

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB 090593
FAP STPSC-9037(3)
HWY. 62 INTERS. IMPVTS. (BERRYVILLE) (S)
ROUTE 62, SECTION 4
CARROLL 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

October 2023

October 27, 2023

Date of Approval

Randal Looney

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 the existing traffic signals at the intersections of Hwy. 62 and Church Ave. and Hwy. 62 and Madison Ave. in Berryville. The intersection improvements will include wheelchair ramps for pedestrian movements on all legs of both intersections, curb and gutter, and sidewalks. Approximately 0.14 acre of new right of way (ROW) and 0.02 acre temporary construction easement (TCE) will be required for construction of this project. Total length of the project is approximately 0.03 mile. A project location map is attached.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2025	9,400	4	30 mph
2045	11,000		

The project will not involve relocations, noise impacts, prime farmlands, wetlands, underground storage tanks, hazardous materials, or any environmental justice issues. 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 toxics (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.

This project takes place in the Berryville Commercial Historic District, which qualifies as an historic site, therefore Section 4(f) applies. Most of the new ROW will be taken from within the Public Square Park, which is recorded as non-contributing to the historic district. The remainder of the new ROW will not impact any of the contributing historic properties in the district. The impacts are documented in the attached *de minimis* Section 4(f) Evaluation. The State Historic Preservation Officer's clearance is attached.

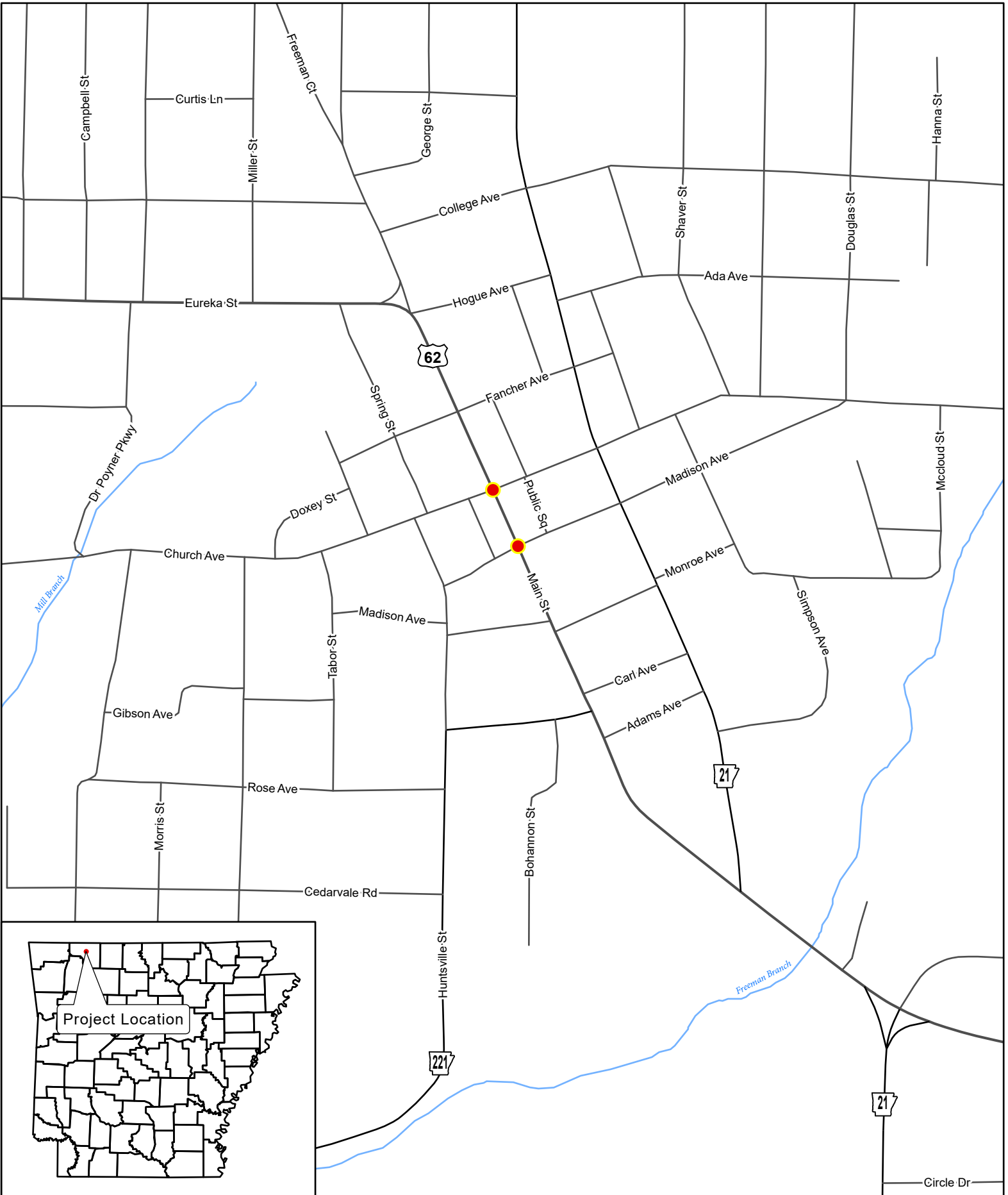
As mentioned above, minor amounts of ROW and TCE will be acquired from Public Square Park. The City of Berryville had no objections to the proposed impacts.

