

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB NUMBER 090507  
FAP NUMBER STPF-0076(200)  
DISTRICT 9 BRIDGE PAINTING (2019) (S)  
VARIOUS ROUTES  
VARIOUS 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

June 2019

6/14/2019

Date of Approval



\_\_\_\_\_  
Randal Looney  
Environmental Coordinator  
Federal Highway Administration

The Environmental Division reviewed the referenced project and has determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of the project is to remove and replace the existing painting system on the following bridges: #03636 on Highway 12 in Benton County, #05330 on Highway 65 in Boone County, and #00338 on Highway 14 in Marion County. All work will be within the existing right of way. A project location map is enclosed.

There are no relocations, environmental justice issues, wetlands, prime farmlands, or cultural resources associated with this project. Field inspections found no evidence of existing underground storage tanks. Hazardous waste generated in the form of lead or chromium paint debris will be removed, temporarily stored, and transported to an approved disposal facility as per Federal Regulation 40 CFR Part 260.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website lists the gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), and Missouri bladderpod (*Physaria filiformis*) as protected species potentially affected by the proposed project. Based on the negative structure assessment results, minimal habitat being affected immediately adjacent to existing roadway, and distance to known species locations, the Service agrees with the "may affect, not likely to adversely affect" determination for gray bat, Indiana bat, Ozark big-eared bat, and Missouri bladderpod. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the action is not prohibited under the Endangered Species Act Section 4(d) rule. The USFWS concurred on June 6, 2019.

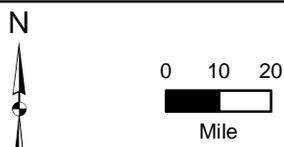
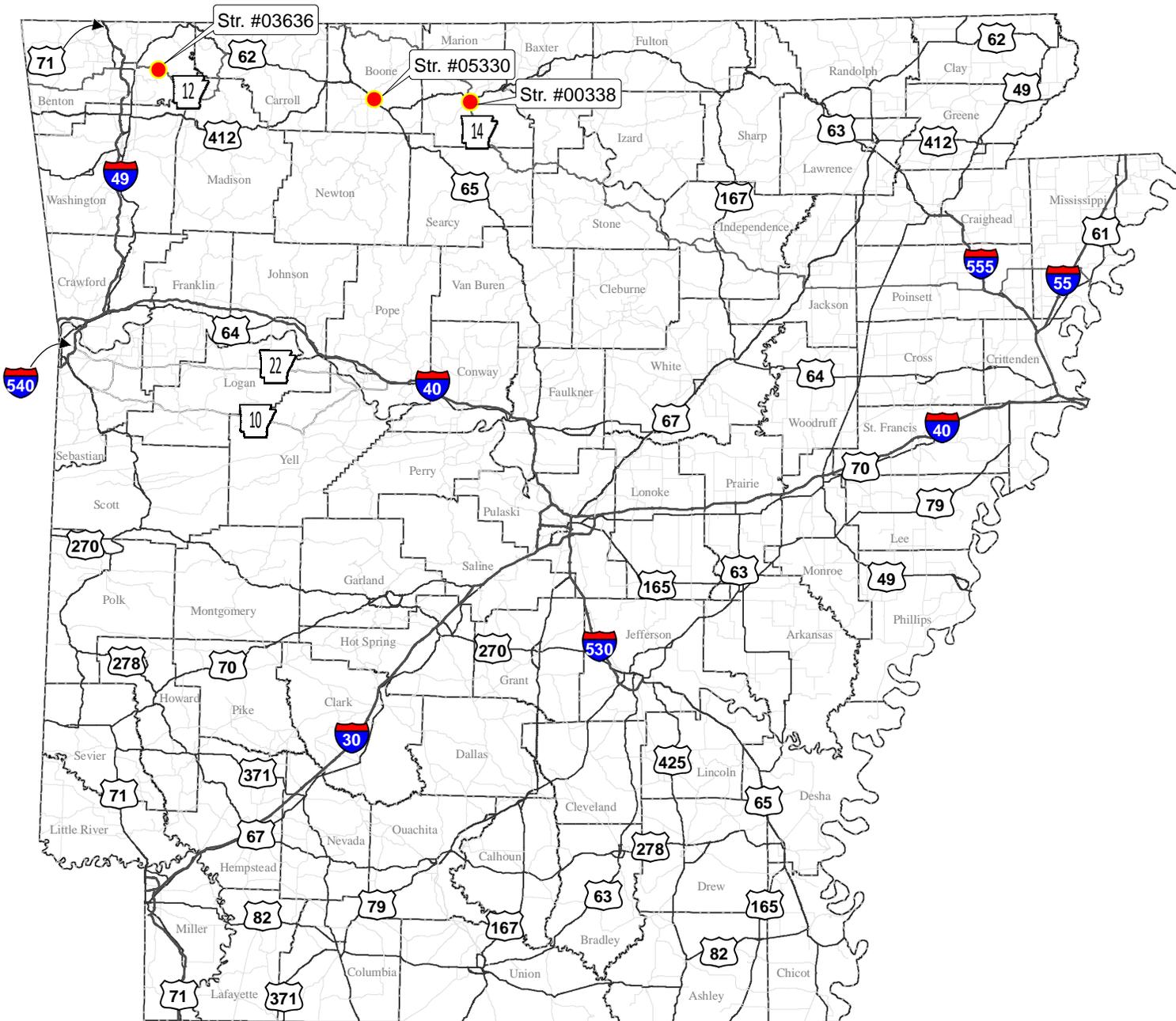
The repainting of Bridge #03636 on Highway 12 will occur over the Little Rock District-Corp of Engineers (COE) Beaver Lake. The COE boat launching ramp and parking lot are located near the existing right of way and may be used to assist in bridge painting operations. Coordination with the COE will be conducted to determine if these or other facilities can be used temporarily by the contractor. The water intake for the Benton/Washington Regional Public Water Authority is less than one-mile south of Bridge #03636. Measures to limit blast debris from entering Beaver Lake will be implemented using full containment and negative pressure air filtration. Crooked Creek, crossed by Bridge #05330, is considered a 303(d) impaired waterbody for total dissolved solids and warrants full containment of blast debris.

