

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB NUMBER 070415  
FAP NUMBER NHPP-0013(18)  
BAYOU DERRISEAUX STRS. & APPRS. (S)  
ROUTE 212, SECTION 1  
CLEVELAND COUNTY**

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

May 2019

May 13, 2019

Date of Approval

M J

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 this project is to replace two bridges on Highway 212 over Bayou Derriseaux Relief and Bayou Derriseaux in Cleveland County. Total length of the project is 0.36 mile. A project location map is enclosed.

The existing roadway consists of two 10' wide paved travel lanes with no shoulders. The existing Bayou Derriseaux Relief Bridge (Structure #M3994) is 97' x 24'. The existing Bayou Derriseaux Bridge (Structure #M3995) is 229' x 24'. Existing right of way width averages 80'.

Proposed improvements consist of two 11' wide paved travel lanes with 4' wide shoulders (2' paved). Proposed improvements at M3994 include a new 91' x 33' concrete bridge. Bridge M3995 will consist of a 241' x 33' concrete bridge. The average additional right of way width at both bridges will be 100'. Approximately 1.9 acres of additional right of way and 2.5 acres of temporary construction easements will be required for this project.

Design data for this project is as follows:

| Design Year | Average Daily Traffic | Percent Trucks | Design Speed |
|-------------|-----------------------|----------------|--------------|
| 2020        | 430                   | 11             | 55 mph       |
| 2040        | 500                   | 11             | 55 mph       |

There are no relocations, environmental justice issues, prime farmland, or floodplains associated with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits. The State Historic Preservation Officer clearance is enclosed.

The official species list obtained through the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identifies the following species as possibly occurring in the project area: Geocarpon (*Geocarpon minimum*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*), and Winged Mapleleaf (*Quadrula fragosa*). A determination of 'no effect' was made for Geocarpon and the Winged Mapleleaf due to the lack of suitable habitat and known occurrences in the project area. A determination of 'may affect, not likely to adversely affect' was made for Pink Mucket and Rabbitsfoot. The USFWS

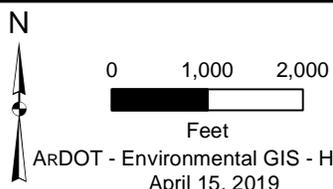
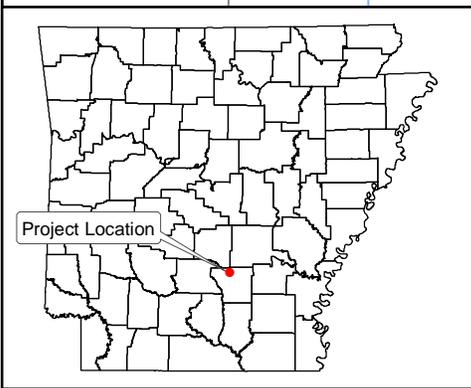
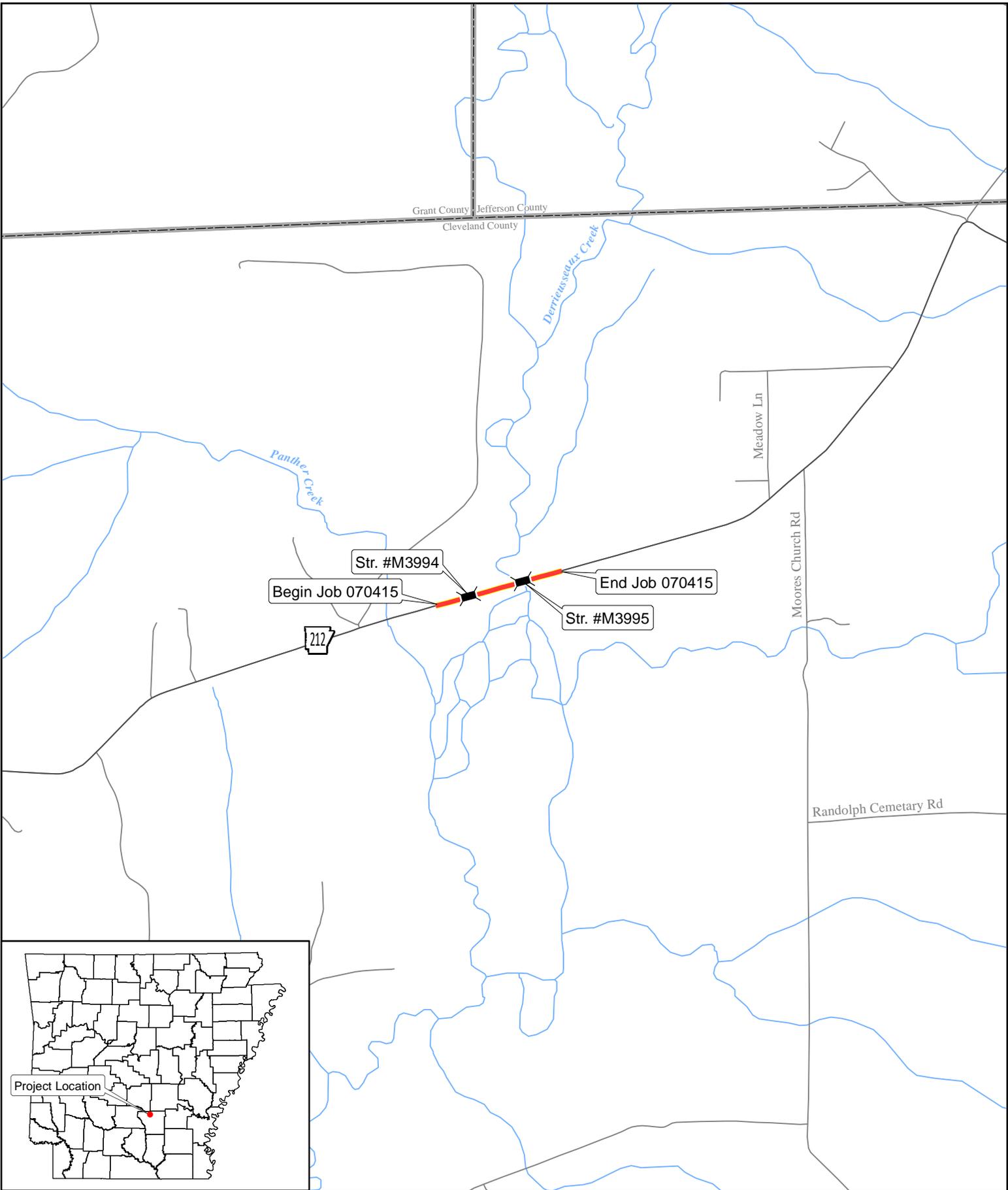
concluded on March 20, 2019. USFWS concurrence and the official species list are enclosed.