The official species lists obtained through the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation identified the following species as potentially occurring within the project area: Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), Snuffbox Mussel (*Epioblasma triquetra*), Missouri bladderpod (*Physaria filiformis*), and Monarch Butterfly (*Danaus plexippus*). The official species list is attached. This project will have "no effect" on the aforementioned species due to the limited scope of the action, lack of suitable habitat, and distance to known species locations.

The Alligator Snapping Turtle is currently a proposed threatened species, and the Tricolored Bat is a proposed endangered species; however, the proposed project will not jeopardize the continued existence of either species.

Additionally, 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, by definition, species that may warrant future protection under the Act. ARDOT will plant native wildflowers after construction as a conservation measure.

This project will not have a discharge of dredged or fill material into waters of the U.S.; therefore, a Section 404 permit will not be required.

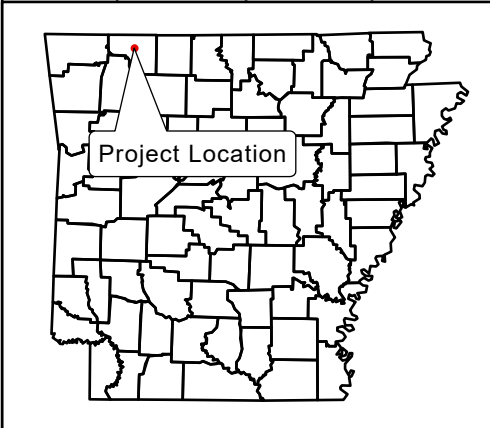


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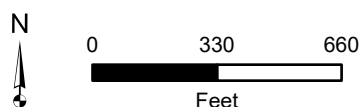
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Project Location



ARDOT - Environmental GIS - Filares
June 8, 2023

Job 090593
Hwy. 62 Inters. Impvts.
(Berryville)
Carroll County

 Project Location



Sarah Huckabee Sanders
Governor
Shea Lewis
Secretary

October 03, 2023

Mr. John Fleming
Division Head
Environmental Division
Arkansas Department of Transportation
10324 Interstate 30
Little Rock, AR 72203-2261

RE: Carroll County: General
Section 106 Review: FHWA
Proposed Undertaking: Hwy. 62 Inters. Impvts. (Berryville) (S)
Route 62, Section 4
ArDOT Job Number: 090593
AHPP Tracking Number: 111534

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the submission for the above-referenced undertaking in Section 30, Township 20 North, Range 24 West in Carroll County. The project proposes to make intersection improvements on Highway 62 in Berryville's Historic Downtown, which will include replacement of traffic signals, modifications to sidewalks, curbs, gutters, and adding wheelchair ramps at the intersections of Highway 62 and Church Ave. and Highway 62 and Madison Ave. New right-of-way (ROW) totaling 0.142 acres and a Temporary Construction Easement (TCE) totaling 0.019 acres will be needed. The area of potential effect (APE) has already been disturbed due to existing roadway disturbance, infrastructure, utilities, and park construction. The visual impact of the improvements, mainly involving new antennas for the traffic signals, will be minimal because light poles are already present and the antennas will not add an additional visual element.

