

Appendix D – Agency and Tribal Coordination

Job No. 100512, Walnut Ridge – Missouri State Line (Future I-57) P.E.



Prepared by Garver for the
Arkansas Department of Transportation
In cooperation with the Federal Hwy Administration

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Agency and Tribal Coordination

Table of Contents

23 USC Section 139 Coordination Plan

Agency and Tribal Coordination Received

23 USC Section 139 Coordination Plan

Walnut Ridge to Missouri State Line (Future I-57)
ARDOT Job Number 100512

June 2021



Table of Contents

OVERVIEW 1

PROJECT DESCRIPTION AND SCOPE 1

GOALS OF PUBLIC AND AGENCY INVOLVEMENT 3

AGENCIES ROLES AND RESPONSIBILITIES 4

COORDINATION MEETINGS 9

MODOT COORDINATION 14

List of Tables

Table 1: LIST OF FEDERAL COOPERATING AGENCIES 7

Table 2: LIST OF STATE PARTICIPATING AGENCIES 7

List of Figures

Figure 1: Future I-57 Study Area 2



Overview

The Arkansas Department of Transportation (ARDOT), in conjunction with the Federal Highway Administration (FHWA), has prepared this Coordination Plan ('Plan') to facilitate and document the lead agency's planned coordination with agencies for the Future Interstate 57 (I-57) Project ('Project') under the National Environmental Policy Act (NEPA). Public Outreach is also a component of this plan. This document is in compliance with 23 U.S.C. Section 139 "Efficient environmental reviews for project decision making".

FHWA is the lead agency, while ARDOT, working on behalf of and in conjunction with FHWA, has been designated administrative and technical responsibilities for carrying out NEPA and related processes. The Plan outlines the responsibilities for compliance with the various aspects of the environmental review process and how the lead agency will provide opportunities for input from the agencies and the public and other stakeholders in accordance with applicable laws, regulations, and policies. The Plan may be augmented over the course of the Project as needed.

Project Description and Scope

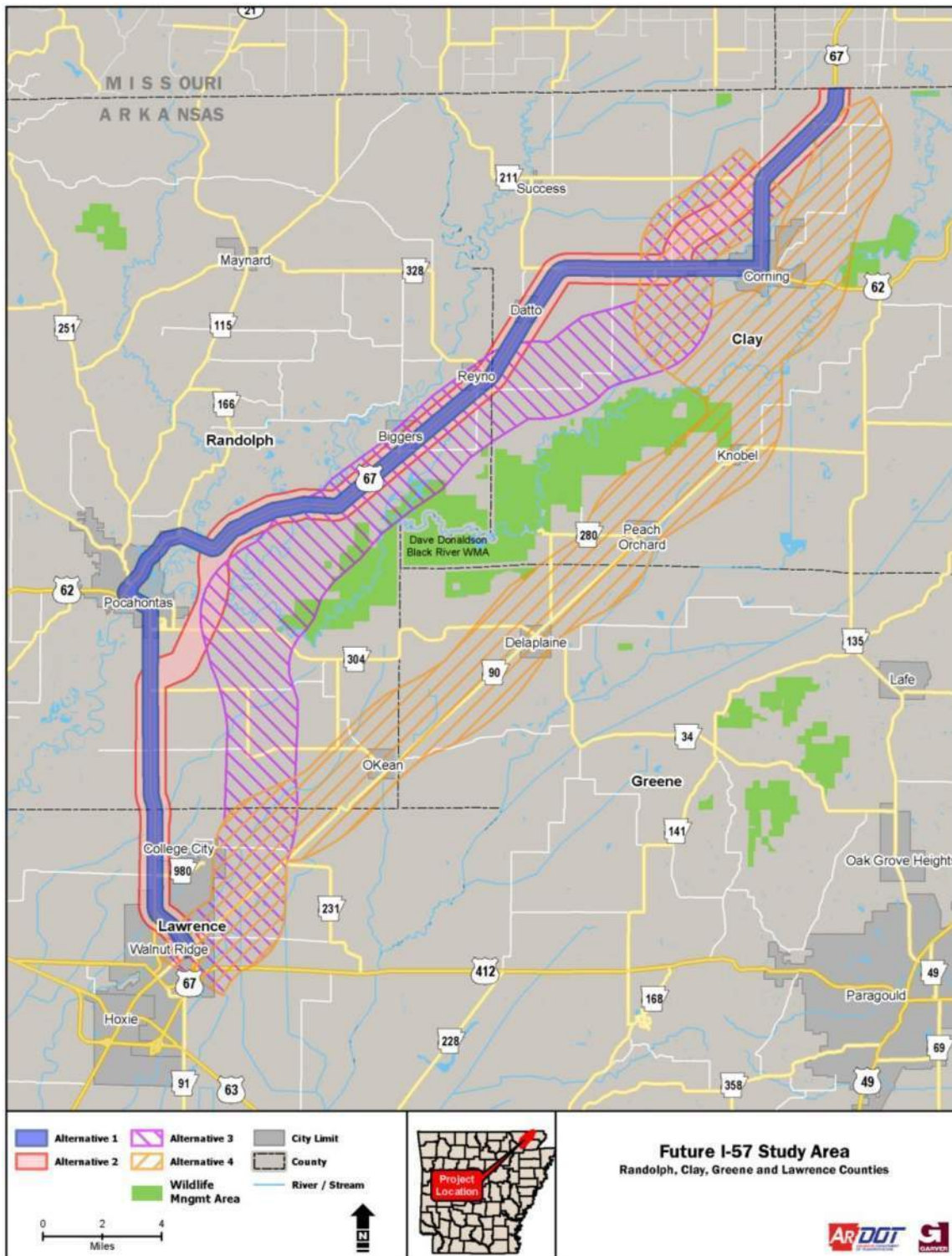
Project Description

The FHWA has initiated an Environmental Impact Statement (EIS) to improve the Highway 67 (Hwy. 67) corridor in Clay, Greene, Lawrence, and Randolph counties, Arkansas. The proposed limits for the Project extend from Walnut Ridge, Arkansas to the Arkansas-Missouri State line, approximately 40 miles in length (see **Figure 1**). Within these Project limits, Hwy. 67 passes through the cities of (south to north) Walnut Ridge, Pocahontas, and Corning to the Arkansas-Missouri State line. South of the Project limits, between central Arkansas and Walnut Ridge (approximately 125 miles), Hwy. 67 is generally a continuous four-lane interstate facility. North of the Project in Missouri, most of Hwy. 67 to Sikeston (approximately 80 miles) is four-lane divided with a mix of freeway and interstate facilities. Within the Project limits, between Walnut Ridge and Pocahontas, Hwy. 67 is a four-lane highway with partial controlled access; and between Pocahontas and the Arkansas-Missouri State line, Hwy. 67 is a two-lane highway with no access control. The Project will examine alternatives to improve the section of Hwy. 67 from Walnut Ridge to the Arkansas-Missouri State line to interstate standards on existing or new location to enhance connectivity and continuity of the National Highway System. The improvements will be designated as Future I-57.

Future I-57: Notice of Intent – Appendix A (23 USC Section 139 Coordination Plan)



Figure 1: Future I-57 Study Area





Size and Complexity

The Project will evaluate build alternatives including improving existing Hwy. 67 and various new alignment corridors (shown in **Figure 1**). The Project will also evaluate a no-build alternative and other potential build alternative options such as Travel Demand Management (TDM), Traffic Safety Management (TSM), and High Occupancy Vehicle lanes (HOV) to determine if they meet the purpose and need.

The complexity of the Project lies in the constraints within the study area that require evaluation as part of the EIS process and providing timely coordination with various federal, state, and local agencies.

Goals of Public and Agency Involvement

As outlined herein, the Project will involve, and be responsive to, local communities in an established manner in accordance with Executive Order (EO) 12898¹ and 13166², Title VI of the Civil Rights Act of 1964, and compliant with the American Disabilities Act. This PIP shall discuss outreach approaches for both the general public and targeted strategies for Environmental Justice (EJ) and Limited English Proficiency (LEP) populations. This Plan was completed in accordance with ARDOT's Public Involvement Handbook³ and reflects the Project Team's desire and overriding goal of involving the public in the decision-making process.

This Plan is intended to be proactive and provide opportunities for timely and productive public review and comment. Public meetings and activities will be scheduled to coincide with the Project's various milestones. Public involvement opportunities will be made available through a range of techniques including virtual and scheduled meetings at accessible community meeting places.

Within this context, the following goals have been developed to guide the Project's public and agency involvement:

- Identify important Project issues.

¹ EO 12898 – *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Include Title VI and ADA*

² EO 13166 – *Improving Access to Services for Persons with Limited English Proficiency.*

³ ARDOT *Public Involvement Handbook – Public Involvement Section – Environmental Division, 2017.*



- Identify stakeholders who are affected and may have an interest in the Project.
- Ensure that traditionally underrepresented populations have opportunities to engage and contribute input.
- Provide facility users, property and business owners, elected/local officials, agencies, community groups, and other stakeholders with opportunities to contribute input.
- Create a forum and opportunities to gather comments, recommendations, and input from stakeholders as well as provide information to stakeholders.

Mailing List

The Project Team⁴ will develop and maintain a mailing list database of names/addresses of stakeholders; elected officials; federal, state and local resource agencies; tribes; media outlets; abutting property owners; and other parties that expressed an interest in the Project. The mailing list will be used to distribute cooperating and participating agency invitations, solicitation of views (described below), meeting announcements, and disseminate other important information as the Project progresses. The mailing list will be updated as needed to assure the appropriate contacts as well as the most current contact information is captured.

Solicitation of Views

Early in the scoping process, a solicitation of views (SOV) letter will be mailed to resource agencies and other stakeholders identified as having an interest in the project. The Project Team will coordinate with ARDOT to identify which stakeholders have an interest in the project and should receive the SOV. The purpose of the SOV letter is to inform and obtain input from interested persons and agencies about the Project. The SOV will request responses within 30 days and is made up of three parts: the SOV cover letter, the preliminary Project description, and the study area map. This will be updated with the SOV letters mailed to each applicable agency/stakeholder once completed.

Agencies Roles and Responsibilities

The sections below outline the roles and responsibilities of agencies in order to establish a protocol for communication, early identification, and resolution of issues, and to resolve issues that could delay completion of the environmental

⁴ The term "Project Team" refers to Garver and its assembled consultant team.



process or could result in denial of any approvals required for the Project under applicable laws.

Lead Agency

The FHWA will be responsible for the overall direction of the environmental review process and ensure that all environmental commitments are completed for the Project. The lead agency is also responsible for the content of the environmental documents, and will furnish guidance, independently evaluate, and approve documents under their authority, and ensure that Project sponsors comply with mitigation commitments. The lead agency will:

- Identify and involve cooperating and participating agencies.
- Prepare a single environmental document in coordination with cooperating agencies and ensure that the FEIS includes an adequate level of detail to inform decisions by all agencies with review or authorization decision responsibilities.
- Inform cooperating agencies of changes related to the Project.
- Develop the purpose and need, develop the range of alternatives, identify the preferred alternative, and determine whether to develop the preferred alternative to a higher level of detail.
- Provide cooperating agencies the opportunity to review and contribute to key milestones of the EIS; and obtain a written concurrence from cooperating agencies whose authorization is required for the Project at key milestones.⁵
- Prepare and publish a single ROD for all federal agencies with authorization responsibility for the Project to support any necessary authorization decisions.
- Maintain a consolidated Project file of the information used by the cooperating agencies as the basis for their environmental reviews.

Cooperating Agencies

Cooperating agencies are invited to assist in the preparation, coordination, and review of the EIS. Cooperating agencies have jurisdiction by law or special expertise, and have a higher degree of authority, responsibility, and involvement in the preparation and review of the environmental documentation than those of

⁵ Purpose and need, range of alternatives, and preferred alternative.

Future I-57: Notice of Intent – Appendix A (23 USC Section 139 Coordination Plan)



participating agencies. The responsibilities specific to cooperating agencies include:

- Designate, at the request of the lead agency, a point of contact to represent the agency in interagency consultations about the Project.
- Coordinate and synchronize their reviews with the lead agency's development of the EIS.
- Identify information necessary to complete application review and authorizations in accordance with the Permitting Timetable (discussed in subsequent section).
- Ensure issues that may delay the Permitting Timetable are promptly brought to the attention of the lead agency.
- Maintain the administrative record associated with its authorization decisions and provide this information to the lead agency upon request.

