

**TIER 3 CATEGORICAL EXCLUSION**

**ARDOT JOB 101017  
FAP NHPP-0056(57)  
TYRONZA RIVER & DITCH NO. 6 STRS. & APPRS. (S)  
ROUTE 118, SECTION 2  
POINSETT 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

June 2023

June 29, 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 two existing bridges over the Tyronza River (Sites 1 & 2) and to build a new bridge over Ditch No. 6 (Site 3) to connect a service road in Tyronza, AR. The service road connection would be constructed first and used as part of a detour route for Site 1, which will be replaced on existing location. The bridge at Site 2 would be replaced on new location to the south of the existing structure. Total length of the project is approximately 1.6 miles. A project location map is attached.

The existing roadway for all sites consists of two 10' wide paved travel lanes. Sites 1 and 2 have 4' wide unpaved shoulders and Site 3 has 4' wide paved shoulders. The existing right of way (ROW) width for Sites 1 and 2 is 160' and Site 3 is 300'.

Proposed improvements for all sites include two 11' wide paved travel lanes with 4' wide shoulders (2' paved) at Sites 1 and 2 and 4' wide paved shoulders at Site 3. The proposed ROW width would be 250' at Sites 1 & 2 and 350' at Site 3. Approximately 19.5 acres of additional ROW would be required for this project.

Design data for this project is as follows:

| Location | Design Year | Average Daily Traffic | Percent Trucks | Design Speed |
|----------|-------------|-----------------------|----------------|--------------|
| Site 1   | 2024        | 500                   | 8%             | 55 mph       |
|          | 2044        | 560                   |                |              |
| Site 2   | 2024        | 820                   | 11%            | 55 mph       |
|          | 2044        | 910                   |                |              |
| Site 3   | 2024        | 350                   | 6%             | 55 mph       |
|          | 2044        | 450                   |                |              |

There are no relocations, underground storage tanks, environmental justice issues, or cultural resources associated with this project. Approximately 4.1 acres of prime farmland would be converted to highway ROW. Form NRCS-CPA-106 for farmland impacts and the State Historic Preservation Officer clearance are attached.

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.

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.

Solid waste materials are located in the project area at Site 2. The solid waste materials mainly consist of scrap metal. No hazardous materials were detected. The solid waste will need to be removed and disposed of properly.

A public involvement meeting was held on March 30, 2023, and project information was available on the ARDOT website from March 30 to April 14, 2023. The meeting synopsis is attached.

Noise predictions have been made for this project utilizing the Federal Highway Administration's TNM (Traffic Noise Model) 2.5 procedures. These predictions indicate that there will be no unacceptable increase in noise levels extending beyond the project right of way limits and that no noise sensitive receptors are affected. In compliance with federal guidelines, local authorities will not require notification.

The official species list was obtained through the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website and lists the following species as possibly occurring within the project area: Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Red Knot (*Calidris canutus rufa*), Piping Plover (*Charadrius melodus*), Fat Pocketbook (*Potamilus capax*), and pondberry (*Lindera melissifolia*). The list also includes the candidate Monarch Butterfly (*Danaus plexippus*) and the proposed Alligator Snapping Turtle (*Macrochelys temminckii*). See attached official species list.