Based on the provided information, the AHPP concurs with the finding of a *de minimis* impact determination under Section 4(f) of the Department of Transportation Act for the proposed undertaking and that no further work is needed. 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).

Thank you for the opportunity to review this submission. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Jessica Cogburn of my staff at 501-324-9357 or email jessica.cogburn@arkansas.gov.

Sincerely,
Jessica H.
Cogburn

Digitally signed by Jessica H.
Cogburn
Date: 2023.10.03 10:42:52
-05'00'

for
Scott Kaufman
State Historic Preservation Officer and Director, AHPP

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



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

In Reply Refer To:
Project Code: 2023-0104901
Project Name: 090593 - Hwy. 62 Inters. Impvts. (Berryville) (S)

July 14, 2023

Subject: 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 threatened, endangered, 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.*).

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.

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.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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 Code 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

Project Code: 2023-0104901
Project Name: 090593 - Hwy. 62 Inters. Impvts. (Berryville) (S)
Project Type: Road/Hwy - Maintenance/Modification
Project Description: Pedestrian walkway improvements.
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.36463705,-93.56735664806737,14z>



Counties: Carroll County, Arkansas

ENDANGERED SPECIES ACT SPECIES

There is a total of 12 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 Fisheries¹, 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.

MAMMALS

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Ozark Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii ingens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7245	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	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 final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

CLAMS

NAME	STATUS
Snuffbox Mussel <i>Epioblasma triquetra</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4135	Endangered

INSECTS

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

FLOWERING PLANTS

NAME	STATUS
Missouri Bladderpod <i>Physaria filiformis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5361	Threatened

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.



IPAC USER CONTACT INFORMATION

Agency: Arkansas Department of Transportation

Name: Nicholas Dial

Address: 10324 I-30

City: Little Rock

State: AR

Zip: 72209

Email: nicholas.dial@ardot.gov

Phone: 5015692617

Endangered Species Act Review

DETERMINATION KEY

AFO Arkansas Multi-Species Determination Key

Release date: May 4, 2023

You completed the latest version of this key, published May 4, 2023, and reached a determination of not applicable for species or critical habitats covered by the key.

This decision key is intended for projects or actions funded, authorized or carried out by federal agencies to help you make effect determinations for listed species and designated critical habitat that may occur in your project area. This decision key is not applicable to after-the-fact project coordination.

The U.S. Fish and Wildlife Service Arkansas Ecological Services Field Office (ARFO) has completed consultations with the Corps of Engineers Little Rock, Memphis and Vicksburg districts and the Farm Service Agency regarding proposed, recurring actions and effects to listed species. The resultant Standard Local Operative Procedures for Endangered Species (SLOPES) and Programmatic Informal Consultation evaluations form the basis of this key. See the links below for detailed information on these consultations.

[SLOPES with Little Rock District 2018](#)

[Farm Service Agency Statewide Programmatic Consultation 2019](#)

[USFS Ouachita National Forest Programmatic Biological Opinion 2010](#)

[USFS Ozark St. Francis National Forest Programmatic Biological Opinion 2010](#)

[Cooperative Agreement Between USFWS and Arkansas Game and Fish Commission](#)

[Arkansas Game and Fish Commission Indiana Bat Programmatic Biological Opinion 2019](#)

[Arkansas Species Determination Key Standing Analysis](#)

For projects that meet incorporated criteria, your responses to questions in this key will allow you to make effect determinations for species included in these consultations. More information about section 7(a)(2) and effect determinations is available [here](#) and on the Service's [website](#). Reaching an effect determination in the key indicates a project proponent can rely on the above consultations and the Service's concurrence with the resulting determinations. For those species with a resulting determination of "no effect" or "may affect,

not likely to adversely affect”, the project proponent has satisfied consultation requirements under section 7(a)(2) of the Endangered Species Act for the project. For projects that reach a “may affect” or “may affect, likely to adversely affect” determination for a species, further consultation with ARFO will be required to meet consultation requirement.