Any affected cooperating agencies must approve changes to shorten the schedule and evidence of this will be included in the administrative record. The cooperating agencies may develop information or prepare portions of the EIS concerning their area of expertise and may adopt the EIS of the lead agency.

Letters will be sent by FHWA to the following agencies inviting them to serve as cooperating agencies:

- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (EPA)
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)
- U.S. Department of Interior (USDOI) National Parks Service (NPS)
- Missouri Department of Transportation (MoDOT)

If a federal agency chooses to decline, their response letter must state that the agency (1) has no jurisdiction or authority with respect to the Project, (2) has no expertise or information relevant to the Project, or (3) does not intend to submit comments on the Project. If the federal agency's response does not state the agency's position in these terms, then the agency should be treated as a participating agency.

Participating Agencies

All federal, state, tribal, regional, and local government agencies that may have an interest in the Project are invited to serve as participating agencies by FHWA.

Future I-57: Notice of Intent – Appendix A (23 USC Section 139 Coordination Plan)



Participating agencies are to comply with their reviews and provide necessary input in compliance with the requests of the lead agency. The roles and responsibilities of participating agencies as outlined in *SAFETEA-LU*⁶ include, but are not limited to:

- Participate in the scoping process.
- Participate in the environmental process with regard to development of the purpose and need, range of alternatives, methodologies, and the level of detail for the analysis of alternatives.
- Identify and provide early input on issues of concern regarding the Project's potential environmental impacts.
- Provide meaningful and timely input on unresolved issues.

See **Attachment A** for the participating agency list and invitation letters.

Cooperating and Participating Agencies Summary

Accepting a role as a cooperating or participating agency does not imply that an agency supports the Project or has jurisdiction or special expertise with respect to the evaluation of the Project. The following agencies have accepted as cooperating (**Table 1**) and participating agencies (**Table 2**). The Plan will be updated if additional agencies are confirmed.

Table 1: LIST OF FEDERAL COOPERATING AGENCIES
U.S. Army Corps of Engineers (USACE)
U.S. Fish and Wildlife Service (USFWS)
U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)
Missouri Department of Transportation (MoDOT)

Table 2: LIST OF STATE PARTICIPATING AGENCIES
Arkansas Game and Fish Commission
Department of Arkansas Heritage *

*Note: * The Arkansas Historic Preservation Program (AHPP) and Arkansas National Heritage Commission (ANHC) are divisions of the Department of Arkansas Heritage. Unless otherwise instructed, the AHPP and ANHC are included as one entity with the Department of Arkansas Heritage, the proposed participating agency. The AHPP and ANHC are included on the mailing list as agencies/stakeholders and will be included in Project scoping and Project outreach activities.*

⁶ *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users (Pub. Law 109-59).*



Permitting Timetable

In consultation with cooperating and participating agencies, a Permitting Timetable that identifies the actions and associated milestones for applicable environmental reviews and authorizations for the Project will be developed.

The Permitting Timetable will account for intermediate and final completion dates for any environmental review or authorization required for the Project. It will include estimated milestones for the Project sponsor to develop and submit complete applications and any other information required for federal authorization of the Project, including required authorization decisions by non-federal entities. The environmental review and authorization milestones to be included in the Permitting Timetable are included in the Permitting Timetable worksheet presented in **Attachment A**.

Following consultations with cooperating agencies, ARDOT and FHWA will update, and, as necessary, modify, the Permitting Timetable at least on a quarterly basis. A modified Permitting Timetable will be transmitted to each cooperating and participating agency point of contact and to the Project sponsor. A copy of the Permitting Timetable and any modifications will be made available to the public online, including, as appropriate and practicable, through the Federal Permitting Dashboard.

Agency Review Time

The environmental review process will be conducted concurrently with the applicable authorization decision processes. Accordingly, ARDOT will obtain a written concurrence from all cooperating agencies whose authorization is required for the Project at three key milestones:

- 1) Purpose and Need
- 2) Alternatives to Be Carried Forward for Evaluation
- 3) Preferred Alternative

Cooperating agency points of contact will be asked to respond to ARDOT's request for concurrence within 10 business days. Failure to respond within 10 business days may be treated as concurrence, at the discretion of the lead agency.

ARDOT will ask for cooperating and participating agency input on the schedule, including agency review time periods, and will make every effort to maintain the time periods established for review. Input will be solicited from cooperating and participating agencies at scheduled agency meetings. All review periods and



circulation periods will follow ARDOT guidelines and be reflected in the schedule. Each agency will implement policies and procedures to ensure completion of the review process in a timely, coordinated, and environmentally responsible manner. It would be assumed that the cooperating and participating agencies agree with the Project schedule if their input has been solicited and they have not commented otherwise.

Other Agencies/Stakeholders & Tribes

Other federal, state, and local agencies (not otherwise included as cooperating or participating agencies), elected officials, and stakeholders are included on the Project mailing list and will be included in Project scoping activities, as applicable, and agency/stakeholder and public outreach activities⁷. Consultation letters were sent to native American tribes that may have ancestral ties to the project area. Native American Tribes will also be included in public outreach activities.

Coordination Meetings

Project coordination meetings will be held throughout the study process as follows:

- Up to three federal and state agency office meetings and two field review meetings.
- Up to three public meetings
- Up to three agency/officials' meetings that will take place the same day and prior to the public meetings, as practicable.
- Up to eight additional stakeholder meetings.

The Project Team will identify, recommend, schedule, and coordinate the logistics for accessible locations for the agency, officials, public, and stakeholder meetings. Meetings will be attended by both technical staff and public involvement representatives. All meeting locations will be approved by ARDOT prior to scheduling the facility.

Agency Meetings

Face-to-face state and federal resource agency meetings will be held at important milestones, as practicable. Agencies invited will include cooperating and participating agencies, as well as other agencies that have important input on the

⁷ *Public outreach activities are described in the Future I-57 Public Involvement Plan.*



Project. These meetings will likely be in Little Rock where many of the agency points of contact work.

Stakeholder Meetings

Coordination meetings with stakeholders will be held as needed. Coordination meetings are likely to be held with business owners, political and agency representatives, farmer associations, and homeowners who have a role in, or may be potentially impacted, by the Project. These meetings allow for one-on-one or small group interaction with stakeholders to address specific issues that affect their business or community outside of the regular public meetings/hearings.

Public Meetings and Hearings

There will be up to three public meetings, including one scoping meeting. Two series of public meetings will be held at 3 locations along the project corridor to provide convenient access to interested stakeholders across the project area. These locations will be in or near Corning, Pocahontas, and Walnut Ridge. The scoping meeting will be held at a centralized location along the project corridor and held early in the EIS process to identify the major and important issues for consideration during the study. Local officials meetings will be held just prior to but on the same day and location as the public meetings. The second series of public meetings will be held later in the EIS process and prior to the public hearing to update the public, local officials and other stakeholders on Project alternatives and progress, as applicable.

The Project Team will identify, recommend, schedule, and coordinate the logistics for accessible locations for the public meetings. The public meetings will be attended by both technical staff and public involvement representatives. All meeting locations will be approved by ARDOT prior to scheduling the facility.

The format of the public meetings, including the scoping meeting, will be an open house without any formal presentations. The public meetings will be conducted so that attendees can freely view exhibits and obtain Project information from the Project Team via topic-specific tables and/or exhibits. Project Team members will perform attendee registration, address questions and comments, and guide attendees through the public meeting process. Handouts prepared and distributed by the Project Team at the public meeting may include, but are not limited to, a Project location map, a Project overview, and a comment form.

Attendees will be able to submit written comments. The procedure for submitting comments will be described in the display advertisements for the meeting and at the public meeting. Comment tables will be available for attendees to submit

Future I-57: Notice of Intent – Appendix A (23 USC Section 139 Coordination Plan)



questions, suggestions, and concerns via comment forms. Attendees will also have the option to study and mail/email the comment form via addresses printed on the comment form. Prepaid postage will be provided at the meetings. Unless otherwise indicated by ARDOT or FHWA, attendees who choose to mail back a comment form must have it postmarked within 15 days after the public meeting date for the comment to be included in the public meeting summary report.

Alternative – Virtual Public Meeting

Due to COVID-19 and social distancing, the Project Team has developed a virtual public meeting plan in place of, or in conjunction with, an in-person open house site.

The Project Team will proceed with traditional advertisement and outreach methods while adjusting messaging for virtual public involvement. A phone number will be included on all outreach materials and advertisements for anyone with limited internet access or has general questions or comments regarding the study and virtual public meeting.

The Project Team will develop an online virtual public meeting website to guide attendees through the meeting information. Participants will be able to inspect materials, such as study background information and presentation materials, as well as provide comments via online, email, and mail.

The virtual public meeting website will launch when outreach begins and will be open 3-4 weeks per ARDOT discretion. Attendees will be able to interact with the virtual meeting materials at their leisure.

Publications

The Project Team will create display advertisements for review and approval by ARDOT. These display advertisements will be published for each public meeting by the Project Team in local newspapers⁸.

In addition, the Project Team will develop a news release providing information on the public meetings and opportunities to provide input. The ARDOT Public Information Office will review, approve, and publish (unless otherwise noted by ARDOT) the news release to a list of applicable media outlets included on its mailing list.

⁸ Will include a publication in the Arkansas Democrat Gazette and other local papers, as applicable, in the vicinity of the public meeting locations.



Other announcement documents will be prepared for the public meetings as needed, such as flyers and letters. Census data will be pulled for each county to determine Limited English Proficiency. Reasonable steps will be taken in preparation for and during the public meetings to ensure identified LEP persons have meaningful access to the programs, services, and information provided by ARDOT. This may include flyers distributed to local businesses and communities affected by the Project, letters to minority churches distributed prior to the public meeting, and/or a public service announcement on local minority radio stations, as appropriate, providing interpreters at the public meetings and translating documents. The Project Team will identify active social media sites and invite them to post information on the public meetings by providing a Tweet Sheet of suggested text and graphics to use.

Public Hearing

A public hearing will be held in or near Corning, Pocahontas, and Walnut Ridge to formally present the DEIS findings and receive public and stakeholder input on those findings. The public hearing will be conducted after approval of the DEIS by FHWA. This hearing may be conducted under the alternative virtual meeting process described above.

The Project Team will identify, recommend, schedule, and coordinate the logistics for an accessible location for the public hearing. The public hearing will be attended by both technical staff and public involvement representatives. The public hearing will be held at locations along the Project corridor and will be approved by ARDOT prior to scheduling the facility.

The public hearing format will be an open house without any formal presentations. It will be conducted so that attendees can freely view exhibits and obtain Project information from the Project Team via topic-specific tables and/or exhibits. Project Team members will perform attendee registration, address questions and comments, and guide attendees through the public hearing process.

Materials prepared and distributed by the Project Team at the public hearing may include, but are not limited to, the following:

- *A Welcome to the Public Hearing Packet* – May include right-of-way acquisition and relocation assistance program procedures; environmental impact documentation.
- Handouts – Project location map, Project overview, and comment form.

Future I-57: Notice of Intent – Appendix A (23 USC Section 139 Coordination Plan)



Attendees will be able to submit written and/or verbal comments. The procedure for submitting comments will be described in the notice for the public hearing and at the public hearing. Comment tables will be available for attendees to submit questions, suggestions, and concerns via comment forms. Attendees will also have the option to study and mail/email back the comment form via addresses printed on the comment form. Prepaid postage will be provided. Unless otherwise indicated by ARDOT or FHWA, attendees who choose to mail back a comment form must have it postmarked within 15 days after the public hearing date for the comment to be included in the public hearing summary report.

Publications

The Project Team will publish one legal notice and two display ads in local newspapers⁹.

- Notice 1: A legal notice published no less than 30 days before the public hearing date that includes information on the hearing, where documents may be reviewed, and announcing the 45-day comment period.
- Notice 2: A display ad published approximately 15 days before the public hearing date.
- Notice 3: A display ad published the week of the public hearing date.

The notices will state when and where the public may review the Project information, will include a brief description of the Project, and the location and time of the public hearing.