Impacts to waters of the United States include 1.4 acres of permanently filled wetlands and 3.0 acres of temporary impacts due to detours and clearing of trees during construction. Total permanent stream impacts are estimated at less than 0.2 acre for both bridges. Temporary stream impacts are estimated at less than 0.1 acre for both bridges. Compensatory mitigation will be provided for unavoidable wetland impacts at a US Army Corps of Engineers approved mitigation bank. Construction of the proposed project should be allowed under the terms of Nationwide 23 Section 404 Permit for Approved Categorical Exclusions as defined in Federal Register 82(4):1860-2008.

Noise predictions were made for this project using the FHWA Traffic Noise Model Version 2.5. The predicted noise level increases are below applicable noise impact criteria; therefore, noise impacts are not anticipated. In compliance with federal guidelines, local authorities will not require notification.

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 070415  
Bayou Derriseaux Strs. & Apprs.  
(Hwy. 212)  
Cleveland County





THE DEPARTMENT OF ARKANSAS  
**HERITAGE**

Asa Hutchinson  
*Governor*

Stacy Hurst  
*Director*

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Arkansas Historic  
Preservation Program

Arkansas Natural  
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Arkansas State Archives

Delta Cultural Center

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Cultural Center

Old State House Museum



ARKANSAS HISTORIC  
PRESERVATION PROGRAM



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May 6, 2019

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

RE: Cleveland County — General  
Section 106 Review — FHWA  
Response Letter: Bayou Derriseaux Strs. & Apprs. (S)  
Route 212, Section 1  
ARDOT Job Number: 070415  
AHPP Tracking Number: 102533.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form for the above-referenced project. The proposed undertaking entails replacement of two bridges (M3394 and M3995) spanning Derriseaux Creek on Arkansas Highway 212 in Cleveland County. The proposed right-of-way (ROW) is 100 feet wide. Temporary construction easements will accommodate detours during the course of construction. The total length of the project is .36 miles.

The field investigation did not document any new archeological sites within the ROW. However, Site 3CV0009 is partially within the ROW. Sixteen shovel tests placed north and south of the highway proved negative for cultural materials. ARDOT archeologists did recover eight lithic flakes and debitage from the surface near a bridge abutment. Previous bridge construction, road grading of a proximal hunting camp road, and nonscientific excavations have significantly affected the portion of Site 3CV0009 within the ROW.

