

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 020628
FAP NUMBER STPC-9345(42)
I-530 – HWY. 79B (FRANKLIN ST. & 6TH AVE.) (S)
ROUTE 190, SECTION 5
JEFFERSON 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

August 2019

August 12, 2019
Date of Approval



Randal Looney
Environmental Coordinator
Federal Highway Administration

The Environmental Division reviewed the referenced project and has determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Memorandum of Agreement on the Processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to improve 2.0 miles of Highway 190 within the City of Pine Bluff, Jefferson County. A project location map is attached. The City of Pine Bluff will assume ownership of Highway 190 following completion of the proposed project and ARDOT job 020588.

Job 020628 would require approximately 0.24 acre of temporary construction easements and 7.3 acres of right of way.

Existing and proposed cross section information is as follows:

	Existing X-Section (Franklin St.)	Proposed X-Section (Franklin St.)	Existing X-Section (6 th Ave.)	Proposed X-Section (6 th Ave.)
Travel lanes	Two 10' paved lanes	Two 11' paved lanes	Two 10' paved lanes	Two 14' paved lanes
Shoulders	1' paved	6' paved	1' paved	Curb-&-gutter
Sidewalks	No	No	No	Yes – 5'
Average ROW Width	60'	75'	60'	75'

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2021	1,400 vpd	3	35 mph
2041	1,600 vpd		

There are no relocations, environmental justice issues, floodplains, hazardous waste deposits, underground storage tanks, public water supply impacts, or prime farmland associated with the proposed project. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is 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 toxic (MSAT) concerns. As such, this project would 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.

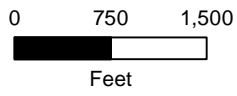
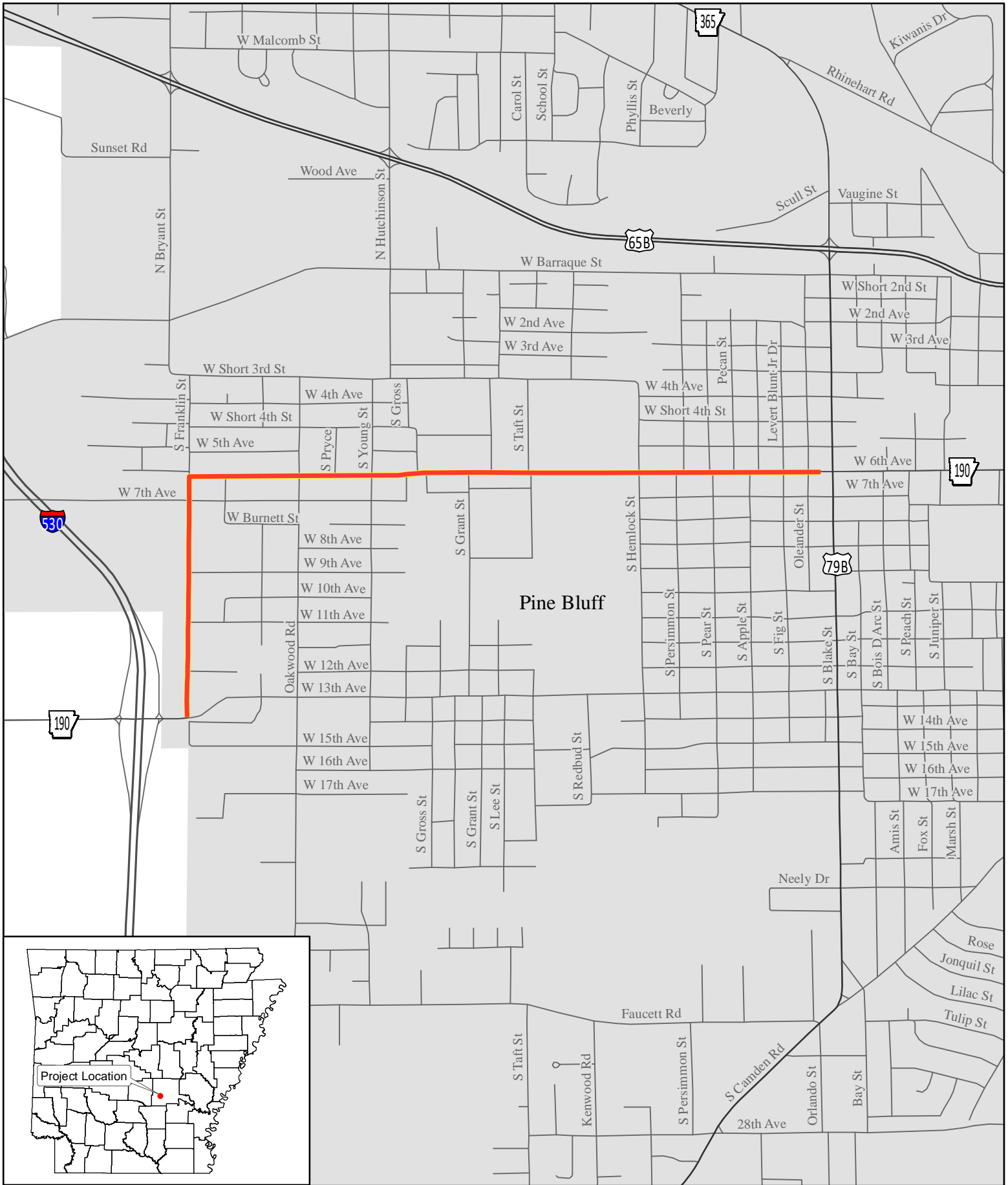
Based on the ARDOT noise policy, a noise analysis is not required for this project. The project does not involve adding through-traffic lanes, increasing capacity, reducing the distance to noise sensitive receptors by 50% of the existing distance, or exposing noise sensitive land uses to a new traffic noise source. In compliance with federal guidelines, local authorities will not require notification.