Species covered by this key

This key covers the following species, and critical habitat for these species, expected to occur in this project area:

BIRDS

Piping Plover *Charadrius melodus*

Red Knot *Calidris canutus rufa*

Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis*

CLAMS

Snuffbox Mussel *Epioblasma triquetra*

FLOWERING PLANTS

Missouri Bladderpod *Physaria filiformis*

MAMMALS

Indiana Bat *Myotis sodalis*

Gray Bat *Myotis grisescens*

Ozark Big-eared Bat *Corynorhinus (=Plecotus) townsendii ingens*

The following species, also covered by this key, are not expected to occur in this project area:

American Burying Beetle *Nicrophorus americanus*

Geocarpon minimum

Pondberry *Lindera melissifolia*

Arkansas Fatmucket *Lampsilis powellii*

Scaleshell Mussel *Leptodea leptodon*

Yellowcheek Darter *Etheostoma moorei*

Least Tern *Sternula antillarum*

Pink Mucket (pearlymussel) *Lampsilis abrupta*

Ouachita Rock Pocketbook *Arcidens wheeleri*

Harperella *Ptilimnium nodosum*

Pallid Sturgeon *Scaphirhynchus albus*

Red-cockaded Woodpecker *Picoides borealis*

Ozark Hellbender *Cryptobranchus alleganiensis bishopi*

Leopard Darter *Percina pantherina*

Winged Mapleleaf *Quadrula fragosa*

Curtis Pearlymussel *Epioblasma florentina curtisii*

Ozark Cavefish *Amblyopsis rosae*
Rabbitsfoot *Quadrula cylindrica cylindrica*
Running Buffalo Clover *Trifolium stoloniferum*
Benton County Cave Crayfish *Cambarus aculabrum*
Fat Pocketbook *Potamilus capax*
Whooping Crane *Grus americana*
Hell Creek Cave Crayfish *Cambarus zophonastes*
Neosho Mucket *Lampsilis rafinesqueana*
Speckled Pocketbook *Lampsilis streckeri*
Spectaclecase (mussel) *Cumberlandia monodonta*

Critical habitats covered by this key

This key covers the critical habitats for the following species expected to occur in this project area:

None

For more information about this determination key, including a list of all potential questions, refer to the [detailed overview](#).

Qualification interview

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

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.

If you no longer wish to use this key for your project, you can delete your evaluation.

**EVALUATION AND DOCUMENTATION OF A
DE MINIMIS FINDING TO SECTION 4(F) PROPERTY
FOR HISTORIC SITES**

ARDOT Job 090593
FAP Number STPC-9037(3)
Hwy. 62 Inters. Impvts. (Berryville) (S)
Carroll County

Berryville Commercial Historic District

OCTOBER 2023

October 27, 2023
Date of Approval

Randal Looney
Randal Looney
Environmental Coordinator
Federal Highway Administration

Submitted Pursuant to 49 U.S.C. Section 303 and 23 U.S.C. Section 138 by the U.S. Department of Transportation Federal Highway Administration and the Arkansas Department of Transportation.

Section 4(f) Finding of *De Minimis* Impact

What is Section 4(f)?

Section 4(f) of the Department of Transportation Act of 1966 is intended to protect public parks, recreation areas, wildlife/waterfowl refuges, and important historic sites from being harmfully affected by transportation projects.

Does Section 4(f) apply to the Berryville Commercial National Register Historic District?

The Berryville Commercial Historic District (CR1150) qualifies as a historic site (Figures 1 – 3); therefore, Section 4(f) applies. On June 24, 2016, the Berryville Commercial Historic District was listed in the National Register of Historic Places (NRHP).



Figure 1. Old Carroll County Courthouse (CR0983).

What properties does Section 4(f) protect?

Properties protected by Section 4(f) include significant publicly-owned parks, recreation areas, wildlife or waterfowl refuges, and historic site listed or eligible for listing in the NRHP with national, state, or local significance.

How is the significance of a historic site determined?

The NRHP criteria apply to determine if a property has enough significance to be a historic site. Such properties qualify only if they hold significance in American history, architecture, archeology, engineering, and culture and retain aspects of integrity, and are:

- A) associated with an event, broad patterns, or trends of history;
- B) associated with an important person(s);
- C) embody typical features of a type, period, or construction method, that represent the work of a master, or possess high artistic values; or
- D) that have or will likely yield significant information for history or prehistory.

