

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB 101124  
FAP NHPP-1656(5)  
HWY. 135 STRS. & APPRS. (S)  
ROUTE 135, SECTIONS 1 & 2  
POINSETT & CRAIGHEAD COUNTIES**

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

December 2022

December 6, 2022

Date of Approval



Randal Looney  
Environmental Coordinator  
Federal Highway Administration

The Environmental Division reviewed the referenced project and determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Programmatic 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 five bridges (Strs.020474, 02886, 02905, 02906, and 02907) at four sites in Poinsett and Craighead Counties. The most recent bridge inspection reports rated three of the bridges as being in “poor condition”, indicating the presence of advanced deterioration. Weight restrictions are posted for all five of the bridges. The combined total length of the project is approximately 2.0 miles. A project location map is attached.

Existing roadway typical sections have two 10’ paved travel lanes with 5’ wide paved shoulders. The existing right of way width is 40’. Proposed roadway information is as follows:

**Sites 1, 2, and 4** will have two 12’ wide paved travel lanes with 6’ (2’ paved) wide shoulders. The replacement structures at Sites 1 and 4 will be bridges; the replacement structure at Site 2 will be a reinforced concrete box culvert.

**Site 3** will have two 12’ wide paved travel lanes with 8’ wide shoulders; the replacement structure will be a bridge.

A total of approximately 14.4 acres of new right of way will be acquired for this project. The average proposed right of way width will range from 40’ to 375’. Traffic for Sites 1, 3, and 4 will be maintained on existing roadway and a temporary constructed detour will be provided for Site 2.

Design data for this project are as follows:

Site	Design Year	Average Daily Traffic	Percent Trucks	Design Speed (mph)
1, 2, and 4	2023	1,500	13	55
	2043	2,700		
3	2023	1,800	8	45
	2043	3,000		

There are no environmental justice concerns, underground storage tanks/hazardous wastes, wetlands, or cultural resource impacts associated with this project. State Historic Preservation Officer clearance is attached.

A total of two potential relocations at Site 3 have been identified; a mobile home owner considered a tenant and a property owner considered a landlord business ARDOT will investigate the potential of moving the mobile home to a different location on the property to eliminate the potential relocations on this project. *Public Law 91-646, Uniform Relocation Assistance Act of 1970*, as amended, will apply if any relocations are necessary.

A total of approximately 0.2 acre of Farmland of Statewide Importance and 12.0 acres of Prime Farmland will be converted to highway right of way. The attached Farmland Conversion Impact Rating Form provides details about the Important Farmland categories affected by the project.

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 (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 substantial increase in MSAT impacts of the project from that of the no-build alternative.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The bridge replacements will not involve adding capacity, substantially changing roadway alignments, or exposing noise sensitive land uses to traffic noise sources. In compliance with federal guidelines, local authorities will not require notification.

Poinsett and Craighead Counties participate in the National Flood Insurance Program. Site 1 is not in a Special Flood Hazard Area; Sites 2, 3, & 4 are in a 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 substantial floodplain encroachment or risk to property or life.

The attached official species list obtained through the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identifies the following federally listed species as possibly occurring in the project area: Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*); Red Knot (*Calidris canutus rufa*); Piping Plover (*Charadrius melodus*); Fat Pocketbook (*Potamilus capax*); Scaleshell (*Potamilus leptodon*); and pondberry (*Lindera melissifolia*). The list also includes the candidate monarch butterfly (*Danaus plexippus*).

The project should have no effect on the Piping Plover and Red Knot due to limited scope of the project, lack of habitat, and distance to known populations as indicated in the attached USFWS Arkansas Determination Key consistency letter. The Arkansas Determination Key determined the project may affect but is not likely to adversely affect the Eastern Black Rail, Fat Pocketbook, Scaleshell, and pondberry. The project will not jeopardize the existence of the monarch butterfly. The USFWS determination consistency letter is attached.

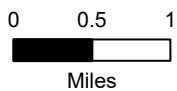
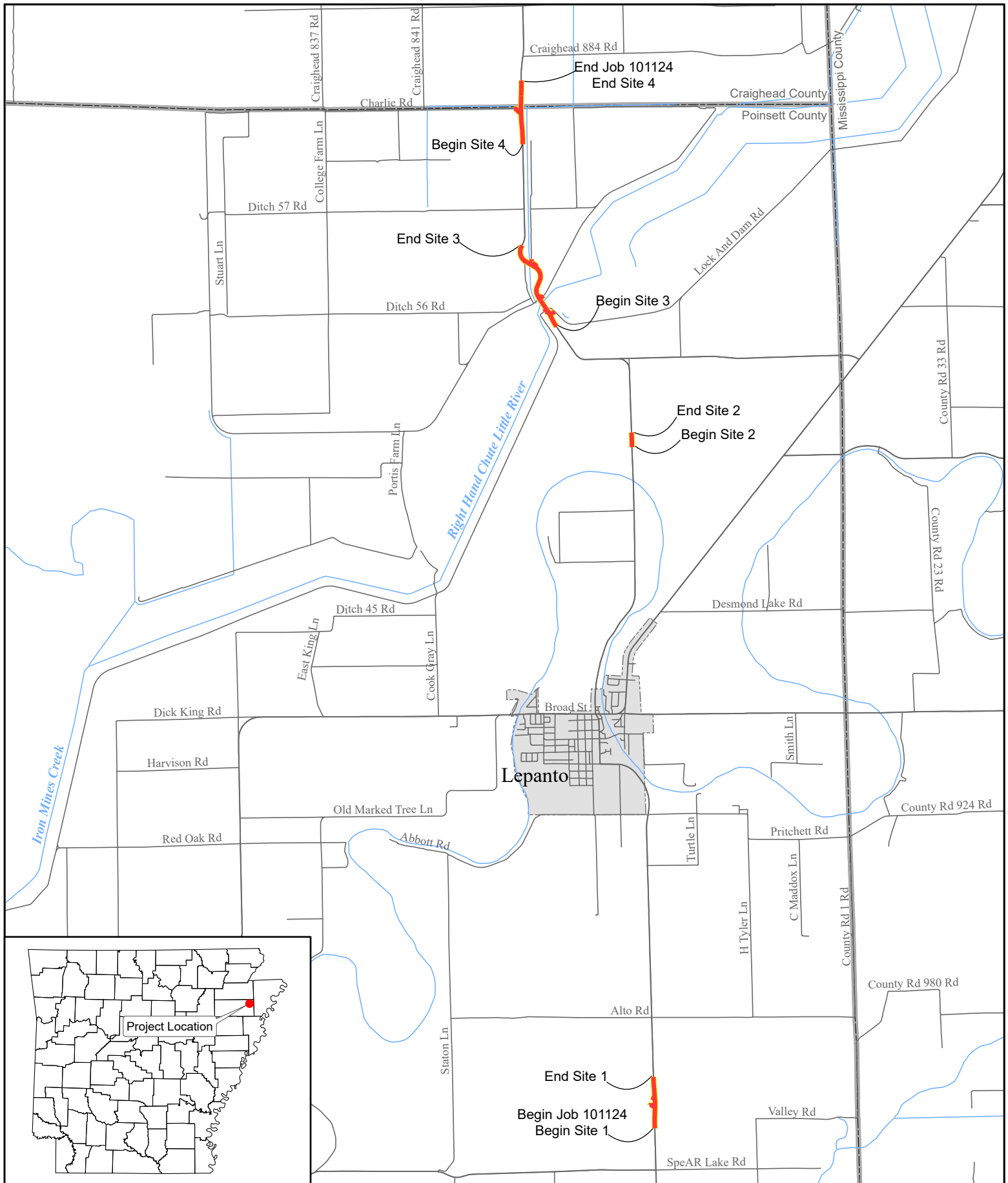
The monarch butterfly is a candidate species and as such is not federally protected under the Endangered Species Act. However, the USFWS recommends agencies implement conservation measures for candidate species in action areas as these are species, by definition, that may warrant future protection under the Act. ARDOT will plant native wildflowers after construction as a conservation measure.

The project will have a discharge of dredged or fill material into waters of the United States impacting the following approximate stream lengths: 125 linear feet (LF) of Ditch No. 1 (Site 1); 300 LF of Ditch No. 12 (Site 2); 150 LF of Right Hand Chute (Site 3); 150 LF of Buffalo Creek Ditch (Site 4); and 125 LF of an unnamed tributary to Buffalo Creek Ditch (Site 4). The project should be authorized by Nationwide Permit 14 for Linear Transportation Projects as defined in Federal Register 86(245): 73522-73583. A preconstruction notification is required.

A Phase I Virtual Public Involvement meeting was held for this project from July 25 through August 8, 2022. A synopsis for this meeting is attached.

No other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts is attached.





