

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
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www.arkansashighways.com

May 31, 2017

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

Re: Job Number 100956
FAP Number NHPP-0056(38)
Sunken Lands Strs. Rehab. (I-555) (S)
Poinsett 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 project will preserve and rehabilitate 16 bridges along a 5.3 mile section of Interstate 555 in the Sunken Lands area between Payneway and Marked Tree. The bridge rehabilitation will consist of either hydro-demolition and re-paving of the existing bridge deck or surface preparation and the application of a polymer overlay system onto the existing bridge deck. No additional right of way will be required. A project location map is enclosed.

There are no relocatees, wetlands, streams, floodplains, cultural resources, prime farmland, environmental justice issues or noise impacts associated with this project.

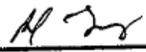
The project is covered under the Memorandum of Agreement with the State Historic Preservation Officer executed on June 21, 1999. The job consists of conducting work

within a previously disturbed area. All work will be within the existing right of way and does not have the potential to disturb cultural resources.

The federally designated endangered fat pocketbook (*Potamilus capax*) is known to occur within the immediate project area in Ditch No. 60, Ditch No. 61, St. Francis River, and the St. Francis Floodway. In an effort to avoid potential impacts to the endangered fat pocketbook, the US Fish and Wildlife Service (USFWS) has requested that a Hydro-Demolition Special Provision accompany the job to minimize sediment and wastewater from entering the waterbodies. The USFWS concurred with our 'may affect, not likely to adversely affect' determination on May 30, 2017 (enclosed).

This job will not include any work in streams below the ordinary high water mark; therefore, no 404 permit will be required.