This job will not include any work in streams below the ordinary high water mark; therefore, no 404 permit will be required. A Migratory Bird Special Provision will accompany this job.

Noise predictions have been made for this project utilizing the Federal Highway Administration's RCNM 1.1 (Road Construction Noise Model) procedures. These predictions indicate that noise levels are above the FHWA noise criteria within 500' of the project. A Noise Analysis is enclosed.

This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

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



Job 090507  
 Bridge Painting (2019)  
 Various Routes  
 Benton, Boone, & Marion Counties

 Project Location



THE DEPARTMENT OF ARKANSAS  
**HERITAGE**

Asa Hutchinson  
*Governor*

Stacy Hurst  
*Director*

May 15, 2019

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

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Arkansas Arts Council

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Arkansas Historic  
Preservation Program

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Arkansas Natural  
Heritage Commission

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Arkansas State Archives

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Delta Cultural Center

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Historic Arkansas Museum

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Mosaic Templars  
Cultural Center

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Old State House Museum

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RE: Benton, Boone, & Marion Counties – General  
Section 106 Review – FHWA  
Project Identification Form (PIF)  
ARDOT Job Number 090507  
District 9 Bridge Painting (2019) (S)  
Routes 12, 65, and 14,  
Sections 3, 2, and 3  
AHPP Tracking Number 103779

Dear Mr. Fleming:

This letter is written in response to the proposed referenced project. The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the documents for the structures included in your letter of May 14, 2019. We concur that ARDOT Bridge No. 03636 on Highway 12 in Benton County is eligible for inclusion in the National Register of Historic Places (NRHP) while ARDOT Bridge #05330 on Highway 65 in Boone County and ARDOT Bridge #00338 on Highway 14 in Marion County are not eligible. Additionally, we concur that no further work is required in the area of potential effect.

Tribes that have expressed an interest in the area include the Caddo Nation (Ms. Tamara Francis), the Cherokee Nation (Ms. Elizabeth Toombs), the Muscogee (Creek) Nation (Ms. Corain Lowe-Zepeda), the Osage Nation (Dr. Andrea Hunter), the Absentee Shawnee Tribe of Oklahoma (Ms. Devon Frazier), the Eastern Shawnee Tribe of Oklahoma (Mr. Brett Barnes), the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton), the United Keetoowah Band of Cherokee Indians (Ms. Erin Thompson and Charlotte Wolfe), and the Wichita and Affiliated Tribes (Mr. Gary McAdams). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