ARDOT - Environmental GIS - Hopkins  
August 22, 2022

Job 101124  
Hwy. 135  
Strs. and Apprs.  
Craighead & Poinsett Counties

Project Location



Asa Hutchinson  
Governor  
Stacy Hurst  
Secretary

July 11, 2022

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

RE: Craighead and Poinsett Counties: General  
Section 106 Review: FHwA  
Proposed Undertaking: Hwy. 135 Strs. & Apprs. (S)  
Route 135, Sections 1 & 2  
ARDOT Job Number: 101124  
AHPP Tracking Number: 109458.02

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Cultural Resources Survey Report for the above referenced undertaking in Craighead and Poinsett Counties, Arkansas in Section 23, Township 11 North, Range 7 East and Sections 4 and 9, Township 12 North, Range 7 East. The proposed undertaking entails the replacement of five bridges (ARDOT Numbers 028866, 02905, 02474, 02906, and 02907). The project consists of 14.39 acres of new right-way within an additional 4.92 acres of temporary construction easement for a total survey area of 19.31 acres.

An architectural resources survey recorded thirty-four properties, all of which are not eligible for inclusion in the National Register of Historic Places (NRHP)(AHPP Tracking Numbers 109458 and 109458.01). One new archeological site was recorded during the survey, though only surfaces finds were recorded (Site 3PO0676); the AHPP concurs that this site is not eligible for inclusion in the NRHP. A total of forty-tree shovel tests were excavated, all of which were negative for cultural materials.


Based on the provided information, the AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking and that no further archeological work is needed.

Tribes that have expressed an interest in the area include the Osage Nation, the Quapaw Nation, and the Shawnee Tribe. We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, call Kathryn Bryles at 501-324-9784 or email [kathryn.bryles@arkansas.gov](mailto:kathryn.bryles@arkansas.gov).

Sincerely,

Kathryn  
Bryles

 Digitally signed by  
Kathryn Bryles  
Date: 2022.07.11  
14:43:38 -05'00'

*for*

Scott Kaufman  
Director, AHPP

cc: Dr. Melissa Zabecki, Arkansas Archeological Survey

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

<b>PART I (To be completed by Federal Agency)</b> Job 101124		3. Date of Land Evaluation Request	4. Sheet 1 of _____		
1. Name of Project		5. Federal Agency Involved			
2. Type of Project		6. County and State			
<b>PART II (To be completed by NRCS)</b>		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 <input type="checkbox"/> NO <input type="checkbox"/>		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			
<b>PART III (To be completed by Federal Agency)</b>		<b>Alternative Corridor For Segment</b>			
		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					
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide And Local Important Farmland					
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					
<b>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)</b>					
<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>		Maximum Points			
1. Area in Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
TOTAL CORRIDOR ASSESSMENT POINTS		160			
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)		100			
Total Corridor Assessment (From Part VI above or a local site assessment)		160			
<b>TOTAL POINTS (Total of above 2 lines)</b>		260			
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	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:

DATE

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

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

<b>PART I (To be completed by Federal Agency)</b> Job 101124		3. Date of Land Evaluation Request <b>11/23/2022</b>	4. Sheet 1 of <b>1</b>
1. Name of Project <b>Hwy. 135 Strs. &amp; Apprs. (S)</b>		5. Federal Agency Involved <b>FHWA</b>	
2. Type of Project <b>Multiple Bridge Replacement</b>		6. County and State <b>Poinsett County, AR</b>	
<b>PART II (To be completed by NRCS)</b>		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 <input type="checkbox"/> NO <input type="checkbox"/>		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	

<b>PART III (To be completed by Federal Agency)</b>	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	<b>7.69 acres</b>			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>0 acre</b>			
C. Total Acres In Corridor	<b>7.69 acres</b>			

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
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				

<b>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)</b>	<b>100</b>			
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	Maximum Points				
1. Area in Nonurban Use	15	12			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	14			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	8			
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			
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>49</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	100	100	0	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	49	0	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>149</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Corridor Selected: <b>Corridor A</b>	2. Total Acres of Farmlands to be Converted by Project: <b>7.69 acres of Imp. Farmland</b>	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: Joshua Graham DATE **11/23/2022**

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

**From:** [Lewis, Lindsey](#)  
**To:** [Matthews, Mickey W.](#)  
**Subject:** Re: [EXTERNAL] 101124 - Hwy 135 Strs & Apprs. (S)  
**Date:** Wednesday, November 9, 2022 8:49:04 AM

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Mickey,

As stated in the Consistency Letter, the Service concurs with the "No Effect" and "NLAA" determination(s) for the listed species identified. No further consultation for this project is required for these species. The verification letter confirms you may rely on effect determinations provided in the Arkansas Determination Key for project review and guidance for federally listed species to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA)."

The Service has no additional comments or concerns and agrees with the determinations, justifications provided, freshwater mussel survey results, Monarch Butterfly determination, and concurrences made through the Arkansas Dkey.

Thanks,

Lindsey Lewis  
Biologist

US Fish & Wildlife Service  
Arkansas Field Office  
110 South Amity Rd., Suite 300  
Conway, Arkansas 72032

(501) 513-4489 - voice  
(501) 513-4480 - fax  
[Lindsey\\_Lewis@fws.gov](mailto:Lindsey_Lewis@fws.gov)  
<http://www.fws.gov/arkansas-es/>

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**From:** Matthews, Mickey W. <Mickey.Matthews@ardot.gov>  
**Sent:** Tuesday, November 8, 2022 1:02 PM  
**To:** Lewis, Lindsey <lindsey\_lewis@fws.gov>  
**Subject:** [EXTERNAL] 101124 - Hwy 135 Strs & Apprs. (S)

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Lindsey,

ArDOT is replacing six bridges and one bridge with a R.C. Box Culvert along Hwy. 135 in Craighead and Poinsett Counties.

I have attached the updated IPAC species list for your convenience. The project should have no effect on the Piping Plover (*Charadrius melodus*) and Red Knot (*Calidris canutus rufa*) due to limited scope of the project, lack of habitat, and distance to known populations as indicated in the USFWS Arkansas DKey consistency letter (attached). The Arkansas DKey determined the project is not likely to adversely affect the Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Fat Pocket (*Potamilus capax*), the Scaleshell (*Potamilus leptodon*), and pondberry (*Lindera melissifolia*). The project will not jeopardize the existence of the monarch butterfly (*Danaus plexippus*)

The Arkansas Department of Transportation is requesting concurrence with these effects determinations. Please contact me if you have any questions.

Mickey Matthews

Lead Natural Resources Specialist

Environmental Division-Natural Resources Section

Arkansas Department of Transportation

10324 I-30 P.O. Box 2261

Little Rock, Arkansas 72203

Office: (501) 569-2594

Fax: (501) 569-2009



## 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



In Reply Refer To:  
Project code: 2023-0013574  
Project Name: 101124 - Hwy 135 Strs & Apprs. (S)

November 08, 2022

Subject: Concurrence verification letter for '101124 - Hwy 135 Strs & Apprs. (S)' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear Mickey Matthews:

The U.S. Fish and Wildlife Service (Service) received on **November 08, 2022** your effect determination(s) for the '101124 - Hwy 135 Strs & Apprs. (S)' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers, and the assistance in the Service's Arkansas DKey, you made the following effect determination(s) for the proposed Action, including species protective measures that you confirmed will be implemented.

Species	Listing Status	Determination
Eastern Black Rail ( <i>Laterallus jamaicensis ssp. jamaicensis</i> )	Threatened	NLAA
Fat Pocketbook ( <i>Potamilus capax</i> )	Endangered	NLAA
Piping Plover ( <i>Charadrius melodus</i> )	Threatened	No effect
Pondberry ( <i>Lindera melissifolia</i> )	Endangered	NLAA
Red Knot ( <i>Calidris canutus rufa</i> )	Threatened	No effect
Scaleshell Mussel ( <i>Leptodea leptodon</i> )	Endangered	NLAA

### Status

The Service concurs with the NLAA determination(s) for the species listed above. No further consultation for this project is required for these species. Your agency has met consultation



requirements by informing the Service of your “No Effect” determinations. No consultation for this project is required for species that you determined will not be affected by this action.

This concurrence verification letter confirms you may rely on effect determinations you reached by considering the Arkansas DKey to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA). No further consultation for this project is required for species that you determined will not be affected by this action.

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate this key in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information reveals the action may affect listed species or designated critical habitat; 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

**Bald and Golden Eagle Protection Act:** The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the Bald and Golden Eagle Protection Act may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. Activity specific guidelines begin on page 10 of the document. To access a copy of the National Bald Eagle Management Guidelines please visit the Service's Bald and Golden Eagle Management webpage and scroll down to the Guidance and Tools section: <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. To obtain an application form or contact information for Regional Migratory Bird Permit Offices please visit the Service's Bald and Golden Eagle Management webpage and scroll down to the Permits section: <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

101124 - Hwy 135 Strs & Apprs. (S)

**2. Description**

The following description was provided for the project '101124 - Hwy 135 Strs & Apprs. (S)':

Replacing 6 bridges with new bridges and one with a RC box culvert.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.6735657,-90.33824669991814,14z>



## **Species Protection Measures**

Stream or Ditch Relocation

<https://www.fws.gov/southeast/pdf/species-protective-measures/stream-or-ditch-relocation-projects.pdf>

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## Qualification Interview

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").

