

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400
www.arkansashighways.com

June 21, 2017

Mr. Angel Correa
Division Administrator
Federal Highway Administration
700 West Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Re: Job Number 100839
FAP Number NHPP-0047(54)
Bridge Number M2233
Ditch No. 43 Str. & Apprs. (S)
Mississippi County
Tier 3 Categorical Exclusion

Dear Mr. Correa:

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

The purpose of this project is to replace a structurally deficient bridge on Highway 181 in Mississippi County. Total length of the project is 0.019 mile. A project location map is enclosed.

The existing 24' x 38' bridge (Bridge No. M2233) over Ditch No. 43 consists of a concrete deck on timber piles. This bridge has a sufficiency rating of 17.9 and is structurally deficient. The existing roadway consists of two paved 10-foot lanes with no shoulders. The existing right of way width is 80 feet.

Proposed improvements include replacing the existing bridge with a triple 9' x 9' x 72' reinforced concrete box culvert on the existing location. The bridge approaches will have two paved 11-foot wide travel lanes with 6-foot shoulders (2-foot paved, 4-foot gravel). The new average right of way width will be 160 feet. Highway 181 will be closed during construction.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2018	800	7	55 mph
2038	965	7	55 mph

There are no relocatees, wetlands, cultural resources, environmental justice issues, or prime farmland associated with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. Approximately 0.25 acre of additional right of way will be required.

There will be no wetland impacts due to construction activities and impacts to waters of the United States are estimated to be less than 0.1 acre. Construction of this project should be covered under the terms of a Nationwide Permit 14 for Linear Transportation Projects as defined in the Federal Register 82 (4):1860-2008.

Mississippi County participates in the National Flood Insurance Program. All of the floodplain encroachments within this highway construction project will be designed to comply with the county's local flood damage prevention ordinance. The project lies within the Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. None of the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life.

The United States Fish and Wildlife Service (USFWS) IPaC database determined that four endangered/threatened species could be located within the project boundaries. The threatened Piping Plover (*Charadrius melodus*), endangered pallid sturgeon (*Scaphirhynchus albus*), endangered fat pocketbook (*Potamilus capax*), and the endangered scaleshell mussel (*Leptodea leptodon*) were identified as species that may occur in the proposed project location. Based on the lack of available/suitable habitat in the project area and distance to known populations for the Piping Plover, pallid sturgeon and scaleshell mussel; it has been determined that the project will have no effect on these

species. The project is located in the Upper Ditch No. 40 12-digit HUC. Ditch 43 is a small intermittent tributary to upper Ditch 40. The Wentz (2008) inventory of aquatic biota of the Tyronza River and other mussel surveys have located the fat pocketbook over 20 miles downstream in the Tyronza River. The project may affect, but is not likely to adversely affect this species. USFWS concurrence is enclosed.

Based upon the AHTD's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. The project does not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway or exposure of noise sensitive land uses to a new or existing highway noise source.