The project would involve less than 0.1 acre of stream impacts and less than 0.1 acre of wetland impacts. Construction of the proposed project should be allowed under the terms of a Section 404 Nationwide Permit 14 for Linear Transportation Crossings as defined in Federal Register 82 (4): 1860-2008.

The attached U.S. Fish and Wildlife Service species list identified the Piping Plover (*Charadrius melodus*) as a threatened species potentially occurring within the project area. Due to a lack of habitat and distance to known locations for the species, the proposed project would have “no effect” on listed species.

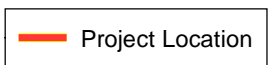
At the western end of the proposed project, there is a city-owned parcel that was developed by the Westside Business Owners Association (BOA) with a small walking path and picnic tables. It is not part of the City of Pine Bluff Parks & Recreation system, but is maintained by the Westside BOA. The proposed project would take a small strip of property from the parcel, but would not affect any of the amenities. Westside BOA has no objections to the project and believes the project will result in benefits to this unofficial park with the inclusion of sidewalks and drainage improvements. Section 4(f) does not apply to this parcel.

An open-forum public involvement meeting was held on April 30, 2019, at Coleman Intermediate School. A synopsis of this public involvement meeting is attached.



ARDOT - Environmental GIS - Hopkins
July 30, 2019

Job 020628
I-530 - Hwy. 79B
(Franklin St. & 6th Ave.) (Hwy. 190)
Jefferson County





THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

January 31, 2019

**RECEIVED
ARDOT
FEB 08 2019
ENVIRONMENTAL
DIVISION**

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

Arkansas Arts Council

Arkansas Historic
Preservation Program

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

RE: Jefferson County – General
Section 106 Review – FHWA
I-530-Hwy. 79B (Franklin St. & 6th Ave.) (S)
Route 190, Section 5
AHPP Tracking Number 100973.01

Dear Mr. Fleming:

This letter is written in response to the Project Identification Form (PIF) dated January 31, 2019, for the referenced project. We concur that no historic properties will be affected by this project and that no further work is required in the area of potential effect.

