

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB 100997**

**FAP NHPP-0028(51)**

**BUFFALO HEAD SLOUGH & DITCH NO. 26 STRS. & APPRS. (S)**

**ROUTE 228, SECTION 5 AND ROUTE 168, SECTION 0**

**GREENE 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

September 2021

September 27, 2021

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 Programmatic 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 (M3238 & M3206) with timber and steel substructures on Highways 228 and 168, respectively. Total project length is approximately 0.9 mile. A project location map is attached.

The typical section will be improved from two 10' wide paved travel lanes with 4' wide gravel shoulders to two 11' wide paved travel lanes with 4' wide (2' paved) shoulders. The existing bridges will be replaced with new structures on new location adjacent to the existing structures. Traffic will be maintained on the existing structures until the new structures are completed. The existing right of way (ROW) varies from 80'-100', and will increase to 80'-180'. Approximately 6.9 acres of new ROW and 3.9 acres of temporary construction easement will be required for the construction of this project.

Design data for this project is as follows:

Highway	Design Year	Average Daily Traffic	Percent Trucks	Design Speed
228	2022	580	6	55 mph
	2042	710		
168	2022	560	5	55 mph
	2042	690		

The project will not involve relocations, underground storage tanks, hazardous materials, any environmental justice issues, or cultural resources. The State Historic Preservation Officer's clearance is attached. Approximately 0.54 acre of prime farmland and 2.1 acres of farmland of statewide importance will be impacted by the project. A NRCS-CPA-106 form is attached for the farmland impacts.

Based on the ARDOT noise policy, a noise analysis is not required for this project. The bridge replacements will not involve adding capacity, substantially changing the roadway alignment, or exposing noise sensitive land uses to traffic noise sources. In compliance with federal guidelines, local authorities will not require notification.

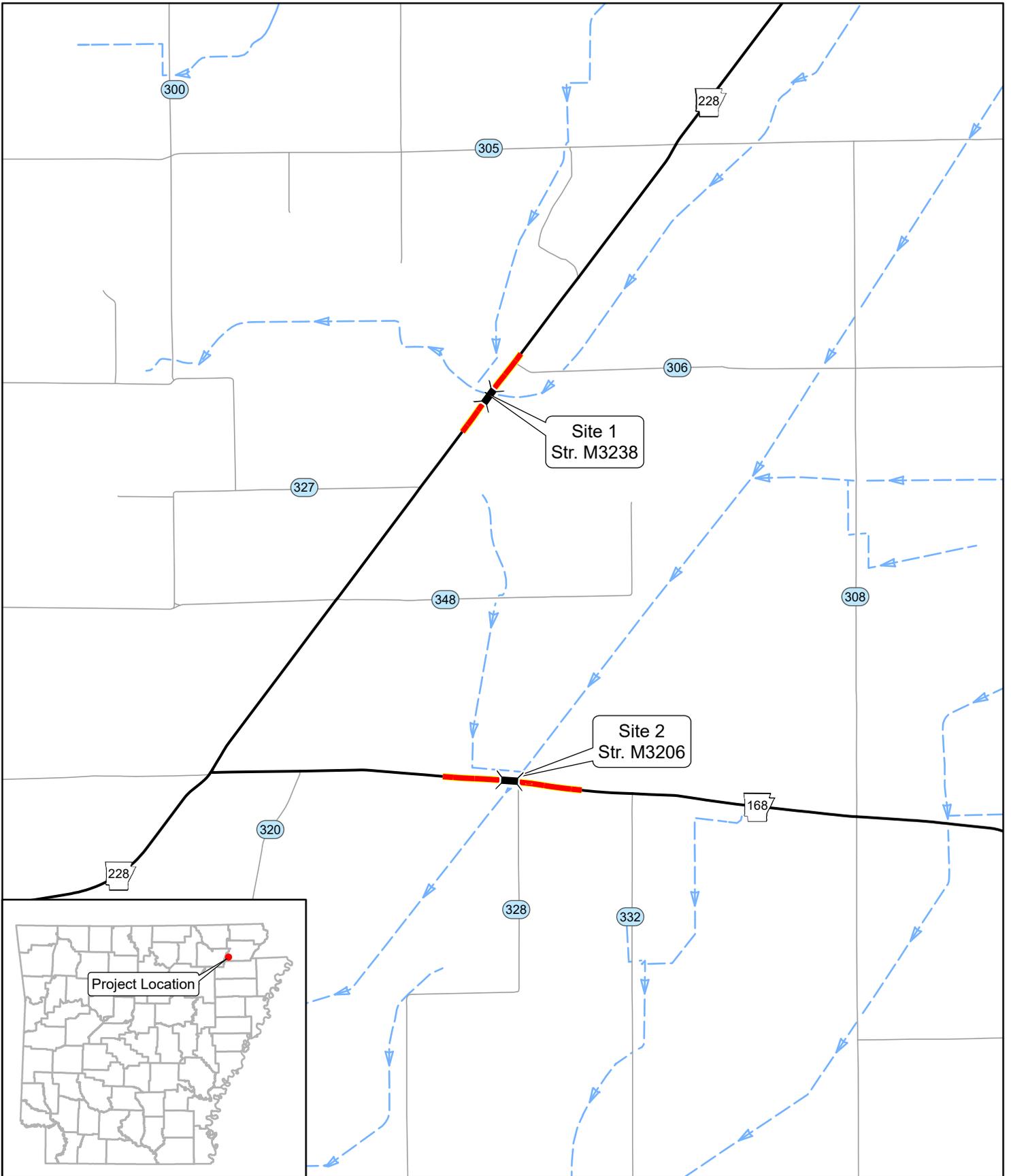
The official species list obtained through US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website identifies the following federally listed species as having the potential to occur in the project area: the endangered pondberry (*Lindera melissifolia*); the threatened Eastern Black Rail (*Laterallus jamaicensis* ssp. *jamaicensis*), Piping Plover (*Charadrius melodus*), and Red Knot (*Calidris canutus rufa*); and the candidate monarch butterfly (*Danaus plexippus*). The USFWS species list is attached.