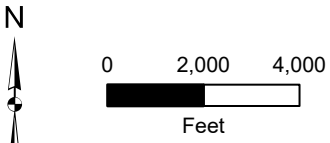
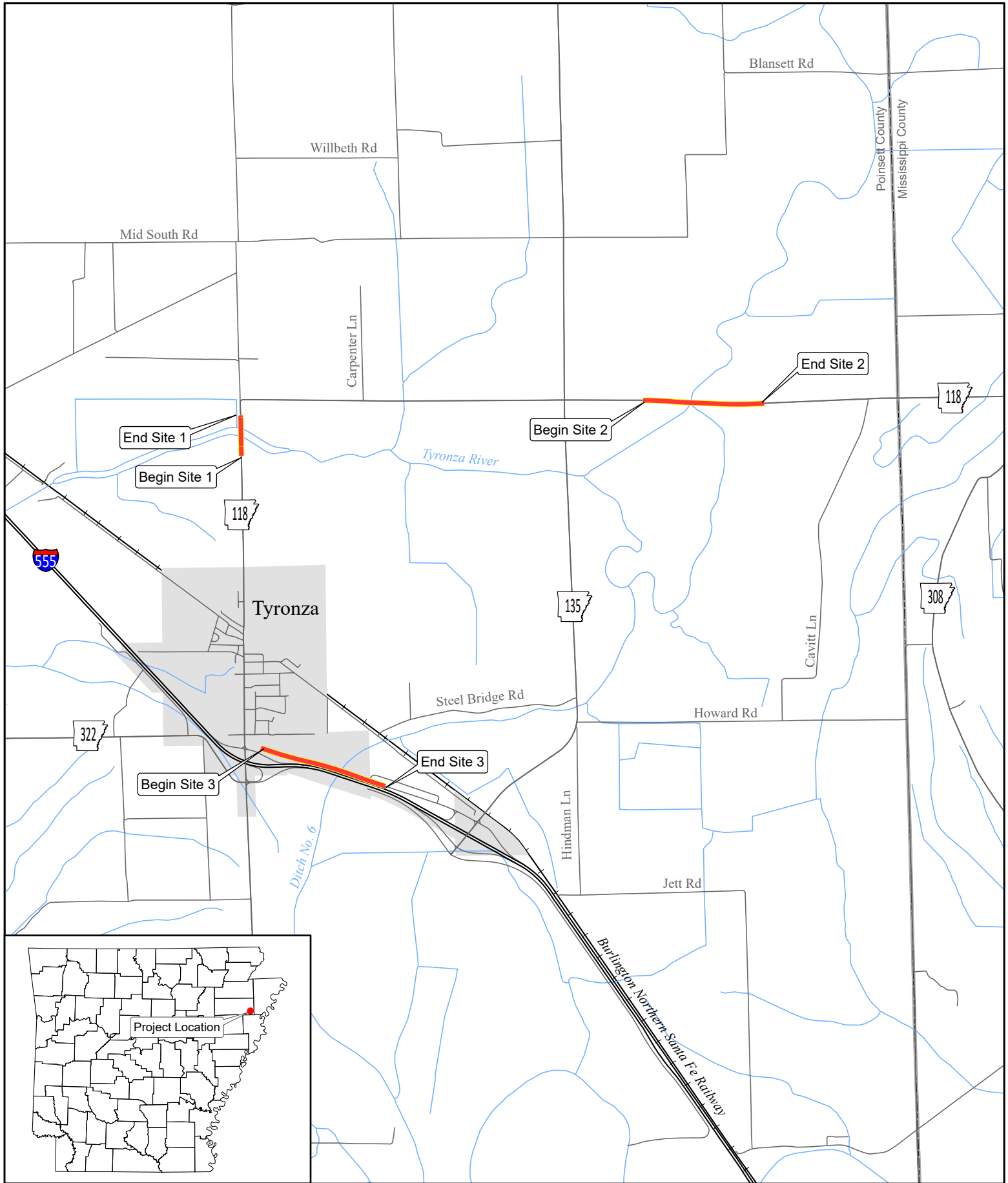
It has been determined that the project will have "no effect" on the Eastern Black Rail, Piping Plover, and Red Knot due to limited scope of the project, lack of habitat, and distance to known populations as indicated in the USFWS Arkansas Determination Key (DKey). The Arkansas DKey determined the project "may affect but is not likely to adversely affect" Fat Pocketbook and pondberry. The project will not jeopardize the existence of the Monarch Butterfly or the Alligator

Snapping Turtle. USFWS concurred with these determinations on February 16, 2023.


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.

The project will have a discharge of dredged or fill material into waters of the U.S. associated with the bridge replacements. Stream impacts at Site 1 include approximately 200 linear feet of the Tyronza River; at Site 2 include approximately 230 linear feet of the Tyronza River, and at Site 3, approximately 125 linear feet of Ditch No. 6. In addition, wetland impacts at Site 3 are estimated at 2.2 acres. The project should be authorized by Nationwide Permit 23 for Approved Categorical Exclusions as defined in Federal Register 86(245): 73522-73583. A preconstruction notification is required.

Poinsett County and the City of Tyronza participate in the National Flood Insurance Program. Site 1 lies within a Zone A Special Flood Hazard Area, and Sites 2 and 3 lie within Zone A and Zone X Special Flood Hazard Areas. 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.



Job 101017  
 Tyronza River & Ditch No. 6 Str. & Apprs.  
 (Hwy. 118)  
 Poinsett County

 Project Location



Sarah Huckabee Sanders  
Governor  
Mike Mills  
Secretary

March 30, 2023

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

RE: Poinsett County: General  
Section 106 Review: FHwA  
Proposed Undertaking: Tyronza River & Ditch No. 6 Strs. & Apprs. (S)  
Route 118, Section 2  
ARDOT Number: 101017  
AHPP Tracking Number: 107134.02

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Cultural Resources Survey for the abovementioned project located in Sections 9, 11, 12, and 21, Township 10 North, Range 7 East in Poinsett County, Arkansas. The proposed project entails the replacement of Bridges A3872 and A3311, which span the Tyronza River on Highway 118, and the construction of a bridge and associated approaches (0.5-mile in length) to reconnect the Old Highway 63.

