



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 020626
FAP Number NHPP-0035(49)
Hwy. 104 – Hwy. 365 (S)
Route 270, Section 11
Route 365S, Section 14S
Jefferson 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 provide capacity improvements on Highway (Hwy.) 270 and Hwy. 365S in Jefferson County. The project is needed to accommodate increased truck traffic. Proposed improvements include adding travel lanes, extending a continuous center turn lane, and installing curbs and gutters with sidewalks. The Hwy. 270 segment of the project begins approximately 0.3 mile west of Hwy. 104 and extends approximately 2.5 miles to Interstate 530 (I-530). The Hwy. 365S segment of the project extends approximately 2.3 miles from I-530, ending approximately 0.1 mile west of the Hwy. 365 intersection. The total project length is approximately 4.8 miles. A project location map is enclosed.

The existing roadway cross sections are as follows:

Stations 161+43.87 to 292+00 – Two 12' wide travel lanes and 10' wide paved shoulders.

Stations 292+00 to 360+00 – Two 12' wide travel lanes, a 12' wide continuous center turn lane, and 4' wide paved shoulders.

Stations 360+00 to 412+70 – Four 10' wide travel lanes with concrete curb and gutter.

There are no sidewalks along the route. The existing right of way width averages approximately 120'.

The project proposes to widen the entire route by constructing four 11' wide travel lanes with a 12' continuous center turn lane. Concrete curb and gutter with a 3' wide berm and 5' wide sidewalks on both sides of the roadway will also be constructed. Approximately 5.1 acres of additional right of way and 3.2 acres of temporary construction easement will be required for this project. The proposed right of way width will average approximately 150'.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2019	12,000	11	45 mph
2039	13,000	11	45 mph

There are no wetlands, floodplains, environmental justice issues, or cultural resources associated with this project. State Historic Preservation Officer clearance is enclosed. The project will potentially require two residential relocations; *Public Law 91-646, Uniform Relocation Assistance Act of 1970*, as amended, will apply. A Wellhead Protection Area Special Provision will be required because the project is located in a wellhead protection area. Approximately 1 acre of Prime Farmland and 1 acre of Farmland of Statewide Importance will be converted to highway right of way. Form NRCS-CPA-106 for Farmland Conversion is enclosed.

The Arkansas Department of Environmental Quality is currently investigating an underground storage tank leak at a gas station located between stations 242+00 and 245+00. Due to the proximity of the tanks to the property boundary, it is likely that petroleum contamination has migrated to existing ARDOT right of way. If the project is scheduled to go to construction prior to investigation and cleanup completion, the contaminated area will be shown as a restraining condition on the final project plans. Any special work requirements in the vicinity of this restraining condition will be included in the project plans or the construction contract.

Noise predictions were made for this project using the FHWA's Transportation Noise Model 2.5 procedures. A noise analysis is enclosed.

A species list from the US Fish and Wildlife Service (USFWS) Information for Planning and Consultation website identified the federally-listed Piping Plover (*Charadrius melodus*) as potentially occurring within the project boundaries. Based on the lack of habitat and distance to known locations for the species, it was determined that the proposed project will have 'no effect' on the species. The USFWS species list is enclosed.

Impacts to waters of the United States include the extension of three existing box culverts and one existing pipe culvert, and the relocation of approximately 515 linear feet of streams. Construction activities should be allowed under the terms of a Section 404 Nationwide Permit 14 for Linear Transportation Crossings as defined in Federal Register 82 (4):1860-2008.

Please contact the Environmental Division at 501-569-2281 if you have any questions.