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

Sincerely,

  
Scott Kaufman  
Director, AHPP

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



ARKANSAS HISTORIC  
PRESERVATION PROGRAM



1100 North Street  
Little Rock, AR 72201

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

[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)  
[www.arkansaspreservation.com](http://www.arkansaspreservation.com)



IN REPLY REFER TO

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office  
110 South Amity Road, Suite 300  
Conway, Arkansas 72032



June 6, 2019

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

Dear Mr. Fleming:

Thank you for your email of June 5, 2019. The U.S. Fish and Wildlife Service (Service) is responding to your request, regarding Job Number 090507 bridge rehab project on HWY 65, Harrison, Boone County, Arkansas. The project was described and assessed as follows (abbreviated and summarized):

The proposed project includes bridge painting of three structures. One of the three bridge structures indicated possible bat activity. The bridge report, completed Aug. 21, 2018, for bridge no. 050330 indicated that bat guano was noted on bent no. 4 cap. On June 4, 2019, I requested that the district send one of their bridge inspectors to re-inspect the bridge for bats. The bridge was re-inspected on June 5, 2019, and the same dry guano was noted on bent no. 4 and no living bats were observed or heard. Based on the lack of bats observed under the bridge, we determine that the proposed project may affect, but is not likely to adversely affect listed bat species.

The Service has reviewed your determination that the proposed action will not result in any prohibited incidental take for Northern Long-eared Bat. This project may affect the Northern Long-eared Bat; however, there are no effects beyond those previously disclosed in the Service's programmatic biological opinion for the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR§17.40(o)).

This project is consistent with the description of the proposed action in the programmatic biological opinion, and the 4(d) rule does not prohibit incidental take of the Northern Long-eared Bat that may occur as a result of this project. Therefore, the programmatic biological opinion satisfies the "action agency" responsibilities under ESA section 7(a)(2) relative to the Northern Long-eared Bat for this project.

Please keep in mind that you must report any departures from the plans submitted; results of any surveys conducted; or any dead, injured, or sick Northern Long-eared Bats that are found to this office. If this project is not completed within one year of this letter, you must update your determination and resubmit the required information.

Mr. John Fleming

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Based on the negative assessment/survey results, location of this action, the minimal habitat being affected immediately adjacent to existing roadway bridges and right of way, the distance to known species locations and suitable habitat, and application of standard sediment and erosion controls; the Service agrees with your assessment and concurs with your determinations of “may affect, not likely to adversely affect” for Gray Bat, *Myotis grisescens*, Indiana Bat, *Myotis sodalis*, Missouri Bladderpod, *Physaria filiformis*, and Ozark Big-eared Bat, *Corynorhinus (=Plecotus) townsendii ingens*.

If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or [lindsey\\_lewis@fws.gov](mailto:lindsey_lewis@fws.gov).

Sincerely,



Melvin L. Tobin  
Field Supervisor

cc: Project File

Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2019\ARDOT\Job Number 090507  
Determination\Job Number 090507 Determination - Comments.docx



## United States Department of the Interior



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

In Reply Refer To:  
Consultation Code: 04ER1000-2019-SLI-0888  
Event Code: 04ER1000-2019-E-01702  
Project Name: 05330 Bridge Rehab

May 20, 2019

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

### To Whom It May Concern:

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

**If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.**

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

**Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered,**

**threatened, proposed, and candidate species.** Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

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

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

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to

federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List
-

## Official Species List

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

This species list is provided by:

**Arkansas Ecological Services Field Office**

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

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## Project Summary

Consultation Code: 04ER1000-2019-SLI-0888

Event Code: 04ER1000-2019-E-01702

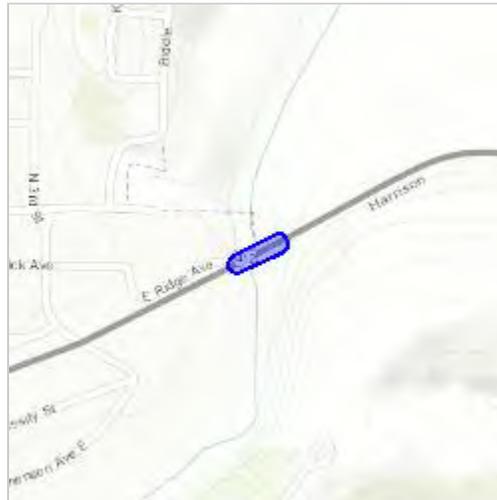
Project Name: 05330 Bridge Rehab

Project Type: TRANSPORTATION

Project Description: bridge deck rehabilitation

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.232828048262235N93.09143639080659W>



Counties: Boone, AR

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## Endangered Species Act Species

There is a total of 5 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.

