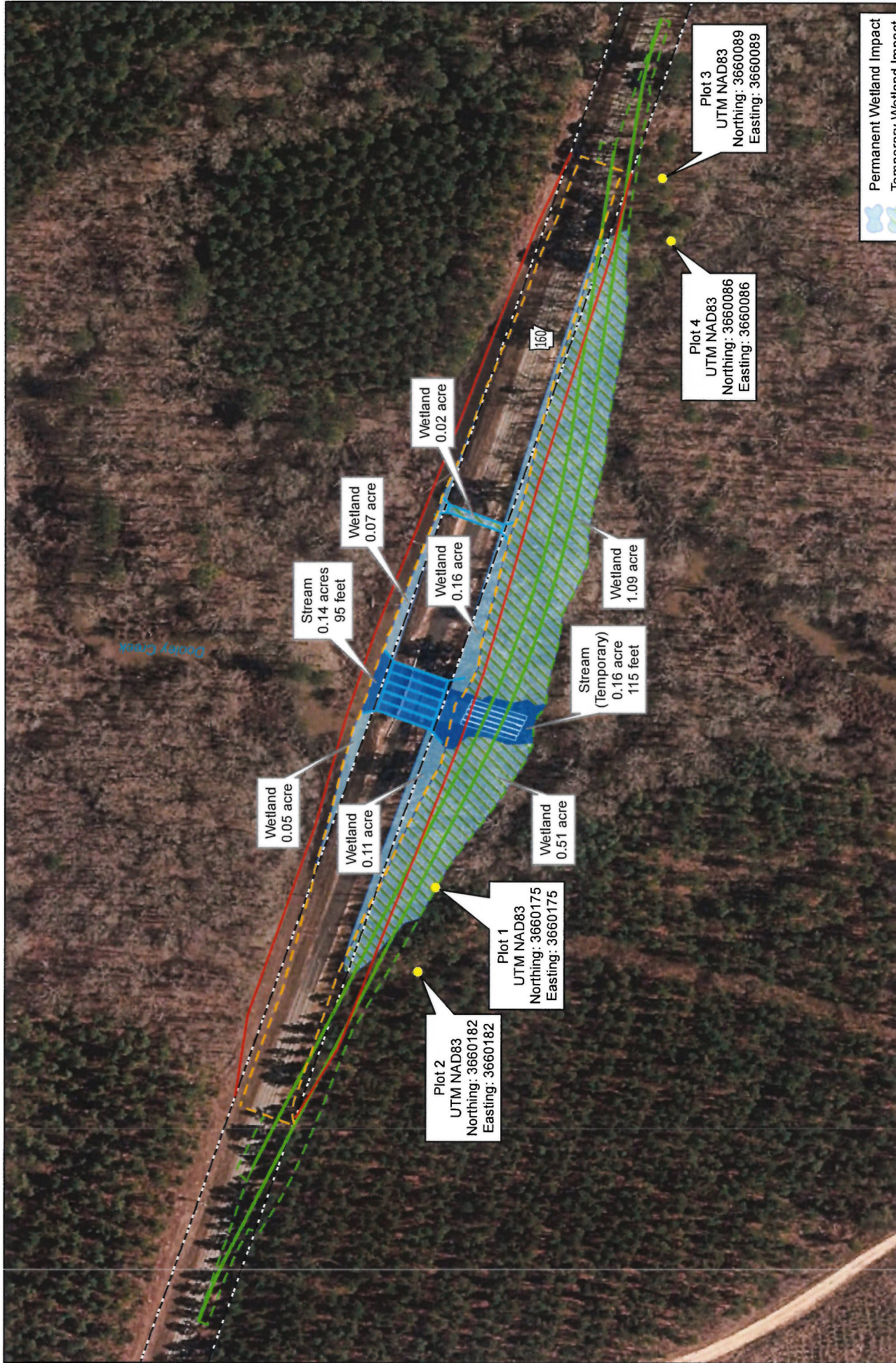
ARDOT - Environmental GIS - Strawn
 August 21, 2019