In addition, the Project Team will develop a press release providing information on the public hearing and opportunities to provide input. The ARDOT Public Information Office will review, approve, and publish (unless otherwise noted by ARDOT) the news release to a list of applicable media outlets included on its mailing list.

Other announcement documents will be prepared for the public hearing as needed, such as flyers and letters. Census data will be pulled for each county to determine LEP. Reasonable steps will be taken in preparation for and during the public hearing to ensure identified LEP persons have meaningful access to the programs, services, and information provided by ARDOT, as determined necessary. This may include flyers distributed to local businesses and communities affected by the

⁹ Will include a publication in the Arkansas Democrat Gazette and other local papers, as applicable, in the vicinity of the public hearing location.



Project, letters to minority churches distributed prior to the public hearing, and a public service announcement on local minority radio stations, as appropriate.

Summary Reports

Upon completion of each public meeting and the public hearing, a summary report will be prepared by the Project Team and submitted to ARDOT for review and approval. The closing date to receive public meeting/hearing comments will be 15 days after the meeting/hearing date, unless otherwise noted by ARDOT and/or FHWA. Comments received after 15 days will not be considered in the summary report (official public record), but will be maintained within the study record.

The summary reports will include an accounting of the meeting/hearing logistics and attendees. They will also include, as applicable, a written transcript of oral statements recorded, the written comments received at each public meeting/hearing, copies of the public meeting/hearing display advertisements and/or public hearing legal notice, copies of any handouts and materials utilized at the meeting/hearing, meeting/hearing photographs, and a summary analysis of comments received concerning the Project. The public hearing summary will include an adequate response to the received comments.

MoDOT Coordination

The Missouri Department of Transportation (MoDOT) completed a FEIS for Hwy. 67¹⁰ from just south of St. Louis, Missouri to a point just south of Neelyville, Missouri, which is approximately two miles north of the Arkansas-Missouri State line. The southern termini of the MoDOT study was identified because it would not dictate where ARDOT had to locate their northern terminus. The two-mile gap north of the state line would allow MoDOT to align their final section of Hwy. 67 to be compatible with the future ARDOT termini.

In order to provide a basis for a coordinated planning process between the states of Arkansas and Missouri, ARDOT and MoDOT signed a Memorandum of Understanding (MOU) in August 1998 allowing the two states to cooperate on the northern terminus of ARDOT's section of Hwy. 67. In accordance with this MOU, ARDOT will set up coordination points with MoDOT at the following project milestones: range of alternatives identification and preferred alternative identification. These coordination points are subject to change based on project progress and coordination needs.

¹⁰ *Final Environmental Impact Statement, U.S. Route 67, June 22, 2005.*



ATTACHMENT A

Environmental Impact Statement Permitting Timetable Worksheet for Permitting Dashboard

Project Title: Hwy. 412 – Missouri State Line P.E.
State Project Number: Job No. 100512
Sponsor: Arkansas Department of Transportation

Federal Lead Agency/ Action:

FHWA - Environmental Impact Statement

Milestone	Target Date	Completion Date
Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	7/15/2021	
Scoping	8/15/2021	
Official Notice of Availability of a Draft EIS published in the Federal Register (FR) beginning both the public comment period and concurrent CAA Section 309 Review	6/31/2022	
Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	2/28/2023	
Issuance of Record of Decision or combined Final EIS / Record of Decision	2/28/2023	

FHWA- Cultural Resources

Milestone	Target Date	Completion Date
Consultation initiated with SHPO/THPO	8/31/2021	
Section 106 Consultation Concluded	5/31/2022	

Responsible Agency: FHWA
Phone: 501.324.6430

POC: Randal Looney
Email: randal.looney@fhwa.dot.gov

**Future I-57: Notice of Intent – Appendix A (23 USC Section 139
Coordination Plan)**



Cooperating / Participating Agency Actions:

U.S. Army Corps of Engineers - Section 404, 10, and 408 Clean Water Act

Milestone	Target Date	Completion Date
Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received	2/28/2023	
Complete Pre-Construction Notification (PCN)/Application Received (Submittal includes Section 404-408-10 information)	3/31/2023	
Publication of Public Notice	4/30/2023	
Final Verification/Permit Decision Rendered	7/31/2023	

- This permit requires ADEE Section 401 Water Quality Certification

Responsible Agency: USACE

Phone: 501.765.9938

Cooperating Agency YES

POC: Johnny McLean

Email: johnny.l.mclean@usace.army.mil

Participating Agency Only NO

U.S. Fish and Wildlife Service - Section 7 Endangered Species Act Consultation

Milestone	Target Date	Completion Date
Request for ESA Consultation Received	1/31/2022	
Consultation Package (Formal Consultation):	3/02/2022	
Conclusion of ESA Consultation I	6/15/2022	

Responsible Agency: USFWS

Phone: 501.513.4489

Cooperating Agency YES

POC: Lindsey Lewis

Email: lindsey.lewis@fws.gov

Participating Agency Only NO

State, Local, Tribal, Other Non- Federal Agency and not cooperating or participating agency

Arkansas Department of Energy and Environment - Section 401 Water Quality Certification

Milestone	Target Date	Completion Date
Initial Application Received	1/31/2023	
Issuance of decision for permit/approval	7/31/2023	

Responsible Agency: ADEE

Phone: 501.682.0744

Cooperating Agency NO

POC: Beck Keogh

Email: Keogh@adeq.state.ar.us

Participating Agency Only NO

Agency and Tribal Coordination Received

Cooperating Agencies

Missouri Department of Transportation (MoDOT)
U.S. Army Corps of Engineers (USACE)
U.S. Department of Agriculture (USDA)
U.S. Environmental Protection Agency (EPA)
U.S. Fish and Wildlife Service (USFWS)

Participating Agencies

Arkansas Department of Energy and Environment (ADEE)
 Division of Environmental Quality (DEQ)
Arkansas Game and Fish Commission (AGFC)
Division of Arkansas Heritage (DAH)
 Arkansas Historic Preservation Program (AHPP)
 Arkansas Natural Heritage Commission (ANHC)

Other Agencies

Advisory Council on Historic Preservation (ACHP)
Arkansas Department of Agriculture
Arkansas Department of Health (ADH)
Arkansas Geological Survey
Commissioner of State Lands
Division of Arkansas State Parks
Technical Review Committee (State Clearinghouse)
U.S. Coast Guard
U.S. Department of the Interior

Tribal Coordination

Outgoing Tribal Coordination
Osage Nation
Quapaw Nation

COOPERATING AGENCIES
MISSOURI DEPARTMENT OF TRANSPORTATION
(MoDOT)

ACCEPTANCE AS COOPERATING AGENCY

Schmidt, Cassie P.

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Friday, May 15, 2020 1:39 PM
To: Fleming, John
Cc: McAbee, William C.; Timothy C. Pickett; Taylor Peters (taylor.peters@dot.gov); raegan.ball.dot.gov
Subject: RE: For Your Review and Approval 100512_2020.05.14_I-57 ARDOT Cooperating_MoDOT

Thanks John! MoDOT accepts the invite to be a cooperating agency in the EIS. Our designated POC is Tim Picket (copied). Tim is also leading our Route 67 EIS re-evaluation design work in Missouri so he will be able to provide some cohesion in the corridor. I have copied MO Division FHWA also.

Thanks, Melissa

Melissa A. Scheperle

Environmental Compliance Manager –NEPA, Hazardous Waste
 Environmental and Historic Preservation Section
 Design Division, MoDOT
 Ph: 573-526-6684
 Cell: 573-508-2848
Melissa.scheperle@modot.mo.gov

From: Fleming, John <John.Fleming@ardot.gov>
Sent: Friday, May 15, 2020 10:20 AM
To: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Cc: McAbee, William C. <WCMcAbee@GarverUSA.com>
Subject: FW: For Your Review and Approval 100512_2020.05.14_I-57 ARDOT Cooperating_MoDOT

Melissa,

The Cooperating Agency Invitation letter is attached for the Hwy 67, future I-57 EIS. Please let Bill or I know if you have any questions. My mobile number is 501-231-8502. John

John Fleming
 Arkansas Department of Transportation
 Division Head – Environmental Division
 (501) 569-2281 | john.fleming@ardot.gov | www.ardot.gov



**COOPERATING AGENCY:
MISSOURI DEPARTMENT OF TRANSPORTATION
(MoDOT)**

MAJOR CONCURRENCE POINTS



Southeast District
Mark Croarkin, District Engineer

Missouri Department of Transportation

2675 North Main Street
Sikeston, Missouri 63801
573.472.5333
Fax: 573.472.5351
1.888.ASK MODOT (275.6636)

Friday, January 15, 2021

Ms. Vivien N. Hoang, P.E.
Division Administrator
Federal Highway Administration
700 West Capitol, Rm. 3130
Little Rock, AR 72201-3298

Dear Ms. Hoang:

I am a MoDOT Project Manager for the Southeast District involved in the US 67 (Future I-57) projects. I would like to thank you for the opportunity to review and comment on the purpose and need statement, along with alternatives presented by my neighbors from ArDOT. The Missouri Department of Transportation is currently working on three projects that will continue the upgrade of US 67 (Future I-57) to a 4 lane freeway facility south of Rte. 160 in Butler County, Missouri. The projects will complete 4 miles of roadway that is part of the recently approved reevaluated EIS. The reevaluated EIS covers approximately 10 miles of 4 lane improvements stopping 2 miles north of the Arkansas State Line.

I have reached out to my colleagues involved in the reevaluated EIS and current projects for US67 (Future I-57) and we have no comments. We concur with the purpose and need presented.

I would however like to share the recently approved reevaluated EIS and point out that the location of our improvements lies to the east of US 67 at our southern terminus. Please follow the following web address to review document:

<https://datazoneapps.modot.mo.gov/bi/apps/maps/Home/Index/NEPA>



Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

www.modot.org

If you should have any further questions please call me at 573-472-9003.

Sincerely

Timothy Pickett

Timothy Pickett, P.E.

Transportation Project Manger – SE District

cc: Melissa Scheperle - MoDOT
Taylor Peters – FHWA
Randal Looney - FHWA
John Fleming - ArDOT
William C. McAbee – Garver USA

enclosures:



Southeast District
Mark Shelton, District Engineer

Missouri Department of Transportation

2675 North Main Street
P.O. Box 160
Sikeston, Missouri 63801
573.472.5333
Fax: 573.472.5351
1.888.ASK MODOT (275.6636)

February 19, 2022

Mr. Bill McAbee
Environmental Project Manager
Garver
4701 Northshore Dr.
North Little Rock, Arkansas 72118

Mr. McAbee

The Missouri Department of Transportation is currently working on four projects that will continue the upgrade of US 67 (Future I-57) to a four-lane freeway facility south of Rte. 160 in Butler County, Missouri. The projects will complete the last 10 miles of roadway that had been previously approved as an EIS and ROD and which were re-evaluated and approved in January 2021.

The first project (J9P3663) Phase 1a will complete improvements at the existing interchange with Rte. 160. The project is currently on schedule for a May 2022 letting. The next two projects Phase 1b (J9P3764) and Phase 2 (J9P3751) will complete another 3.5 miles of new four lane on new alignment ending near County Rd. 352. A projected letting of December 2022 is planned for Phase 1b and Phase 2.

The Phase 3 project (J9P3661) currently has funding for design only and will complete the last six miles ending near County Rd. 272. Upon completion of the four projects there will still need to be 2 miles of environmental screening to extend to the state line. MoDOT and its consultant are currently moving forward with preliminary screening of the 2-mile gap to the state line and will further our environmental screening upon final approval of the completed EIS conducted for ArDOT.



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innovative, reliable and dedicated to a prosperous Missouri.*

www.modot.org

We appreciate the opportunity to comment on the DEIS and after review by myself and my colleagues we concur with what's being presented and the selection of the preferred Alternate C at the state line.

Thank you for your coordination in keeping us informed on the progress. I would like to extend the same courtesy and ask if you have questions please call me at 573-472-9003.

Sincerely



Timothy Pickett, P.E.
Transportation Project Manger – SE District

cc: Melissa Scheperle
Kyle Grayson

enclosures:

Schmidt, Cassie P.