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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
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a>	Endangered
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
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>	Threatened
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/7245">https://ecos.fws.gov/ecp/species/7245</a>	Endangered

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## Flowering Plants

NAME	STATUS
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5361">https://ecos.fws.gov/ecp/species/5361</a>	Threatened

## Critical habitats

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

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ARDOT Job Number 090507  
Noise Analysis

***Fundamentals of Sound and Noise***

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

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

***Noise Impact Criteria***

Noise impacts take place when the predicted noise levels approach or exceed the noise abatement standard. The noise abatement standard of 67 dB(A) is used for sensitive noise receptors such as residences, schools, churches, and parks. The term “approach” is considered to be one dB(A) less than the noise abatement standard.

The noise impacts for this project was estimated utilizing the Federal Highway Administration’s Roadway Construction Noise Model 1.1 (RCNM 1.1).

***Sandblasting noise analyses***

The project duration is expected to be completed in a period of two weeks per bridge. Standard sandblasting equipment include a sand separator, vacuum excavator, single nozzle sandblaster, generator and compressor. Hourly average noise levels from sandblasting on each project site were determined using RCNM

ARDOT Job Number 090507  
Noise Analysis

1.1. As the RCNM 1.1 covers no sand separator equipment, noise levels from a vibrating hopper was used as a substitute in the model. Shielding in the form of metal enclosures, mufflers, etc. usually found on these types of equipment was conservatively assumed to be 5 db(A).

**Results**

The five noisiest pieces of sand-blasting equipment described previously generate maximum noise levels ranging from 85.8 db(A) at 50 feet to 59.8 db(A) at 1000 feet. Temporary impacts to residents are expected to occur within 500 feet of the blasting operation as shown in the table below.

RCNM Results		
Distance to Receptor (feet)	**Lmax db(A)	Leq(h) db(A)
50	90.7	85.8
75	87.1	82.3
100	84.6	79.8
200	78.6	73.8
300	75.1	70.2
400	72.6	67.7
500	70.7	65.8
600	69.1	64.2
700	67.7	62.9
800	66.6	61.7
900	65.6	60.7
1000	64.6	59.8

\*Calculated Lmax is the value produced by the loudest piece of equipment (spray nozzle)

Any excessive project noise, due to sandblasting operations, should be of short duration and have a minimum adverse effect on land uses or activities associated with each project area. Should noise from the project becomes problematic, additional shielding such as plywood barriers, noise blankets, etc. can be utilized to reduce noise impacts.

**ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST  
FOR CONSIDERATION OF POTENTIAL IMPACTS**

ARDOT Job Number 090507 FAP Number STPF-0076(200)

Job Title District 9 Bridge Painting (2019)(S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No MSAT impacts anticipated
Cultural Resources	X			No impacts
Economic	X			Will not be impacted by project
Endangered Species	X			USFWS correspondence 6/6/2019
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		During construction activities only
Floodplains	X			No impacts to floodplains
Forest Service Property	X			None in project area
Hazardous Materials/Landfills		X		Lead/Chromium paint removal
Land Use	X			Will not be impacted by project
Migratory Birds	X			Migratory Bird SP included
Navigation/Coast Guard	X			Boater Safety SP required
Noise Levels		X		Noise Analysis enclosed
Prime Farmland	X			None in project area
Protected Waters		X		Containment during bridge painting
Public Recreation Lands		X		Coordination with Beaver Lake COE
Public Water Supply/WHPA		X		Beaver Water District Coordination
Relocatees	X			No relocations
Section 4(f)/6(f)	X			No taking of 4(f) resources
Social	X			No impacts to the social environment
Underground Storage Tanks	X			No USTs in project area
Visual	X			No changes to visual environment
Streams	X			No stream impacts
Water Quality		X		Containment during bridge painting
Wetlands	X			None in project area
Wildlife Refuges	X			None in the area

Section 401 Water Quality Certification Required? No  
 Short-term Activity Authorization Required? No  
 Section 404 Permit Required? No Type N/A

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

Signature of Evaluator  Date June 11, 2019