Job 030455
 Dooley Creek Str. & Apprs.
 (Hwy. 160)
 Lafayette County

Sheet 2 of 4



USGS Topographic Map:
 Bradley SE 1978



Wetland and Stream Impacts

Mitigation for Wetlands

14. Tables and Worksheets.

14.1. Adverse Impacts Table.

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS	OPTIONS					
Lost Type	Type C 0.2		Type B 2.0		Type A 3.0	
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Condition	Very Impaired 0.1	Impaired 1.0		Slightly Impaired 2.0		Fully Functional 2.5
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5	Over 10 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound 2.5	Fill 3.0
Cumulative Impact	$0.05 \times \sum AA_i$					

Note: For the **Cumulative Impact** factor, $\sum AA_i$ stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. **The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.**

Required Mitigation Credits Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Lost Type	3.0	3.0				
Priority Category	1.5	1.5				
Existing Condition	2.0	2.0				
Duration	2.0	0.5				
Dominant Impact	3.0	3.0				
Cumulative Impact	0	0				
Sum of r Factors	$R_1 = 11.5$	$R_2 = 10.0$	$R_3 =$	$R_4 =$	$R_5 =$	$R_6 =$
Impacted Area	$AA_1 = 0.39$	$AA_2 = 1.62$	$AA_3 =$	$AA_4 =$	$AA_5 =$	$AA_6 =$
$R \times AA =$	4.5	16.2				

Total Required Credits = $\sum (R \times AA) =$ 20.7



MAR 16 2017

Colonel Robert G. Dixon
District Commander
U.S. Army Corps of Engineers
P.O. Box 867
Little Rock, Arkansas 72203-0867

RE: Public Notice: Re-issuance of Nationwide Permits

Dear Colonel Dixon:

The Arkansas Department of Environmental Quality (ADEQ) has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers Nationwide Permits (NWP) for the State of Arkansas.

ADEQ has determined that there is a reasonable assurance that the activities covered under most these NWP will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Therefore, pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby **issues** water quality certification for all NWP with the exception of NWP 14, 29, and 43, contingent upon the following conditions:

- 1) An individual water quality certification request must be submitted to ADEQ for Activities which may impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural Scenic Waterways and their tributaries (within 1 mile) as defined in Regulation No. 2, Water Quality Standards.
- 2) The applicant shall contact ADEQ to determine if a Short Term Activity Authorization (STAA) is needed when performing work in the wetted area of any waterbody. More information can be obtained by contacting the Water Division Planning Section of ADEQ at 501-682-0946.
- 3) The applicant shall implement all practicable best management practices (BMPs) to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 4) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact ADEQ immediately.
- 5) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.

- 6) If a construction site will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Reg.6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Regulation No. 6. If the construction site will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit Number ARR 150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of ADEQ at (501) 682-0621.

For NWPs 14, 29, and 43, where a Pre-Construction Notification (PCN) is required, in addition to conditions 1-6 listed above, an individual water quality certification request must be submitted to ADEQ in cases and the activity occurs in:

- a. Waterbodies on the most currently approved 303(d) list for turbidity/siltation, including tributaries of the listed stream (within 1 mile) and waters upstream of the listed segment (within 1 mile).
- b. Waterbodies with an approved Total Maximum Daily Load (TMDL) for turbidity/siltation, including their tributaries (within 1 mile) and waters upstream of the listed segment (within 1 mile).

If you have additional questions regarding this certification, please contact Ms. Lazendra Hairston at (501) 682-0946.

Sincerely,



Caleb Osborne
Associate Director, Office of Water Quality

cc: Elaine Edwards, Chief Regulatory Division USACE
Jim Ellis, Project Manager USACE
Wanda Boyd, U.S. EPA,

PERMITTEE COMPLIANCE CERTIFICATION

PERMIT NO.: MVK 2019-01003, Dooley Creek Structures and Approaches on State Highway 160 near Bradley (ArDOT Project No. 030455)

NWP/S NO.: 23

PERMITTEE NAME: ArDOT

DATE OF ISSUANCE: _____

PROJECT MANAGER: Johnny McLean

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

**US Army Corps of Engineers, Little Rock
ATTENTION: CESWL-RD
PO Box 867
Little Rock, Arkansas 72203-0867**

Please note that your permitted activity is subject to a compliance inspection by a US Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

DATE WORK COMPLETED: _____

SIGNATURE OF PERMITTEE

DATE