No

2. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

3. Are you the the action agency or the designated non-federal representative?

Yes

4. Choose the agency you represent in this consultation with the U.S. Fish and Wildlife Service:

*d. Federal Highway Administration*

5. Will project proponents follow [Special Provisions for avoidance and minimization](#) measures for listed species in Arkansas?

Yes

6. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?

**Automatically answered**

No

7. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?

**Automatically answered**

No

8. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?

**Automatically answered**

No

9. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?

**Automatically answered**

No

10. [Semantic] Does the project intersect the American burying beetle consultation area?

**Automatically answered**

No

11. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?

**Automatically answered**

No

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12. [Semantic] Does the project intersect the Eastern black rail AOI?  
**Automatically answered**  
*Yes*
13. Will the project take place in freshwater herbaceous wetlands and/or wet prairies?  
*Yes*
14. Will any part of the project take place between March 15 and May 15 OR between July 15 and October 1?  
*Yes*
15. [Semantic] Does the project intersect the red knot AOI?  
**Automatically answered**  
*Yes*
16. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
*No*
17. Does the project take place in marshy or flooded open field habitat?  
*No*
18. [Semantic] Does the project intersect the Piping Plover AOI?  
**Automatically answered**  
*Yes*
19. [Semantic] Does the project intersect the Whooping Crane AOI?  
**Automatically answered**  
*No*
20. [Semantic] Does the project intersect the interior least tern AOI?  
**Automatically answered**  
*No*
21. [Semantic] Does the project intersect the Gray Bat AOI?  
**Automatically answered**  
*No*
22. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?  
**Automatically answered**  
*No*
23. [Semantic] Does the project intersect the Indiana bat AOI?  
**Automatically answered**  
*No*
24. [Semantic] Does the project intersect the Northern Long-eared bat AOI?  
**Automatically answered**  
*No*
25. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?  
**Automatically answered**  
*No*
-

26. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?  
**Automatically answered**  
*No*
27. [Semantic] Does the project intersect the Ozark cavefish AOI?  
**Automatically answered**  
*No*
28. [Semantic] Does the project intersect the Missouri bladderpod AOI?  
**Automatically answered**  
*No*
29. [Semantic] Does the project intersect the Geocarpon AOI?  
**Automatically answered**  
*No*
30. [Semantic] Does the project intersect the running buffalo clover AOI?  
**Automatically answered**  
*No*
31. [Semantic] Does the project intersect the Pondberry AOI?  
**Automatically answered**  
*Yes*
32. Does the project contain any of the following activity types: Dams or Impoundments (including berms or levees), Municipal or industrial effluent discharge, Mining, Mine reclamation, Disposal of mine wastewater or tailings, Construction of natural gas or oil well pads, Construction greater than 40 acres, Dredging or snag removal, Energy development within floodplain, or OHV trail construction or maintenance?  
*No*
33. Does the project contain any of the following activity types: Boat Ramps, Bridges, Culverts, Residential or Commercial Development, Streambank Stabilization (or other streambank work), Pipeline and linear projects, Water intakes/withdrawals, Forest conversion within 100 feet of occupied streams, or Stream or ditch relocation, straightening, or armoring?  
*Yes*
34. Does the project include Streambank Stabilization (or other streambank work)?  
*No*
35. Does the project include Boat Ramps?  
*No*
36. Does the project include Bridges and Culverts?  
*Yes*
37. Does the project include the Bridges and Culverts species [protective measures](#), as applicable to the project and site characteristics?  
*No*
-

38. Does the project include Development?  
*No*
39. Is the project a Pipeline or Linear Project?  
*No*
40. Does the project include Water Intakes/Withdrawals?  
*No*
41. Does the project include Stream or Ditch Relocation, Straightening, or Armoring?  
*Yes*
42. Does the project include the Stream or Ditch Relocation species [protective measures](#), as applicable to the project and site characteristics?  
*Yes*
43. [Semantic] Does the project intersect the rabbitsfoot AOI?  
**Automatically answered**  
*No*
44. [Semantic] Does the project intersect the neosho mucket AOI?  
**Automatically answered**  
*No*
45. [Semantic] Does the project intersect the Spectaclecase AOI?  
**Automatically answered**  
*No*
46. [Semantic] Does the project intersect the snuffbox AOI?  
**Automatically answered**  
*No*
47. [Semantic] Does the project intersect the speckled pocketbook AOI?  
**Automatically answered**  
*No*
48. [Semantic] Does the project intersect the ouachita rock pocketbook AOI?  
**Automatically answered**  
*No*
49. [Semantic] Does the project intersect the fat pocketbook AOI?  
**Automatically answered**  
*Yes*
50. Does the project occur in a perennial flowing stream or ditch?  
*Yes*
51. Have you contacted the Arkansas Ecological Services Office to determine if a species or suitable habitat survey is recommended for this project?  
*Yes*
-

52. Was a species survey recommended by the Arkansas ES Field Office?

Yes

53. Has a presence/absence survey been conducted by a permitted biologist with valid survey results?

Yes

**SUBMITTED DOCUMENTS**

- 101124 Mussel Survey Report.docx <https://ipac.ecosphere.fws.gov/project/Z6ZHZA5VUNDBZPFKVN7BQ6J35Q/projectDocuments/119002250>

54. Were fat pocketbook found on the survey?

No

55. [Semantic] Does the project intersect the Curtis pearlymussel AOI?

**Automatically answered**

No

56. [Semantic] Does the project intersect the scaleshell AOI?

**Automatically answered**

Yes

57. [Semantic] Does the project intersect the Scaleshell survey coordination area?

**Automatically answered**

Yes

58. Have you contacted the Arkansas Ecological Services Office to determine if a species or suitable habitat survey is recommended for this project?

Yes

59. Was a species survey recommended by the Arkansas ES Field Office?

Yes

60. Has a presence/absence survey been conducted by a permitted biologist with valid survey results?

Yes

**SUBMITTED DOCUMENTS**

- 101124 Mussel Survey Report.docx <https://ipac.ecosphere.fws.gov/project/Z6ZHZA5VUNDBZPFKVN7BQ6J35Q/projectDocuments/119002250>

61. Were scaleshell found on the survey?

No

62. [Semantic] Does the project intersect the pink mucket AOI?

**Automatically answered**

No

---



63. [Semantic] Does the project intersect the Arkansas fatmucket AOI?  
**Automatically answered**  
*No*
64. [Semantic] Does the project intersect the winged mapleleaf AOI?  
**Automatically answered**  
*No*
65. [Semantic] Does the project intersect the leopard darter AOI?  
**Automatically answered**  
*No*
66. [Semantic] Does the project intersect the Yellowcheek darter AOI?  
**Automatically answered**  
*No*
67. [Semantic] Does the project intersect the Ozark hellbender AOI?  
**Automatically answered**  
*No*
68. [Semantic] Does the project intersect the harperella AOI?  
**Automatically answered**  
*No*
69. [Semantic] Does the project intersect the pallid sturgeon AOI?  
**Automatically answered**  
*No*
70. [Semantic] Does the project intersect the interior least tern range?  
**Automatically answered**  
*No*
-

**IPaC User Contact Information**

Agency: Arkansas Department of Transportation  
Name: Mickey Matthews  
Address: 10324 I-30 PO Box 2261  
City: Little Rock  
State: AR  
Zip: 72203  
Email: [mickey.matthews@ahtd.ar.gov](mailto:mickey.matthews@ahtd.ar.gov)  
Phone: 5015692594

**Lead Agency Contact Information**

Lead Agency: Federal Highway Administration

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Arkansas Ecological Services Field Office  
110 South Amity Suite 300  
Conway, AR 72032-8975  
Phone: (501) 513-4470 Fax: (501) 513-4480



In Reply Refer To:  
Project Code: 2023-0013574  
Project Name: 101124 - Hwy 135 Strs & Apprs. (S)

November 08, 2022

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

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, 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.*).

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.

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.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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 Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

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Attachment(s):

- Official Species List

## Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

## Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	Endangered
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5881">https://ecos.fws.gov/ecp/species/5881</a>	Endangered

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

## Critical habitats

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

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## **IPaC User Contact Information**

Agency: Arkansas Department of Transportation  
Name: Mickey Matthews  
Address: 10324 I-30 PO Box 2261  
City: Little Rock  
State: AR  
Zip: 72203  
Email: [mickey.matthews@ahtd.ar.gov](mailto:mickey.matthews@ahtd.ar.gov)  
Phone: 5015692594

## **Lead Agency Contact Information**

Lead Agency: Federal Highway Administration

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# VIRTUAL PUBLIC INVOLVEMENT SYNOPSIS

**Job 101124**

**Hwy. 135 Str. & Apprs. (Hwy. 135) (S)**

**Craighead and Poinsett Counties**

**Monday, July 25 through Monday, August 8, 2022**

A Phase I Virtual Public Involvement (VPI) meeting for the proposed project to replace five bridges on Highway 135 in Craighead and Poinsett Counties was hosted on the ARDOT website from July 25 through August 8, 2022. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in the *Jonesboro Sun* on Sunday, July 24 and Sunday, August 7, 2022.
- Display advertisement placed in the *Poinsett County Democrat Tribune* on Wednesday, July 20 and Wednesday, August 3, 2022
- Letters mailed to public officials on July 21, 2022
- Flyers mailed to citizens in the project area

The following information and links were available on the website:

- Public meeting notice
- Short video presentation about the project
- Project location map
- Project design plans
- Online comment form
- Interactive project map
- Frequently asked questions with answers

Copies of the public meeting notice, project location map, and comment form are attached.