(National Register Bulletin

No.15: <https://www.nps.gov/NR/PUBLICATIONS/bull>

SECTION 4(F) FINDING OF *DE MINIMIS* IMPACT



Figure 2. North side of the historic Berryville Square within the NRHP district (CR1008, CR1009, and CR2009).



Figure 3. St. George Hotel (CR1012).

SECTION 4(F) FINDING OF *DE MINIMIS* IMPACT

After we do an evaluation like this one, some Section 4(f) impacts can be recognized as “*de minimis*,” which means relatively minor. We will present information to prove no harmful impacts will occur to the historic site. We can use a Section 4(f) *de minimis* finding on projects that meet the conditions shown in Table 1. The *de minimis* impact determination finding does not require an evaluation of alternatives.

Table 1

When Can We Use A Section 4(f) <i>De Minimis</i> Finding on a Historic Site?	Does It Apply To This Project?
The Section 106 consultation process results in a determination of “no adverse effects” or “no historic properties affected”.	Yes
Written concurrence from the State Historic Preservation Officer (SHPO) that “no adverse effects” will occur to the historic sites.	Yes
FHWA through ARDOT informed SHPO that the <i>de minimis</i> impact determination was based on their written concurrence in accordance with 23 CFR 774.5(1)(ii).	Yes

What is the proposed road project?

The Arkansas Department of Transportation (ARDOT) is making intersection improvements on Highway 62 in Berryville’s Historic Downtown in Carroll County (Figure 4). The improvements involve replacing the existing traffic signals at the intersections of Highway 62 and Church Avenue and Highway 62 and Madison Avenue. Additionally, the project will modify the sidewalks and curb and gutter, as well as installing new wheelchair ramps at both intersections (Figure 5). This project requires minor right of way (ROW) acquisition from the historic property (shown in Figure 5).

SECTION 4(F) FINDING OF *DE MINIMIS* IMPACT

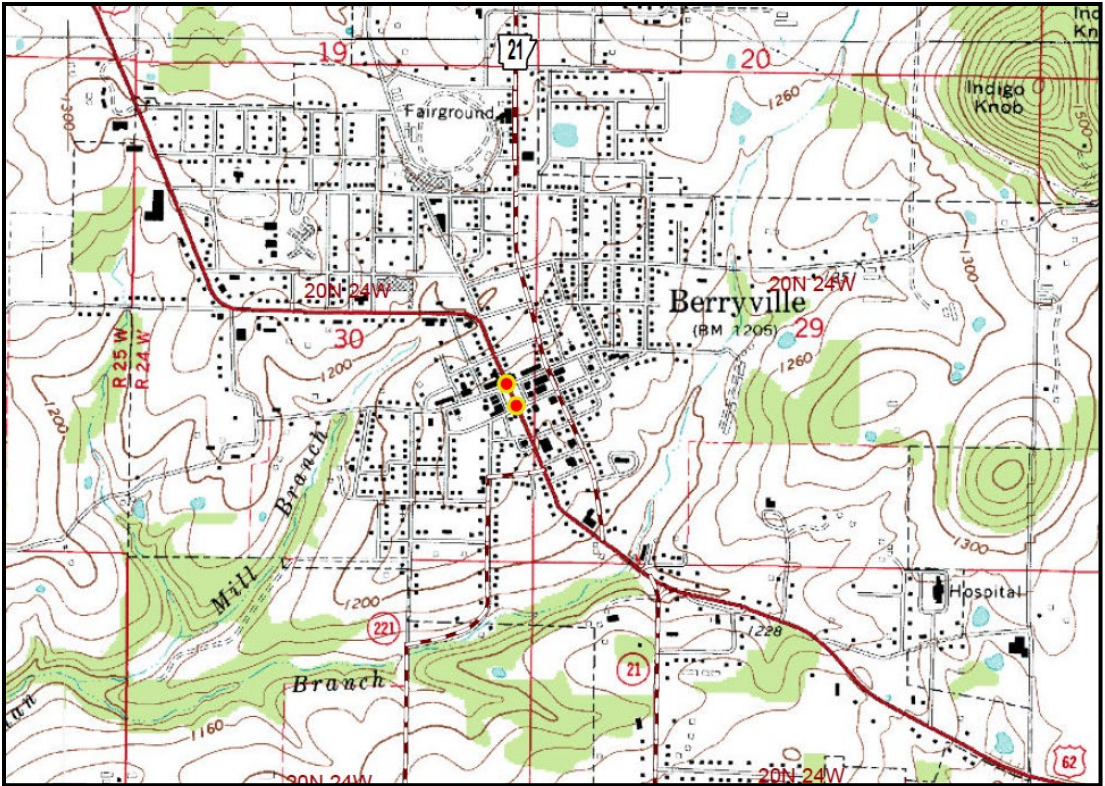


Figure 4. Project Location.