**Based on the provided information, the AHPP concurs that Site 3CV0009 within the ROW is not eligible for inclusion in the National Register of Historic Places (NRHP). The AHPP also concurs with the finding of no historic properties affected pursuant to 36 CFR § 800.4(d)(1) for the proposed undertaking.**

Tribes that have expressed an interest in the area include the Caddo Nation (Ms. Tamara Francis), the Choctaw Nation of Oklahoma (Mr. Daniel Ragle), the Jena Band of Choctaw Indians (Ms. Alina J. Shively), the Quapaw Nation (Mr. Everett Bandy), the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton), and the United Keetoowah Band of Cherokee Indians (Ms. Erin Thompson)

and Charlotte Wolfe). 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 Eric Mills of my staff at 501-324-9784 or email [eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov).

Sincerely,



Scott Kaufman  
Director, AHPP

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



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



March 20, 2019

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

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) is responding to your request dated March 15, 2019, regarding Arkansas Department of Transportation (ArDOT) Job 070415, replacement of two bridges, both over Bayou Derriseaux, on Highway 212 in Cleveland County, Arkansas. The project was described and assessed as follows (abbreviated):

The Arkansas Department of Transportation (ArDOT) proposes to replace two bridges, both over Bayou Derriseaux, on Highway 212 in Cleveland County. Both bridges will be replaced on existing location and will utilize temporary detours for maintenance of traffic purposes. The western most bridge will have a temporary detour to the north of Highway 212, while the eastern most bridge will have a temporary detour to the south of Highway 212. I have attached a kmz file which shows the current design for this project.

An official species list was generated using the Information for Planning and Conservation (IPaC) system, and the following species were identified as potentially occurring in or near the project area: Geocarpon (*Geocarpon minimum*), Pink Mucket (*Lampsilis abrupta*), Winged Mapleleaf (*Quadrula fragosa*), and Rabbitsfoot (*Theliderma cylindrica*). I have attached the official species list.

A “no effect” determination was made for the federally listed plant species due to the lack of habitat and known occurrences in the project area(s). A “no effect” determination was also made for the Winged Mapleleaf due to the lack of known occurrences in the project area. The closest known occurrence of the Winged Mapleleaf is found in the far southern portion of Cleveland County in the Saline River. Most commonly, this species is found in portions of the Saline and Ouachita Rivers in southern Arkansas.

The Pink Mucket is frequently found in large rivers with fast-flowing waters and rocky or boulder and sand and gravel substrates. The Rabbitsfoot mussel is known to inhabit small- to medium-sized rivers with moderate to swift currents

with sand and gravel substrates; it has been found in waters up to three meters in depth.

While Bayou Derriseaux is not likely suitable habitat for either of the aforementioned mussels, they are known to occur in the Saline River, approximately 5.0 miles south of the project area. Sedimentation is likely to increase during construction and could potentially affect the water quality downstream. There are known populations of the Pink Mucket and Rabbitsfoot in the Saline River, which Bayou Derriseaux is a tributary to. Due to the possibility that this temporary decline in water quality could affect downstream populations, it is our determination that the proposed project "may affect, but not likely to adversely affect" the Pink Mucket and Rabbitsfoot mussel. We request your concurrence in our determination.

Based on the location of this action, the minimal habitat being affected immediately adjacent to existing roadway 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 Pink Mucket and Rabbitsfoot. Furthermore, the Service agrees with your assessments and no further consultation for this action regarding the identified species is necessary at this time.

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\070415\_Bayou Derriseaux Strs. & Apprs\AFO Letter-ArDOT Job 070415\_Bayou Derriseaux Strs. & Apprs. - 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:

December 11, 2017

Consultation Code: 04ER1000-2018-SLI-0246

Event Code: 04ER1000-2018-E-00406

Project Name: 070415 Bayou Derriseaux Strs. & 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](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: 04ER1000-2018-SLI-0246

Event Code: 04ER1000-2018-E-00406

Project Name: 070415 Bayou Derriseaux Strs. & Apprs.

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Replace two bridges, one over Bayou Derriseaux and another over an overflow channel of Bayou Derriseaux, on Highway 212 in Cleveland County.

Project Location:

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

<https://www.google.com/maps/place/34.04610790561982N92.23177492618564W>



Counties: Cleveland, AR

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## Endangered Species Act Species

There is a total of 4 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. 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.

