



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

April 19, 2018

Mr. Peter Jilek
Acting Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number 110616
FAP Number STPB-0039(21)
McNulty Lake & Hog Tusk Creek
Strs. & Apprs. (S)
Route 78, Section 3
Bridge Numbers M3800 & M4037
Lee County
Tier 3 Categorical Exclusion

Dear Mr. Jilek:

The Environmental Division has reviewed the referenced project and 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 two bridges on Highway 78 in Lee County. The total length of the project is 0.49 mile. A project location map is enclosed.

Highway 78 consists of two 10-foot paved lanes and 4-foot gravel shoulders. The existing right of way width is 80 feet.

The bridge at McNulty Lake will be replaced with a bridge located on the north side of the existing bridge. The bridge at Hog Tusk Creek will be replaced with a box culvert on the north side of the existing bridge. The new approaches will have two 10-foot wide paved travel lanes with 4-foot wide paved shoulders. The new right of way width will be 120 feet at both locations.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2019	150	6	40 mph
2039	200	6	40 mph

There are no relocations or environmental justice issues associated with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. A maximum of 3.9 acres of new right of way will be required to construct this project, of which a maximum of 1.03 acres is prime farmland and a maximum of 2.16 acres is Farmland of Statewide Importance. Form NRCS-CPA-106, the Farmland Conversion Impact Rating, is attached. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is enclosed.

The replacement of the existing bridge over Hog Tusk Creek with a 12' x 10' x 55' quintuple reinforced concrete box culvert will impact a maximum of 1.01 acres of palustrine forested wetlands and less than 0.1 acre of Hog Tusk Creek. The replacement of the existing bridge over McNulty Lake with a new bridge structure will impact a maximum of 1.1 acres of palustrine forested wetlands. Compensatory mitigation will be provided for the unavoidable impacts to wetlands. Construction of the proposed project should be allowed under terms of a Section 404 Nationwide 23 Permit for Approved Categorical Exclusions as defined in the Federal Register 82(4):1860-2008.

The official species list obtained through the U.S. Fish & Wildlife Service (USFWS) Information for Planning and Consultation website found one threatened species, Piping Plover (*Charadrius melodus*) and one endangered species, pallid sturgeon (*Scaphirhynchus albus*) listed for the project area. Due to the lack suitable habitat for either species in the project area, and distance to any known species locations, it was determined that the project will have no effect on listed species.

Lee County participates in the National Flood Insurance Program. The project lies within the Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of

the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life.

Noise predictions have been made for this project utilizing the Federal Highway Administration's TNM 2.5 (Traffic Noise Model) procedures. These procedures indicate that noise levels are below the FHWA noise criteria beyond the project's proposed right of way limits. Any increases in roadway noise levels will not be the result of the proposed project, but instead a result of traffic volume increases during the planning period (Year 2039). Therefore, any noise level increases will occur independently of this proposed project, and no project related noise impacts are anticipated. In compliance with Federal guidelines, local authorities will not require notification.

If you have any questions, please contact the Environmental Division at 501-569-2281.