Table 1 summarizes VPI meeting participation.

<b>TABLE 1</b>	
<b>Public Participation</b>	<b>Totals</b>
Online registration of attendance	10
Number of website viewers (English/Spanish)	499/51
Online comments received	3
<b>Total comments received</b>	<b>3</b>

Table 2 summarizes responses received during the VPI comment period.

<b>TABLE 2</b>	
<b>Survey Results</b>	<b>Totals</b>
Feel proposed project is needed	3
Feel proposed project will have beneficial impacts	2
Feel proposed project will have adverse impacts	1
Had suggestions to better serve the needs of the community	2

The following summarizes comments about the project:

- Proposed alignments should be on the opposite side of the road to avoid utility and property impacts, including septic tank, driveway, storm cellar and shed, and trees
- Two additional two bridges should be included in the project

Attachments:

Public Meeting Notice  
Blank Comment Form  
VPI Exhibit

DN:MP:sw



## ONLINE VIRTUAL PUBLIC INVOLVEMENT MEETING

Hwy. 135 Strs. & Apprs. (Craighead & Poinsett Counties) Job 101124

# You're Invited!

**What:** The Arkansas Department of Transportation (ARDOT) will conduct an Online Virtual Public Involvement Meeting via a pre-recorded presentation, to gather public input, on the proposed plans to replace 4 bridges and 1 structure along Hwy. 135 in Craighead & Poinsett Counties.

**When:** Monday, July 25, 2022 through Monday, August 8, 2022.

**Where:** [www.ardot.gov/publicmeetings](http://www.ardot.gov/publicmeetings)

Comment form availability until 4:30 p.m.  
**Monday, August 8, 2022**

Link to Project Information:

[www.ardot.gov/publicmeetings](http://www.ardot.gov/publicmeetings)

For further assistance, contact Karla Sims:

Phone: (501) 569-2000 or e-mail: [karla.sims@ardot.gov](mailto:karla.sims@ardot.gov)

### Special Accommodations:

Anyone needing project information or special accommodations under the Americans with Disabilities Act (ADA) is encouraged to write to Ruby Jordan-Johnson, P.O. Box 2261, Little Rock, AR 72203-2261, call (501)569-2379, fax (501)569-2009 or email [environmentalpublicmeetings@ardot.gov](mailto:environmentalpublicmeetings@ardot.gov). Hearing or speech impaired, please contact the Arkansas Relay System at (Voice/TTY 711). Requests should be made at least four days prior to the public meeting.

### Notice of Nondiscrimination

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance.

Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden EEO/DBE Officer (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: [joanna.mcfadden@ardot.gov](mailto:joanna.mcfadden@ardot.gov)

Free language assistance for Limited English Proficient individuals is available upon request.. This notice is available from the ADA/504/Title VI Coordinator in large print, on audio tape and in Braille.

**ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT)  
CITIZEN COMMENT FORM**

**ARDOT JOB 101124  
HWY. 135 STRS. & APPRS. (HWY. 135)  
CRAIGHEAD & POINSETT COUNTIES**

**LOCATION:  
ONLINE VIRTUAL PUBLIC INVOLVEMENT MEETING  
MONDAY, JULY 25, 2022 THROUGH MONDAY, AUGUST 8, 2022**

Make your comments on this form and mail it by 4:30 p.m. on **Monday, August 8, 2022** to: Arkansas Department of Transportation, Environmental Division, P.O. Box 2261, Little Rock, AR, 72203-2261. Email: [environmentalpimeetings@ardot.gov](mailto:environmentalpimeetings@ardot.gov).

Yes

☐

No

☐

Do you feel there is a need for the proposed replacement of 5 bridge structures along Hwy. 135 in Craighead and Poinsett Counties?  
Comment (optional)

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Do you feel that the proposed project will have any impacts

(☐ Beneficial or ☐ Adverse) on your property and/or community (economic, environmental, social, etc.)? Please explain. \_\_\_\_\_

---

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☐☐

Do you have a suggestion that would make this proposed project better serve the needs of the community? \_\_\_\_\_

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☐☐

Does your home or property offer any limitations to the project, such as septic systems, that the Department needs to consider in its design? .

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(Continue on Back)

Yes      No

☐☐

Do you know of any historical sites, family cemeteries, or archaeological sites in the project area? Please note and discuss with staff. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐☐

Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with ARDOT staff. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

It is often necessary for the ARDOT to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name: \_\_\_\_\_ (Please Print)

Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_--\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Please make additional comments here. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