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Wednesday, August 17, 2022 1:47 PM
To: Schmidt, Cassie P.
Cc: Looney, Randal (FHWA); McAbee, William C.; Kyle E. Grayson; timothy.pickett@modot.mo.gov
Subject: RE: 100512 Future I-57 - DEIS Submittal (Draft 5)
Categories: Filed by Newforma

No comments from MoDOT!
 Thanks for the copy,
 Melissa

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Tuesday, July 26, 2022 8:30 AM
To: timothy.pickett@modot.mo.gov; Kyle E. Grayson <Kyle.Grayson@modot.mo.gov>; Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Cc: Looney, Randal (FHWA) <Randal.Looney@dot.gov>; McAbee, William C. <WCMcAbee@GarverUSA.com>
Subject: 100512 Future I-57 - DEIS Submittal (Draft 5)

Dear MoDOT Representatives,


The Missouri Department of Transportation (MoDOT) has accepted the role as a National Environmental Policy Act (NEPA) cooperating agency for the Environmental Impact Statement which will analyze proposed improvements to the highway system between Walnut Ridge and the Missouri State line in Clay, Greene, Lawrence, and Randolph Counties in Arkansas. The Federal Highway Administration, in cooperation with the Arkansas Department of Transportation, is submitting project information for your review and comment.

Pursuant to 23 U.S. Code § 139, cooperating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. Your agency's role in the development of the project should include the following as they relate to your area of expertise:

1. Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternative analysis.
2. Participate in coordination meetings and joint field reviews as appropriate.
3. Timely review and comment on the pre-draft or pre-final environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Please review and comment on the attached draft Environmental Impact Statement. This is considered an official concurrence point and, as such, please respond within 30 days with comments or to concur. This version of the DEIS has been revised since it was originally sent to you on January 19, 2022. Provided via the links below is a PDF of the narrative and a separate PDF containing the appendices.

 [100512 DEIS 2022 07 25 \(Draft5\) Appendices Only.pdf](#)

 [100512 DEIS 2022 07 25 \(Draft5\).pdf](#)

If you have any questions or would like to discuss this project or your agency's roles and responsibilities throughout the NEPA process in more detail, please contact Bill McAbee at (501) 537-3259 or email wcmcabee@garverusa.com, or Randal Looney at (501) 324-6430 or email randal.looney@dot.gov.

Sincerely,



Cassie Schmidt

Environmental Scientist/Environmental Specialist
Transportation Team

📞 479-287-4673

From: [Melissa Scheperle](#)
To: [Schmidt, Cassie P.](#)
Cc: [Looney, Randal \(FHWA\)](#); [McAbee, William C.](#)
Subject: RE: Walnut Ridge – Missouri State Line (Future I-57) Job No 100512 , FEIS-ROD Review #1
Date: Monday, April 24, 2023 10:03:39 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Cassie,

I missed the due date a little but we concur! No comments from my group or the MoDOT district office.

Thanks, Melissa

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Thursday, April 6, 2023 5:51 PM
To: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Cc: Looney, Randal (FHWA) <Randal.Looney@dot.gov>; McAbee, William C. <WCMcAbee@GarverUSA.com>
Subject: Walnut Ridge – Missouri State Line (Future I-57) Job No 100512 , FEIS-ROD Review #1

Good evening,

The Missouri Department of Transportation has accepted the role as a National Environmental Policy Act (NEPA) cooperating agency for the Environmental Impact Statement which will analyze proposed improvements to the highway system between Walnut Ridge and the Missouri State line in Clay, Greene, Lawrence, and Randolph Counties in Arkansas. The Federal Highway Administration, in cooperation with the Arkansas Department of Transportation, is submitting project information for your review and comment.

Provided at the link below is the draft Future I-57 FEIS-ROD, which is ready for your review. There are three PDF files that contain the narrative and appendices due to the size of the files. Additionally, the cover and signature pages were separated from the narrative because of issues with Section 508 compliance.

 [100512_FEIS-ROD_2023-04-6 \(cover & sig pg ONLY\).pdf](#)

 [100512_FEIS-ROD_2023-04-6.pdf](#)

 [100512_FEIS_AppendicesA-J_2023-04-6.pdf](#)

 [100512_FEIS_AppendicesK-N_2023-04-6.pdf](#)

Please communicate to reviewers that the **only alignment/footprint revision to the Preferred Alternative** in the DEIS is a minor increase in the width of the Missouri interim connector footprint that was expanded from two lanes to four lanes. This change was included in the public hearing materials so that local officials and the public could comment on the impacts as shown in the current FEIS. Most of the changes through the document reflect relatively small changes that had no impact on altering the Preferred Alternative. Minor numerical corrections, changes to grammar and punctuation, and references to the FEIS have been incorporated. Most importantly reviewers should note that updated information and changes made in response to public and agency comments on the DEIS are **highlighted in yellow in the FEIS** so they can be easily identified.

Please respond with comments or to concur by April 21, 2023.

If you have any questions or would like to discuss this project or your agency's roles and responsibilities throughout the NEPA process in more detail, please contact Bill McAbee at (501) 537-3259 or email wcmcabee@garverusa.com, or Randal Looney at (501) 324-6430 or email randal.looney@dot.gov.

Sincerely,



Cassie Schmidt

Environmental Scientist/Environmental Specialist

Transportation Team

☎ 479-287-4673

☎ 918-440-2886

**COOPERATING AGENCY:
MISSOURI DEPARTMENT OF TRANSPORTATION
(MoDOT)**

ALL OTHER CORRESPONDENCE

for ARDOT Project No. 100512.

Sincerely,



Cassie Schmidt
Environmental Scientist/Environmental Specialist
Transportation Team

☐ 479-287-4673

**COOPERATING AGENCY:
U.S. ARMY CORPS OF ENGINEERS (USACE)**

ACCEPTANCE AS COOPERATING AGENCY



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil/

November 10, 2020

Regulatory Division

PROJECT NO. SWL 2020-00341

Ms. Vivian N. Hoang
 Division Administrator
 Federal Highway Administration
 700 W. Capitol, Room 3130
 Little Rock, Arkansas 72201-3298

Dear Ms. Hoang:

This is in regard to your recent invitation to participate as a cooperating agency with the Federal Highway Administration (FHWA) and Arkansas Department of Transportation (ArDOT), in the development of the environmental impact statement (EIS) for a section of the future Interstate 57 project. The proposed limits of this section extend from Walnut Ridge, Arkansas to the Arkansas-Missouri state line, approximately 40 miles in length (map enclosed). The proposed project will evaluate alternatives to improve the U.S. Highway 67 corridor in Lawrence, Greene, Randolph and Clay Counties to enhance connectivity and continuity of the National Highway System.

We would like to participate as a cooperating agency and Mr. Johnny McLean, Transportation Program Manager, will be the Corps of Engineers primary point of contact. We do recommend that FHWA/ArDOT develop and thoroughly evaluate every potential alternative since the least environmentally damaging most practicable alternative must be selected in accordance with the Environmental Protection Agency's Section 404(b)(1) Guidelines. Measures to avoid and minimize impacts to waters of the U.S. must be evaluated for each alternative. Large scale wetland impacts would likely require a Department of the Army Standard Permit review and, if approved, would require a substantial amount of compensatory mitigation since these remaining wetlands adjacent to the Black River, Current River and Cache River generally exhibit at least moderate to high functions and services, and their numbers have been greatly diminished in the last 200 years. From the 1780's to the 1980's, approximately 72 percent of Arkansas' wetlands were converted to uplands, primarily for agriculture, and many of the remaining 28 percent have been altered and degraded.

-2-

We look forward to participating in the development of the EIS and commenting on the alternatives. If you have any questions, please contact Mr. McLean at 501-340-1382, or Johnny.L.McLean@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Sarah L. Chitwood".

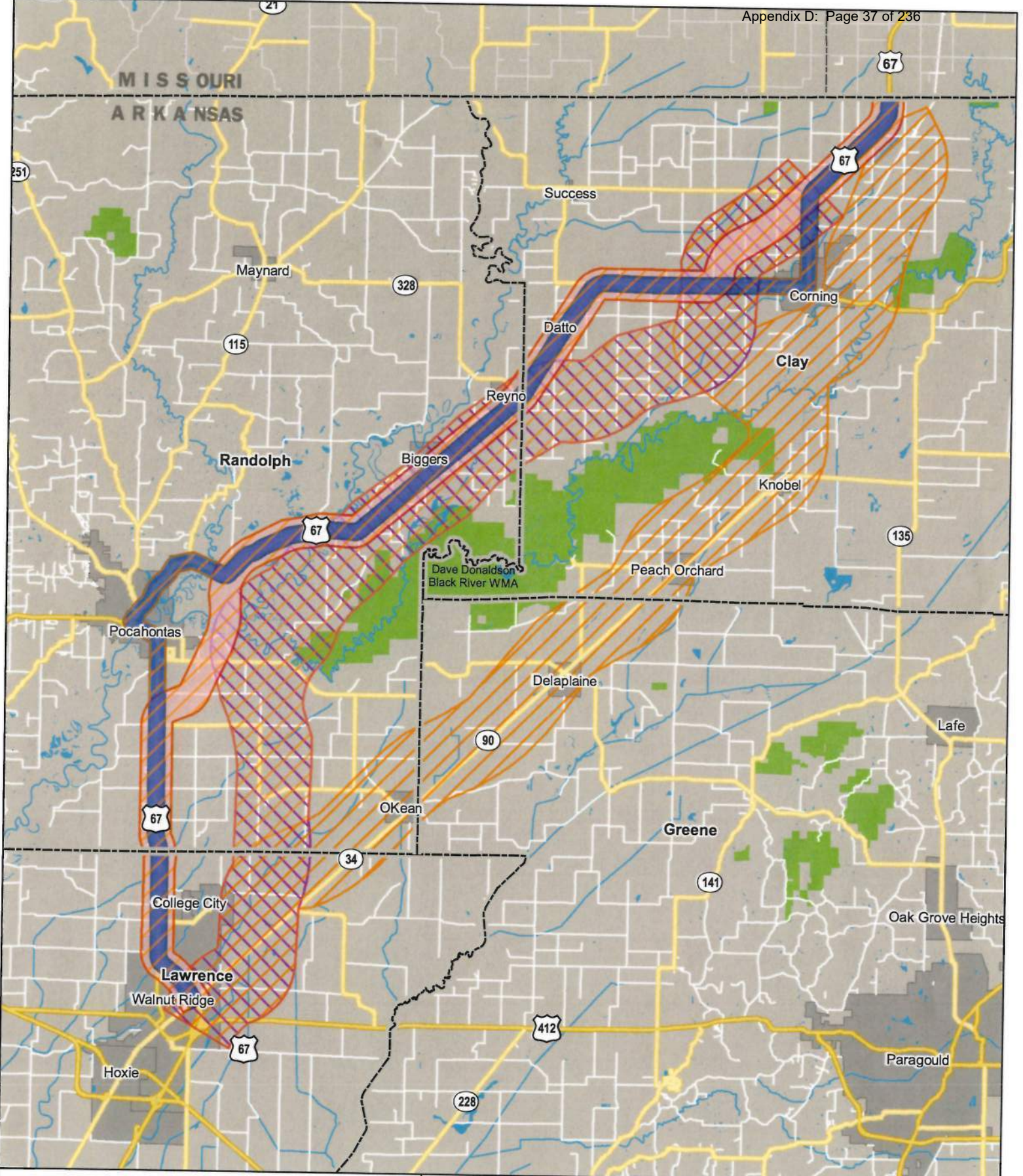
Sarah Chitwood
Chief, Regulatory Division

Enclosure

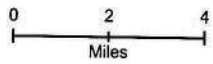
Copy Furnished:

Memphis District Corps of Engineers, Mr. Roger Allan
U.S. Fish and Wildlife Service, Mr. Lindsey Lewis
Environmental Protection Agency, Ms. Wanda Boyd
Arkansas Department of Transportation, Mr. John Fleming
Arkansas Natural Heritage Commission, Ms. Cindy Osborne
Arkansas Game and Fish Commission, Ms. Jennifer Sheehan
Arkansas Department of Environmental Quality, Ms. Melanie Treat
Arkansas Natural Resources Commission, Mr. Ken Brazil
SWL Walnut Ridge Field Office, Mr. Chris Wrbas

MISSOURI
ARKANSAS



- Alternative 1
- Alternative 2
- Alternative 3
- Alternative 4
- Wildlife Mngmt Area
- City Limit
- County
- River / Stream



Future I-57 Study Area
Randolph, Clay, Greene and Lawrence Counties



**COOPERATING AGENCY:
U.S. ARMY CORPS OF ENGINEERS (USACE)**

MAJOR CONCURRENCE POINTS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil/

January 28, 2021

Regulatory Division

PROJECT NO. SWL 2020-00341

Ms. Vivian N. Hoang
Division Administrator
Federal Highway Administration
700 W. Capitol, Room 3130
Little Rock, Arkansas 72201-3298

Dear Ms. Hoang:

This letter is concerning your January 6, 2021, letter requesting review and initial concurrence for the purpose and need, and proposed alternatives for the future Interstate 57 project (letter and map enclosed). We reviewed your documentation and concur with the stated purpose and need, to enhance connectivity and continuity of the National Highway System, provide a more resilient roadway, and provide for increased opportunity for economic development in northeast Arkansas. As you stated early in the document, the purpose and need is a living document until the Draft Environmental Impact Statement (EIS) is drafted, and therefore, can be changed or modified as needed as new information is gathered. We anticipate having future comments as more information is gathered and coordination with the resource agencies and public progresses.