SECTION 4(F) FINDING OF *DE MINIMIS* IMPACT

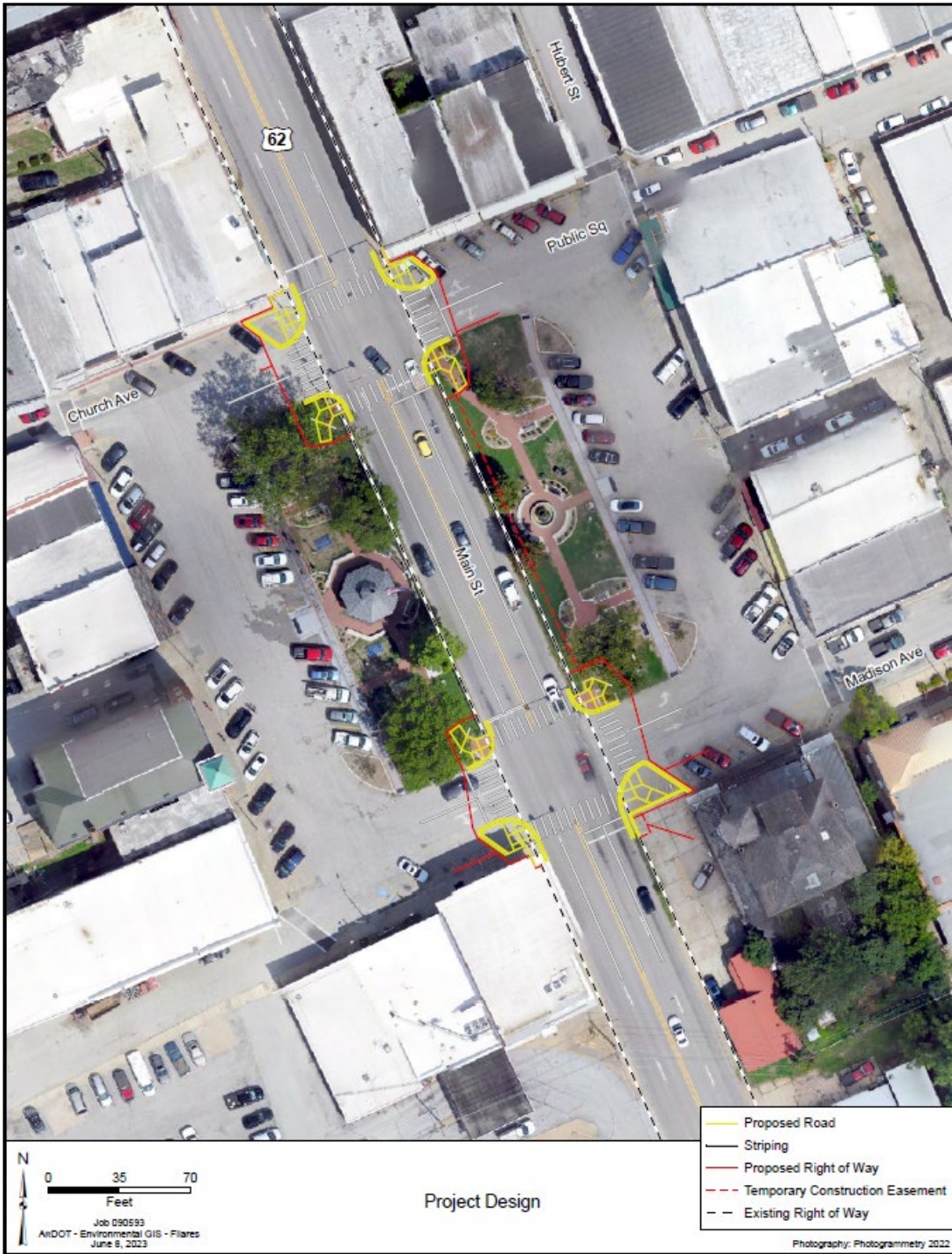


Figure 5. Proposed Project Design.