### Clams

| NAME   | STATUS     |
|--|------------|
| Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/7829">https://ecos.fws.gov/ecp/species/7829</a>   | Endangered |
| Rabbitsfoot <i>Quadrula cylindrica cylindrica</i><br>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/5165">https://ecos.fws.gov/ecp/species/5165</a>                           | Threatened |
| Winged Mapleleaf <i>Quadrula fragosa</i><br>Population: Wherever found, except where listed as an experimental population<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/4127">https://ecos.fws.gov/ecp/species/4127</a> | Endangered |

### Flowering Plants

| NAME   | STATUS     |
|--|------------|
| Geocarpon minimum<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/7699">https://ecos.fws.gov/ecp/species/7699</a> | Threatened |

### Critical habitats

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

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

ARDOT Job Number 070415 FAP Number NHPP-0013(18)

Job Title Bayou Derriseaux Strs. & Apprs. (S)

| Environmental Resource         | None | Minimal | Major | Comments-required for each item                              |
|--------------------------------|------|---------|-------|--|
| Air Quality                    | X    |         |       | No impacts anticipated                                       |
| Cultural Resources             | X    |         |       | SHPO approval attached                                       |
| Economic                       | X    |         |       | No economic impacts  |
| Endangered Species             |      | X       |       | "No effect" and "NLAA" determinations, see USFWS concurrence |
| Environmental Justice/Title VI | X    |         |       | No protected populations in project area                     |
| Fish and Wildlife              |      | X       |       | Temporary impacts during construction                        |
| Floodplains                    | X    |         |       | Cleveland County does not participate                        |
| Forest Service Property        | X    |         |       | None in project area   |
| Hazardous Materials/Landfills  | X    |         |       | No sites in project area                                     |
| Land Use                       |      | X       |       | Minimal impacts  |
| Migratory Birds                |      | X       |       | Migratory Bird SP included                                   |
| Navigation/Coast Guard         | X    |         |       | No navigable waterways involved                              |
| Noise Levels                   | X    |         |       | No increases due to project                                  |
| Prime Farmland                 | X    |         |       | None in project area   |
| Protected Waters               | X    |         |       | None occur in project area                                   |
| Public Recreation Lands        | X    |         |       | No public lands in the area                                  |
| Public Water Supply/WHPA       |      | X       |       | WHPA SP will be in contract                                  |
| Relocates                      | X    |         |       | None occur in project area                                   |
| Section 4(f)/6(f)              | X    |         |       | No park impacts  |
| Social                         | X    |         |       | No social impacts  |
| Underground Storage Tanks      | X    |         |       | No USTs in area  |
| Visual                         | X    |         |       | No visual impact   |
| Streams                        |      | X       |       | Nationwide 23 Section 404 Permit                             |
| Water Quality                  |      | X       |       | Temporary decline during construction.                       |
| Wetlands                       |      | X       |       | Nationwide 23 Section 404 Permit                             |
| Wildlife Refuges               | X    |         |       | None in the area   |

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? Yes

Section 404 Permit Required? Yes Type NW 23

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

Signature of Evaluator  Date April 17, 2019

## ROADWAY DESIGN REQUEST

Job Number 070415 FAP No. NHPP-0013(18) County Cleveland

Job Name Bayou Derriseaux Strs. & Apprs. (S)

Design Engineer Consultant Environmental Staff \_\_\_\_\_

Brief Project Description Bridge replacement of two bridges and approaches

**A. Existing Conditions:**

Roadway Width: 20' Shoulder Type/Width: None

Number of Lanes and Width: 2@10' Existing Right-of-Way: 80'

Sidewalks? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

**B. Proposed Conditions:**

Roadway Width: 30' Shoulder Type/Width: 4' Total (2' paved)

Number of Lanes and Width: 2@11' Proposed Right-of-Way: 100' typ.

Sidewalks? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? No Location: \_\_\_\_\_ Width: \_\_\_\_\_

**C. Construction Information:**

If detour: Where: L.M. 2.63-North side Length: L.M. 2.63 – 400'  
L.M. 2.78-South side L.M. 2.78 – 1500'

**D. Design Traffic Data:**

2020 ADT: 430 2040 ADT: 500 % Trucks: 11%  
 Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.360 mile(s)

F. Justification for proposed improvements: Bridges need to be replaced

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 |
|-----------------|------------------|------|
|                 |                  |      |
|                 |                  |      |
|                 |                  |      |