APPROVED

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

Sincerely,

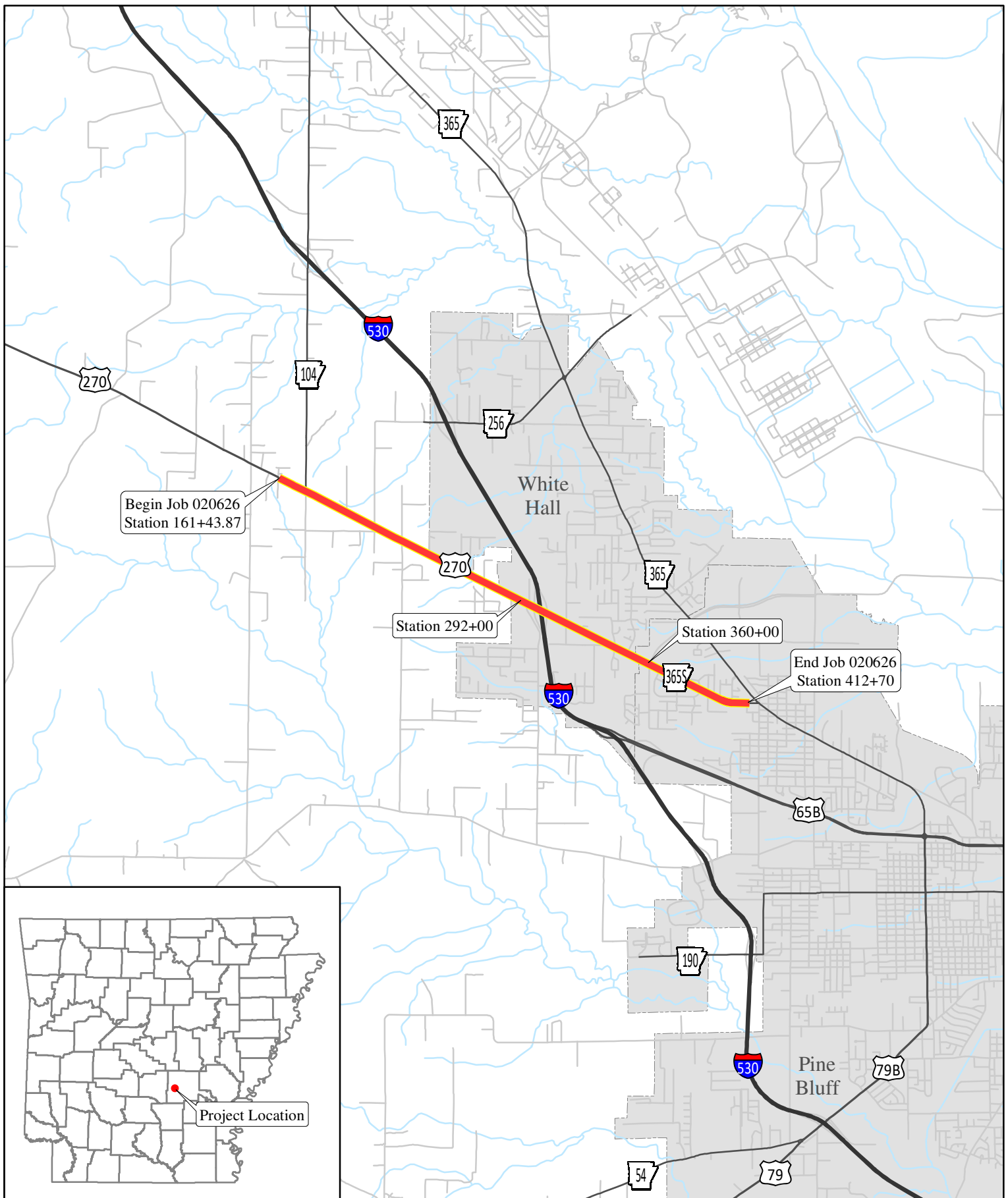


John Fleming
Division Head
Environmental Division

Enclosures

JF:MP:fc

c: Program Management
Right of Way
Roadway Design
District 2
Master File





THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum



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

An Equal Opportunity Employer

April 13, 2018

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

RECEIVED
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APR 17 2018

ENVIRONMENTAL
DIVISION

RE: Jefferson County – Oakland Heights
Section 106 Review – FHWA
Request for Technical Assistance
AHTD Job Number 020626
Hwy. 104 – Hwy. 365 (S)
AHPP Tracking Number 100558.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program has reviewed the documents included with your letter and Project Identification Form (PIF) of April 12, 2018. Since no cultural resources were encountered during the survey for the proposed road widening for this undertaking and all 46 properties were previously determined not eligible for listing in the National Register of Historic Places (NRHP), we concur that there will be no effect to historic properties as a result of this undertaking.