In regard to the three proposed alternatives, we concur that they meet the requirements within the defined termini and the stated regional and national highway network initiatives, and are sufficient for moving the study forward. As we stated in our previous letter, we will primarily be focused on ensuring compliance with the Environmental Protection Agency's Section 404(b)(1) Guidelines and evaluating measures to avoid and minimize impacts to waters of the U.S. Given the rural nature of this approximate 40-mile segment of highway, early identification and evaluation of waters of the U.S. and minor design changes can likely minimize and avoid many impacts. We would like to see any medium or high functioning wetland and stream tracts listed as major constraints and avoid, if possible, bisecting these tracts with a four-lane highway. For any unavoidable wetland and stream impacts, we would prefer that the compensatory mitigation be located in the same watershed.

-2-

We look forward to participating in the development of the EIS and commenting on the alternatives as they are refined and more information gathered. If you have any questions, please contact Mr. Johnny McLean at 501-340-1382, or Johnny.L.McLean@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Sarah L. Chitwood".

Sarah Chitwood
Chief, Regulatory Division

enclosure

Copy Furnished:

Memphis District Corps of Engineers
U.S. Fish and Wildlife Service
Environmental Protection Agency
Arkansas Department of Transportation
Arkansas Natural Heritage Commission
Arkansas Game and Fish Commission
Arkansas Energy and Environment
Arkansas Natural Resources Commission



U.S. Department
of Transportation
**Federal Highway
Administration**

Arkansas Division

January 6, 2021

700 West Capitol, Rm. 3130
Little Rock, AR 72201-3298
(501) 324-5625

Johnny McLean
Transportation Manager
U.S. Army Corps of Engineers
P.O. Box 867
Little Rock, Arkansas 72203-0867

Dear Mr. McLean:

The U.S. Army Corps of Engineers has accepted the role as a National Environmental Policy Act (NEPA) cooperating agency for the Environmental Impact Statement (EIS) which will analyze proposed improvements to the highway system between Walnut Ridge and the Missouri State line in Clay, Greene, Lawrence, and Randolph counties in Arkansas. The Federal Highway Administration, in cooperation with the Arkansas Department of Transportation, is submitting project information for your review and comment.

Pursuant to 23 U.S. Code § 139, cooperating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. Your agency's role in the development of the project should include the following as they relate to your area of expertise:

1. Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternative analysis.
2. Participate in coordination meetings and joint field reviews as appropriate.
3. Timely review and comment on the pre-draft or pre-final environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

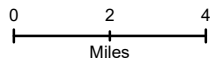
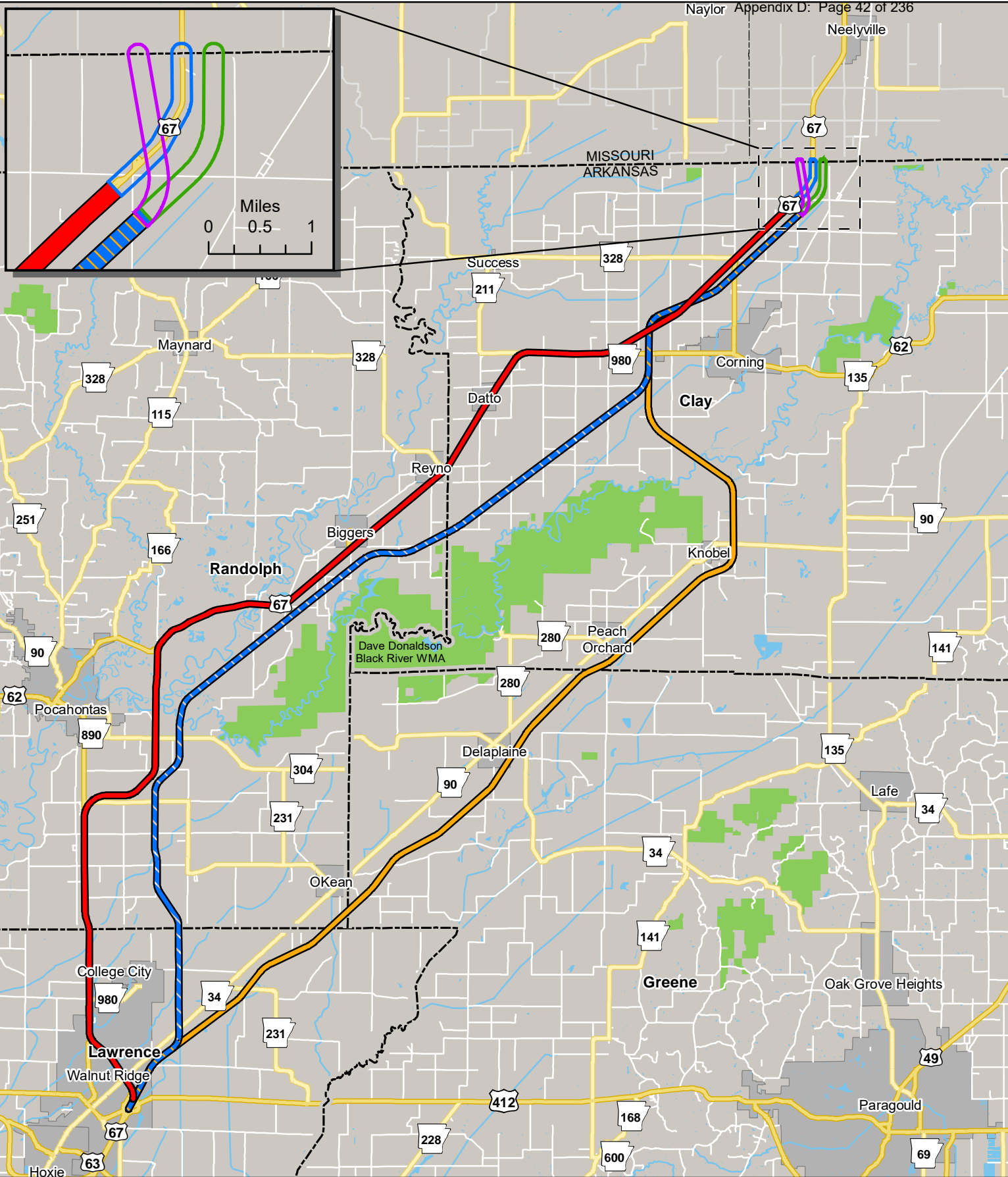
In accordance with the Memorandum of Understanding (MOU) implementing One Federal Decision under Executive Order 13807, please review and comment on the attached purpose and need statement and the range of alternatives. This is considered an official concurrence point and, as such, cooperating agencies have 10 days to concur or not concur in writing.

If you have any questions or would like to discuss this project or your agency's roles and responsibilities throughout the NEPA process in more detail, please contact Randal Looney at (501) 324-6430 or email randal.looney@dot.gov.

Sincerely,

Vivien N. Hoang, P.E.
Division Administrator
Federal Highway Administration

Enclosures



- Alternative 1
- Alternative 2
- Alternative 3
- Missouri Connector 1
- Missouri Connector 2
- Missouri Connector 3

Future I-57 Alternatives
Randolph, Clay, Greene and Lawrence Counties



Schmidt, Cassie P.

Subject: RE: I-57 DEIS comments

From: "Mclean, Johnny L CIV USARMY CESWL (USA)" <Johnny.L.Mclean@usace.army.mil>
Date: March 10, 2022 at 10:22:13 AM CST
To: "McAbee, William C." <WCMcAbee@garverusa.com>
Cc: "Ewing, Anne (Kayti)" <Kayti.Ewing@ardot.gov>, "Chitwood, Sarah L CIV USARMY CESWL (USA)" <Sarah.L.Chitwood@usace.army.mil>
Subject: I-57 DEIS comments

Bill:

Attached are our comments. We saw no issues with the alternatives analysis. Our comments are mostly recommendations for clarification. Give us a call if you have any questions. Thanks

Johnny
501-340-1382
501-765-9938

SWL 2020-341 – I-57 Walnut Ridge to State Line – DEIS Comments

-Table 1 Possible Farmed Wetland Impacts. Recommend including note that states this is an estimate since USDA records are not releasable unless permission from landowner is granted.

-Table 1 Total Wetland Impacts. Recommend including note that states total wetland impacts include emergent, scrub-shrub and forested wetlands.

-ES.7, For work in or over the Black River, a Section 9 permit (USCG) or Section 10 permit (USACE) will be required. If the project impacts any Federally authorized civil works projects such as levees, a Section 408 review by USACE will be required.

-Figure 24, the total wetland impacts for Alternative 2 appear to be different than those in Table 1, Section 3.17 and Table 30. Figure 24 shows 43 acres of wetland impacts for Alternative 2, while Table 1, Section 3.17 and Table 30, show 37.9, 37 and 37.9, respectively. Please check these numbers.

-Figure 24, recommend noting the approximate acreage (594) of potential farmed wetlands impacted under “Cultivated Crops” in the pie chart.

- Figure 25, the total wetland impacts for Alternative 3 appear to be different than those in Table 1, Section 3.17 and Table 30. Figure 25 shows 50 acres (26 +24) of wetland impact acres for Alternative 3, while Table 1, Section 3.17 and Table 30 show 25.4, 25 and 25.4, respectively. Please check these numbers.

-Figure 25, recommend noting the approximate acreage (552) of potential farmed wetlands impacted under “Cultivated Crops” in the pie chart.

-Section 3.17, page 88, recommend stating some cropland, in the form of farmed wetlands, provides foraging habitat for migratory birds. Also, croplands/farmed wetlands with some remaining crop residue, or those that are managed for waterfowl, are generally more valuable foraging habitat for migratory birds than croplands where the residue has been burned or tilled under.

-Recommend giving some context to wetland losses in Arkansas and the Mississippi Alluvial Plain in Section 3.17. Good references: (Dahl. T.E., 1990, Wetlands - Losses in the United States, 1780's to 1980 's: U.S. Fish and Wildlife Service Report to Congress, 13 p.) (Holder, Trusten, 1969, Disappearing wetlands in eastern Arkansas: Little Rock, Arkansas Planning Commission, 71 p.)

-Section 3.25, page 119, Same comment as above regarding farmed wetlands, some do provide excellent foraging habitat

-Section 3.25, prior converted croplands (PC) and other waters (OW) are USDA terms. Recommend putting the definitions/descriptions in blue information boxes in the text.

-Section 3.25, are the terms channelized and ditched utilized interchangeably? If so, we recommend stating this in the document. If not, we recommend defining or describing them in the text.

-Section 3.25, page 122, recommend adding “streams” to 9,299 LF of OWs.

-As minimization for impacts, we would prefer a divided median and/or safety/collision cable (not sure about exact name) rather than a concrete barrier for the approaches and crossings of wetlands and streams.

-As avoidance, we would prefer that all sand pond (dunal depression) wetlands be avoided due their uniqueness and scarcity

Schmidt, Cassie P.