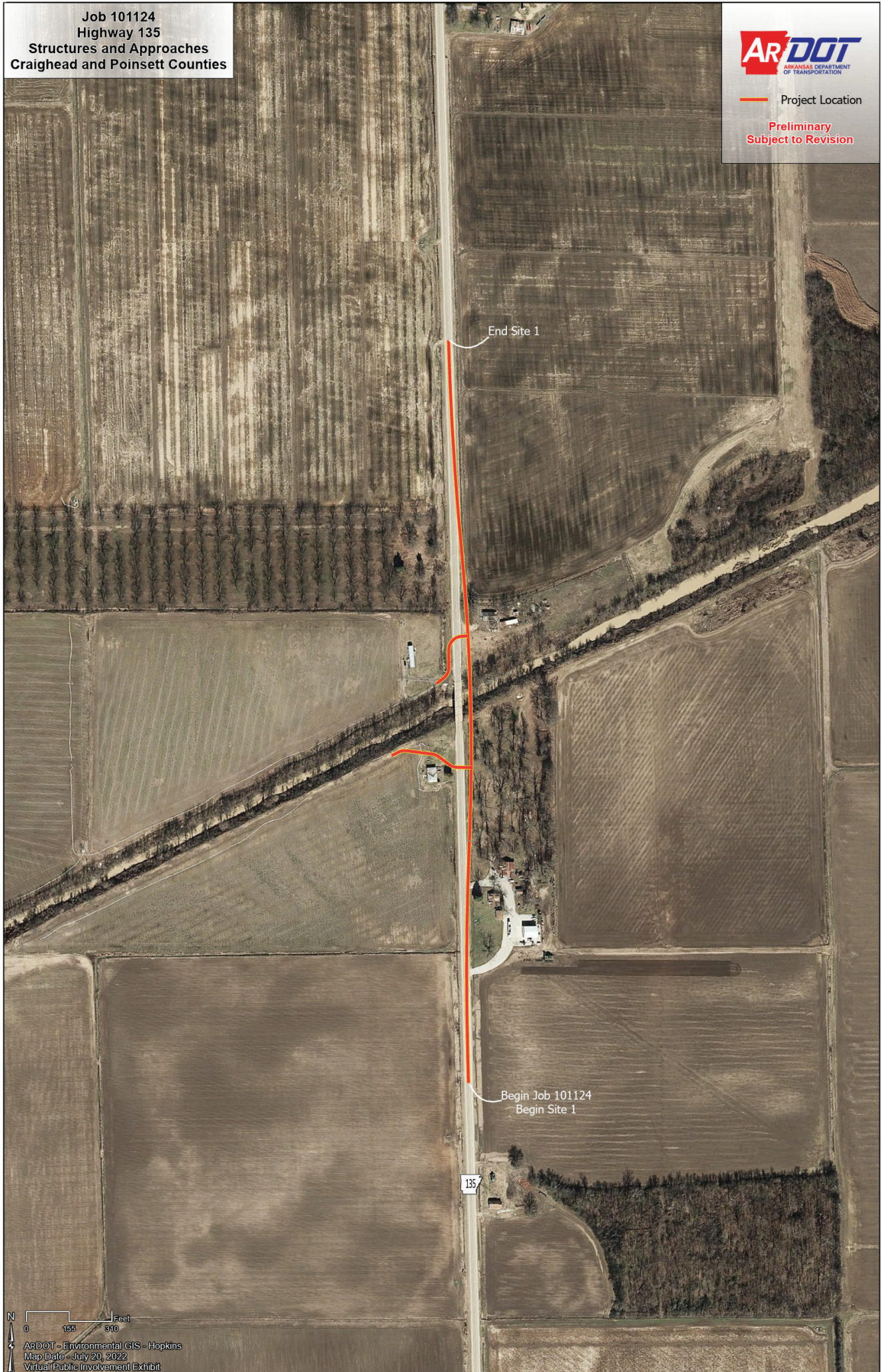
\_\_\_\_\_

For additional information, please visit our website at

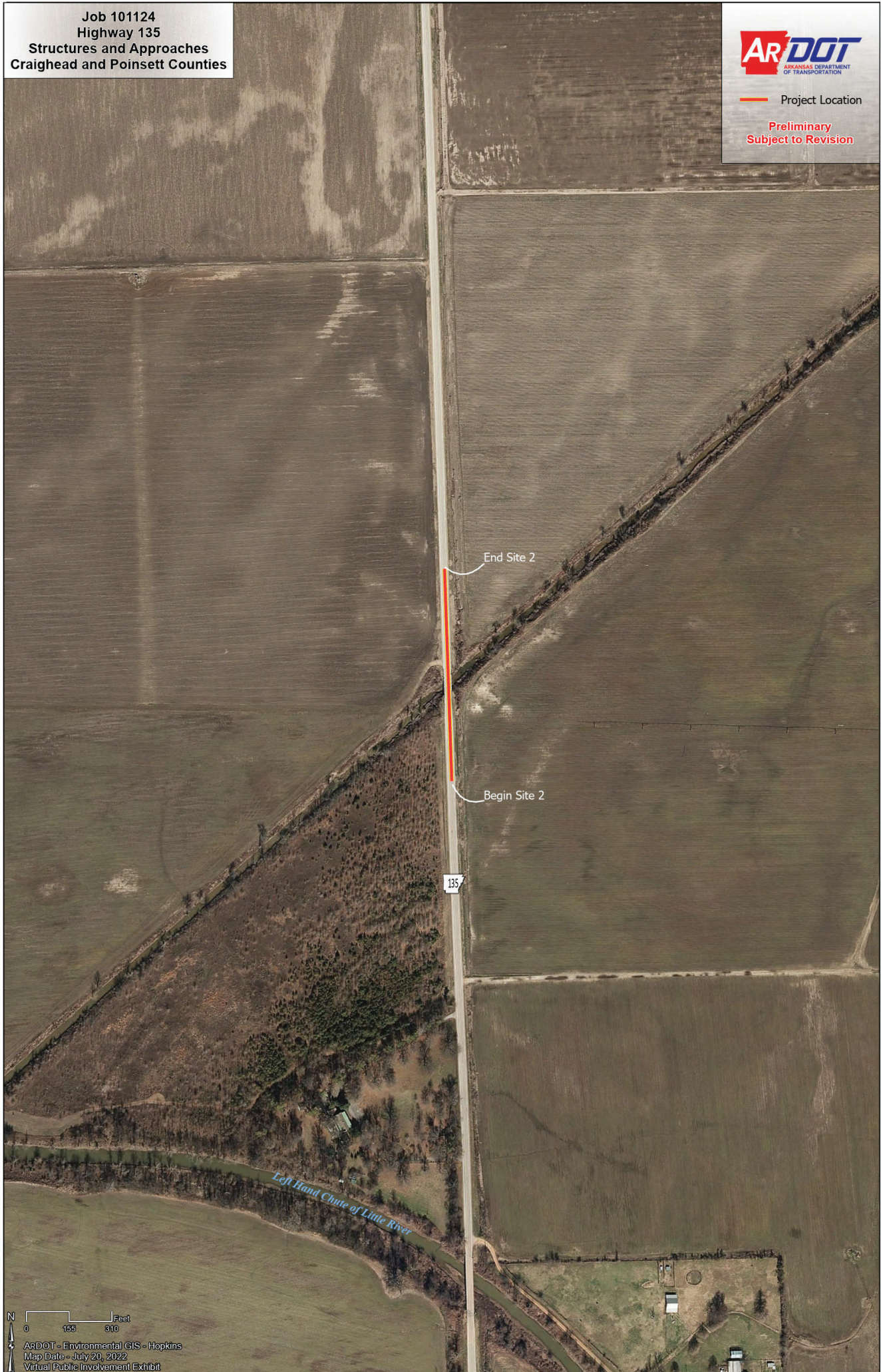
[www.ardot.gov/publicmeetings](http://www.ardot.gov/publicmeetings)

















Job 101124  
Highway 135  
Structures and Approaches  
Craighead and Poinsett Counties



Project Location

Preliminary  
Subject to Revision

135

End Job 101124  
End Site 4

Begin Site 4

N  
0 155 310 Feet

ARDOT - Environmental GIS - Hopkins  
Map Date - July 20, 2022  
Virtual Public Involvement Exhibit



# ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job 101124 FAP NHPP-1656(5)

Job Title Hwy 135 Strs. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT, no impacts
Cultural Resources	X			SHPO clearance attached
Economic	X			No adverse impacts
Endangered Species	X			NLAA determinations (USFWS concurrence dated 11/9/22)
Environmental Justice/Title VI	X			No impacts anticipated
Fish and Wildlife		X		Minor impacts during construction
Floodplains		X		Zone A SFHA
Forest Service Property	X			None in the project area
Hazardous Materials/Landfills	X			None identified in the project area
Land Use		X		Approx. 14.34 acres new ROW
Migratory Birds	X			Migratory Bird SP will be added
Navigation/Coast Guard	X			None in the project area
Noise Levels	X			Noise analysis not required
Prime Farmland		X		Total 0.23 acre Statewide Importance; 12.07 acres PF (NRCS Form attached) *
Protected Waters	X			None in the project area
Public Recreation Lands	X			None in the project area
Public Water Supply/WHPA	X			None in the project area
Relocatees		X		Two total: one residence; one business
Section 4(f)/6(f)				No Section 4(f)/6(f) resources in area
Social	X			No adverse impacts
Underground Storage Tanks	X			None identified in project footprint
Visual	X			Visual analysis not required
Streams		X		Minor impacts during construction
Water Quality		X		Minor impacts during construction
Wetlands	X			None in project area
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? N

Short-term Activity Authorization Required? Y

Section 404 Permit Required? Y Type NWP 14 PCN required

Remarks: .

\* Prime Farmland acreages by category: 0.95 PFL; 5.21 if drained; 5.91 if protected from flooding

Signature of Evaluator Mary Pearson Date 08/03/22

Date Sent: July 27, 2022

## ROADWAY DESIGN REQUEST

Job Number 101124 FAP No. NHPP-1656(5) Counties Craighead & Poinsett

Job Name Hwy. 135 Strs. & Apprs. (S)

Design Engineer George W. Davison *GWD* Environmental Staff \_\_\_\_\_

Detailed Project Description This project will replace 5 bridges at 4 sites on Hwy. 125. Sites 1 & 4 will each replace one bridge with a new bridge on new location. Site 2 will replace the existing bridge with a box culvert on existing location. Site 3 will replace two bridge structures with two new bridges on new location. Sites 1, 3, & 4 will maintain traffic on the existing roadway until the new structures are complete and traffic can be switched onto the new bridges and the existing bridges and approaches removed. Site 2 will construct a detour to maintain traffic while the existing bridge is removed, and the new box culvert is constructed. The detour will be removed once traffic is shifted onto the finished roadway over the box culvert.

A. Existing Conditions:

Roadway Width: 30' Shoulder Type/Width: 5' Paved

Number of Lanes and Width: 2 – 10' Existing Right-of-Way: 40'

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

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

B. Proposed Conditions:

Roadway Width: 36'<sup>(1)(2)(4)</sup>  
40'<sup>(3)</sup> Shoulder Type/Width: 6' Paved<sup>(1)(2)(4)</sup>  
8' Paved<sup>(3)</sup>

Number of Lanes and Width: 2 (12') Proposed Right-of-Way: 40' – 375'

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

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

C. Construction Information:

If detour: Where: Site 2 - East Length: 0.149 mi.

D. Design Traffic Data:

2023 ADT: 1500<sup>(1)(2)(4)</sup>  
2700<sup>(3)</sup> 2043 ADT: 1800<sup>(1)(2)(4)</sup>  
3000<sup>(3)</sup> % Trucks: 13%<sup>(1)(2)(4)</sup>  
55<sup>(1)(2)(4)</sup> Design Speed: 45<sup>(3)</sup> m.p.h. 8%<sup>(3)</sup>

<sup>(1)</sup>Site 1

<sup>(2)</sup>Site 2

<sup>(3)</sup>Site 3

<sup>(4)</sup>Site 4

E. Approximate total length of project: 2.087 mile(s)

F. Justification for proposed improvements:

<sup>(1)</sup>Br. 02886 – Concrete deck in serious condition, many past full depth failures, & posted for insufficient load.

<sup>(2)</sup>Br. 02905 – Posted for insufficient load.

<sup>(3)</sup>Br. 02474 – Superstructure & substructure are in poor condition and bridge is posted for insufficient load.

<sup>(3)</sup>Br. 02906 – Superstructure is in serious condition and bridge is posted for insufficient load.