An architectural resources survey and addendum recorded six structures, which are not eligible for inclusion on the National Register of Historic Places (NRHP) (AHPP Tracking Number 107134 and 107134.01). Three previously recorded archeological sites were revisited: 3PO0266, 3PO0314, and 3PO0624. Site 3PO0314 is outside of the project area and will not be affected. The AHPP concurs that sites 3PO0266 and 3PO0624 are destroyed and thus not eligible for inclusion on the NRHP.


Based on the provided information, the AHPP 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 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 Kathryn Bryles at 501-324-9784 or email [kathryn.bryles@arkansas.gov](mailto:kathryn.bryles@arkansas.gov).

Sincerely,

Kathryn  
Bryles

 Digitally signed by  
Kathryn Bryles  
Date: 2023.03.30  
15:26:12 -05'00'

*for*

Scott Kaufman

AHPP Director and State Historic Preservation Officer

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

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

|                                                              |                                    |                     |
|--------------------------------------------------------------|------------------------------------|---------------------|
| <b>PART I (To be completed by Federal Agency) Job 101017</b> | 3. Date of Land Evaluation Request | 4. Sheet 1 of _____ |
|--------------------------------------------------------------|------------------------------------|---------------------|

|                    |                            |
|--------------------|----------------------------|
| 1. Name of Project | 5. Federal Agency Involved |
| 2. Type of Project | 6. County and State        |

|                                                                                                                                                                                                                                 |                                                                     |                                                                  |                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------|---------------------------|
| <b>PART II (To be completed by NRCS)</b>                                                                                                                                                                                        |                                                                     | 1. Date Request Received by NRCS                                 | 2. Person Completing Form |
| 3. Does the corridor contain prime, unique statewide or local important farmland?<br>(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         |
| 5. Major Crop(s)                                                                                                                                                                                                                | 6. Farmable Land in Government Jurisdiction<br>Acres: _____ % _____ | 7. Amount of Farmland As Defined in FPPA<br>Acres: _____ % _____ |                           |
| 8. Name Of Land Evaluation System Used                                                                                                                                                                                          | 9. Name of Local Site Assessment System                             | 10. Date Land Evaluation Returned by NRCS                        |                           |

| <b>PART III (To be completed by Federal Agency)</b>               | <b>Alternative Corridor For Segment</b> |            |            |            |
|-------------------------------------------------------------------|-----------------------------------------|------------|------------|------------|
|                                                                   | Corridor A                              | Corridor B | Corridor C | Corridor D |
| A. Total Acres To Be Converted Directly                           |                                         |            |            |            |
| B. Total Acres To Be Converted Indirectly, Or To Receive Services |                                         |            |            |            |
| C. Total Acres In Corridor                                        |                                         |            |            |            |

|                                                                                    |  |  |  |  |
|------------------------------------------------------------------------------------|--|--|--|--|
| <b>PART IV (To be completed by NRCS) Land Evaluation Information</b>               |  |  |  |  |
| A. Total Acres Prime And Unique Farmland                                           |  |  |  |  |
| B. Total Acres Statewide And Local Important Farmland                              |  |  |  |  |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted            |  |  |  |  |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value |  |  |  |  |

**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>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b> | Maximum Points |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------------|----------------|--|--|--|
| 1. Area in Nonurban Use                                                                                                          | 15             |  |  |  |
| 2. Perimeter in Nonurban Use                                                                                                     | 10             |  |  |  |
| 3. Percent Of Corridor Being Farmed                                                                                              | 20             |  |  |  |
| 4. Protection Provided By State And Local Government                                                                             | 20             |  |  |  |
| 5. Size of Present Farm Unit Compared To Average                                                                                 | 10             |  |  |  |
| 6. Creation Of Nonfarmable Farmland                                                                                              | 25             |  |  |  |
| 7. Availability Of Farm Support Services                                                                                         | 5              |  |  |  |
| 8. On-Farm Investments                                                                                                           | 20             |  |  |  |
| 9. Effects Of Conversion On Farm Support Services                                                                                | 25             |  |  |  |
| 10. Compatibility With Existing Agricultural Use                                                                                 | 10             |  |  |  |
| <b>TOTAL CORRIDOR ASSESSMENT POINTS</b>                                                                                          | <b>160</b>     |  |  |  |

|                                                                           |            |  |  |  |
|---------------------------------------------------------------------------|------------|--|--|--|
| <b>PART VII (To be completed by Federal Agency)</b>                       |            |  |  |  |
| Relative Value Of Farmland (From Part V)                                  | 100        |  |  |  |
| Total Corridor Assessment (From Part VI above or a local site assessment) | 160        |  |  |  |
| <b>TOTAL POINTS (Total of above 2 lines)</b>                              | <b>260</b> |  |  |  |

|                       |                                                         |                       |                                                                                                      |
|-----------------------|---------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------|
| 1. Corridor Selected: | 2. Total Acres of Farmlands to be Converted by Project: | 3. Date Of Selection: | 4. Was A Local Site Assessment Used?<br><br>YES <input type="checkbox"/> NO <input type="checkbox"/> |
|-----------------------|---------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------|