To: Project Folder
Subject: RE: I-57 DEIS comments

From: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Sent: Tuesday, September 6, 2022 12:24 PM
To: McAbee, William C. <WCMcAbee@GarverUSA.com>
Cc: Looney, Randal (FHWA) <Randal.Looney@dot.gov>; Ewing, Anne (Kayti) <anne.ewing@ardot.gov>
Subject: I-57 DEIS comments

Bill:

Please find our comments attached. Give me a call if you have any questions.

Johnny
501-340-1382
501-765-9938

SWL 2020-341 – I-57 Walnut Ridge to State Line – DEIS Comments

-USACE concurs with the findings presented in the DEIS received on 7/26/2022.

-For further clarification, we would recommend adding the following language to Section 3.27. Once compliance (avoidance and minimization) with EPA's 404(b)(1) Guidelines has been demonstrated and the least environmentally damaging most practicable alternative has been selected, compensatory mitigation for unavoidable impacts to wetlands and streams must be addressed. Before USACE can issue a standard permit, an approved mitigation plan must be in place. The 12 components of a mitigation plan can be found in the 2008 Compensatory Mitigation Rule at 33 CFR 332.4(c).

**COOPERATING AGENCY:
U.S. ARMY CORPS OF ENGINEERS (USACE)**

ALL OTHER CORRESPONDENCE

Schmidt, Cassie P.

From: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Sent: Monday, April 19, 2021 1:58 PM
To: McAbee, William C.
Cc: Schmidt, Cassie P.; Mountain, Ryan C.; Ewing, Anne (Kayti); Chitwood, Sarah L CIV USARMY CESWL (USA)
Subject: FW: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408 and FW/PC determinations

Bill:

As we discussed the other day, Memphis did not identify any civil works projects that would require a Section 408 review. Little Rock confirmed that the 3 projects (see my email at bottom of page) Garver previously identified would likely require a Section 408 review if the proposed alignment crosses them. Julia identified one additional bank stabilization project on the Current River, see her email immediately below.

In regard to the FW/PC determinations. Our position is you should go with the best available/accessible information right now which we assume is hydric soils data, aerial photography and river gage/elevation data. If anyone believes there are issues with the estimate from that data, they can comment on the Draft EIS. Hope this helps.

Johnny
501-340-1382
501-765-9938

From: Smethurst, Julia A CIV USARMY CESWF (USA) <Julia.A.Smethurst@usace.army.mil>
Sent: Monday, April 19, 2021 10:59 AM
To: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Subject: RE: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408

The project is located approximately 165 miles northeast of Little Rock, Arkansas, just south of Currentview, Missouri. The erosion site is bounded by HWY 211 and the Current River between river miles 35.0 and 35.3. The left bank of the channel is on the outside of a bend in the river and had 10- to 20-foot high nearly vertical side slopes. This is what I have, P&S would show more.

From: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Sent: Monday, April 19, 2021 10:25 AM
To: Smethurst, Julia A CIV USARMY CESWF (USA) <Julia.A.Smethurst@usace.army.mil>; Funkhouser, Jaysson E CIV USARMY CESWL (USA) <Jaysson.E.Funkhouser@usace.army.mil>
Cc: Webb, Elmo J CIV USARMY CESWL (US) <Elmo.J.Webb@usace.army.mil>
Subject: RE: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408

Julia:

A couple of more questions before I forward to ArDOT and Garver. Are you referring to State Highway 211 at Success as the Section 14 project? Is the Section 14 project just the bridge crossing and approaches across the Current River, or is there more to it? Thanks

Johnny

501-340-1382

From: Smethurst, Julia A CIV USARMY CESWF (USA) <Julia.A.Smethurst@usace.army.mil>
Sent: Wednesday, April 14, 2021 9:58 AM
To: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>; Funkhouser, Jaysson E CIV USARMY CESWL (USA) <Jaysson.E.Funkhouser@usace.army.mil>
Cc: Webb, Elmo J CIV USARMY CESWL (US) <Elmo.J.Webb@usace.army.mil>; Chitwood, Sarah L CIV USARMY CESWL (USA) <Sarah.L.Chitwood@usace.army.mil>
Subject: RE: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408

I know the Sec 14 is a USACE constructed as is Running water, Clay 2 &5. Elmo would need to respond to the Big Gum Railroad embankment. I know that USACE built Big Gum but RR embankment???

From: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Sent: Wednesday, April 14, 2021 9:31 AM
To: Funkhouser, Jaysson E CIV USARMY CESWL (USA) <Jaysson.E.Funkhouser@usace.army.mil>
Cc: Smethurst, Julia A CIV USARMY CESWF (USA) <Julia.A.Smethurst@usace.army.mil>; Webb, Elmo J CIV USARMY CESWL (US) <Elmo.J.Webb@usace.army.mil>; Chitwood, Sarah L CIV USARMY CESWL (USA) <Sarah.L.Chitwood@usace.army.mil>
Subject: RE: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408

Jaysson:

I suppose the question right now is, can we tell ArDOT if the four projects: 1) Highway 221, Current River, Clay County, Sec 14., 2) Big Gum Railroad Embankment (Big Gum Drainage District), 3) Western Clay Drainage District, and 4) Running Water Levee are definitely CW projects and will require a Section 408 review if the proposed interstate crosses them? From what I understand, there is no construction money for the project right now but there is money to complete the EIS and it is on the fast track (FHWA Dashboard) right now. I looked at the Village-White-Mayberry project that Julia mentioned and I think it is well south of the proposed interstate. Thanks for checking.

Johnny
501-340-1382
501-765-9938

From: Funkhouser, Jaysson E CIV USARMY CESWL (USA) <Jaysson.E.Funkhouser@usace.army.mil>
Sent: Tuesday, April 13, 2021 11:44 AM
To: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Subject: RE: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408

Johnny,

Did my response (followed by Julia's) suffice for SWL's comments? Just want to make sure you are not waiting on me to do something.

-Jaysson.

From: Wells, Tanya L CIV USARMY CEMVM (USA) <Tanya.L.Wells@usace.army.mil>
Sent: Monday, April 12, 2021 8:01 AM
To: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>; Funkhouser, Jaysson E CIV USARMY CESWL (USA) <Jaysson.E.Funkhouser@usace.army.mil>; Webb, Elmo J CIV USARMY CESWL (US) <Elmo.J.Webb@usace.army.mil>

Cc: Chitwood, Sarah L CIV USARMY CESWL (USA) <Sarah.L.Chitwood@usace.army.mil>
Subject: RE: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408

Johnny,

These do not cross any federal projects in the Memphis District.

v/r

Tanya Wells, P.E.
408 Coordinator / Inspection Manager / Structural Engineer
US Army Corps of Engineers
Email: Tanya.L.wells@usace.army.mil
o)901.544.0897
c)901.500.5326

From: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Sent: Friday, March 19, 2021 4:58 PM
To: Funkhouser, Jaysson E CIV USARMY CESWL (USA) <Jaysson.E.Funkhouser@usace.army.mil>; Wells, Tanya L CIV USARMY CEMVM (USA) <Tanya.L.Wells@usace.army.mil>; Webb, Elmo J CIV USARMY CESWL (US) <Elmo.J.Webb@usace.army.mil>
Cc: Chitwood, Sarah L CIV USARMY CESWL (USA) <Sarah.L.Chitwood@usace.army.mil>
Subject: ArDOT future I-57 Walnut Ridge to Missouri state line - Section 408

Jaysson, Tanya and Elmo:

The Federal Highway Administration (FHWA), in cooperation with the Arkansas Department of Transportation (ArDOT), has initiated work on an Environmental Impact Statement (EIS) to support improving the U.S. Highway 67 corridor in Clay, Greene, Lawrence, and Randolph counties in Arkansas. The project will be designated as a section of future Interstate 57. The proposed limits of this section extend from Walnut Ridge, Arkansas to the Arkansas-Missouri state line, approximately 40 miles in length (alternatives map and aerial photo are enclosed). The proposed project will examine alternatives to improve U.S. Hwy. 67 from Walnut Ridge to the Arkansas-Missouri state line to enhance connectivity and continuity of the National Highway System. We are a cooperating agency on the project.

The EIS initially considered 3 action alternatives and recently that number was reduced to 2. The alternative on the west side of the Black River falls entirely within the Little Rock District, the alternative on the east side of the river falls within the Little Rock and Memphis Districts. Garver is the lead consultant for the project and they have preliminarily identified 3 levee systems that could potentially be impacted. They are Big Gum Railroad Embankment (Big Gum Drainage District), the Western Clay Drainage District, and the Running Water Levee District. In the next 30 days, please identify any other Civil Works

projects that you are aware of that might be impacted, and should be evaluated as part of the EIS and Section 408 processes. We will pass along any other pertinent information from ArDOT and Garver as we receive it. Thanks for your help.

Johnny

501-340-1382 work

501-765-9938 mobile



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
 www.swl.usace.army.mil/

August 12, 2022

Regulatory Division

PROJECT NO. SWL 2020-00341

Ms. Vivian N. Hoang
 Division Administrator
 Federal Highway Administration
 700 W. Capitol, Room 3130
 Little Rock, Arkansas 72201-3298

Dear Ms. Hoang:

This is in regard to your recent invitation to review and also participate as an Invited Signatory for the Draft Programmatic Agreement among the Federal Highway Administration, Arkansas State Historic Preservation Officer and Arkansas Department of Transportation for the Future I-57, Walnut Ridge to the Missouri State Line. The proposed project will evaluate alternatives to improve the U.S. Highway 67 corridor in Lawrence, Greene, Randolph and Clay Counties to enhance connectivity and continuity of the National Highway System.

We have reviewed the Draft Programmatic Agreement and have no comments, and going forward we would like to participate as an Invited Signatory. Mr. Johnny McLean, Transportation Program Manager, will be the Corps of Engineers primary point of contact. If you have any questions, please contact Mr. McLean at 501-340-1382, or Johnny.L.McLean@usace.army.mil.

Sincerely,

Sarah Chitwood
 Chief, Regulatory Division

Copy Furnished:
 Federal Highway Administration, Mr. Randal Looney
 Arkansas Department of Transportation, Ms. Kayti Ewing
 Garver, Mr. Bill McAbee and Ms. Cassie Schmidt

From: [Mclean, Johnny L CIV USARMY CESWL \(USA\)](#)
To: [Ewing, Kayti K.](#)
Cc: [Looney, Randal](#); [Fleming, John T.](#); [Seagraves, Josh](#); [McAbee, William C.](#); [Schmidt, Cassie P.](#)
Subject: RE: Legal Review
Date: Wednesday, June 21, 2023 2:42:41 PM

Kayti:

I discussed with Sarah and Chris, and this seems like a good approach since we have not been given any indication of when JD guidance will be forthcoming.

Johnny

From: Ewing, Kayti K. <Anne.Ewing@ardot.gov>
Sent: Wednesday, June 21, 2023 8:10 AM
To: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>
Cc: Looney, Randal <Randal.Looney@dot.gov>; Fleming, John T. <John.Fleming@ardot.gov>; Seagraves, Josh H. <Josh.Seagraves@ardot.gov>; McAbee, William C. <wcmabee@garverusa.com>; Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Subject: [Non-DoD Source] FW: Legal Review

Johnny,

We the received the following comments on FEIS/ROD for Job 100512 (I-57), see below and attached. What are your thoughts on this approach?

Kayti

From: McAbee, William C. <WCMcAbee@GarverUSA.com>
Sent: Wednesday, June 21, 2023 7:41 AM
To: Fleming, John T. <John.Fleming@ardot.gov>
Cc: Ewing, Kayti K. <Anne.Ewing@ardot.gov>; Seagraves, Josh H. <Josh.Seagraves@ardot.gov>; Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Subject: FW: Legal Review

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

With consideration of the comments below from FHWA legal, how would you like to proceed with the additional coordination with USACE? I attached the original email regarding this topic.

William McAbee
Garver
501-537-3259

From: Looney, Randal (FHWA) <Randal.Looney@dot.gov>

Sent: Wednesday, June 21, 2023 6:43 AM
To: McAbee, William C. <WCMcAbee@GarverUSA.com>
Subject: Legal Review

They want the sentence added in and for me to resubmit once it is done. I don't think it will change anything but the FEIS/ROD itself correct?

*"Prior to our review of the document for legal sufficiency, we ask that you make a decision regarding incorporation of the statement from HEP and **take steps to coordinate with USACE in their role as regulatory and cooperating agency per HEP's suggestion.**"*

After doing so, please re-submit the document for legal sufficiency review. In the meantime, we will work on interpreting the new definition of waters of the U.S. based on the recent case."