A survey for pondberry was conducted on June 2, 2021; the species was not found in the project area; therefore, it has been determined that the project will have "no effect" on pondberry. Due to the lack of open marsh or larger riverine gravel or sandbars, it has been determined that the project will have "no effect" on the listed bird species. The monarch butterfly is a candidate species and as such is not federally protected under the Endangered Species Act. However, the USFWS recommends agencies implement conservation measures for candidate species in action areas as these are species, by definition, that may warrant future protection under the Act. ARDOT will plant native wildflowers after construction as a conservation measure.

Permanent stream impacts to the channel of Buffalo Head Slough are estimated at less than 300' and less than 0.1 acre. Permanent stream impacts to Ditch No. 26 are estimated at less than 300' and less than 0.1 acre. Permanent impacts to wetlands Buffalo Head Slough floodplain are estimated at 0.25 acre. ARDOT proposes compensatory mitigation for the wetland impacts at the Department's Glaise Creek Mitigation Bank. Construction of the proposed project should be allowed under the terms of a Nationwide 14 Section 404 Permit for Linear Transportation Projects as defined in the Federal Register 82(4):1860-2008.

Greene County participates in the National Flood Insurance Program. The project lies within a 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 substantial floodplain encroachment or a risk to property or life.

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.

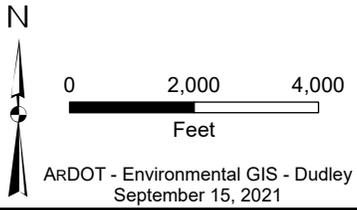


Site 1  
Str. M3238

Site 2  
Str. M3206

Project Location

Project Location



Job 100997  
Buffalo Head Slough & Ditch No. 26  
Strs. & Apprs.  
Greene County



**Asa Hutchinson**  
Governor  
**Stacy Hurst**  
Secretary

September 8, 2021

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

RE: Greene County: General  
Section 106 Review: FHwA  
Proposed Undertaking: Buffalo Head Slough & Ditch No. 26 Str. & Apprs. (S)  
Route 228 & 168, Sections 5 & 0  
ARDOT Job Number: 100997  
AHPP Tracking Number: 108194.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the submission for the above referenced undertaking in Greene County, Arkansas. The project proposes to replace two existing deficient bridges (M3238 and M3206) in Sections 17 and 20, Township 16 North, Range 3 East that were determined to be not eligible for inclusion in the National Register of Historic Places (NRHP) (AHPP Tracking Number 108194). Bridge M3206 will be replaced on a new location and will require no detour while Bridge M3238 will be constructed in the existing location in two stages with a one-way traffic signal. The total area of potential effect (APE) is 10.8 acres and includes new rights-of-way and Temporary Construction Easements.