5. Reason For Selection:

Signature of Person Completing this Part: \_\_\_\_\_ DATE \_\_\_\_\_

*Joshua Graham*

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

**From:** [Lewis, Lindsey](#)  
**To:** [Matthews, Mickey W.](#)  
**Subject:** Re: [EXTERNAL] 101017 - Tyrnza River & Ditch No. 6 Strs & Apprs. (S)  
**Date:** Thursday, February 16, 2023 12:45:08 PM

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Mickey,

As stated in the Consistency Letter, the Service concurs with the "no effect" and "not likely to adversely affect" determination(s) for the listed species identified. No further consultation for this project is required for these species.

The verification letter confirms you may rely on effect determinations provided in the Arkansas Determination Key for project review and guidance for federally listed species to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA)."

The Service has no additional comments or concerns regarding the action and agrees with the determinations, justifications provided, concurrences made through the Arkansas Dkey based on the proposed conservation measures and negative listed mussel survey results.

Thanks,

Lindsey Lewis  
Biologist

US Fish & Wildlife Service  
Arkansas Field Office  
110 South Amity Rd., Suite 300  
Conway, Arkansas 72032

(501) 513-4489 - voice  
(501) 513-4480 - fax  
[Lindsey\\_Lewis@fws.gov](mailto:Lindsey_Lewis@fws.gov)  
<http://www.fws.gov/arkansas-es/>

*NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.*

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**From:** Matthews, Mickey W. <Mickey.Matthews@ardot.gov>  
**Sent:** Wednesday, February 15, 2023 9:19 AM  
**To:** Lewis, Lindsey <lindsey\_lewis@fws.gov>  
**Subject:** [EXTERNAL] 101017 - Tyrnza River & Ditch No. 6 Strs & Apprs. (S)

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Lindsey,

ARDOT is replacing two bridges over the Tyronza River along Hwy. 118 and constructing segment of the I-555 frontage road including a crossing of Ditch No. 6. The Arkansas DKey provided NLAA determinations for the Fat Pocketbook and pondberry and a no effect determination for the remaining species (see attached).

Mickey Matthews  
Lead Natural Resources Specialist  
Environmental Division-Natural Resources Section  
Arkansas Department of Transportation  
10324 I-30 P.O. Box 2261  
Little Rock, Arkansas 72203  
Office: (501) 569-2594  
Fax: (501) 569-2009



## 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:

February 14, 2023

Project Code: 2023-0045376

Project Name: 101017 - Tyrnza River & Ditch No. 6 Strs & Apprs. (S) - Site 1

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.

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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

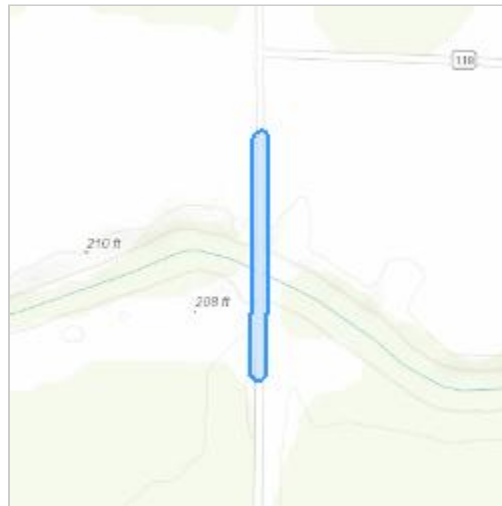
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## Project Summary

Project Code: 2023-0045376  
Project Name: 101017 - Tyronza River & Ditch No. 6 Strs & Apprs. (S) - Site 1  
Project Type: Bridge - Replacement  
Project Description: Replace the Hwy. 118 Bridge over the Tyronza River on existing alignment. The highway will be closed and detours will utilize existing roads.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.50974945,-90.35823585,14z>



Counties: Poinsett County, Arkansas

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## Endangered Species Act Species

There is a total of 7 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><br>No critical habitat has been designated for this species.<br>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><br>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.<br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>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><br>There is <b>proposed</b> critical habitat for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>                                                                                                                                                                                            | Threatened |

### Reptiles

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

## Clams

| NAME                                                                                                                                                                                                             | STATUS     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Fat Pocketbook <i>Potamilus capax</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a> | Endangered |

## Insects

| NAME                                                                                                                                                                                                                 | STATUS    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>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><br>No critical habitat has been designated for this species.<br>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.