Tribes that have expressed an interest in the area include the Caddo Nation (Ms. Tamara Francis), the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Dr. Ian Thompson), the Jena Band of Choctaw Indians (Ms. Alina J. Shively), the Muscogee (Creek) Nation (Ms. Corain Lowe-Zepeda), the Osage Nation (Dr. Andrea Hunter), the Quapaw Nation of Oklahoma (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma (Ms. Tonya Tipton). We recommend that they be consulted 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 should have any questions or comments, please do not hesitate to contact Theresa Russell of my staff at (501)-324-9357.

Sincerely,

Scott Kaufman
Director, AHPP

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



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

(501) 324-9880
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info@arkansaspreservation.org
www.arkansaspreservation.com



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

May 06, 2019

Consultation Code: 04ER1000-2019-SLI-0823

Event Code: 04ER1000-2019-E-01573

Project Name: 020628 I-530 - Hwy. 79B (Franklin St. & 6th Ave.)

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered,

threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities. Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to

federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2019-SLI-0823

Event Code: 04ER1000-2019-E-01573

Project Name: 020628 I-530 - Hwy. 79B (Franklin St. & 6th Ave.)

Project Type: TRANSPORTATION

Project Description: widen Franklin St. and 6th Ave.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.21985779692199N92.06931352602118W>



Counties: Jefferson, AR

Endangered Species Act Species

There is a total of 1 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.

Birds

NAME	STATUS
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 is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

Critical habitats

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

PUBLIC INVOLVEMENT SYNOPSIS

Job Number 020588: 11th Ave. – Harding Ave. (Hwy. 190) (Pine Bluff) (S)

&

Job Number 020628: I-530 – Hwy. 79B (Franklin St. & 6th Ave.) (S)

Jefferson County

Tuesday, April 30, 2019

An open forum public involvement meeting for the proposed Highway 190 improvement projects in Pine Bluff was held at Coleman Intermediate School from 4:00 – 7:00 p.m. on Tuesday, April 30, 2019. Efforts to involve minorities and the public in the meeting included flyers distributed to the local residents on April 16, 2019, a display ad in the *Pine Bluff Commercial* on April 20 and 27, 2019, and a public service announcement that ran on Cumulus Media-Power 92.3FM from April 27-30, 2019.

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

- Preliminary design of the proposed projects
- Aerial map of the project area

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

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

TABLE 1	
Public Participation	Totals
Attendance at meeting (including ARDOT staff)	50
Comments received	15

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	
Comment Form Results	Totals
Believes there is a need for the proposed projects	11
Does not believe there is a need for the proposed projects	2
Knowledge of cultural resources sites	2*
Knowledge of environmental constraints	2**
Believes beneficial impacts due to the proposed projects	8
Believes adverse impacts due to the proposed projects	3
Did not indicate beneficial or adverse impacts	2

*Comments mentioned an old church building and cemetery

**Comments mentioned old junk yards with scrap metal and cars

A listing of general comments concerning the proposed project follows:

- The projects would provide much-needed drainage improvements.
- The existing deep ditches are a safety hazard.
- The proposed sidewalks are not needed.
- The streets need to be widened and paved.
- The project would attract crime and more traffic in a safe, crime-free area.
- The project would reduce the available yard space for adjacent property owners.
- The proposed sidewalks are needed as pedestrians are currently walking on streets.
- Relocation of structures would have an adverse impact on properties.
- Relocation of the sanitary sewers should be considered as the highway will become city property after the improvements are complete.
- The current traffic volumes do not justify the investment of time and money involved in the proposed projects.
- The proposed projects would adversely affect area businesses, especially due to the road closure associated with the bridge replacement.
- The proposed projects would improve traffic flow now and for future development.
- The old highway should be built to current standards.
- The proposed projects would improve aesthetics in the area.
- The existing streets are too narrow.
- The proposed projects would improve property values in the area.

Job Numbers 020588 & 020628 - PI Synopsis

April 30, 2019

Page 3 of 3

Attachments: Public handouts, including blank comment form
Small-scale display copies

RJ RT
DN DN
SS: tt

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

AHTD JOB NUMBERS

**020588 – 11th Ave. - Harding Ave. (Hwy. 190) (Pine Bluff)
020628 – I-530 - Hwy. 79B (Franklin St. & 6th Ave.)
JEFFERSON COUNTY**

LOCATION:

**COLEMAN INTERMEDIATE SCHOOL
(CAFETERIA)
4600 W. 13TH AVENUE
PINE BLUFF, AR
4:00 – 7:00 P.M.
TUESDAY, APRIL 30, 2019**

Make your comments on this form and leave it with ARDOT personnel at the meeting or mail it by 4:30 p.m. on **Wednesday, May 15, 2019** to: Arkansas Department of Transportation, Environmental Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261. Email: environmentalpimeetings@ardot.gov.