<sup>(4)</sup>Br. 02907 – Superstructure in fair condition and bridge is posted for insufficient load.

G. Total Relocates: 2 (Site 3) Residences: 1 (Site 3) Businesses: 1 (Site 3)

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date

<sup>(1)</sup>Site 1

<sup>(2)</sup>Site 2

<sup>(3)</sup>Site 3

<sup>(4)</sup>Site 4

**TIER 3 CATEGORICAL EXCLUSION  
RE-EVALUATION**

**ARDOT JOB 101124  
FAP NHPP-1656(5)  
HWY. 135 STRS. & APPRS. (S)  
ROUTE 135, SECTIONS 1 & 2  
POINTSETT & CRAIGHEAD COUNTIES**

Submitted Pursuant to 42 U.S.C. 4332(2)

By the

U.S. Department of Transportation

Federal Highway Administration

And the

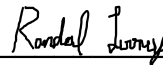
Arkansas Department of Transportation

August 2023

August 29, 2023

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Date of Approval



---

Randal Looney  
Environmental Coordinator  
Federal Highway Administration

A Tier 3 Categorical Exclusion was completed for the subject project in December 2022. Since that time, design revisions were made to add two bridge replacement sites (Site 1 for Str. 02884 and Site 2 for Str. A2885) for a total of six sites. The Environmental Division reviewed the proposed changes and determined the project will remain a Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Programmatic Agreement on the processing of Categorical Exclusions.

The existing cross sections have two 10' wide paved travel lanes and 4' wide paved shoulders. The existing right of way width is 120'. The proposed cross sections will have two 12' wide paved shoulders with 6' wide paved shoulders. The right of way width will be 140'.

The design revisions increased the total length of the project from approximately 2.0 miles to 3.2 miles. The total amount of right of way acquisition increased from approximately 14.4 acres to 24.2 acres. An additional 7.7 acres of Important Farmland will be converted to transportation use, increasing the project total from approximately 12.0 acres to 19.7 acres. The Farmland Conversion Impact Rating form is attached for the additional impacts.

The design changes included renumbering the previous sites. Revised design data for the project is as follows:

Site	Design Year	Average Daily Traffic	Percent Trucks	Design Speed (mph)
1 and 2	2023	1,100	6	55
	2043	1,300		
3, 4, and 6	2023	1,500	13	55
	2043	2,700		
5	2023	1,800	8	45
	2043	3,000		

There are no additional relocations, environmental justice concerns, underground storage tanks/hazardous wastes, or cultural resource impacts associated with this project. State Historic Preservation Officer clearances are attached.

The attached official species list obtained through U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identifies the following federally listed species as having the potential to occur in the project area: Northern Long-eared Bat (*Myotis septentrionalis*); Tricolored Bat (*Perimyotis subflavus*); Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*); Red Knot (*Calidris canutus rufa*); Piping Plover (*Charadrius melodus*); Fat Pocketbook (*Potamilus capax*); Scaleshell (*Potamilus leptodon*); pondberry (*Lindera melissifolia*); Monarch Butterfly (*Danaus plexippus*); and Alligator Snapping Turtle (*Macrochelys temminckii*).

Utilizing the Arkansas Determination Key, it has been determined that the project will have "no effect" on the Eastern Black Rail, Piping Plover, Red Knot and pondberry due to limited scope of the project, lack of habitat, and distance to known populations. It was also determined the project "may affect but is not likely to adversely affect" the Fat Pocketbook and Scaleshell. The project will not jeopardize the existence of the Monarch Butterfly, Tricolored Bat, or Alligator Snapping Turtle. USFWS concurrence is attached.

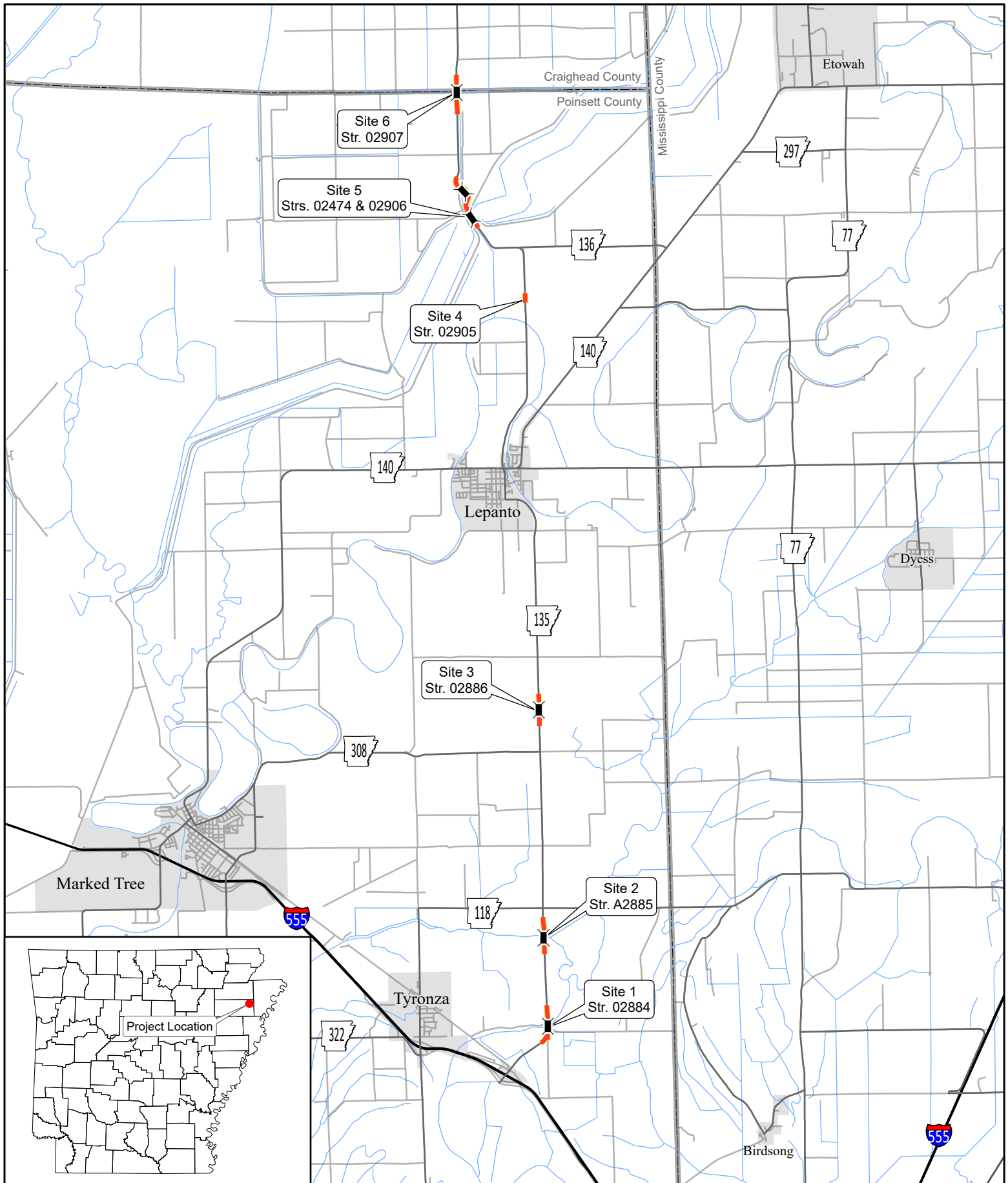
The Monarch Butterfly is a candidate species and as such is not federally protected under the Endangered Species Act. However, the USFWS recommends agencies implement conservation measures for candidate species in action areas as these are, by definition, species that may warrant future protection under the Act. ARDOT will plant native wildflowers after construction as a conservation measure.

The project will have a temporary discharge of dredged or fill material into waters of the United States associated with the bridge impacting approximately 0.09 acre of Dead Timber Lake at Site 1, and approximately 0.51 acre of the Tyronza River at Site 2. The project will result in the fill of approximately 0.25 acre of wetlands at Site 1 associated with new roadway embankment. The project should be authorized by Nationwide Permit 14 for Linear Transportation Projects as defined in Federal Register 86(245): 73522-73583. A preconstruction notification is required.

No other adverse environmental impacts were identified. The checklist used to verify consideration of potential environmental impacts and the design sheet for the two additional sites are attached.

### *Commitments/Permits*

- Native wildflowers will be planted after construction as a Monarch Butterfly conservation measure.
- STAA; NWP 14; and preconstruction notification will be required.
- Migratory Bird SP and a Floodplain Permit will be required.