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

APPROVED


Environmental Specialist
Federal Highway Administration
Date: 6/1/2017

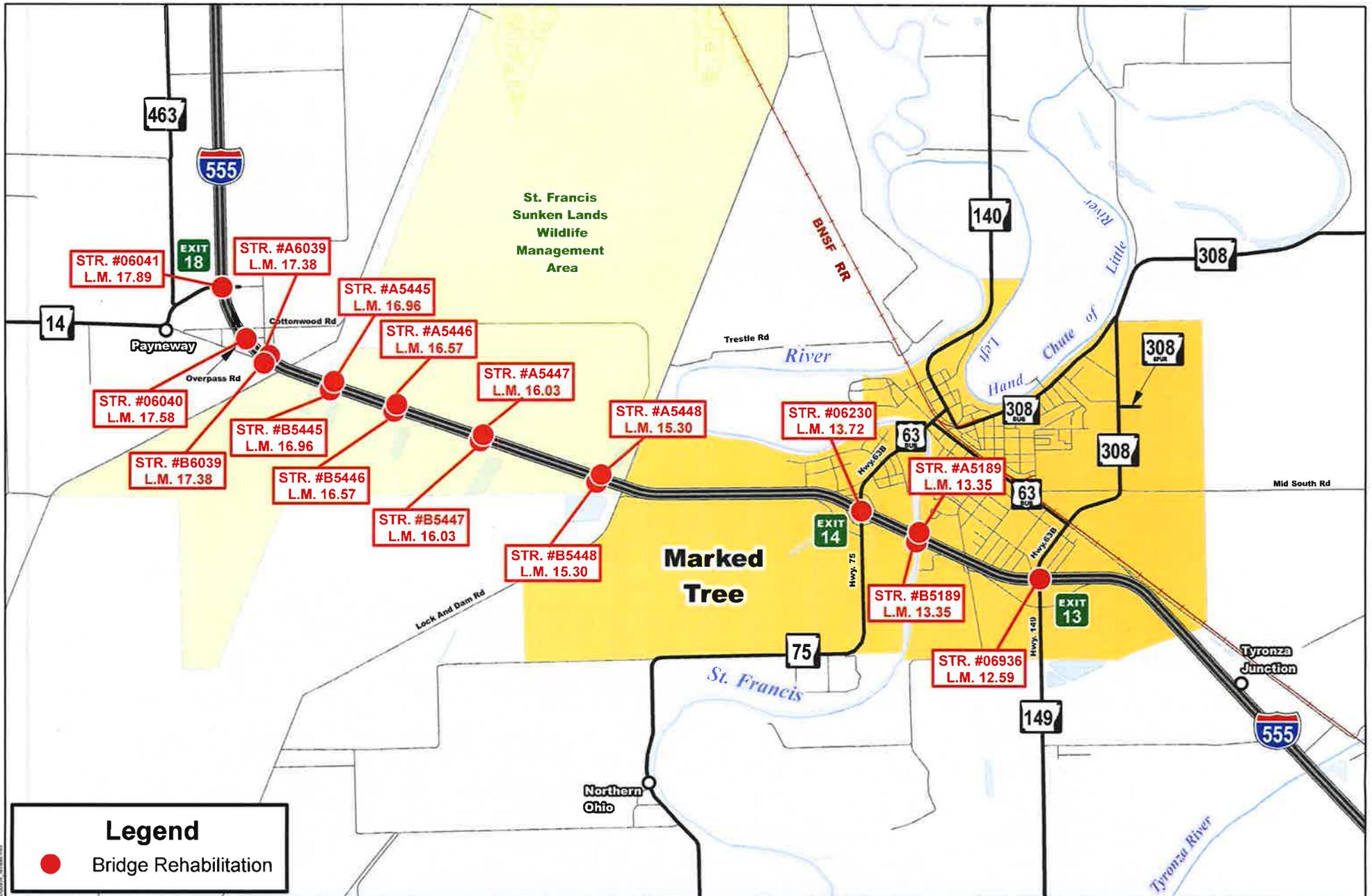
Sincerely,



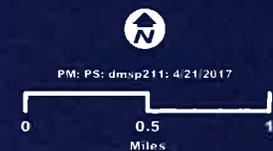
John Fleming
Division Head
Environmental Division

Enclosures
JF:JB:fc

c: Program Management
Right of Way
Roadway Design
District 10
Master File



Job 100956
Sunken Lands Strs. Rehab. (I-555) (S)
 I-555, Sec. 2
 Poinsett County



ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

INTEROFFICE MEMORANDUM

May 16, 2017

TO: Environmental Job Files

FROM: William McAlexander, Environmental Scientist I *WEM*

SUBJECT: Archeological Clearance
AHTD Job No. 100956
Sunken Lands Strs. & Aprs. Rehab. (I-555) (S)
Poinsett County

The above referenced project involves deck and joint rehabilitation and guardrail work on Bridges A5445, A5446, A5447, A5448, B5445, B5446, B5447, B5448, A6039, 060401, A6043, B6039, B6042, B6043, 06040, 06230, A6337, B6337, X0842, A6399, and B6399 in Poinsett County. There will be no destruction of the bridges. Bridge No. A5445 was constructed in 1973 and the others later. The bridges are not old enough to be evaluated for historical significance. In addition the project area was previously cleared under AHTD Job No. 012267. The project is designed to improve traffic safety and flow along this portion of the route.

The project will be constructed within the existing roadbed and does not have the potential to affect any undisturbed land surfaces or potential cultural resources. This project is subject to the 1999 MOA and falls under the exempted work category "Minor Bridge Work". This project is not considered an undertaking and requires no further work or Section 106 review.



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:

May 19, 2017

Consultation Code: 04ER1000-2017-SLI-0791

Event Code: 04ER1000-2017-E-01061

Project Name: 100956 Sunken Lands Strs. Rehab (I-555) (S)

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-0791

Event Code: 04ER1000-2017-E-01061

Project Name: 100956 Sunken Lands Strs. Rehab (I-555) (S)

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: 11 Bridges along I-555 will undergo routine maintenance via hydrodemolition between Marked Tree and Payneway.

Project Location:

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

<https://www.google.com/maps/place/35.536350192503996N90.48013832448173W>



Counties: Poinsett, 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.

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
Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>) 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/5165	Threatened
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

Flowering Plants

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

Critical habitats

There are no critical habitats within your project area.

From: [Lewis, Lindsey](#)
To: [Ewing, Anne \(Kayti\)](#)
Subject: Re: 100956 Consultation
Date: Tuesday, May 30, 2017 7:29:46 AM

Kayti,

Due to the limited scope of the action (i.e., paving existing roadway, demolition of existing roadway/bridge surfaces), minimal adjacent habitat effect, distance to known species locations, and the special provisions for water pollution control and management of hydrodemolition wastewater, the Service agrees with your assessments and concurs with the determination of "may affect, not likely to adversely affect" for Fat Pocketbook mussel (*Potamilus capax*).

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 Thu, May 25, 2017 at 9:35 AM, Ewing, Anne (Kayti) <Anne.Ewing@ahd.ar.gov> wrote:

Lindsey,

The Arkansas State Highway and Transportation Department is proposing to perform routine maintenance to sixteen bridges along Interstate 555 in Poinsett County between Marked Tree and Payneway. Eleven out of the 16 bridges will undergo hydrodemolition prior to the proposed resurfacing of the bridge decks. Hydrodemolition utilizes highly pressurized water to remove deteriorated concrete from the bridge deck. This project crosses several water bodies: the St. Francis River, the St. Francis River Floodway Relief, Sand Slough, Ditch No. 61, Ditch No. 60, and an unnamed canal ditch.