## **IPaC User Contact Information**

Agency: Arkansas Department of Transportation  
Name: Mickey Matthews  
Address: 10324 I-30 PO Box 2261  
City: Little Rock  
State: AR  
Zip: 72203  
Email: mickey.matthews@ahtd.ar.gov  
Phone: 5015692594

## **Lead Agency Contact Information**

Lead Agency: Federal Highway Administration

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## 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:

February 14, 2023

Project Code: 2023-0045407

Project Name: 101017 - Tyronza River & Ditch No. 6 Strs & Apprs. (S) - Site 2

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

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## Project Summary

Project Code: 2023-0045407  
Project Name: 101017 - Tyronza River & Ditch No. 6 Strs & Apprs. (S) - Site 2  
Project Type: Bridge - Replacement  
Project Description: Replace the Hwy 118 Bridge over the Tyronza River (north east of the town of Tyronza) on new alignment to the south.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.511338949999995,-90.31002044999974,14z>



Counties: Poinsett County, Arkansas

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## Endangered Species Act Species

There is a total of 7 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><br>No critical habitat has been designated for this species.<br>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><br>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.<br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>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><br>There is <b>proposed</b> critical habitat for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>                                                                                                                                                                                            | Threatened |

### Reptiles

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

## Clams

| NAME                                                                                                                                                                                                             | STATUS     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Fat Pocketbook <i>Potamilus capax</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a> | Endangered |

## Insects

| NAME                                                                                                                                                                                                                 | STATUS    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>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><br>No critical habitat has been designated for this species.<br>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.

## **IPaC User Contact Information**

Agency: Arkansas Department of Transportation  
Name: Mickey Matthews  
Address: 10324 I-30 PO Box 2261  
City: Little Rock  
State: AR  
Zip: 72203  
Email: mickey.matthews@ahtd.ar.gov  
Phone: 5015692594

## **Lead Agency Contact Information**

Lead Agency: Federal Highway Administration

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## 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:

February 14, 2023

Project Code: 2023-0045474

Project Name: 101017 - Tyrnza River & Ditch No. 6 Strs & Apprs. (S) - Site 3

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.

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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:

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**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>.

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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

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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

Project Code: 2023-0045474

Project Name: 101017 - Tyronza River & Ditch No. 6 Strs & Apprs. (S) - Site 3

Project Type: Road/Hwy - New Construction

Project Description: Complete the access road connection with a crossing of Ditch No. 6.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.47970075,-90.34985660000001,14z>



Counties: Poinsett County, Arkansas

## Endangered Species Act Species

There is a total of 7 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.

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### Birds

| NAME                                                                                                                                                                                                                                                                                                                                                                                                          | STATUS     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
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| Piping Plover <i>Charadrius melodus</i><br>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.<br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>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><br>There is <b>proposed</b> critical habitat for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>                                                                                                                                                                                            | Threatened |

### Reptiles

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

## Clams

| NAME                                                                                                                                                                                                             | STATUS     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Fat Pocketbook <i>Potamilus capax</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a> | Endangered |

## Insects

| NAME                                                                                                                                                                                                                 | STATUS    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>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><br>No critical habitat has been designated for this species.<br>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.

## **IPaC User Contact Information**

Agency: Arkansas Department of Transportation  
Name: Mickey Matthews  
Address: 10324 I-30 PO Box 2261  
City: Little Rock  
State: AR  
Zip: 72203  
Email: mickey.matthews@ahtd.ar.gov  
Phone: 5015692594

## **Lead Agency Contact Information**

Lead Agency: Federal Highway Administration

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## **PUBLIC INVOLVEMENT SYNOPSIS**

**Job Number 101017**  
**Tyronza River & Ditch No. 6 Strs. & Apprs. (S)**  
**Poinsett County**  
**Thursday March 30, 2023**

An in-person public involvement (PI) meeting for the proposed widening replacement of two structures on Highway 118 and the connection of the frontage road along I-555 in Tyronza was held at the Tyronza Elementary School (Cafeteria) in Tyronza, AR from 4:00 – 7:00 p.m. on Thursday, March 30, 2023. The project information was made available on ARDOT's website from March 30, 2023 through April 14, 2023. Efforts to involve minorities and the public in the meeting(s) included:

- Display advertisement placed in the *Poinsett County Democrat Tribune* on March 22, 2023 and March 29, 2023.
- Letters mailed to Public Officials on March 20, 2023.
- Flyers mailed to citizens.