Tribes that have expressed an interest in the area include the Caddo Nation (Mr. Phil Cross), the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Dr. Ian Thompson), the Jena Band of Choctaw Indians (Ms. Alina J. Shively), the Osage Nation (Dr. Andrea Hunter), the Quapaw Tribe of Oklahoma (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Kim Jumper). 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

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

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Federal Agency) Job 020626		3. Date of Land Evaluation Request 3/29/18	4. Sheet 1 of _____
1. Name of Project Hwy 104 - Hwy 365 (Hwys 270/365S)		5. Federal Agency Involved FHWA	
2. Type of Project Rehab		6. County and State Jefferson 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	0.96			
B. Total Acres Statewide And Local Important Farmland	1.07			
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	5			
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	35			

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	35			
TOTAL POINTS (Total of above 2 lines)	260	135			

1. Corridor Selected: New Location Adjacent to existing	2. Total Acres of Farmlands to be Converted by Project: 0.96 acres of Prime Farmland 1.07 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: *Jim Bar* DATE *4/19/18*
NOTE: Complete a form for each segment with more than one Alternate Corridor

ARDOT JOB NUMBER 020626

NOISE ANALYSIS

Fundamentals of Sound and Noise

“Noise” is defined as an unwanted sound. Sounds are described as noise if they interfere with an activity or disturb the person hearing them. Sound is measured in a logarithmic unit called a decibel (dB). The human ear is more sensitive to middle and high frequency sounds than it is to low frequency sounds, so sound levels are weighted to more closely reflect human perceptions. These “A-weighted” sounds are measured using the decibel unit dB(A). Because the dB(A) is based on a logarithmic scale, a 10 dB(A) increase in sound level is generally perceived as twice as loud while a 3 dB(A) increase is just barely perceptible to the human ear.

Sound levels fluctuate with time depending on the sources of the sound audible at a specific location. In addition, the degree of annoyance associated with certain sounds varies by time of day, depending on other ambient sounds affecting the listener and the activities of the listener. The time-varying fluctuations in sound levels at a fixed location can be quite complex, so they are typically reported using statistical or mathematical descriptors that are a function of sound intensity and time. A commonly used descriptor of the equivalent sound level is L_{eq} , which represents the equivalent of a steady, unvarying level over a defined period of time containing the same level of sound energy as the time varying noise environment. $L_{eq}(h)$ is a sound level averaged over one hour. For highway projects, the $L_{eq}(h)$ is commonly used to describe traffic-generated sound levels at locations of outdoor human use and activity (such as residences).

Noise Impact Criteria

Traffic noise impacts occur when the predicted traffic noise levels approach or exceed the noise abatement standard, or when the predicted traffic noise levels exceed the existing noise level by 10 dB(A) (decibels on the A-scale). The noise abatement standard of 67 dB(A) is used for sensitive noise receptors such as residences, schools, churches, and parks. The term “approach” is considered to be 1 dB(A) less than the noise abatement standard.

The number of noise receptors was estimated for this project utilizing the Federal Highway Administration’s Traffic Noise Model 2.5, existing and proposed roadway information, existing traffic information, and projected traffic levels for 2039.

Traffic noise analyses

Traffic noise analyses were performed for the project utilizing a roadway cross-section for Highway 270 and Highway 365S consisting of four 11-foot paved travel lanes and a 12-foot turn lane with curb and gutter.

Effects of Project

The traffic noise estimates for the project resulted in a noise abatement distance of 105 feet from the centerline of Highway 270 and 365S. Approximately 11 sensitive receptors located along the proposed project location are predicted to experience noise impacts resulting from noise levels that approach or exceed 67dBA during the design year. These 11 receptors are currently experiencing noise impacts and should only experience a 1 or 2 decibel increase.

Traffic Noise Abatement

Since noise impacts are predicted within 500 feet of the proposed project, the feasibility and reasonableness of potential noise abatement measures must be evaluated. Based upon ARDOT's "Policy on Highway Traffic Noise Abatement", any noise abatement effort using barrier walls or berms is not warranted for this project. In order to provide direct access to the highway from adjacent properties, breaks in the barrier walls or berms would be required. These necessary breaks for highway access would render any noise barrier ineffective.

