



INTEROFFICE MEMORANDUM

January 21, 2020

TO: Master Files

FROM: *for* John Fleming, Division Head, Environmental Division *JS*

SUBJECT: Job Number 061609
FAP Number NHPP-0043(36)
Mill Creek Str. & Apprs. (S)
Route 38, Section 0
Bridge Number 02834
Lonoke County
Tier 1 Categorical Exclusion

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

The purpose of this project is to replace the Highway 38 bridge over Mill Creek in Lonoke County. The bridge would be replaced with a reinforced concrete box culvert. The highway cross section would also be improved from two 11' wide travel lanes and 2' wide paved shoulders to two 12' wide travel lanes and 8' wide paved shoulders. The average right of way width would extend from approximately 210' to 221', requiring acquisition of approximately 0.1 acre of right of way. A project location map is attached.

Highway 38 will be closed during construction to replace the bridge on the existing alignment. The closure is estimated to be less than two weeks. The official signed detour would add approximately 4.5 miles to the route for through traffic using Highway 321 and county roads, per an agreement with the Lonoke County Judge.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	3,800 vpd	3	55 mph
2040	5,300 vpd		

The project is not anticipated to involve any relocations or impacts to prime farmland, underground storage tanks, hazardous materials, environmental justice communities, or cultural resources. 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 concerns. State Historic Preservation Officer clearance is attached.

Lonoke 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 would constitute a substantial floodplain encroachment or a risk to property or life.

Based on the ARDOT noise policy, a noise analysis is not required for this project. Replacing the bridge will not substantially alter the existing roadway alignment and noise sensitive receptors were not identified in the project area. In compliance with federal guidelines, local authorities will not require notification.

The official species list from the U.S. Fish and Wildlife Service lists the Eastern Black Rail (*Laterallus jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*) and Whooping Crane (*Grus americana*) as protected species that have the potential to occur in the project area. A "no effect" determination has been reached for all listed species due to the limited scope of the project, lack of suitable habitat, and distance to known species locations.

The project will have a discharge of dredged or fill material into Waters of the United States impacting approximately 250 linear feet of streams. The project should be authorized under a Section 404 Nationwide Permit 14 for Approved Categorical Exclusions as defined in Federal Register 82(4):1860-2008. Preconstruction notification will not be required.

A public involvement meeting was held for the proposed project on November 19, 2019. A synopsis of the meeting and the comments received is attached.

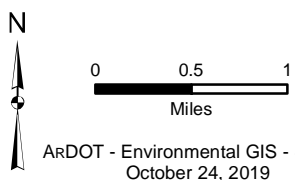
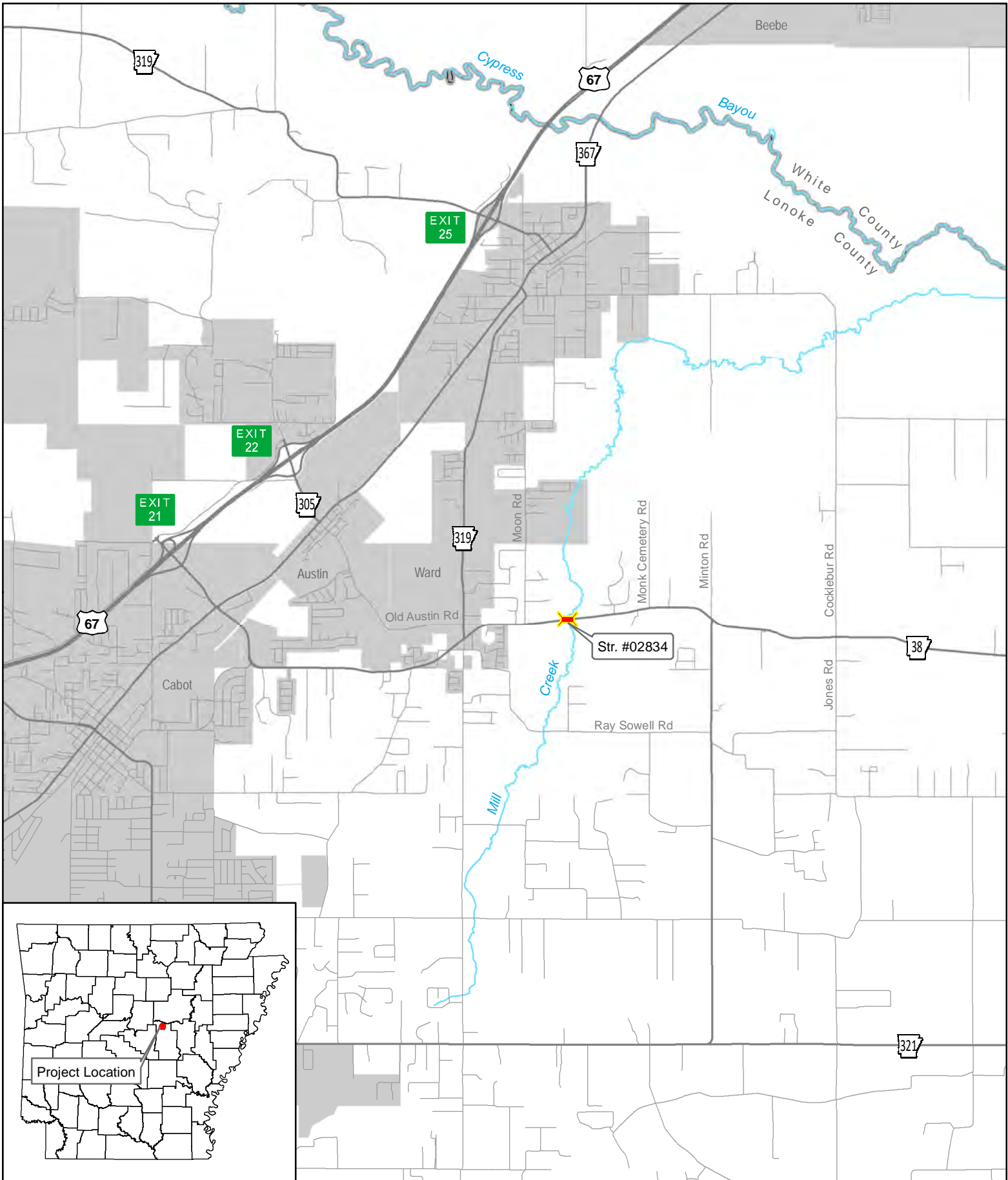
A commitment has been made for archeological monitoring during construction.