Yes

No

Do you feel there is a need for the proposed widening of Hwy. 190 between 11th Avenue and Harding Avenue and between I-530 and U.S. Highway 79B (Franklin St. and 6th Ave.) in Pine Bluff? Comment (optional) _____

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. _____

Yes No

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

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

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

It is often necessary for 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.

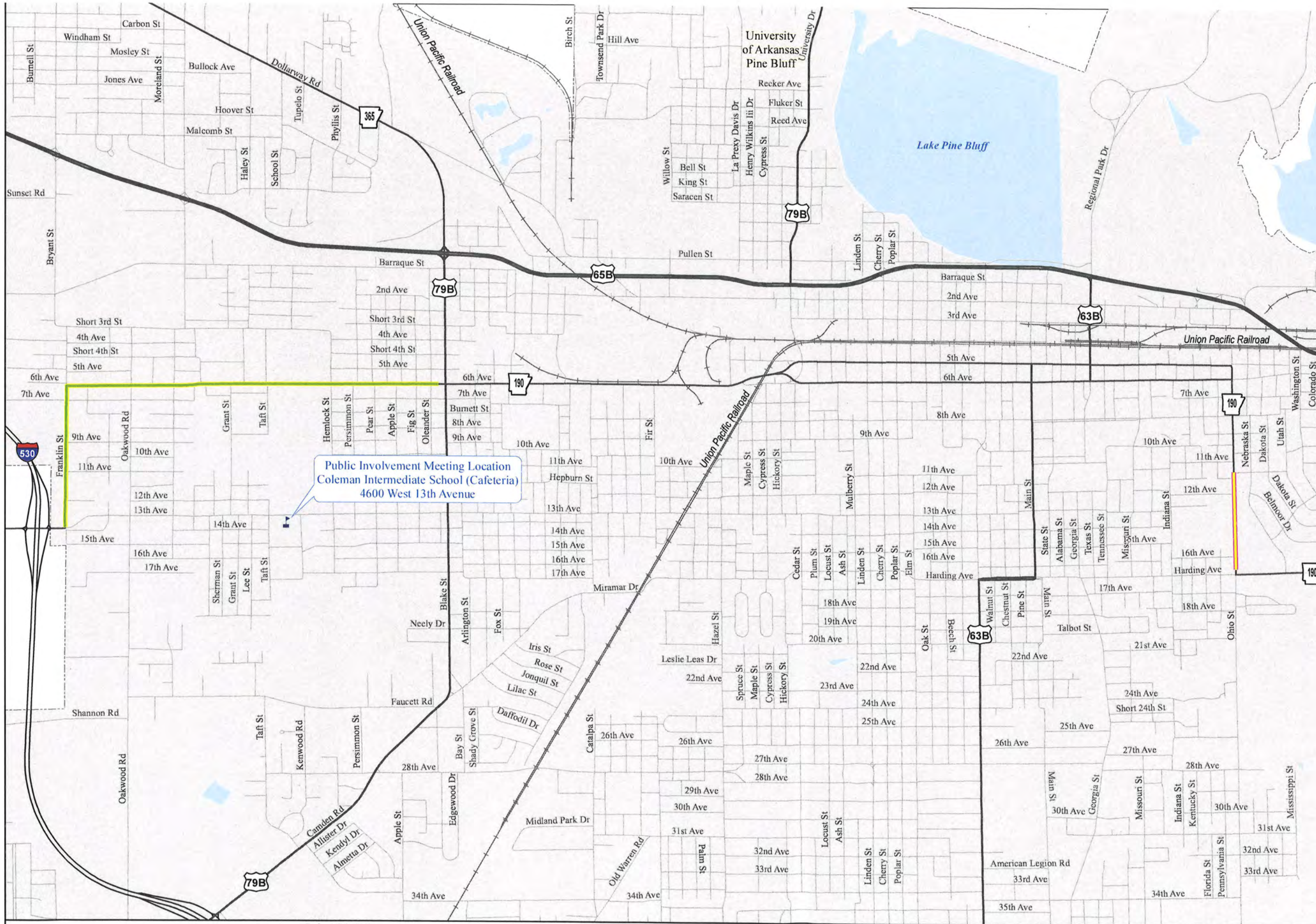
Name : _____ (Please Print)