The following information was available for inspection and comment:

- Project design plans
- Typical sections
- Project location map
- Comment form/Online comment form
- Laptops showing project website
- Short video presentation about the project
- Interactive project map
- Frequently asked questions with answers

Copies of the public meeting notice, comment form, and project location map are attached.

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

| TABLE 1                          |          |
|----------------------------------|----------|
| Public Participation             | Totals   |
| Citizens registered at meeting   | 28       |
| Online registration              | 1        |
| English/Spanish website views    | 134/33   |
| <b>Total comments received</b>   | <b>6</b> |
| In-Person comment forms received | 5        |
| Online comment forms received    | 1        |

***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                                                 |        |
|---------------------------------------------------------|--------|
| Questions                                               | Totals |
| Believes there is a need for the proposed project       | 6      |
| Believes the project will have beneficial impacts       | 3      |
| Believes the project will have adverse impacts          | 2      |
| Had a suggestion to make project better serve community | 2      |
| Knowledge of property limitations                       | 1      |
| Knowledge of cultural resources limitations             | 0      |
| Knowledge of environmental resource limitations         | 1      |

Suggestions regarding how the project could better serve community needs included:

- One commenter did not see the need for the frontage road connection and suggested that the replacement of the Site 1 bridge begin without having to wait on the frontage road connection.
- Another suggestion received was that there needs to be clear access to the city sewer and farmers. This comment noted that the sewer ponds for the city of Tyrone need an access point and the city needs to know that no capacity will be taken from the pond.

A listing of potential design limitations included:

- A water line serving around 3 households is connected to the bridge at Site 2.
- EQIP CRP land is also located at Site 2.

Attachments:

Public Meeting Notice

Blank Comment Form

Project Location Exhibit

DN:KR:sw



## PUBLIC INVOLVEMENT MEETING NOTICE

Tyronza River & Ditch No. 6 Strs. & Apprs. (Hwy. 118)  
(Poinsett County)

Job 101017

# You're Invited!

Visit anytime during the scheduled hours.

**What:** The Arkansas Department of Transportation (ARDOT) will conduct a Public Involvement meeting to discuss the proposed plans to replace two bridges on Hwy. 118 and complete Frontage Road connection next to I-555 in Poinsett County.

**When:** Thursday, March 30, 2023  
4:00 p.m. - 7:00 p.m.

**Where:** Tyronza Elementary School (Cafeteria)  
412 South Main St.  
Tyronza, AR 72386

### Link to Project Information:

[www.ardot.gov/publicmeetings](http://www.ardot.gov/publicmeetings)

Comment form availability begins **March 30, 2023** and ends at 4:30 p.m. on **April 14, 2023**.

For further assistance, contact Karla Sims:  
Phone: (501) 569-2000 or e-mail: [karla.sims@ardot.gov](mailto:karla.sims@ardot.gov)

### Special Accommodations:

Anyone needing project information or special accommodations under the Americans with Disabilities Act (ADA) is encouraged to write to Ruby Jordan-Johnson, P.O. Box 2261, Little Rock, AR 72203-2261, call (501)569-2379, fax (501)569-2009 or email [environmentalpimeetings@ardot.gov](mailto:environmentalpimeetings@ardot.gov). Hearing or speech impaired, please contact the Arkansas Relay System at (Voice/TTY 711). Requests should be made at least four days prior to the public meeting.

### Notice of Nondiscrimination

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance.

Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden EEO/DBE Officer (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: [joanna.mcfadden@ardot.gov](mailto:joanna.mcfadden@ardot.gov)

Free language assistance for Limited English Proficient individuals is available upon request.. This notice is available from the ADA/504/Title VI Coordinator in large print, on audio tape and in Braille.

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

**ARDOT JOB 101017  
TYRONZA RIVER – DITCH NO. 6 STRS. & APPRS. (HWY. 118)  
POINSETT COUNTY**

**LOCATION:  
TYRONZA ELEMENTARY SCHOOL  
412 SOUTH MAIN ST.  
TYRONZA, AR 72386  
THURSDAY, MARCH 30, 2023  
4:00 P.M. – 7:00 P.M.**

Make your comments on this form and mail it by 4:30 p.m. on **Friday, April 14, 2023** to: Arkansas Department of Transportation, Environmental Division, P.O. Box 2261, Little Rock, AR, 72203-2261. Email: [environmentalmeetings@ardot.gov](mailto:environmentalmeetings@ardot.gov).