JF:SS:am

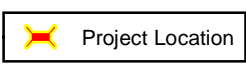
Attachments:

- Project Location Map
- SHPO Clearance
- PI Synopsis
- Environmental Study Checklist
- Design Sheet

c: Program Management
Right of Way
Roadway Design
District 6
FHWA



Job 061609
 Mill Creek Str. & Apprs.
 (Hwy. 38)
 Lonoke County





ARKANSAS HERITAGE



December 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: Lonoke County - General
Section 106 Review - FHWA
Mill Creek Str. & Apprs. (S)
Route 38, Section 0
ARDOT Job Number 061609
AHPP Tracking Number 103693.02

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form (PIF) for the above-referenced job in Lonoke County. As described, the proposed undertaking entails replacing Bridge 02834 on Highway 38 over Mill Creek. Bridge 08234 is determined not eligible for inclusion in the National Register of Historic Places (NRHP) (AHPP Tracking Number 103693).

The cultural resources survey documented Site 3LN0682 (Property 2) approximately 40 meters north of Bridge 02834 and 5 meters north of the existing right-of-way. Site 3LN0682 is an abandoned road segment with possible Trail of Tears and Civil War associations. Site 3LN0682 is determined eligible for inclusion in the NRHP (AHPP Tracking Number 103693.01). Due to the proximity of the historic property, the AHPP concurs with the recommendation for monitoring north of the bridge replacement.

Tribes that have expressed an interest in the area include the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Ms. Madison Currie), the Jena Band of Choctaw Indians (Ms. Alina J. Shively), the Muscogee (Creek) Nation (Ms. Corain Lowe-Zepeda), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation (Mr. Everett Bandy), and the Shawnee Tribe (Ms. Tonya Tipton). We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this report and undertaking. If you have any questions, please contact Eric Mills of my staff at (501) 324-9784 or

eric.mills@arkansas.gov. Please refer to the AHPP Tracking Number above in any correspondence.

Sincerely,



Scott Kaufman
Director, AHPP

cc: Ms. Elizabeth Toombs, Cherokee Nation
Ms. Karen Brunso, Chickasaw Nation
Ms. Madison Currie Ms. Madison Currie, Choctaw Nation of Oklahoma
Ms. Alina J. Shively, Jena Band of Choctaw Indians
Ms. Corain Lowe-Zepeda, Muscogee (Creek) Nation
Dr. Andrea Hunter, Osage Nation
Mr. Everett Bandy, Quapaw Nation
Ms. Tonya Tipton, Shawnee Tribe
Mr. Randall Looney, Federal Highway Administration
Dr. Ann Early, Arkansas Archeological Survey

PUBLIC INVOLVEMENT SYNOPSIS

Job Number 061609
Mill Creek Str. & Apprs. (S)
Lonoke County
November 19, 2019

An open forum public involvement meeting for the proposed bridge replacement on Highway 38 over Mill Creek was held at the Old Austin Baptist Church in Austin from 4:00 – 7:00 p.m. on Tuesday, November 19, 2019. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in *The Leader* on November 6 and 16, 2019
- Letters sent to local public officials
- Flyers distributed in the project area

The following information was available for inspection and comment. Small-scale copies of the displays are attached.

- Layouts of the preliminary project design
- Displays of the project location

Handouts for the public included a comment sheet and a small-scale map illustrating the project location. Copies of these are attached.

Table 1 describes the results of the public participation at the meeting.

TABLE 1	
Public Participation	Totals
Attendance at meeting (including ARDOT staff)	38
Comment forms received	8

ARDOT staff reviewed all comments received and evaluated their contents. The summary of comments listed below reflects the personal perception or opinion of the person or organization making the statement. The sequencing of the comments is random and is not intended to reflect importance or numerical values. Some of the comments were combined and/or paraphrased to simplify the synopsis process.