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

APPROVED

Environmental Specialist
Federal Highway Administration
Date: 6-22-2017

Sincerely,

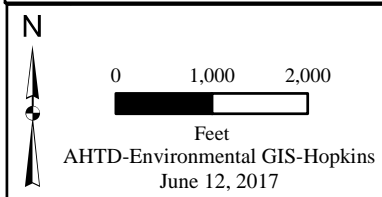
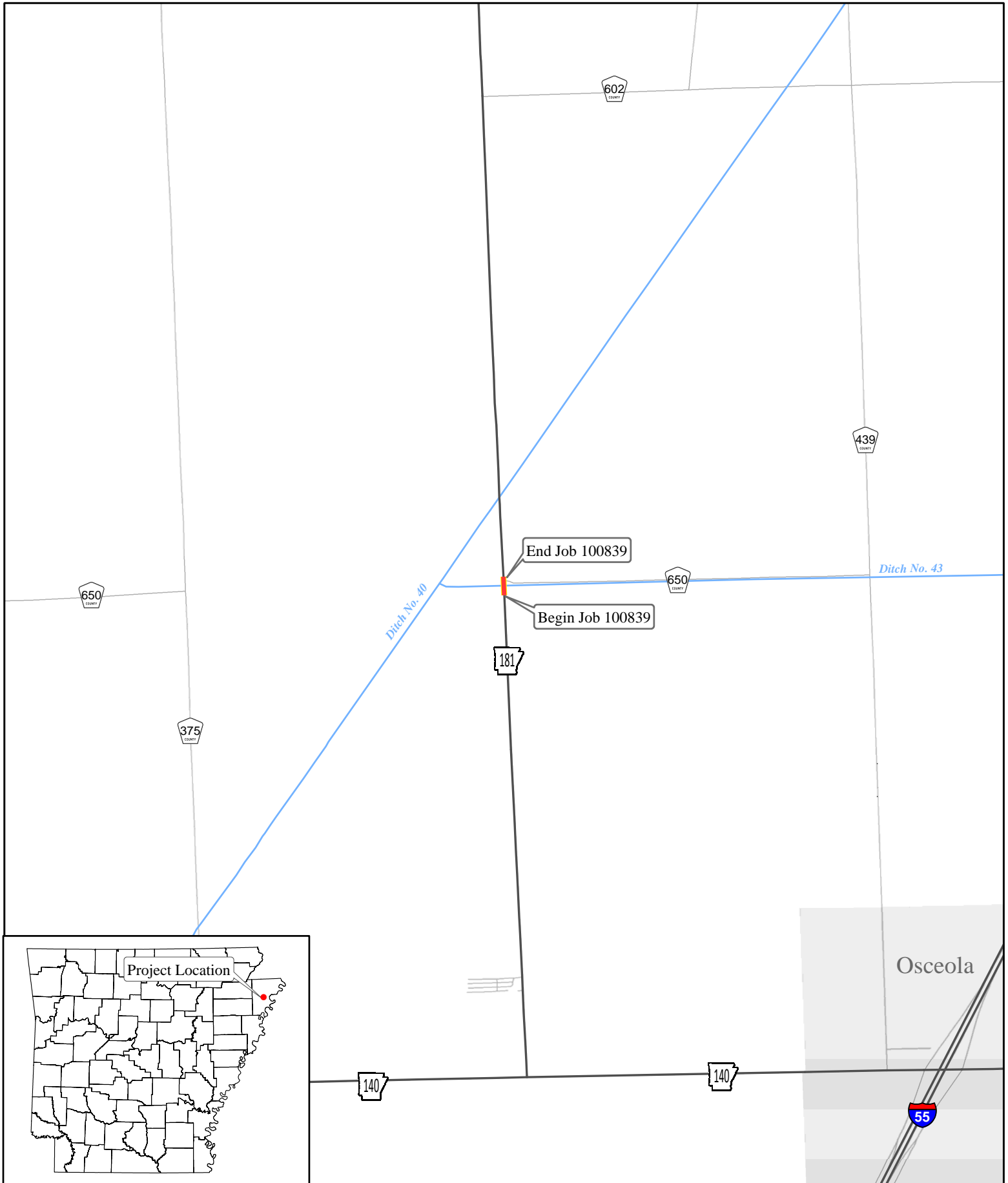


John Fleming
Division Head
Environmental Division

Enclosures

JF:SL:fc

c: Program Management
Right of Way
Roadway Design.
District 5
Master File



Job 100839
 Ditch No. 43 Str. & Apprs.
 (Hwy. 181)
 Mississippi County



ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

AHPP

DEC 13 2016

96941.01
FHWA

Scott E. Bennett, P. E.
Director
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Little Rock, Arkansas 72203-2261
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December 12, 2016

Ms. Frances McSwain
Arkansas Historic Preservation Program
1100 North Street
Little Rock, Arkansas 72201

RE: AHTD Job No. 100839
Ditch No. 43 Str. & Apprs. (S)
Mississippi County

Dear Ms. McSwain:

A Project Identification Form for the referenced project is enclosed. Please review for concurrence with the findings of my staff. If you have any questions or require additional information, please contact Kristina Boykin at (501) 569-2079.

Sincerely,

A handwritten signature in blue ink that reads 'John Fleming'.

John Fleming
Division Head
Environmental Division

Enclosure
PIF

JF:DW:KB:ym

RECEIVED
AHTD

DEC 21 2016

ENVIRONMENTAL
DIVISION

DEC 15 2016

Date

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

A handwritten signature in blue ink that reads 'Frances McSwain'.

Frances McSwain, Deputy State
Historic Preservation Officer

DEC 15 2016



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:

April 11, 2017

Consultation Code: 04ER1000-2017-SLI-0662

Event Code: 04ER1000-2017-E-00885

Project Name: 100839 Ditch No. 43 Str. & Apprs.

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

To Whom It May Concern:

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

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

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

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project

specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

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

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and

implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2017-SLI-0662

Event Code: 04ER1000-2017-E-00885

Project Name: 100839 Ditch No. 43 Str. & Apprs.

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Replace existing bridge over Ditch No. 43 with triple barrel box culvert on existing location.