Why is this historic site important?

The Berryville Commercial Historic District (CR1150) centers on the Public Square and branches out along Church Street and Madison Street to the east and the west. It also spreads along Main Street/U.S. Highway 62, Spring Street, Tabor Street, and North Springfield Street/State Highway 21 to the north and south. The district encompasses approximately 24 acres of land, with 40 contributing resources and 18 non-contributing resources. The district also contains two individually listed properties, the 1905 Old Carroll County Courthouse (CR0102) and the 1938 Berryville Post Office (CR0989).

The district is significant at the local level for its association with the commercial history of the City of Berryville and for its association with the governmental history of Carroll County. Additionally, properties within the district have associations to the nationally significant Public Works Administration (PWA) of the New Deal era and the Business and Professional Women’s Foundation (BPW/USA).

The district is also significant for its late-19th Century and early-20th Century commercial, Queen Anne, Colonial Revival, Stripped Classical, and Art Moderne architecture. Given the rural nature of much of Carroll County, the examples contained within the district constitute some of the best examples of these styles within the area.

The Berryville Commercial Historic District (CR1150) was listed in the NRHP under Criterion A and Criterion C.

What is a historic district?

“A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.” –NRHP Bulletin 15

Historic Districts are seen as a unified entity, even though they can have a wide variety of resources and have a definable geographic area distinguishable from surrounding properties. Districts can be composed of both contributing and non-contributing resources that range from buildings, structures, sites, objects, or open spaces. A district’s identity is derived from the connection between its resources.

How is a *de minimis* impact determination reached?

A *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), results in either:

- A) A Section 106 finding of no adverse effect or no historic properties affected on a historic property; or
- B) A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for

How will the project affect the historic site?

Approximately 0.142 acres of new ROW will be required for the completion of the project (see Figure 5). This new ROW will be taken along both sides of Main Street/U.S. Highway 62. A temporary construction easement of 0.019 acres will also be required to accommodate a utility relocation on the east side of Main Street/U.S. Highway 62. The only resource within the historic district that will be physically impacted by the project will be the Public Square Park (CR1141), which is made up of two landscaped areas on either side of Main Street/U.S. Highway 62. No structures will be physically impacted by the project.

What was done to reduce harm to the historic site?

Most of the new ROW will be taken from within the Public Square Park. This property is recorded as non-contributing to the Berryville Commercial Historic District. As such, any changes that occur to the park would not affect the NRHP status of the district or change the existing contributing/non-contributing numbers for the district. The remainder of the new ROW will be taken from intersecting streets or existing sidewalk areas. By doing this, no contributing properties in the district were physically impacted by the project.

Who was involved in this evaluation?

The SHPO has agreed that this project will have No Adverse Effect on the Berryville Commercial Historic District. SHPO correspondence is included in Appendix A.

What is the decision?

This evaluation shows that the proposed roadway improvements will not harm the protected features or qualities that make the historic site important under Section 4(f), thus qualifying for a *de minimis* finding on the Berryville Commercial Historic District (CR1150).

How are impacts to historic sites determined?

The National Historic Preservation Act of 1966, includes a provision for historic properties known as Section 106 that applies if federal funds, permits, or properties are involved. Section 106 is implemented in 36 CFR Part 800. These regulations require consultation with the SHPO.

Impacts may be direct, indirect, or foreseeable.

