



## INTEROFFICE MEMORANDUM

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September 8, 2022

**TO:** Master Files

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

**SUBJECT:** Job 040826  
FAP NHFP-540-1(264)  
Hwy. 22 - I-40 (Sel. Secs.) (S)  
Route 540, Sections 1 & 2  
Crawford & Sebastian Counties  
Tier 1 Categorical Exclusion

After appropriate environmental review, it has been determined that the subject job is a Tier 1 Categorical Exclusion as described by the ARDOT/FHWA Programmatic Agreement on Categorical Exclusion Documentation and Processing. A public hearing will not be offered for this project.

This project involves utilizing a 4" mill and overlay on I-540 between Highway 22 and I-40 for a total of 7.4 miles in Crawford and Sebastian Counties. All work will take place inside the existing right of way. A project location map is attached.

The project will not involve relocations, endangered species, prime farmlands, wetlands, underground storage tanks, hazardous materials, any environmental justice issues, or cultural resources. 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 toxics concerns. The cultural resources clearance is attached.

The official species lists obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation identified the following species as potentially occurring within the project area: gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), American

burying beetle (*Nicrophorus americanus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Missouri bladderpod (*Physaria filiformis*), and monarch butterfly (*Danaus plexippus*). The official species list is attached. This project will have “no effect” on the aforementioned species due to the limited scope of the action, lack of suitable habitat, and distance to known species locations.

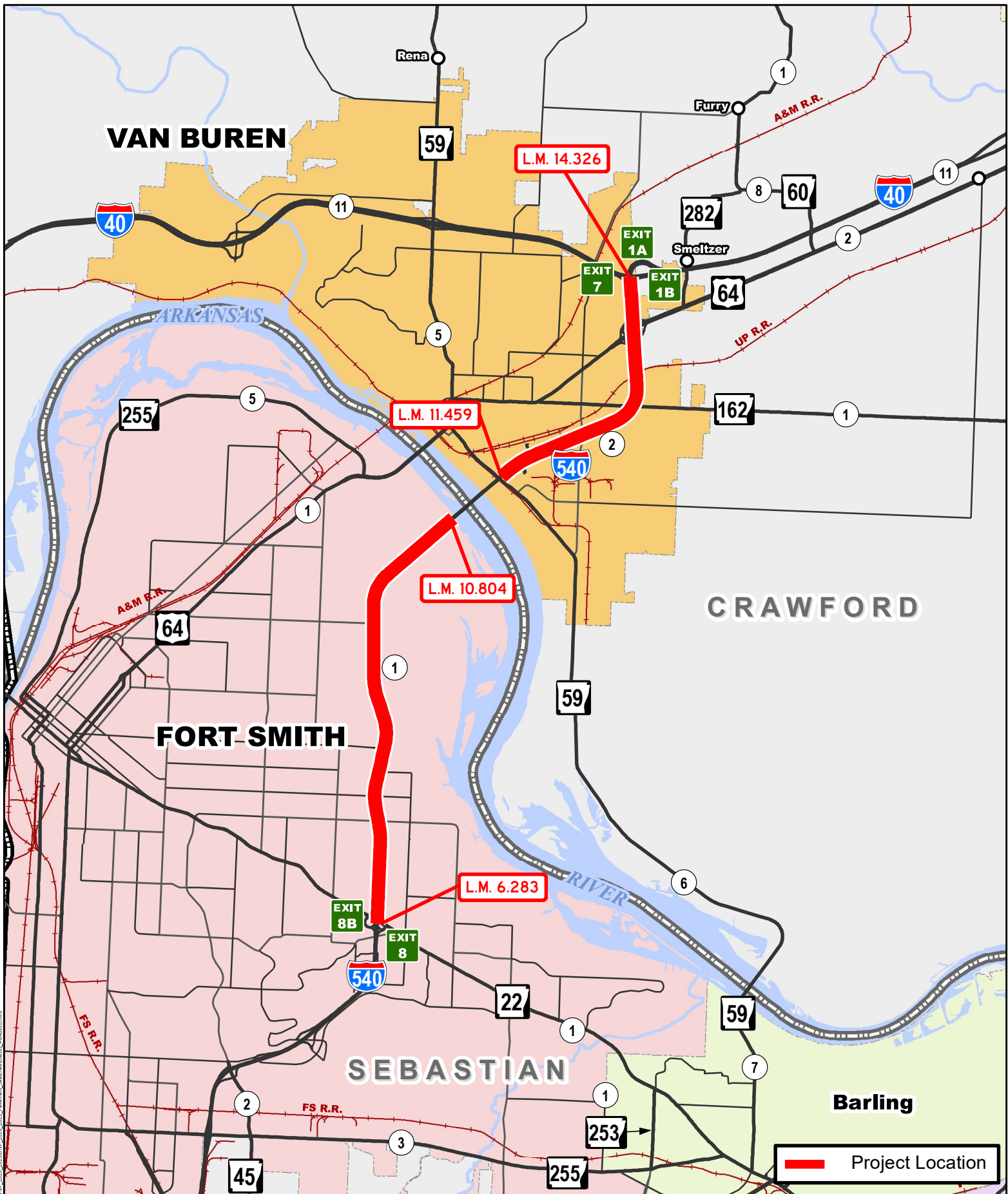
This project will not have a discharge of dredged or fill material into waters of the United States; therefore, a Section 404 permit will not be required.