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

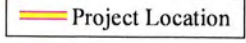
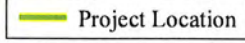
E-mail: _____

Please make additional comments here. _____

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



Notes:



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

ARDOT Job Number 020628 FAP Number STPC-9345(42)

Job Title I-530 – Hwy. 79B (Franklin St. & 6th Ave.) (S)

Environmental Resource	None	Minimal	Major	Comments
Air Quality	X			No impacts anticipated
Cultural Resources	X			No impacts to historic properties
Economic	X			No impacts anticipated
Endangered Species	X			"No effect" to all listed species
Environmental Justice/Title VI	X			No protected populations in project area
Fish and Wildlife		X		Temporary during construction
Floodplains	X			No impacts anticipated
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			None known in project area
Land Use		X		Minor proposed TCE/ROW
Migratory Birds	X			Migratory Bird SP added to contract
Navigation/Coast Guard	X			None in project area
Noise Levels	X			No increases due to project
Prime Farmland	X			None in project area
Protected Waters	X			None in project area
Public Recreation Lands		X		Beneficial impacts to unofficial park parcel
Public Water Supply/WHPA	X			No impacts anticipated
Relocatees	X			No relocations
Section 4(f)/6(f)	X			No impacts anticipated
Social	X			No impacts anticipated
Underground Storage Tanks	X			No impacts anticipated
Visual		X		Temporary construction impacts; beneficial permanent impacts
Streams		X		< 0.1 acre
Water Quality		X		Temporary during construction
Wetlands		X		< 0.1 acre
Wildlife Refuges	X			None in the project area

Section 401 Water Quality Certification Required? No

Short-term Activity Authorization Required? Yes

Section 404 Permit Required? Yes Type Nationwide Permit #14

Remarks: _____

Signature of Evaluator Susan Stapfeld Date August 8, 2019

ROADWAY DESIGN REQUEST

Job Number 020628 FAP No. _____ County Jefferson

Job Name I-530 – Hwy. 79B (Franklin St. & 6th Ave.) (S)

Design Engineer Nick Dail Environmental Staff _____

Brief Project Description Widen lanes to 11' & 6' shoulders (N-S portion); 30' face to face C.C.C.&G. with sidewalks (E-W portion).

A. Existing Conditions:

Roadway Width: 22' Shoulder Type/Width: 1' Paved

Number of Lanes and Width: 2, 10' Existing Right-of-Way: 60'

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

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

B. Proposed Conditions:

Roadway Width: 34'⁽¹⁾, 30'⁽²⁾ Shoulder Type/Width: 6' Paved⁽¹⁾, C.C.C.&G.⁽²⁾

Number of Lanes and Width: 2, 11'⁽¹⁾ Proposed Right-of-Way: 75'
2, 14'⁽²⁾

Sidewalks? No⁽¹⁾ Location: N/A Width: N/A
Yes⁽²⁾ LT. & RT. 5'

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

C. Construction Information:

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

D. Design Traffic Data:

2021 ADT: 1,400 2041 ADT: 1,600 % Trucks: 3%
Design Speed: 35 m.p.h.

E. Approximate total length of project: 2.025 mile(s)

F. Justification for proposed improvements: Refer to Hwy. 190 Improvement Study

G. Total Relocates: _____ Residences: _____ Businesses: _____

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date

(1) Hwy. 190 North – Sta. 100+00.00 – Sta. 129+83.00

(2) Hwy. 190 East – Sta. 200+11.00 – Sta. 277+22.00