ARDOT - Environmental GIS - Hopkins  
May 1, 2023

Job 101124  
Hwy. 135  
Strs. and Apprs.  
Craighead & Poinsett Counties

Project Location





**Sarah Huckabee Sanders**  
Governor  
**Mike Mills**  
Secretary

June 28, 2023

Mr. John Fleming  
Division Head  
Environmental Division  
Arkansas Department of Transportation  
10324 Interstate 30  
Little Rock, AR 72203-2261

RE: Craighead and Poinsett Counties: General  
Section 106 Review: FHWA  
Proposed Undertaking: Hwy. 135 Strs. & Apprs. (S), Route 135, Sections 1 & 2  
ArDOT Job Number: 101124  
AHPP Tracking Number: 109458.04

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the cultural resources survey addendum for the above-referenced undertaking in Sections 10, 11, 14, and 15, Township 10 North, Range 7 East in Craighead and Poinsett Counties. The project proposes to replace two ArDOT bridges (A2885 and 02884) on Highway 135. One bridge site will have 3.79 acres of proposed right-of-way (ROW) and 0.32 acres of temporary construction easement (TCE). The second bridge site will have 5.96 acres of new ROW. The cultural resources survey covered a total of 10.07 acres of proposed ROW and TCE. A total of eight shovel tests were excavated around Bridge 02884 and sixteen shovel tests were excavated around Bridge A2885, all of which were negative for cultural materials.

Based on the provided information, the AHPP concurs with the finding of no historic properties affected pursuant to 36 CFR § 800.4(d)(1) for the proposed undertaking and that no further archeological work is needed.

Tribes that have expressed an interest in the area include the Osage Nation, the Quapaw Nation, and the Shawnee Tribe. We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Jessica Cogburn of my staff at 501-324-9357 or email [jessica.cogburn@arkansas.gov](mailto:jessica.cogburn@arkansas.gov).

Sincerely,  
**Jessica H.  
Cogburn**  
for

Digitally signed by Jessica  
H. Cogburn  
Date: 2023.06.28  
11:09:00 -05'00'

Scott Kaufman  
State Historic Preservation Officer and Director, AHPP

cc: Randal Looney, Federal Highway Administration  
Dr. Melissa Zabecki, Arkansas Archeological Survey

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

<b>PART I (To be completed by Federal Agency)</b> Job 101124		3. Date of Land Evaluation Request	4. Sheet 1 of _____		
1. Name of Project		5. Federal Agency Involved			
2. Type of Project		6. County and State			
<b>PART II (To be completed by NRCS)</b>		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 <input type="checkbox"/> NO <input type="checkbox"/>		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			
<b>PART III (To be completed by Federal Agency)</b>		<b>Alternative Corridor For Segment _____</b>			
		<b>Corridor A</b>	<b>Corridor B</b>	<b>Corridor C</b>	<b>Corridor D</b>
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly, Or To Receive Services					
C. Total Acres In Corridor					
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide And Local Important Farmland					
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					
<b>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)</b>					
<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>		<b>Maximum Points</b>			
1. Area in Nonurban Use		15			
2. Perimeter in Nonurban Use		10			
3. Percent Of Corridor Being Farmed		20			
4. Protection Provided By State And Local Government		20			
5. Size of Present Farm Unit Compared To Average		10			
6. Creation Of Nonfarmable Farmland		25			
7. Availability Of Farm Support Services		5			
8. On-Farm Investments		20			
9. Effects Of Conversion On Farm Support Services		25			
10. Compatibility With Existing Agricultural Use		10			
TOTAL CORRIDOR ASSESSMENT POINTS		160			
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)		100			
Total Corridor Assessment (From Part VI above or a local site assessment)		160			
<b>TOTAL POINTS (Total of above 2 lines)</b>		260			
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	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:

DATE

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



In Reply Refer To:  
Project Code: 2023-0013574  
Project Name: 101124 - Hwy 135 Strs & Apprs. (S)

August 17, 2023

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

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, 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.*).

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 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 IPaC system by completing the same process used to receive the enclosed list.

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.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

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 Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

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Attachment(s):

- Official Species List

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Arkansas Ecological Services Field Office**

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

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## PROJECT SUMMARY

Project Code: 2023-0013574

Project Name: 101124 - Hwy 135 Strs & Apprs. (S)

Project Type: Bridge - Replacement

Project Description: Replacing 6 bridges with new bridges and one with a RC box culvert.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.6735657,-90.33824669991814,14z>



Counties: Craighead and Poinsett counties, Arkansas

## ENDANGERED SPECIES ACT SPECIES

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
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.

## MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

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## REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4658">https://ecos.fws.gov/ecp/species/4658</a>	Proposed Threatened

## CLAMS

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	Endangered
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5881">https://ecos.fws.gov/ecp/species/5881</a>	Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## FLOWERING PLANTS

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

## CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.



## **IPAC USER CONTACT INFORMATION**

Agency: Arkansas Department of Transportation

Name: mickey matthews

Address: 10324 I-30

City: Little Rock

State: AR

Zip: 72203

Email: mickey.matthews@ardot.gov

Phone: 5015692594

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Highway Administration

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Arkansas Ecological Services Field Office  
110 South Amity Suite 300  
Conway, AR 72032-8975  
Phone: (501) 513-4470 Fax: (501) 513-4480



In Reply Refer To:  
Project code: 2023-0013574  
Project Name: 101124 - Hwy 135 Strs & Apprs. (S)

August 17, 2023

Subject: Consistency letter for '101124 - Hwy 135 Strs & Apprs. (S)' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear mickey matthews:

The U.S. Fish and Wildlife Service (Service) received on **August 17, 2023** your effect determination(s) for the '101124 - Hwy 135 Strs & Apprs. (S)' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance in the Service's Arkansas DKey, the proposed Action, including species protective measures that you confirmed will be implemented, is consistent with a determination(s) of "no effect" and/or "may affect, but not likely to adversely affect (NLAA)" for the following species.

Species	Listing Status	Determination
Eastern Black Rail ( <i>Laterallus jamaicensis ssp. jamaicensis</i> )	Threatened	No effect
Fat Pocketbook ( <i>Potamilus capax</i> )	Endangered	NLAA
Piping Plover ( <i>Charadrius melodus</i> )	Threatened	No effect
Pondberry ( <i>Lindera melissifolia</i> )	Endangered	No effect
Red Knot ( <i>Calidris canutus rufa</i> )	Threatened	No effect
Scaleshell Mussel ( <i>Leptodea leptodon</i> )	Endangered	NLAA

### Status

Coordination with the Arkansas Ecological Services Office is complete. Thank you for considering Federally listed species during your project planning.

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate this key in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes; 2) new information reveals the action may affect listed species or designated critical habitat; 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed.

This letter only covers the listed species in the above table. The following species may also occur in the Action area:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

If you determine your project may affect additional listed or proposed listed species not covered by the Arkansas ESFO DKey, please contact our office at 501-513-4470, [arkansas\\_es\\_clearance@fws.gov](mailto:arkansas_es_clearance@fws.gov), or your agency point of contact Arkansas ESFO to discuss methods to avoid or minimize potential adverse effects to those species. Candidate species are not afforded protection under the ESA; however, we recommend they be considered in project planning and that conservation measures be implemented to avoid or minimize impacts to individuals or their habitat as much as possible.

**Bald and Golden Eagle Protection Act:** The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the Bald and Golden Eagle Protection Act may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. Activity specific guidelines begin on page 10 of the document. To access a copy of the National Bald Eagle Management Guidelines please visit the Service's Bald and Golden Eagle Management webpage and scroll down to the Guidance and Tools section: <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. To obtain an application form or contact information for Regional Migratory Bird Permit Offices please visit the Service's Bald and Golden Eagle Management webpage and scroll down to the Permits section: <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

101124 - Hwy 135 Strs & Apprs. (S)

**2. Description**

The following description was provided for the project '101124 - Hwy 135 Strs & Apprs. (S)':

Replacing 6 bridges with new bridges and one with a RC box culvert.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.6735657,-90.33824669991814,14z>



## **Species Protection Measures**

### Bridges and Culverts

<https://www.fws.gov/southeast/pdf/species-protective-measures/bridge-and-culvert-projects.pdf>

### Pipeline and Linear Projects

<https://www.fws.gov/southeast/pdf/species-protective-measures/pipeline-and-linear-projects.pdf>

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## QUALIFICATION INTERVIEW

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").  
*No*
  2. Is the action authorized, funded, or being carried out by a Federal agency?  
*No*
  3. [Semantic] Does the project intersect designated critical habitat for the Leopard Darter?  
**Automatically answered**  
*No*
  4. [Semantic] Does the project intersect designated critical habitat for the Neosho Mucket?  
**Automatically answered**  
*No*
  5. [Semantic] Does the project intersect designated critical habitat for Yellowcheek Darter?  
**Automatically answered**  
*No*
  6. [Semantic] Does the project intersect designated critical habitat for Rabbitsfoot?  
**Automatically answered**  
*No*
  7. [Semantic] Does the project intersect the American burying beetle consultation area?  
**Automatically answered**  
*No*
  8. [Semantic] Does the project intersect the red-cockaded woodpecker AOI?  
**Automatically answered**  
*No*
  9. [Semantic] Does the project intersect the Eastern black rail AOI?  
**Automatically answered**  
*Yes*
  10. Will the project take place in freshwater herbaceous wetlands and/or wet prairies?  
*No*
  11. [Semantic] Does the project intersect the red knot AOI?  
**Automatically answered**  
*Yes*
  12. Will the project affect sand and gravel areas or shorelines along rivers, lakes, or reservoirs?  
*No*
-