JF:DH:sw

Attachments:

- Location Map
- Cultural Resources Clearance
- Environmental Study Checklist

c: Program Management  
Right of Way  
Roadway Design  
District 4  
FHWA

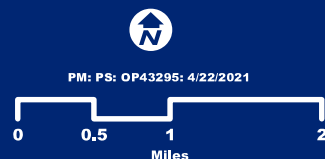


**Job 040826**

**Hwy. 22 – I-40 (Sel. Secs.) (S)**

**I-540, Secs. 1 & 2**

**Crawford & Sebastian Counties**





## INTEROFFICE MEMORANDUM

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August 9, 2021

**TO:** Job File

**FROM:** Shelby Linck, Cultural Resources Section

SL

**SUBJECT:** Cultural Resources Clearance  
Job 040826  
Hwy. 22 –I-40 (Sel. Secs.) (S)  
Route I-540, Sections 1 & 2  
Crawford & Sebastian Counties

The project proposes to UTBWC from log mile 6.283–10.804 and log mile 11.459–14.326 and complete joint repair of two bridges (A3957 and B3957) on Interstate-540 in Crawford and Sebastian Counties. No new right-of-way (ROW) will be acquired. All work will occur within the existing roadway.

A records check of the Arkansas Archeological Survey's database showed two archeological sites (3SB1077 and 3CW0044) on or immediately adjacent to the proposed project area. Site 3CW0044 was surveyed in the 1960s for the construction of I-540 and was destroyed by construction. Site 3SB1077 was a National Register of Historic Places (NRHP) site located adjacent to the project area outside of ROW and was largely destroyed by construction of a Wal-mart supercenter in 2008 after undergoing Phase III excavation. Based on records check of Arkansas Historic Preservation Program's database for NRHP properties, no previously recorded historic structures are located on or adjacent to the proposed project area. One cemetery (Holy Cross Cemetery) is located near the project area but outside of ROW.

Nineteenth through twentieth century maps were examined. The 1829 and 1838 General Land Office plat maps of Townships 9 North, Ranges 31 and 32 West show landscape features such as streams, swamps, and various fields labeled as "improvements." The Arkansas River is drawn further west of its

## Cultural Resources Clearance

Job 040826

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current location and is labeled as “Subject to Overflow” in a portion of Township 8 North, Range 32 West. The 1936 Crawford and Sebastian County maps shows development of Van Buren and Fort Smith including scatterings of small communities and structures that would have been near or intersected the project area. None of these structures, if still extant, will be affected by the rehabilitation along the course of I-540. In addition, the Trail of Tears (ToT) is mapped along the Arkansas River and is outside of ROW. Bridges A3957 and B3957 are 45 years of age or older and are within the project area. They were not evaluated for eligibility to the NRHP due to the Advisory Council on Historic Preservation’s Section 106 exemption regarding effects to the Interstate Highway System (filed on the Federal Register as 69 FR 77979-77981 and authority of 16 U.S.C. 470v; 36 CFR 800.14(c) on March 7, 2005).

The existing topography, aerial imagery, previous infrastructure and construction practices were examined to assess previous ground disturbance. This type of undertaking has no potential to cause effects to historic properties. All work will be within the existing ROW, and the scope of the project occurs within previously disturbed areas. Therefore, this project is exempt from additional Section 106 review under Appendix C, Activity 1, of the 2021 Programmatic Agreement.

# ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job 040826 FAP NHFP-540-1(264)

Job Title Hwy. 22 – I-40 (Sel. Secs.) (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Cultural Resources	X			None in project area
Economic	X			Will not be impacted by project
Endangered Species	X			No Effect determination
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife	X			None in project area
Floodplains	X			None occur in project area
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			No impacts anticipated
Navigation/Coast Guard	X			None in project area
Noise Levels	X			No increases due to project
Prime Farmland	X			None in project area
Protected Waters	X			None occur in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			No impacts anticipated
Relocates	X			No relocations
Section 4(f)/6(f)	X			4f 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			No impacts anticipated
Water Quality	X			No impacts anticipated
Wetlands	X			None in project area
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? No

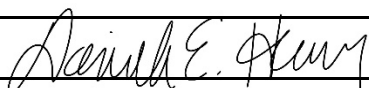
Short-term Activity Authorization Required? No

Section 404 Permit Required? No Type N/A

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

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\_\_\_\_\_

Signature of Evaluator  Date 09/02/2022