An analysis of the responses received as a result of the public survey is shown in Table 2.

TABLE 2	
Believes there is a need for the proposed project	7
Does not believe there is a need	0
Did not select need	1
Believes the project will have beneficial impacts	2
Believes the project will have adverse impacts	2
Did not select beneficial or adverse impacts	4
Has knowledge of cultural resources	0
Has knowledge of environmental constraints	0

A listing of general comments concerning the proposed project follows:

- The existing bridge is old.
- Traffic volumes have increased.
- The closure of the highway for construction will negatively affect school traffic.
- Construction on the proposed project should occur in summer or when school is not in session.
- The proposed project should be completed quickly.
- Emergency services should be considered during construction of the proposed project.

Attachments: Blank comment form

Small-scale project location map

SS:DN:am

**ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT)
CITIZEN COMMENT FORM**

**ARDOT JOB NUMBER 061609
Mill Creek Str. & Apprs. Hwy. 38
LONOKE COUNTY**

**LOCATION:
OLD AUSTIN BAPTIST CHURCH (FAMILY LIFE CENTER)
50 OLD 38 NORTH
AUSTIN, AR 72007
4:00 – 7:00 P.M.
NOVEMBER 19, 2019**

Make your comments on this form and leave it with ARDOT personnel at the meeting or mail it by 4:30 p.m. on **Wednesday, December 4, 2019** to: Arkansas Department of Transportation, Environmental Division, P.O. Box 2261, Little Rock, AR, 72203-2261. Email: environmentalmeetings@ardot.gov.

Yes No

Do you feel there is a need for the proposed replacement of the Mill Creek Bridge on Highway 38 in Lonoke County? Comment (optional)_____

Do you feel that the proposed project will have any impacts
(Beneficial or Adverse) on your property and/or community
(economic, environmental, social, etc.)? Please explain. _____

Do you have a suggestion that would make this proposed project better serve the needs of the community? _____

Does your home or property offer any limitations to the project, such as septic systems, that the Department needs to consider in its design?

(Continue on Back)

Yes No
 Do you know of any historical sites, family cemeteries, or archaeological sites in the project area? Please note and discuss with staff. _____

 Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with ARDOT staff. _____

It is often necessary for the ARDOT to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name: _____ (Please Print)

Address: _____ Phone: (____) _____--_____

E-mail: _____

Do you have suggestions that would make this proposed project better serve the needs of the community? Please make additional comments here. _____

For additional information, please visit our website at www.ardot.gov



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

ARDOT Job Number 061609 FAP Number NHPP-0043(36)

Job Title Mill Creek Str. & Apprs. (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Cultural Resources		X		Monitoring commitment during construction
Economic	X			No impacts anticipated
Endangered Species	X			"No effect" to all listed species
Environmental Justice/Title VI	X			No impacts anticipated
Fish and Wildlife		X		Temporary and minor during construction
Floodplains		X		Zone A Special Flood Hazard Area
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No impacts anticipated
Land Use	X			0.1 acre proposed right of way
Migratory Birds		X		Migratory Bird SP added to contract
Navigation/Coast Guard	X			No navigable waterways involved
Noise Levels	X			Not a Type I project; no analysis required
Prime Farmland	X			None in project area
Protected Waters	X			None in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			Non in project area
Relocatees	X			No relocations
Section 4(f)/6(f)	X			None in project area
Social	X			No impacts anticipated
Underground Storage Tanks	X			No impacts anticipated
Visual	X			No impacts anticipated
Streams		X		250 linear feet of stream impacts
Water Quality		X		Temporary and minor during construction
Wetlands	X			No impacts anticipated
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type Nationwide Permit 14

Remarks: _____

Signature of Evaluator Susan Stapfield Date January 16, 2020

Date Sent: September 20, 2019
Revised: October 31, 2019

ROADWAY DESIGN REQUEST

Job Number 061609 FAP No. NHPP-0034(36) County Lonoke

Job Name Mill Creek Str. & Apprs. (S)

Design Engineer Nick Dail Environmental Staff _____

Brief Project Description Replacement of one bridge with a R.C. Box Culvert

A. Existing Conditions:

Roadway Width: 26'-0" Shoulder Type/Width: 2' Paved

Number of Lanes and Width: 2-11' Existing Right-of-Way: 210'

Sidewalks? No Location: N/A Width: N/A

Bike Lanes? No Location: N/A Width: N/A

B. Proposed Conditions:

Roadway Width: 40' Shoulder Type/Width: 8' Paved

Number of Lanes and Width: 2-12' Proposed Right-of-Way: 221'

Sidewalks? No Location: N/A Width: N/A

Bike Lanes? No Location: N/A Width: N/A

C. Construction Information:

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

D. Design Traffic Data:

2020 ADT: 3800 2040 ADT: 5300 % Trucks: 3%

Design Speed: 55 m.p.h.

E. Approximate total length of project: 0.015 mile(s)

F. Justification for proposed improvements: Bridge replacement required

G. Total Relocatees: 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