March 14, 2019

TO: Master Files

FROM: John Fleming, Division Head, Environmental Division

SUBJECT: Job Number BB0801
FAP Number NHPP-40-2(80)46
Hwy. 164 – Hwy. 352 (S)
Route 40, Section 21
Johnson County
Tier 1 Categorical Exclusion

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

The purpose of this project is to rehabilitate a portion of Interstate 40 in Johnson County. Work will include mill and inlay of the roadway and hydro-demolition of nine bridges. The existing cross-section will not change as a result of the proposed project and no additional right of way will be required. A project location map is attached.

The project will not have a discharge of dredged or fill material into waters of the United States, therefore a Section 404 permit will not be required. Construction of this project will have “no effect” on all listed species. A cultural resources clearance is attached.

JF:JB:am

Attachments:
Location Map
SHPO Clearance
Environmental Study Checklist

c: Program Management
   Right of Way
   Roadway Design
   District 8
   FHWA
Job BB0801
Hwy. 164 - Hwy. 352
Johnson County
March 11, 2019

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

RE: Johnson County — General  
Section 106 Review — FHWA  
Response Letter: Hwy. 164 – Hwy. 352 (S), Route 40, Section 21, Johnson County  
ARDOT Job Number BB0801  
AHPP Tracking Number 103245

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for rehabilitating 6.93 miles of Interstate 40 in Johnson County. The area of potential effects (APE) is coterminous with the existing right-of-way (ROW). The records check by ARDOT documented two historic resources proximal to the APE: Site 3JO0031 and a segment of the Clarksville to Van Buren Road-Highway 352. Site 3JO0031 has an undetermined National Register of Historic Places eligibility status. The Clarksville to Van Buren Road is listed in the Arkansas Register under Criterion A due to its association with the Cherokee Trail of Tears.

Considering the undertaking will be limited to existing ROW and the proposed actions have no potential to cause effects to historic properties, the AHPP concurs with a finding of No Historic Properties Affected pursuant to 36 CFR § 800.4(d)(1).

Tribes that have expressed an interest in the area include the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Muscogee (Creek) Nation (Ms. Corain Lowe-Zepeda), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation (Mr. Everett Bandy), the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton), and the United Keetoowah Band of Cherokee Indians (Ms. Sheila Bird, Erin Thomson, and Charlotte Wolfe). We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Eric Mills of my staff at 501-324-9784 or email eric.mills@arkansas.gov.

Sincerely,

[Signature]

Scott Kaufman  
Director, AHPP

cc: Mr. Randall Looney, Federal Highway Administration  
       Dr. Ann Early, Arkansas Archeological Survey
**ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST**  
**FOR CONSIDERATION OF POTENTIAL IMPACTS**

**ARDOT Job Number** BB0801  
**FAP Number** NHPP-40-2(80)46  
**Job Title** Hwy. 164 – Hwy. 352 (S)

<table>
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<tr>
<th>Environmental Resource</th>
<th>None</th>
<th>Minimal</th>
<th>Major</th>
<th>Comments-required for each item</th>
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<tr>
<td>Air Quality</td>
<td>X</td>
<td></td>
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<td>No impacts anticipated</td>
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<tr>
<td>Cultural Resources</td>
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<td>Will not be impacted by the project</td>
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<td>Economic</td>
<td>X</td>
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<tr>
<td>Endangered Species</td>
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<td>No effect determination</td>
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<td>Environmental Justice/Title VI</td>
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<td></td>
<td>No protected populations in project area</td>
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<tr>
<td>Fish and Wildlife</td>
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<td>No impacts expected</td>
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<tr>
<td>Floodplains</td>
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<td>No impacts</td>
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<tr>
<td>Forest Service Property</td>
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<tr>
<td>Hazardous Materials/Landfills</td>
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<td>Land Use</td>
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<td>Migratory Birds</td>
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<td>Navigation/Coast Guard</td>
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<td>No navigable waterways involved</td>
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<td>Noise Levels</td>
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<td>No increases due to project</td>
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<td>Prime Farmland</td>
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<td>No impacts</td>
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<tr>
<td>Protected Waters</td>
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<tr>
<td>Public Recreation Lands</td>
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<tr>
<td>Public Water Supply/WHPA</td>
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<td>Relocatees</td>
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<td>4f/6f resources not present</td>
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<td>No impacts to the social environment</td>
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<td>Underground Storage Tanks</td>
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<td>No USTs in project area</td>
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<td>Visual</td>
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<td>No changes to visual environment</td>
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<td>Streams</td>
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<td>All work within existing right of way, no impacts expected</td>
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<td>Wildlife Refuges</td>
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<td>None in the area</td>
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**Section 401 Water Quality Certification Required?**  
No

**Short-term Activity Authorization Required?**  
No

**Section 404 Permit Required?**  
No  
Type ______________________

Remarks:  
________________________________________________________
________________________________________________________

Signature of Evaluator  
John Baber  
Date  
3/13/19

7/27/2018