No previously recorded sites or historic structures are located near the APE. A pedestrian survey did not record any surface artifact concentrations and a total of thirty-eight shovel tests were excavated within the APE, all of which were negative for cultural materials.

Based on the provided information, the AHPP concurs that there will be no affect to historic properties pursuant to 36 CFR § 800.5(b)(1) as a result of this undertaking. In the event of a post-review discovery of historic properties within the area of potential effects, please contact the AHPP and other consulting parties in accordance with 36 CFR § 800.13(b)(3).

Tribes that have expressed an interest in the area include the Delaware Nation, the Osage Nation, the Quapaw Nation, and the Shawnee Tribe. 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, call Jessica Cogburn at 501-324-9357 or email [jessica.cogburn@arkansas.gov](mailto:jessica.cogburn@arkansas.gov).

Sincerely,

Jessica H.  
Cogburn

 Digitally signed by Jessica  
H. Cogburn  
Date: 2021.09.08  
15:06:38 -05'00'

*for*

Scott Kaufman  
Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration  
Dr. Melissa Zabecki, Arkansas Archeological Survey

**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b> Job 100997	3. Date of Land Evaluation Request	4. Sheet 1 of _____
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1. Name of Project	5. Federal Agency Involved
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2. Type of Project	6. County and State
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<b>PART II (To be completed by NRCS)</b>	1. Date Request Received by NRCS	2. Person Completing Form
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3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated   Average Farm Size
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5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ % _____	7. Amount of Farmland As Defined in FPPA Acres: _____ % _____
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
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<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment</b>			
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	Corridor A	Corridor B	Corridor C	Corridor D
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A. Total Acres To Be Converted Directly				
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B. Total Acres To Be Converted Indirectly, Or To Receive Services				
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C. Total Acres In Corridor				
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<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
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A. Total Acres Prime And Unique Farmland				
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B. Total Acres Statewide And Local Important Farmland				
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C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
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D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
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<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>				
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	<b>Maximum Points</b>			
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1. Area in Nonurban Use	15			
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2. Perimeter in Nonurban Use	10			
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3. Percent Of Corridor Being Farmed	20			
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4. Protection Provided By State And Local Government	20			
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5. Size of Present Farm Unit Compared To Average	10			
--	----	--	--	--

6. Creation Of Nonfarmable Farmland	25			
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7. Availability Of Farm Support Services	5			
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8. On-Farm Investments	20			
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9. Effects Of Conversion On Farm Support Services	25			
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10. Compatibility With Existing Agricultural Use	10			
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TOTAL CORRIDOR ASSESSMENT POINTS	160			
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<b>PART VII (To be completed by Federal Agency)</b>				
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Relative Value Of Farmland (From Part V)	100			
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Total Corridor Assessment (From Part VI above or a local site assessment)	160			
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<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>			
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1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used?  YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:
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Signature of Person Completing this Part:	DATE
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*Joshua Graham*

NOTE: Complete a form for each segment with more than one Alternate Corridor



## 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:

September 14, 2021

Consultation Code: 04ER1000-2021-SLI-1074

Event Code: 04ER1000-2021-E-04682

Project Name: ARDOT Job 100997 - Buffalo Head Slough & Ditch No. 26 Strs. & Apprs. (S)

Subject: Updated list of threatened and endangered species that may occur in your proposed project location 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
-

## 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.

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.

## Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</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/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</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/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Flowering Plants

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

## Critical habitats

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

# Endangered Species Act Review

EVALUATING: CONSULTATION ON EFFECTS OF PROPOSED PROJECTS TO THREATENED AND ENDANGERED SPECIES IN ARKANSAS

## Qualification interview

The following questions will determine whether this key applies to your project and provide guidance to help you make appropriate determinations for the species covered by this key.