To avoid noise levels in excess of design levels, any future receptors should be located a minimum of 10 feet beyond the distance that the noise abatement standard is projected to occur. This distance should be used as a general guide and not a specific rule since the noise will vary depending upon the roadway grades and other noise contributions.

Any excessive project noise, due to construction operations, should be of short duration and have a minimum adverse effect on land uses or activities associated with this project area.

In compliance with Federal guidelines, a copy of this analysis will be transmitted to the Southeast Arkansas Planning and Development District for possible use in present and future land use planning.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480
<http://www.fws.gov/arkansas-es>

In Reply Refer To:
Consultation Code: 04ER1000-2018-SLI-0802
Event Code: 04ER1000-2018-E-01159
Project Name: Hwy. 104 - Hwy. 365

April 04, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities. Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/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: 04ER1000-2018-SLI-0802

Event Code: 04ER1000-2018-E-01159

Project Name: Hwy. 104 - Hwy. 365

Project Type: TRANSPORTATION

Project Description: Widen Hwy. 270/Hwy. 365S from two lane to five lane.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.26317820790572N92.10825302542037W>



Counties: Jefferson, AR

Endangered Species Act Species

There is a total of 1 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

Critical habitats

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

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 020626 FAP Number NHPP-0035(49)

Job Title Hwy. 104 – Hwy. 365 (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary
Cultural Resources	X			SHPO clearance enclosed
Economic	X			
Endangered Species		X		No effect; USFWS list enclosed
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife	X			
Floodplains	X			
Forest Service Property	X			
Hazardous Materials/Landfills		X		Petroleum contamination restraining condition may be required
Land Use Impacts		X		5.1 acres new ROW; 3.2 acres TCE
Migratory Birds		X		Migratory Bird SP added
Navigation/Coast Guard	X			
Noise Levels		X		Noise analysis enclosed
Prime Farmland		X		Approx. 1 acre PF & 1 acre FSI
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA		X		WHPA SP added
Relocations		X		2 potential residential relocations
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		515 LF of stream relocation; NW 14
Water Quality		X		Temporary during construction
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type NW 14

Remarks: _____

Signature of Evaluator  Date April 19, 2018

Date Sent: March 27, 2018

ROADWAY DESIGN REQUEST

Job Number 020626 FAP No. NHPP-0035(49) County Jefferson

Job Name Hwy. 104 – Hwy. 365 (S)

Design Engineer Stephen Sichmeller Environmental Staff _____

Brief Project Description Widen Hwy. 270/Hwy. 365S from 2 to 5 lanes

A. Existing Conditions:

Roadway Width: 24'/36'/40'⁽¹⁾ Shoulder Type/Width: Paved, 10'/4' ⁽¹⁾
C.C.C.&G.

Number of Lanes and Width: 2, 12' ⁽¹⁾
3, 12'
4, 10' Existing Right-of-Way: 120'

Sidewalks? No Location: N/A Width: N/A

Bike Lanes? No Location: N/A Width: N/A

B. Proposed Conditions:

Roadway Width: 56' Shoulder Type/Width: C.C.C.&G.

Number of Lanes and Width: 5, 11'-12' ⁽²⁾ Proposed Right-of-Way: 150'

Sidewalks? Yes Location: LT & RT Width: 5'

Bike Lanes? No Location: N/A Width: N/A

C. Construction Information:

If detour: Where: _____ Length: _____

D. Design Traffic Data:

2019 ADT: 12000 2039 ADT: 13000 % Trucks: 11%
Design Speed: 45 m.p.h.

E. Approximate total length of project: 4.759 mile(s)

F. Justification for proposed improvements: Capacity Improvements

G. Total Relocates: 2 Residences: 2 Businesses: _____

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

Agency/Official	Person Contacted	Date

(1) 24' roadway width, 2 lanes @ 12', and 10' shoulders: STA. 161+43.87 – 292+00
36' roadway width, 3 lanes @ 12', and 4' shoulders: STA. 292+00 – 360+00
40' roadway width, 4 lanes @ 10', and C.C.C. & G.: STA. 360+00 – 412+70

(2) 11' travel lanes
12' continuous turn lane