The lead federal agency must determine if the effects of the project alter the characteristics of a historic property that qualify it for inclusion in the National Register of Historic Places in a manner that diminishes the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

APPENDIX A

SHPO COORDINATION



Sarah Huckabee Sanders
Governor
Shea Lewis
Secretary

October 03, 2023

Mr. John Fleming
Division Head
Environmental Division
Arkansas Department of Transportation
10324 Interstate 30
Little Rock, AR 72203-2261

RE: Carroll County: General
Section 106 Review: FHWA
Proposed Undertaking: Hwy. 62 Inters. Impvts. (Berryville) (S)
Route 62, Section 4
ArDOT Job Number: 090593
AHPP Tracking Number: 111534

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the submission for the above-referenced undertaking in Section 30, Township 20 North, Range 24 West in Carroll County. The project proposes to make intersection improvements on Highway 62 in Berryville's Historic Downtown, which will include replacement of traffic signals, modifications to sidewalks, curbs, gutters, and adding wheelchair ramps at the intersections of Highway 62 and Church Ave. and Highway 62 and Madison Ave. New right-of-way (ROW) totaling 0.142 acres and a Temporary Construction Easement (TCE) totaling 0.019 acres will be needed. The area of potential effect (APE) has already been disturbed due to existing roadway disturbance, infrastructure, utilities, and park construction. The visual impact of the improvements, mainly involving new antennas for the traffic signals, will be minimal because light poles are already present and the antennas will not add an additional visual element.

Based on the provided information, the AHPP concurs with the finding of a *de minimis* impact determination under Section 4(f) of the Department of Transportation Act for the proposed undertaking and that no further work is needed. 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).

Thank you for the opportunity to review this submission. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Jessica Cogburn of my staff at 501-324-9357 or email jessica.cogburn@arkansas.gov.

Sincerely,
Jessica H.
Cogburn

Digitally signed by Jessica H.
Cogburn
Date: 2023.10.03 10:42:52
-05'00'

for
Scott Kaufman
State Historic Preservation Officer and Director, AHPP

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

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

ARDOT Job 090593 FAP STPSC-9037(3)

Job Title Hwy. 62 Inters. Impvts. (Berryville) (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Cultural Resources	X			SHPO clearance attached
Economic	X			No impacts anticipated
Endangered Species	X			No Effect determination
Environmental Justice/Title VI	X			No impacted populations
Fish and Wildlife	X			None in project area
Floodplains	X			None in project area
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None in project area
Land Use		X		Minor ROW and TCE required
Migratory Birds	X			No impacts anticipated
Navigation/Coast Guard	X			None in project area
Noise Levels	X			No impacts anticipated
Prime Farmland	X			None in project area
Protected Waters	X			None in project area
Public Recreation Lands	X			No impacts anticipated
Public Water Supply/WHPA	X			No impacts
Relocatees	X			No relocations
Section 4(f)/6(f)		X		Historic 4(f) <i>de minimis</i> report attached, No Section 6(f) funds
Social	X			No impacts anticipated
Underground Storage Tanks	X			No impacts anticipated
Visual	X			No impacts anticipated
Streams	X			No impacts
Water Quality	X			No impacts
Wetlands	X			None in project area
Wildlife Refuges	X			None in project area

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

Remarks: Correspondence with City attached regarding park impacts

Signature of Evaluator Kathryn Rose Date 10/19/2023

ROADWAY DESIGN REQUEST

Job Number 090593 FAP No. STPSC-9037(3) County Carroll

Job Name Hwy. 62 Inters. Impvts. (Berryville) (S)

Design Engineer Brian Bettinardi Environmental Staff _____

Detailed Project Description Replacing the existing traffic signals at the intersections of Hwy. 62 & Church Ave. and Hwy. 62 & Madison Ave. in Berryville. The intersection improvements will include wheelchair ramps for pedestrian movements on all legs of both intersections, curb and gutter, and sidewalk.

A. Existing Conditions:

Roadway Width: 44' Shoulder Type/Width: C&G

Number of Lanes and Width: 4 – 11' Existing Right-of-Way: 50' – 53'

Sidewalks? Yes Location: Both Width: 4' – 5'

Bike Lanes? N/A Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 44' Shoulder Type/Width: C&G

Number of Lanes and Width: 4 – 11' Proposed Right-of-Way: 50'-108'

Sidewalks? Yes Location: Both Width: 4' – 5'

Bike Lanes? N/A Location: _____ Width: _____

C. Construction Information:

If detour: Where: N/A Length: _____

D. Design Traffic Data:

2025 ADT: 9,400 2045 ADT: 11,000 % Trucks: 4

Design Speed: 30 m.p.h.

E. Approximate total length of project: 0.028 mile(s)

F. Justification for proposed improvements: Inters. Impvts. & Signal Upgrade

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