IPaC identified four federally listed species with the potential to occur in the project area— Fat Pocketbook (*Potamilus capax*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), Scaleshell Mussel (*Leptodea leptodon*), and Pondberry (*Lindera melissifolia*).

Q. cylindrica cylindrica prefers shallow areas with sand and gravel along the bank and next to shoals, which provide refuge in fast moving streams (NatureServe Explorer 2017). The closest known occurrences of *Q. cylindrica cylindrica* as well as designated critical habitat are near Newport, Arkansas further west of the project site. Furthermore, most the ditches have been riprapped in various locations to prevent scouring. Due to the lack of habitat and known occurrences of *Q. cylindrica cylindrica* in the project area, it is our determination that the project will have **‘no effect’** on this species.

L. leptodon prefers large to medium-sized rivers with sand and gravel substrates, stable channels, and good water quality (NatureServe Explorer 2017). The closest known occurrences of *L. leptodon* is near Forrest City further south. Furthermore, most the ditches have been riprapped in various locations to prevent scouring and water quality is not great in this area. Due to the lack of habitat and known occurrences of *L. leptodon* in the project area, it is our determination that the project will have **‘no effect’** on this species.

L. melissifolia occurs in seasonally flooded floodplain and bottomland hardwood forests and forested swales, particularly on the bottoms and edges of shallow seasonal ponds in shade, but it can tolerate full sun (NatureServe Explorer 2017). The closest known occurrences of *L. melissifolia* is at the St. Francis Sunken Lands Natural Area approximately 9.5 miles north of the project area. While the preferred habitat is present in the project area, there are no closer known occurrences. Furthermore, a Hydrodemolition Special Provision will be included in the job, which requires the collection and disposal of all wastewater and solid residue associated with the hydrodemolition process in order to prevent wastewater and other materials from entering water bodies, see attached Hydrodemolition Special Provision. Due to the preventative measures that will be put in place, it is our determination that this project will have **‘no effect’** on *L. melissifolia*.

P. capax is found in large rivers with sand, mud and fine gravel substrates. It has been shown that man-made ditches, sloughs and streams in the St. Francis watershed provide suitable habitat (Miller and Payne 2005). *P. capax* is locally known in the project area from all waterbodies mentioned above, according to ANHC records. While there are known species and suitable habitat present, a Hydrodemolition Special Provision will accompany the job to ensure much of the waste water and other debris from the hydrodemolition process is collected and not allowed to enter water bodies. Therefore, it is our determination that the project is **“not likely to adversely affect”** *P. capax*. We request your concurrence with our determination.

The project will have **‘no effect’** on *Q. cylindrica cylindrica*, *L. leptodon* and *L. melissifolia*. A **‘may affect, not likely to adversely affect’** determination was made for *P. capax*. We request your concurrence with our determination. If you have any questions, please let me know.

Thanks, Kayti Ewing
AHTD-Environmental Division

AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

AHTD Job Number 100956 **FAP Number** NHPP-0056(38)
Job Title Sunken Lands Pavement & Strs. Rehab (I-555)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary
Cultural Resources	X			
Economic	X			
Endangered Species		X		See USFWS correspondence
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife	X			
Floodplains	X			
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds		X		Bird SP
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			
Water Quality		X		Hydrodemolition SP
Wetlands	X			
Wildlife Refuges	X			

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

Remarks: _____

Signature of Evaluator  Date 6/1/17

ROADWAY DESIGN REQUESTJob Number 100956 FAP No. _____ County PoinsettJob Name Sunken Lands Strs. Rehab. (I-555) (S)Design Engineer David Baker Environmental Staff _____Brief Project Description Bridge Rehab.

A. Existing Conditions:

Roadway Width: 80' Shoulder Type/Width: 6' & 10'Number of Lanes and Width: (4) 12' Existing Right-of-Way: 187'Sidewalks? N/A Location: N/A Width: N/ABike Lanes? N/A Location: N/A Width: N/A

B. Proposed Conditions:

Roadway Width: N/A Shoulder Type/Width: N/ANumber of Lanes and Width: N/A Proposed Right-of-Way: N/ASidewalks? N/A Location: N/A Width: N/ABike Lanes? N/A Location: N/A Width: N/A

C. Construction Information:

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

D. Design Traffic Data:

N/A ADT: N/A N/A ADT: N/A % Trucks: N/ADesign Speed: 70 m.p.h.E. Approximate total length of project: 5.3 mile(s)F. Justification for proposed improvements: N/AG. Total Relocates: N/A Residences: N/A Businesses: N/A

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

Agency/Official	Person Contacted	Date