Yes    No  
   

Do you feel there is a need for the proposed plans to replace two bridges on Hwy. 118 and complete Frontage Rd. connection next to I-555 in Poinsett County? Comment (optional)

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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. \_\_\_\_\_

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

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

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(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: \_\_\_\_\_

Please make additional comments here. \_\_\_\_\_

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For additional information, please visit our website at

[www.ardot.gov/publicmeetings](http://www.ardot.gov/publicmeetings)





Project Location

Preliminary  
Subject to Revision

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

ARDOT Job 101017 FAP NHPP-0056(57)

Job Title Tyronza River & Ditch No. 6 Strs. & Apprs. (S)

| Environmental Resource         | None | Minimal | Major | Comments                                                            |
|--------------------------------|------|---------|-------|---------------------------------------------------------------------|
| Air Quality                    | X    |         |       | No MSAT analysis required                                           |
| Cultural Resources             | X    |         |       | SHPO attached                                                       |
| Economic                       | X    |         |       | No impacts anticipated                                              |
| Endangered Species             | X    |         |       | NLAA determination                                                  |
| Environmental Justice/Title VI | X    |         |       | No impacts anticipated                                              |
| Fish and Wildlife              |      | X       |       | Temporary during construction                                       |
| Floodplains                    |      | X       |       | Zona A & Zone X SFHAs in project area                               |
| Forest Service Property        | X    |         |       | None in the project area                                            |
| Hazardous Materials/Landfills  |      | X       |       | Solid Waste Materials, SP included                                  |
| Land Use                       |      | X       |       | Approximately 19.5 acres of new ROW                                 |
| Migratory Birds                | X    |         |       | Bird SP will be added                                               |
| Navigation/Coast Guard         | X    |         |       | None in the project area                                            |
| Noise Levels                   | X    |         |       | No impacts anticipated                                              |
| Prime Farmland                 |      | X       |       | ~4.1 acres of PFL converted to ROW                                  |
| Protected Waters               | X    |         |       | Tyronza River has TMDL for turbidity;<br>WPC SP                     |
| Public Recreation Lands        | X    |         |       | None in project area                                                |
| Public Water Supply/WHPA       | X    |         |       | No impacts anticipated                                              |
| Relocates                      | X    |         |       | No relocations                                                      |
| Section 4(f)/6(f)              | X    |         |       | No impacted properties                                              |
| Social                         | X    |         |       | No impacts anticipated                                              |
| Underground Storage Tanks      | X    |         |       | No impacts anticipated                                              |
| Visual                         | X    |         |       | No impacts anticipated                                              |
| Streams                        |      | X       |       | < 0.03 acre of impact at each site; no permanent loss of stream bed |
| Water Quality                  |      | X       |       | Temporary decrease during construction                              |
| Wetlands                       |      | X       |       | 2.2 acres                                                           |
| Wildlife Refuges               | X    |         |       | None in the project area                                            |

Section 401 Water Quality Certification Required? N  
 Short-term Activity Authorization Required? Y  
 Section 404 Permit Required? Y Type NWP 23

Remarks: Up to 1 acre of land enrolled in the Conservation Reserve Program may be acquired at Site 2

Signature of Evaluator Kathryn Rose Date 6/6/2023

Date Sent: January 24, 2023  
Date Rev.: July 7, 2023

### ROADWAY DESIGN REQUEST

Job Number 101017 FAP No. \_\_\_\_\_ County Poinsett

Job Name Tyronza River & Ditch No. 6 Strs. & Apprs. (S)

Design Engineer David Baker Environmental Staff \_\_\_\_\_

Detailed Project Description This project consists of replacing existing bridges over Tyronza River at L.M. 1.24 and L.M. 4.23 with new bridges at the new and existing locations respectively. There will also be a new bridge construction over Ditch No. 6 connecting the service road. This project consists of earthwork, ACHM surface course, ACHM binder course, aggregate base course, drainage structures, and erosion control.

**A. Existing Conditions:**

Roadway Width: 28' <sup>(1),(2),(3)</sup> Shoulder Type/Width: 4' Unpaved <sup>(1),(2)</sup>,  
4' Paved <sup>(3)</sup>  
Number of Lanes and Width: 2-10' <sup>(1),(2),(3)</sup> Existing Right-of-Way: 160' <sup>(1),(2)</sup>, 300' <sup>(3)</sup>  
Sidewalks? None Location: \_\_\_\_\_ Width: \_\_\_\_\_  
Bike Lanes? None Location: \_\_\_\_\_ Width: \_\_\_\_\_