Project Location:

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

<https://www.google.com/maps/place/35.722684630903316N90.07312376682896W>



Counties: Mississippi, AR

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area. Please contact the designated FWS office if you have questions.

Birds

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

Fishes

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

Clams

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

Critical habitats

There are no critical habitats within your project area.

From: [Seagraves, Josh](#)
To: [Leblanc, Sherry](#); [Bailey, William](#)
Subject: FW: 100839 ES Concurrence
Date: Thursday, June 15, 2017 11:12:09 AM

From: Bailey, William
Sent: Thursday, May 04, 2017 10:17 AM
To: Seagraves, Josh; Mendoza, Yulissa M.
Subject: 100839 ES Concurrence

Please save in the SS Folder

From: Lewis, Lindsey [mailto:lindsey_lewis@fws.gov]
Sent: Thursday, May 04, 2017 10:15 AM
To: Bailey, William
Subject: Re: ES Concurrence

Bill,

The Service does not have any information indicating that there are any federally listed species in the affected area of this action due to the limited nature of the action, habitat type, disturbed environment, and distance to any known species locations. Therefore, the Service concurs with AHTD's assessment and determination.

Additionally, there is the potential that this bridge may be a nesting location for one or more species protected under the Migratory Bird Treaty Act (MBTA). We recommend applying the AHTD Special Provision for Nesting Sites of Migratory Birds, performing surveys to insure absence, and/or avoiding demolition/construction during the nesting season for this action in order to avoid taking of MBTA listed species.

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
<http://www.fws.gov/arkansas-es/>

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Wed, May 3, 2017 at 9:28 AM, Bailey, William <William.Bailey@ahtd.ar.gov> wrote:

Lindsey....please review the attached project map and USFWS IPaC threatened/endangered species list and let us know if you concur with our opinion. The proposed project is located in Mississippi County approximately 5 miles west of Osceola. The structurally deficient bridge will be replaced with a triple concrete box culvert. The highway will be closed during construction and no detour will be required. The IPaC search revealed four threatened/endangered species may be located within the project area. The threatened piping plover (*Charadrius melodus*), endangered pallid sturgeon (*Scaphirhynchus albus*), endangered fat pocketbook (*Potamilus capax*), and the endangered scaleshell mussel (*Leptodea leptodon*) were identified as species that may occur in the proposed project location. Based on the lack of available/suitable habitat in the project area and distance to known populations for the piping plover, pallid sturgeon and scaleshell mussel it has been determined that the project will have no effect on these species. The project is located in the Upper Ditch No. 40 12-digit HUC. Ditch 43 is a small intermittent tributary to upper Ditch 40. The Wentz (2008) inventory of aquatic biota of the Tyronza River and other mussel surveys have located the fat pocketbook over 20 miles downstream in the Tyronza river. The project may affect, but is not likely to adversely affect this species.

Bill Bailey
Arkansas Highway & Transportation Department
Environmental Division
Environmental Scientist
10324 Interstate 30
Little Rock, AR 72209
501-569-2617

AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

AHTD Job Number 100839 FAP Number NHPP-0047(54)

Job Title Ditch No. 43 Str. & Apprs.

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		
Cultural Resources	X			
Economic	X			
Endangered Species		X		USFWS Concurrence 5/4/2017
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife		X		During construction
Floodplains		X		
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds		X		Migratory Bird SP included
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocatees	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		During construction, replacing a bridge with a triple box culvert
Water Quality		X		During construction
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type NW14

Remarks: _____

Signature of Evaluator Don Michael Date 6/21/2017

ROADWAY DESIGN REQUESTJob Number 100839 FAP No. _____ County MississippiJob Name Ditch No. 43 Str. & Apprs. (S)Design Engineer Primary Environmental Staff _____Brief Project Description Replace Bridge with R.C. Box Culvert

A. Existing Conditions:

Roadway Width: 20' Shoulder Type/Width: N/ANumber of Lanes and Width: 2-10' Existing Right-of-Way: 80'Sidewalks? N/A Location: _____ Width: _____Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 22' Shoulder Type/Width: 2'paved/4' gravelNumber of Lanes and Width: 2-11' Proposed Right-of-Way: 160'Sidewalks? N/A Location: _____ Width: _____Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: _____ Length: _____

D. Design Traffic Data:

2018 ADT: 800 2038 ADT: 965 % Trucks: 7Design Speed: 55 m.p.h.E. Approximate total length of project: 0.019 mile(s)F. Justification for proposed improvements: Bridge replacement

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

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

Agency/Official	Person Contacted	Date
County Judge	Randy L. Carney	April 20, 2017