Let me know if this will work for you. Thanks - Randal

Schmidt, Cassie P.

Subject: I-57 comments and costs

From: Mclean, Johnny L CIV USARMY CESWL (USA) <Johnny.L.Mclean@usace.army.mil>

Sent: Thursday, June 22, 2023 7:10 AM

To: cpsschmidt@garverusa.com

Cc: McAbee, William C. <WCMcAbee@GarverUSA.com>; Looney, Randal (FHWA) <Randal.Looney@dot.gov>; Ewing, Anne (Kayti) <Anne.Ewing@ardot.gov>; Chitwood, Sarah L CIV USARMY CESWL (USA) <Sarah.L.Chitwood@usace.army.mil>

Subject: I-57 comments and costs

Cassie:

Thanks for incorporating our previous DEIS comments. We only have a few FEIS comments and those are attached. We are still discussing the timing of the FEIS/ROD, Section 404 permit decision and the approval of the 267-acre mitigation site with our headquarters transportation liaison to ensure that we are all on the same page moving forward. In regard to your question about EIS review costs, we estimated that we spent ~\$8,000 for the desk review, if you add things like public meeting attendance and recent field work for JD's, it would probably be ~\$12,000. If you have any questions, you can call me or Sarah. Thanks

Johnny
501-765-9938

SWL 2020-341 – I-57 Walnut Ridge to State Line – FEIS Comments

-ROD, Table 1. For Section 404/10 standard permits, we generally give a range of 90-120 days.

-ROD, Table 1. A bridge over the Black River would require a US Coast Guard review/permit under Section 9 of the Rivers and Harbors Act.

-ROD Introduction, Page 4, Section 3.26. Additionally, the Mitigation section was updated to include mention of the ARDOT's intent to purchase a 267-acre tract, some of which is being acquired to develop mitigation for wetland and stream impacts related to this project. A separate NEPA document would be done for this 267-acre tract.

Recommend stating that the majority of the 267-acre tract will be developed as permittee-responsible mitigation for wetland impacts related to this project.

-Page 143, Section 3.26. Same comment as above regarding the 267-acre tract.

**COOPERATING AGENCY:
U.S. DEPARTMENT OF AGRICULTURE (USDA)**

ACCEPTANCE AS COOPERATING AGENCY



United States Department of Agriculture

VIA EMAIL

June 3, 2020

Vivien N. Hoang P.E.
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
700 W. Capitol, Rm 3130
Little Rock, AR 72201-3298

Dear Ms. Hoang,

On behalf of Mike Sullivan, State Conservationist for USDA-NRCS in Arkansas, NRCS welcomes the invitation to become a cooperating agency with the FHWA in the development of the EIS for the Future I-57 project. NRCS has information related to Prime Farmland, Agricultural Easements and other conservation projects that will help in developing the EIS.

The POC for NRCS will be myself, Edgar Mersiovsky. My contact information is edgar.mersiovsky@usda.gov, 501-301-3163. We look forward to working with you on this project.

Sincerely,

EDGAR
MERSIOVSKY

Digitally signed by EDGAR
MERSIOVSKY
Date: 2020.06.03 16:10:38
-05'00'

Edgar P. Mersiovsky
State Soil Scientist

cc Randal Looney



Natural Resources Conservation Service
Room 3416, Federal Building
700 West Capitol Avenue
Little Rock, Arkansas 72201-3215

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**COOPERATING AGENCY:
U.S. DEPARTMENT OF AGRICULTURE (USDA)**

MAJOR CONCURRENCE POINTS

Schmidt, Cassie P.

Subject: FW: Highway 67 Project Purpose and Need
Attachments: Agriculture Easement Alt 1.pdf; Agriculture Easement Alt 2.pdf

From: Mersiovsky, Edgar - NRCS, Little Rock, AR <edgar.mersiovsky@usda.gov>
Sent: Monday, January 25, 2021 3:17 PM
To: McAbee, William C. <WCMcAbee@GarverUSA.com>
Cc: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Subject: RE: Highway 67 Project Purpose and Need

Bill,

USDA-NRCS provides the information needed for the completion of Farmland Conversion Impact Rating for corridor projects, such as this, for the potential impact on Prime Farmland or Farmland of Statewide Importance. We also give information about the impact to agricultural easements. The agency does not give concurrence on the need of the project or which corridor is preferred, rather just give the information for the completions of Form nrCS-cpa-106 and any other relevant environmental or soils information that the agency may have.

Attached are updated agricultural easement maps for your use.

Feel free to contact us a call.

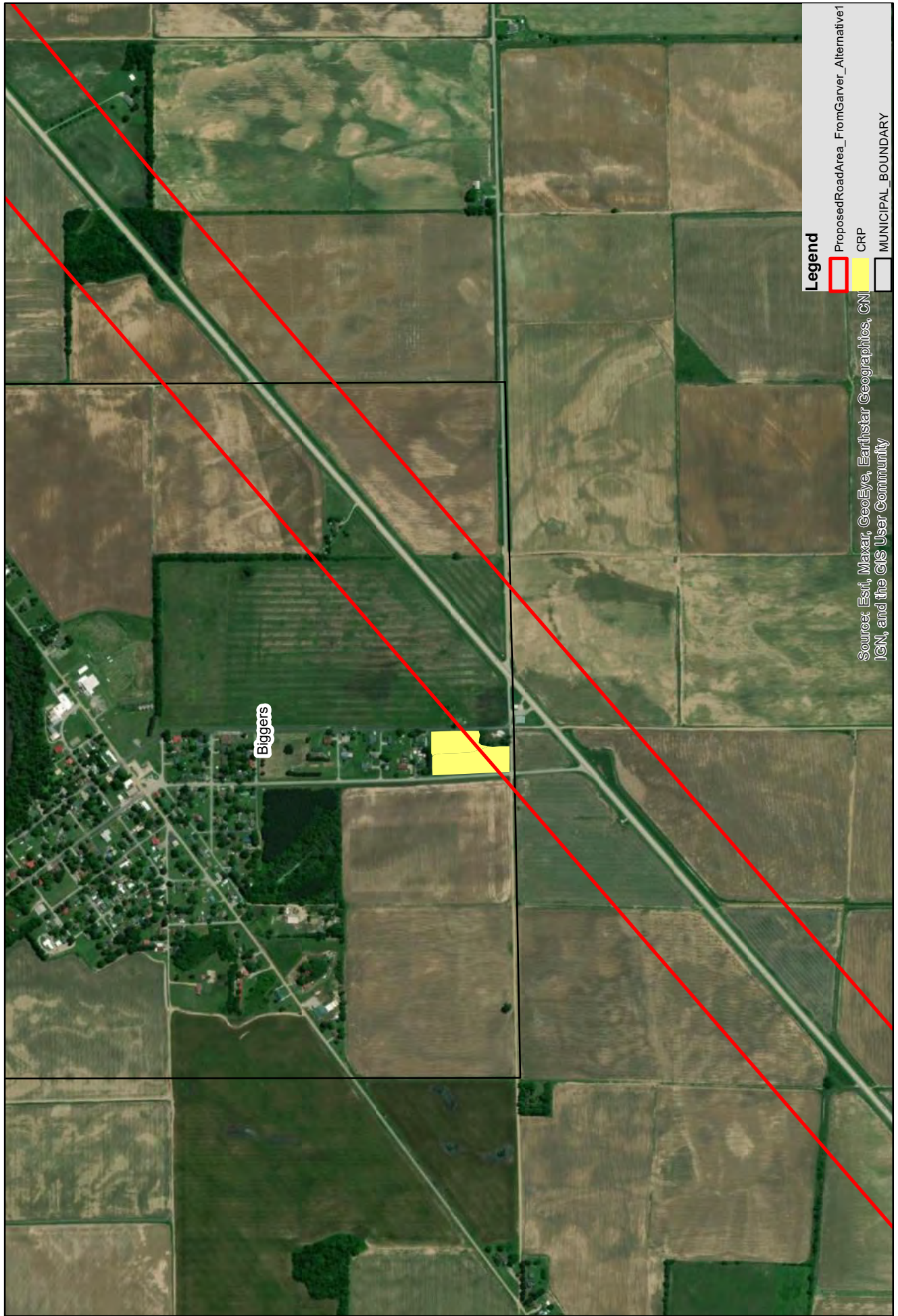
Thanks,

Edgar

Edgar Mersiovsky
State Soil Scientist - Arkansas
USDA Natural Resource Conservation Service
Office: 501.301.3163
Cell: 501.766.8301

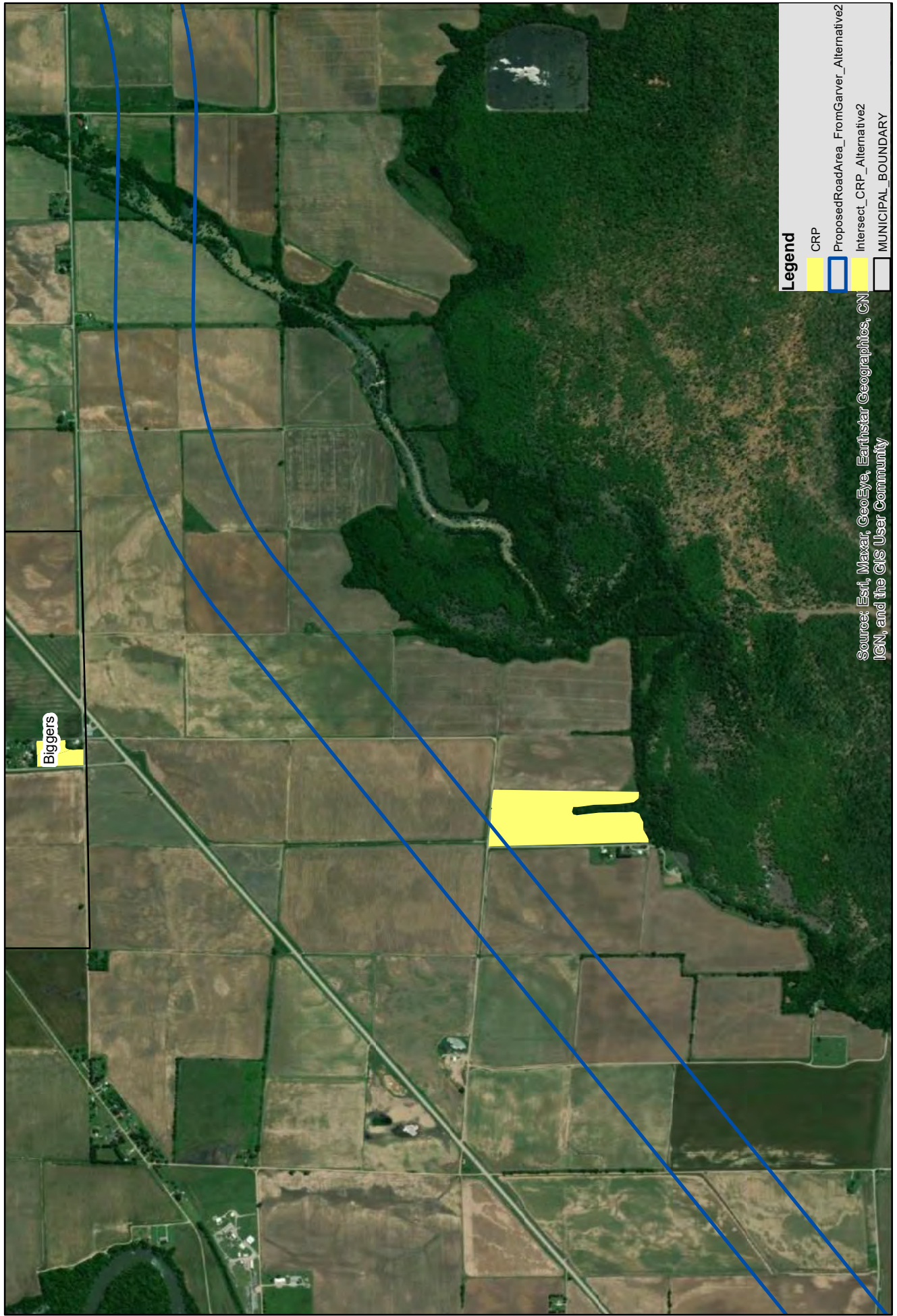


Agriculture Easements
Alternative 1 Highway 67/Future I-57
Randolph county, Arkansas





Agriculture Easements
Alternative 2 Highway 67/Future I-57
Randolph county, Arkansas



**COOPERATING AGENCY:
U.S. DEPARTMENT OF AGRICULTURE (USDA)**

ALL OTHER CORRESPONDENCE

Schmidt, Cassie P.