13. Does the project take place in marshy or flooded open field habitat?  
*No*
14. [Semantic] Does the project intersect the Piping Plover AOI?  
**Automatically answered**  
*Yes*
15. [Semantic] Does the project intersect the Whooping Crane AOI?  
**Automatically answered**  
*No*
16. [Semantic] Does the project intersect the interior least tern AOI?  
**Automatically answered**  
*No*
17. [Semantic] Does the project intersect the Gray Bat AOI?  
**Automatically answered**  
*No*
18. [Semantic] Does the project intersect the Ozark Big-eared Bat AOI?  
**Automatically answered**  
*No*
19. [Semantic] Does the project intersect the Indiana bat AOI?  
**Automatically answered**  
*No*
20. [Semantic] Does the project intersect the Benton County Cave Crayfish AOI?  
**Automatically answered**  
*No*
21. [Semantic] Does the project intersect the Hell Creek Cave Crayfish AOI?  
**Automatically answered**  
*No*
22. [Semantic] Does the project intersect the Ozark cavefish AOI?  
**Automatically answered**  
*No*
23. [Semantic] Does the project intersect the Missouri bladderpod AOI?  
**Automatically answered**  
*No*
24. [Semantic] Does the project intersect the Geocarpon AOI?  
**Automatically answered**  
*No*
25. [Semantic] Does the project intersect the running buffalo clover AOI?  
**Automatically answered**  
*No*
-

26. [Semantic] Does the project intersect the Pondberry AOI?

**Automatically answered**

*Yes*

27. Does the proposed project clear suitable habitat for Pondberry or alter the hydrology of bottomland hardwood or sand ponds?

*No*

28. Does the project contain any of the following activity types: Dams or Impoundments (including berms or levees), Municipal or industrial effluent discharge, Mining, Mine reclamation, Disposal of mine wastewater or tailings, Construction of natural gas or oil well pads, Construction greater than 40 acres, Dredging or snag removal, Energy development within floodplain, or OHV trail construction or maintenance?

*No*

29. Does the project contain any of the following activity types: Boat Ramps, Bridges, Culverts, Residential or Commercial Development, Streambank Stabilization (or other streambank work), Pipeline and linear projects, Water intakes/withdrawals, Forest conversion within 100 feet of occupied streams, or Stream or ditch relocation, straightening, or armoring?

*Yes*

30. Does the project include Streambank Stabilization (or other streambank work)?

*No*

31. Does the project include Boat Ramps?

*No*

32. Does the project include Bridges and Culverts?

*Yes*

33. Does the project include the Bridges and Culverts species [protective measures](#), as applicable to the project and site characteristics?

*Yes*

34. Does the project include Development?

*No*

35. Is the project a Pipeline or Linear Project?

*Yes*

36. Does the project include the Pipeline and Linear Projects species [protective measures](#), as applicable to the project and site characteristics?

*Yes*

37. Does the project include Water Intakes/Withdrawals?

*No*

38. Does the project include Stream or Ditch Relocation, Straightening, or Armoring?

*No*

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39. [Semantic] Does the project intersect the rabbitsfoot AOI?  
**Automatically answered**  
No
40. [Semantic] Does the project intersect the neosho mucket AOI?  
**Automatically answered**  
No
41. [Semantic] Does the project intersect the Spectaclecase AOI?  
**Automatically answered**  
No
42. [Semantic] Does the project intersect the snuffbox AOI?  
**Automatically answered**  
No
43. [Semantic] Does the project intersect the speckled pocketbook AOI?  
**Automatically answered**  
No
44. [Semantic] Does the project intersect the ouachita rock pocketbook AOI?  
**Automatically answered**  
No
45. [Semantic] Does the project intersect the fat pocketbook AOI?  
**Automatically answered**  
Yes
46. Does the project occur in a perennial flowing stream or ditch?  
Yes
47. Have you contacted the Arkansas Ecological Services Office to determine if a species or suitable habitat survey is recommended for this project?  
Yes
48. Was a species survey recommended by the Arkansas ES Field Office?  
Yes
49. Has a presence/absence survey been conducted by a permitted biologist with valid survey results?  
Yes

**SUBMITTED DOCUMENTS**

- 101124 Mussel Survey Report.docx <https://ipac.ecosphere.fws.gov/project/Z6ZHZA5VUNDBZPFKVN7BQ6J35Q/projectDocuments/119002250>
50. Were fat pocketbook found on the survey?  
No
-

51. [Semantic] Does the project intersect the Curtis pearlymussel AOI?  
**Automatically answered**  
*No*
52. [Semantic] Does the project intersect the scaleshell AOI?  
**Automatically answered**  
*Yes*
53. [Semantic] Does the project intersect the Scaleshell survey coordination area?  
**Automatically answered**  
*Yes*
54. Have you contacted the Arkansas Ecological Services Office to determine if a species or suitable habitat survey is recommended for this project?  
*Yes*
55. Was a species survey recommended by the Arkansas ES Field Office?  
*No*
56. [Semantic] Does the project intersect the pink mucket AOI?  
**Automatically answered**  
*No*
57. [Semantic] Does the project intersect the Arkansas fatmucket AOI?  
**Automatically answered**  
*No*
58. [Semantic] Does the project intersect the winged mapleleaf AOI?  
**Automatically answered**  
*No*
59. [Semantic] Does the project intersect the leopard darter AOI?  
**Automatically answered**  
*No*
60. [Semantic] Does the project intersect the Yellowcheek darter AOI?  
**Automatically answered**  
*No*
61. [Semantic] Does the project intersect the Ozark hellbender AOI?  
**Automatically answered**  
*No*
62. [Semantic] Does the project intersect the harperella AOI?  
**Automatically answered**  
*No*
63. [Semantic] Does the project intersect the pallid sturgeon AOI?  
**Automatically answered**  
*No*
-

64. [Semantic] Does the project intersect the interior least tern range?

**Automatically answered**

*No*

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**IPAC USER CONTACT INFORMATION**

Agency: Arkansas Department of Transportation

Name: mickey matthews

Address: 10324 I-30

City: Little Rock

State: AR

Zip: 72203

Email: mickey.matthews@ardot.gov

Phone: 5015692594

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Highway Administration

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# ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST FOR CONSIDERATION OF POTENTIAL IMPACTS

ARDOT Job 101124 FAP NHPP-1656(5)  
Job Title Hwy. 135 Strs. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT, no impacts
Cultural Resources	X			SHPO clearances attached
Economic	X			No adverse impacts
Endangered Species	X			NLAA determinations
Environmental Justice/Title VI	X			No EJ population impacts anticipated
Fish and Wildlife		X		Minor impacts during construction
Floodplains		X		Zone A SFHA; Floodplain SP required
Forest Service Property	X			None in the project area
Hazardous Materials/Landfills	X			None identified in the project area
Land Use		X		Approx.24.2 total acres new ROW
Migratory Birds	X			Migratory Bird SP will be added
Navigation/Coast Guard	X			No navigable waterways in project area
Noise Levels	X			Noise analysis not required
Prime Farmland		X		Approximately 21.7 total acres
Protected Waters	X			None in the project area
Public Recreation Lands	X			None in the project area
Public Water Supply/WHPA	X			None in the project area
Relocates		X		Two total: one residence; one business
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			Visual analysis not required
Streams		X		Minor impacts during construction
Water Quality		X		Minor impacts during construction
Wetlands	X			~0.25 acre
Wildlife Refuges	X			None in project area

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

Remarks: .

Signature of Evaluator Mary Pearson Date 8-21-23

Date Sent: April 25, 2023

## ROADWAY DESIGN REQUEST

Job Number 101124 FAP No. NHPP-1656(5) Counties Craighead & Poinsett

Job Name Hwy. 135 Strs. & Apprs. (S)

Design Engineer Crafton Tull Environmental Staff ARDOT

Detailed Project Description Two sites were added to this project and the sites were renumbered.

The added sites are now sites 1 and 2. Sites 1 and 2 will each replace one bridge with a new bridge  
on new location. Traffic will be maintained on the existing roadway until the new structures are  
complete and traffic can be switched onto the new bridges and the existing bridges and approaches  
removed.

A. Existing Conditions:

Roadway Width: 28 Shoulder Type/Width: Asph./4'

Number of Lanes and Width: 2-10' 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: 36' Shoulder Type/Width: Asph./6'

Number of Lanes and Width: 2-12' Proposed Right-of-Way: 140'

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

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

C. Construction Information:

If detour: Where: N/A Length: N/A

D. Design Traffic Data:

2023 ADT: 1100 2043 ADT: 1300 % Trucks: 6

Design Speed: 55 m.p.h.

E. Approximate total length of project: 1.24 mile(s)

F. Justification for proposed improvements: Structurally and functionally obsolete bridges

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