**B. Proposed Conditions:**

Roadway Width: 30' <sup>(1),(2),(3)</sup> Shoulder Type/Width: 4' (2' Paved) <sup>(1),(2)</sup>  
4' Paved <sup>(3)</sup>  
Number of Lanes and Width: 2-11' <sup>(1),(2),(3)</sup> Proposed Right-of-Way: 250' <sup>(1),(2)</sup>,  
350' <sup>(3)</sup>  
Sidewalks? None Location: \_\_\_\_\_ Width: \_\_\_\_\_  
Bike Lanes? None Location: \_\_\_\_\_ Width: \_\_\_\_\_

**C. Construction Information:**

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

**D. Design Traffic Data:**

|                  |                                                                           |                  |                                                                           |           |                                                                         |
|------------------|---------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------|-----------|-------------------------------------------------------------------------|
|                  | <u>500 <sup>(1)</sup>,<br/>820 <sup>(2)</sup>,<br/>350 <sup>(3)</sup></u> |                  | <u>560 <sup>(1)</sup>,<br/>910 <sup>(2)</sup>,<br/>450 <sup>(3)</sup></u> |           | <u>8% <sup>(1)</sup>,<br/>11% <sup>(2)</sup>,<br/>6% <sup>(3)</sup></u> |
| <u>2024</u> ADT: |                                                                           | <u>2044</u> ADT: |                                                                           | % Trucks: |                                                                         |
| Design Speed:    | <u>55 <sup>(1),(2),(3)</sup></u> m.p.h.                                   |                  |                                                                           |           |                                                                         |

E. Approximate total length of project: 1.63 mile(s)

F. Justification for proposed improvements: Bridge replacement and new bridge construction required.

G. Total Relocatees: 0 Residences: 0 Businesses: 0

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

| Agency/Official | Person Contacted | Date |
|-----------------|------------------|------|
|                 |                  |      |
|                 |                  |      |
|                 |                  |      |

- (1) Site 1: Hwy. 118 Section 2 - Bridge Replacement
- (2) Site 2: Hwy. 118 Section 2 - Bridge Replacement
- (3) Site 3: I-555 Service Road - New Bridge Construction



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894

March 28, 2024

Mr. Mickey Matthews  
Arkansas Dept. of Transportation  
10324 I-30  
Little Rock, AR 72203

Dear Mr. Matthews:

The U.S. Army Corps of Engineers (USACE), Memphis District has completed its review of your request to modify the Tyronza River, which is a federal project operated and maintained by the USACE under Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408 (Section 408). This evaluation was performed in accordance with Engineer Circular (EC) 1165-2-220.

Based on this evaluation, the Memphis District is granting permission for Arkansas Department of Transportation (ArDOT) to replace two bridges on Hwy 118 over the Tyronza River between Tyronza, AR and Whitton, AR as specified in your request and subject to compliance with the terms and conditions identified below and attached:

- a. At least ten (10) business days prior to performing any work, notify USACE the start date of construction, point of contact for construction activities, and provide the final contract construction documents to USACE.
- b. Standard Section 408 Terms and Conditions apply. (Attached)
- c. Granting the Section 408 permission does not necessarily constitute final approval for the project. You must acquire real estate consent from USACE and obtain any required regulatory permits prior to final approval.

If you have any questions regarding your Section 408 permission decision, please contact Tanya Wells, Section 408 Coordinator, at (901) 544-0897 or email at [tanya.l.wells@usace.army.mil](mailto:tanya.l.wells@usace.army.mil). Please refer to File ID. 408-MVM-2023-0004.

Sincerely,

D. Shane Callahan, P.E., PMP  
Chief, Engineering and Construction Division

Enclosure  
Terms and Conditions

## Terms and Conditions

### LIMITS OF THE AUTHORIZATION

1. This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.
2. The time limit for completing the work authorized ends on March 12, 2029. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
3. Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.
4. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

### INDEMNIFICATION AND HOLD HARMLESS

5. The United States will in no case be liable for:
  - a. any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
  - b. damage claims associated with any future modification, suspension, or revocation of this permission.

6. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, **indemnify**, and **hold harmless** the United States and USACE from any and all such claims, subject to any limitations in law.
7. Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.

#### REEVALUATION OF PERMISSION

8. The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided.
9. This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. you fail to comply with the terms and conditions of this permission;
  - b. the information provided in support of your application for permission proves to have been inaccurate or incomplete; or
  - c. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.

#### CONDUCT OF WORK UNDER THIS PERMISSION

10. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
11. Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.
12. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.
13. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you

will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.

14. You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.
15. You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.
16. USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.
17. Once permission is granted, you must notify the USACE District before work/usage is started so that post-permission oversight can be performed by USACE.
18. You must schedule a final inspection with the USACE within ten (10) days after completion of the work/usage.
19. You must submit a copy of "as-built" drawings within 30 days of completion of work showing the new work as it relates to identifiable features of the federal project.