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 4/20/2018

Sincerely,

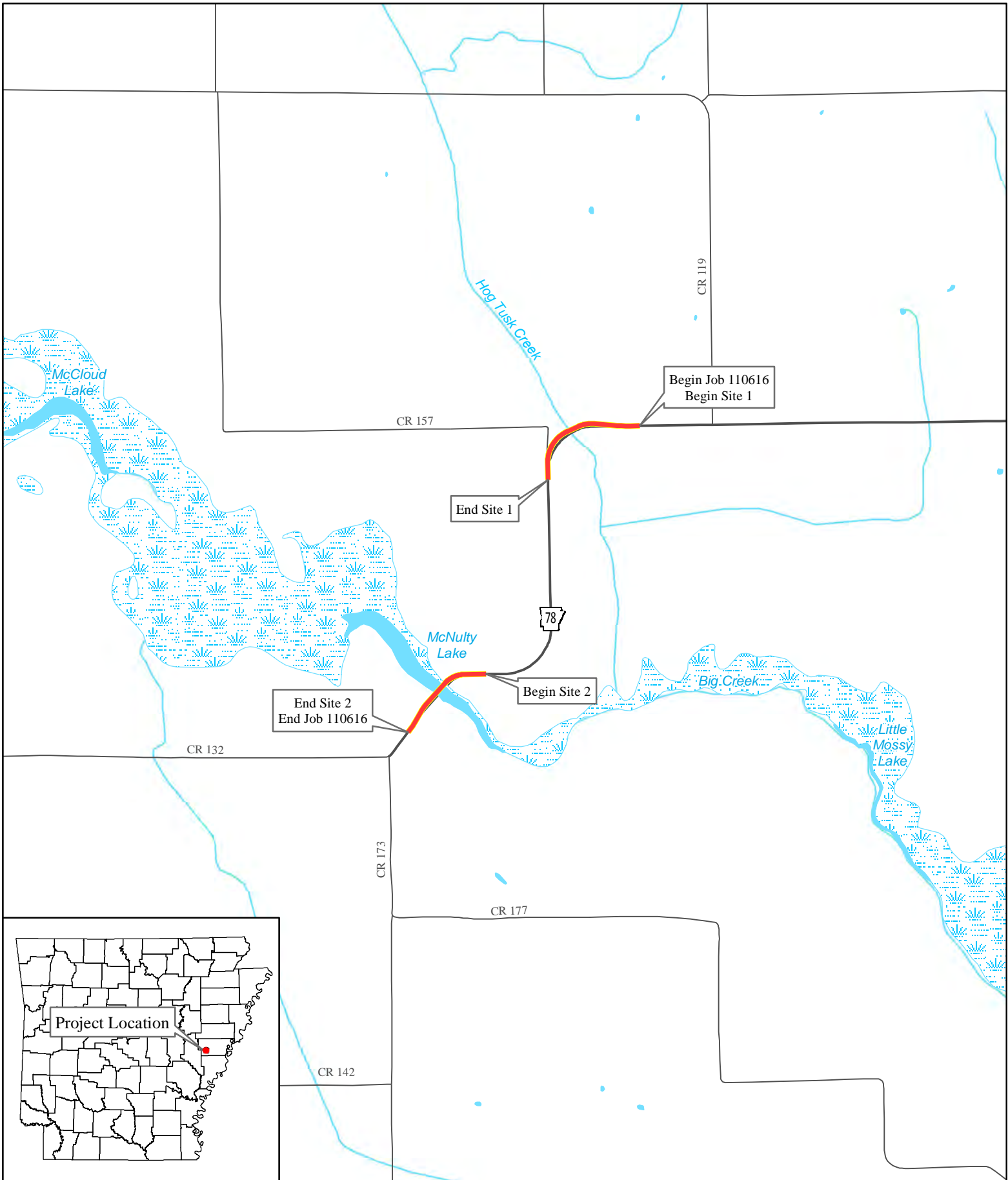


John Fleming
Division Head
Environmental Division

Enclosures

JF:SL:fc

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



Scale - 1:24,000

ArDOT - Environmental GIS - Strawn
February 26, 2018

Job 110616
McNulty Lake & Hog Tusk Creek
Strs. & Apprs. (Hwy. 78)
Lee County

 Project Location



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

March 6, 2018

10617
FHWA

Ms. Stacy Hurst
Arkansas Historic Preservation Program
1100 North Street
Little Rock, Arkansas 72201

RECEIVED
ARDOT
MAR 09 2018
ENVIRONMENTAL
DIVISION

AHPP
MAR 07 2018

Re: Job Number 110616
McNulty Lake & Hog Tusk Creek
Strs. & Apprs. (S)
Lee County
Route 78, Section 3

Dear Ms. Hurst:

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 Wm. Lane Shields of my staff at 501-569-2077.

Sincerely,

John Fleming
Division Head
Environmental Division

Enclosure
PIF

JF:DW:WLS:ym

Date 3/7/2018
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.