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").

Yes

### EVALUATION PROGRESS

When the action agency determines its proposed action will not affect a listed species, there is no need to coordinate further with the Service. If listed species will not be directly or indirectly exposed to the proposed action or any resulting environmental changes, an action agency may conclude "no effect" and document the finding, thus completing the section 7 process. For example, if the species or its suitable habitat is not present in the action area and the project does not otherwise present any effects to the species, action agencies typically conclude and document "No Effect - species not present" as their finding."

**As documentation of this "no effect" determination print this screen, add it to your project files, and select "exit review" on the progress ribbon to return to the project home page.**

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

ARDOT Job 100997 FAP NHPP-0028(51)

Job Title Buffalo Head Slough & Ditch No. 26 Strs. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No air analysis required
Cultural Resources	X			SHPO attached
Economic	X			No impacts anticipated
Endangered Species	X			"No effect" determination
Environmental Justice/Title VI	X			No impacts anticipated
Fish and Wildlife		X		Minimal during construction
Floodplains		X		Zone A SFHA
Forest Service Property	X			None in the project area
Hazardous Materials/Landfills	X			None in the project area
Land Use		X		6.9 acres of new ROW & 3.9 acres TCE
Migratory Birds	X			Migratory Bird SP included
Navigation/Coast Guard	X			None in project area
Noise Levels	X			Noise analysis not required
Prime Farmland		X		0.54 acre PFL and 2.1 acres farmland of statewide importance converted to ROW
Protected Waters	X			None in the project area
Public Recreation Lands	X			None in the project area
Public Water Supply/WHPA	X			None in project area
Relocates	X			No relocations
Section 4(f)/6(f)	X			No impacts anticipated
Social	X			No impacts anticipated
Underground Storage Tanks	X			No impacts anticipated
Visual	X			No impacts anticipated
Streams		X		<300 ft. and 0.1 acre per crossing
Water Quality		X		Temporary decline during construction
Wetlands		X		Approximately 0.25 acre of impacts
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? N  
 Short-term Activity Authorization Required? Y  
 Section 404 Permit Required? Y Type NW14

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

Signature of Evaluator Kathryn Rose Date 9/21/2021

**ROADWAY DESIGN REQUEST**Job Number 100997 FAP No. \_\_\_\_\_ County GreeneJob Name Buffalo Head Slough & Ditch No. 26 Strs. & Apprs. (S)Design Engineer Garver Environmental Staff \_\_\_\_\_

Detailed Project Description This project will be replacing two existing bridge structures on new location adjacent to the existing structures. Traffic will be maintained on the existing lanes until the new structures are substantially completed, at which time traffic will be shifted to the new structures and the existing structures will be obliterated.

A. Existing Conditions: Hwy. 228 & Hwy. 168Roadway Width: 28' Shoulder Type/Width: 4' gravelNumber of Lanes and Width: 2-10' Existing Right-of-Way: Var. (80'-100')Sidewalks? N/A Location: \_\_\_\_\_ Width: \_\_\_\_\_Bike Lanes? N/A Location: \_\_\_\_\_ Width: \_\_\_\_\_B. Proposed Conditions: Hwy. 228 & Hwy. 168Roadway Width: 30' Shoulder Type/Width: 4'(2' paved)Number of Lanes and Width: 2-11' Proposed Right-of-Way: Var. (80'-180')Sidewalks? N/A Location: \_\_\_\_\_ Width: \_\_\_\_\_Bike Lanes? N/A Location: \_\_\_\_\_ Width: \_\_\_\_\_C. Construction Information:If detour: Where: N/A Length: \_\_\_\_\_D. Design Traffic Data: Hwy. 2282022 ADT: 580 2042 ADT: 710 % Trucks: 6%Design Speed: 55 m.p.h.E. Design Traffic Data: Hwy 1682022 ADT: 560 2042 ADT: 690 % Trucks: 5%Design Speed: 55 m.p.h.F. Approximate total length of project: 0.892 mile(s)G. Justification for proposed improvements: Structure replacementH. Total Relocates: 0 Residences: 0 Businesses: 0

I. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? N/A

Agency/Official	Person Contacted	Date