Arkansas State Historic Preservation Officer

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

PART I (To be completed by Federal Agency) Job 110616		3. Date of Land Evaluation Request 3/5/18	4. Sheet 1 of _____
1. Name of Project McNulty Lake & Hog Tusk Creek Strs. & Apprs.		5. Federal Agency Involved FHWA	
2. Type of Project Bridge Replacement		6. County and State Lee AR	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		YES NO	4. Acres Irrigated Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	1.03			
B. Total Acres Statewide And Local Important Farmland	2.16			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
1. Area in Nonurban Use	15	15		
2. Perimeter in Nonurban Use	10	10		
3. Percent Of Corridor Being Farmed	20	20		
4. Protection Provided By State And Local Government	20	0		
5. Size of Present Farm Unit Compared To Average	10	0		
6. Creation Of Nonfarmable Farmland	25	0		
7. Availability Of Farm Support Services	5	5		
8. On-Farm Investments	20	0		
9. Effects Of Conversion On Farm Support Services	25	0		
10. Compatibility With Existing Agricultural Use	10	0		
TOTAL CORRIDOR ASSESSMENT POINTS	160	50		

PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	100		
Total Corridor Assessment (From Part VI above or a local site assessment)	160	50		
TOTAL POINTS (Total of above 2 lines)	260	150		

1. Corridor Selected: <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	2. Total Acres of Farmlands to be Converted by Project: 1.03 acres of Prime Farmland and 2.16 of Farmland of Statewide Importance	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
---	--	-----------------------	--

5. Reason For Selection:

Signature of Person Completing this Part: *J. Ba* DATE April 19, 2018 4/19/18

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



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 19, 2017

Consultation Code: 04ER1000-2017-SLI-1017

Event Code: 04ER1000-2017-E-01493

Project Name: McNulty Lake & Hog Tusk Creek Strs. & 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/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

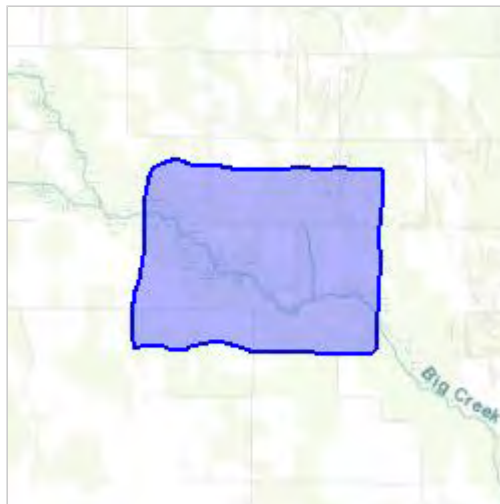
Project Summary

Consultation Code: 04ER1000-2017-SLI-1017
Event Code: 04ER1000-2017-E-01493
Project Name: McNulty Lake & Hog Tusk Creek Strs. & Apprs. (S)
Project Type: TRANSPORTATION
Project Description: Bridge replacement

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/34.71131277800714N90.96074615248482W>



Counties: Lee, AR

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on your 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. Please contact the designated FWS office if you have questions.

Birds

NAME	STATUS
Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

Fishes

NAME	STATUS
Pallid Sturgeon (<i>Scaphirhynchus albus</i>) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

Critical habitats

There are no critical habitats within your project area.

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 110616 FAP Number STPB-0039(21)
 Job Title McNulty Lake & Hog Tusk Creek Strs. & Apprs. (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		During construction
Cultural Resources	X			
Economic	X			
Endangered Species	X			
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife		X		Temporary during construction
Floodplains		X		Zone A
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		Form NRCS-CPA-106 attached
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocatees	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		Temporary during construction
Wetlands		X		2.11 acres wetlands impacted
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? N
 Short-term Activity Authorization Required? Y
 Section 404 Permit Required? Y Type NWP #23
 Remarks: _____

Signature of Evaluator Mary C. LeBlanc Date April 19, 2018

ROADWAY DESIGN REQUEST

Job Number 110616 FAP No. _____ County Lee

Job Name McNulty Lake & Hog Tusk Creek Strs. & Apprs. (S)

Design Engineer Primary Design Environmental Staff _____

Brief Project Description Bridge Replacement

A. Existing Conditions:

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

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

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

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

Number of Lanes and Width: 2 @ 10' Proposed Right-of-Way: 120'

Sidewalks? N/A Location: _____ Width: _____

Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: _____ Length: _____

D. Design Traffic Data:

2019 ADT: 150 2039 ADT: 200 % Trucks: 6
Design Speed: 40 m.p.h.

E. Approximate total length of project: 0.492 mile(s)

F. Justification for proposed improvements: Replace weight restricted bridges

G. Total Relocates: 0 Residences: _____ Businesses: _____

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? N/A

Agency/Official	Person Contacted	Date