From: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Sent: Friday, September 24, 2021 3:20 PM
To: Schmidt, Cassie P.
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Categories: Filed by Newforma

You can use the acres I have given, I noticed that the corridors start in the Walnut Ridge municipal boundary and alternative 3 skirts a couple of other municipal boundaries so the actual prime farmland acres impacted is probably a little bit less.

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Friday, September 24, 2021 3:15 PM
To: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Okay, so would that have to be something that is done later (perhaps for the Final EIS document or prior to the ROD?), or can we use the values you've give us as the official "acres of prime farmland" impacted?

Cassie Schmidt
 Garver
 479-287-4673

From: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Sent: Friday, September 24, 2021 3:13 PM
To: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Correct, but the tool does not exclude land within municipal boundaries. If the additional acres are an issue they will have to be manually subtracted from the totals, that will take additional time cutting municipalities out of the alternatives and then re-calculating.

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Friday, September 24, 2021 3:08 PM
To: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Sorry, me again, and soils within municipal boundaries are excluded or not counted as prime, is that also correct?

Cassie Schmidt
 Garver
 479-287-4673

From: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Sent: Friday, September 24, 2021 3:02 PM
To: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

You are correct, all those categories are considered prime farmland by the calculator.

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Friday, September 24, 2021 3:00 PM
To: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Oh wow, thank you Rebecca!

So you're saying all of the below soil classifications are considered prime farmland??

- farmland of statewide importance,
- prime farmland,
- prime farmland if drained, and
- prime farmland if drained and either protected from flooding or not frequently flooded during the growing season.

(just want to make sure I correctly report this in the DEIS document)

Cassie Schmidt
 Garver
 479-287-4673

From: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Sent: Friday, September 24, 2021 2:39 PM
To: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Cassie,

I had some time today while waiting on data for another project and was able to work on these.

In the zip file is new maps and new CPA 106 forms. All of the MO connectors are on one form, the corridor alternatives are split up by county. Alternative 2 is in the A column and Alternative 3 is in the B column. I checked and the prime farmland that is calculated does include the additional prime if drained, etc. categories.

I'll be pretty busy Monday and Tuesday next week, if you need anything else I will be available on Wednesday.

Have a great weekend,
 Rebecca

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Friday, September 24, 2021 9:41 AM
To: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Fantastic thanks Rebecca!

Do you think it will be possible to get me revised prime farmland quantities before the end of next week? We are required to re-submit the DEIS to ARDOT on October 1st and I want to make sure that is do-able.

Happy Friday!

Cassie Schmidt
 Garver
 479-287-4673

From: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Sent: Friday, September 24, 2021 8:18 AM
To: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106

Good morning Cassie,

Just confirming that I did receive this email with the attached zip file.

Rebecca

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Tuesday, September 21, 2021 11:44 AM
To: Fox, Rebecca - NRCS, Little Rock, AR <rebecca.fox@usda.gov>
Cc: McAbee, William C. <WCMcAbee@GarverUSA.com>
Subject: [External Email]Future I-57 (ARDOT 100512) CPA-106

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
 Use caution before clicking links or opening attachments.
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Hi Rebecca,

Thanks for talking with me over the phone yesterday afternoon. As we discussed, attached is a zip file containing a separate shapefile for each alternative. As you may recall, we have 5 alternatives, 2 long ones stretching multiple counties (identified as Alternative 2 and Alternative 3) and 3 short ones up in Clay County (identified as Alternative A, B, and C). We need a new assessment of the amount of prime farmland impacted by each alternative due to revisions in the alignment.

We are particularly interested in the amount of Prime Farmland or Farmland of Statewide Importance impacted by each alternative and which areas with “prime farmland if drained” or “prime farmland if drained and either protected from flooding or not frequently flooded during the growing season” would also be considered prime. Please let us know which soil types for this project area are considered prime and should be calculated in the CPA-106 form.

Thank you for your time!
 Most Sincerely,



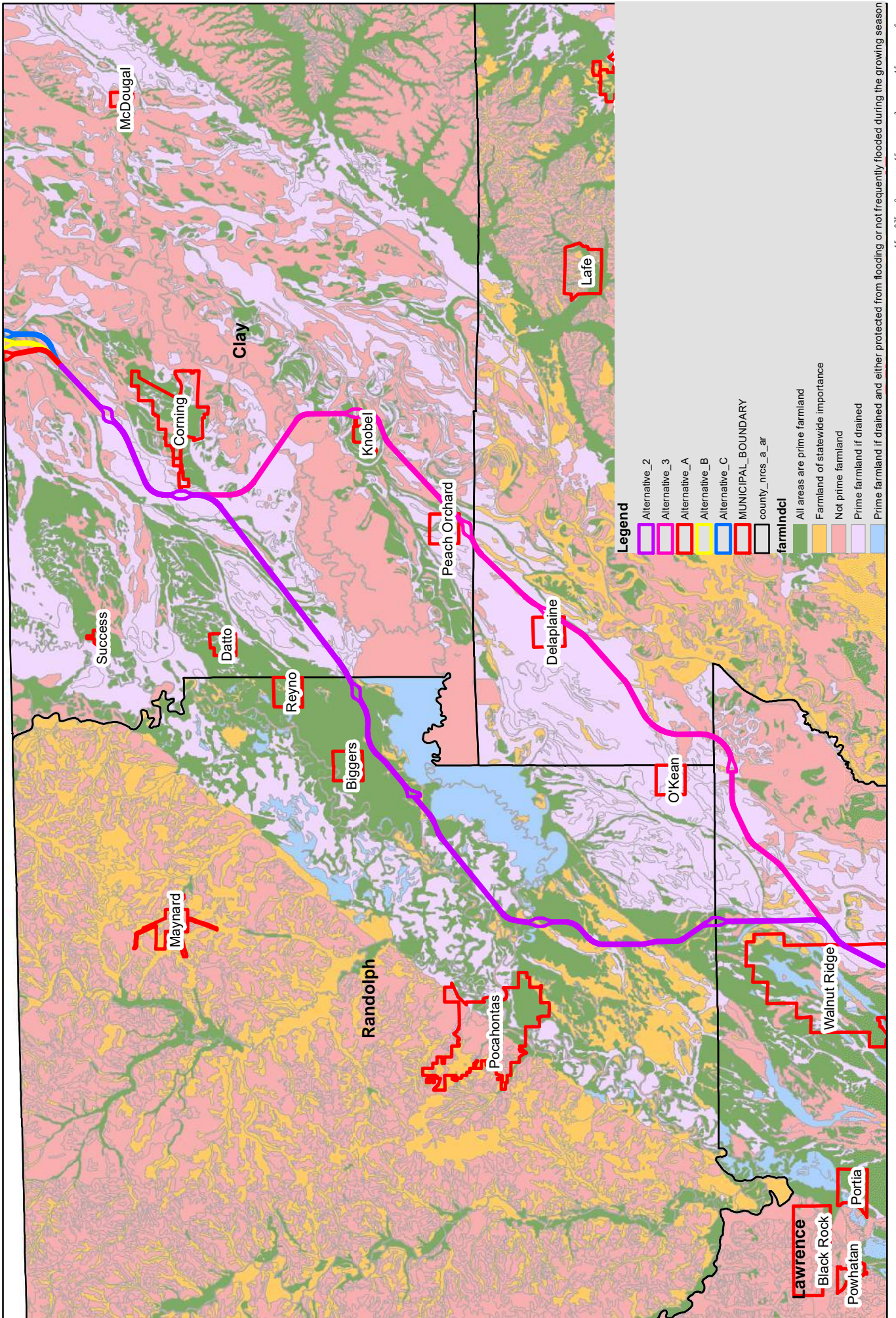
Cassie Schmidt
 Environmental Scientist/Environmental Specialist
 Transportation Team

📞 479-287-4673

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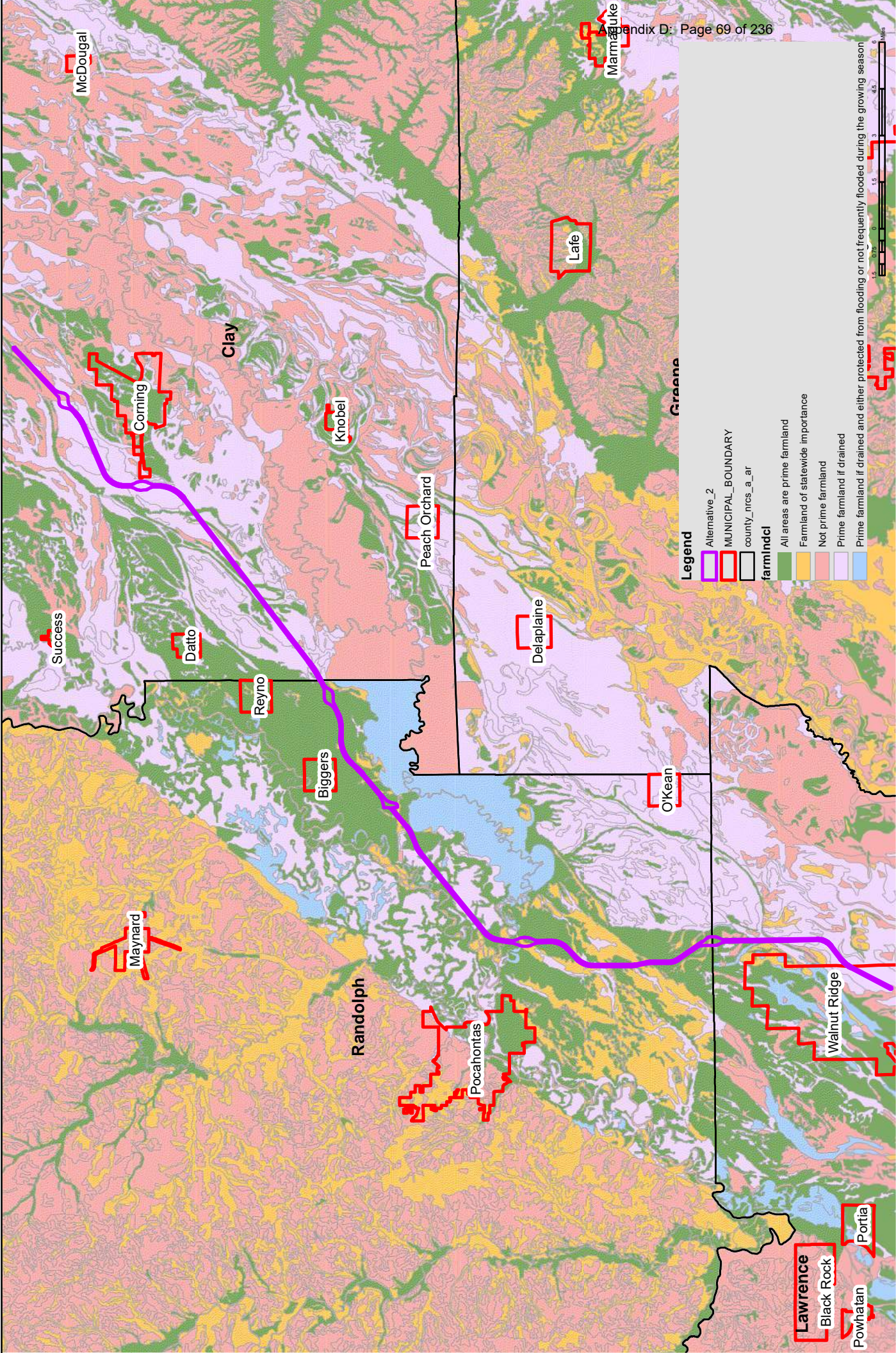


Farmland Classification of Soils
Future I-57 (All Alternatives)
Clay, Greene, Lawrence and Randolph counties, Arkansas



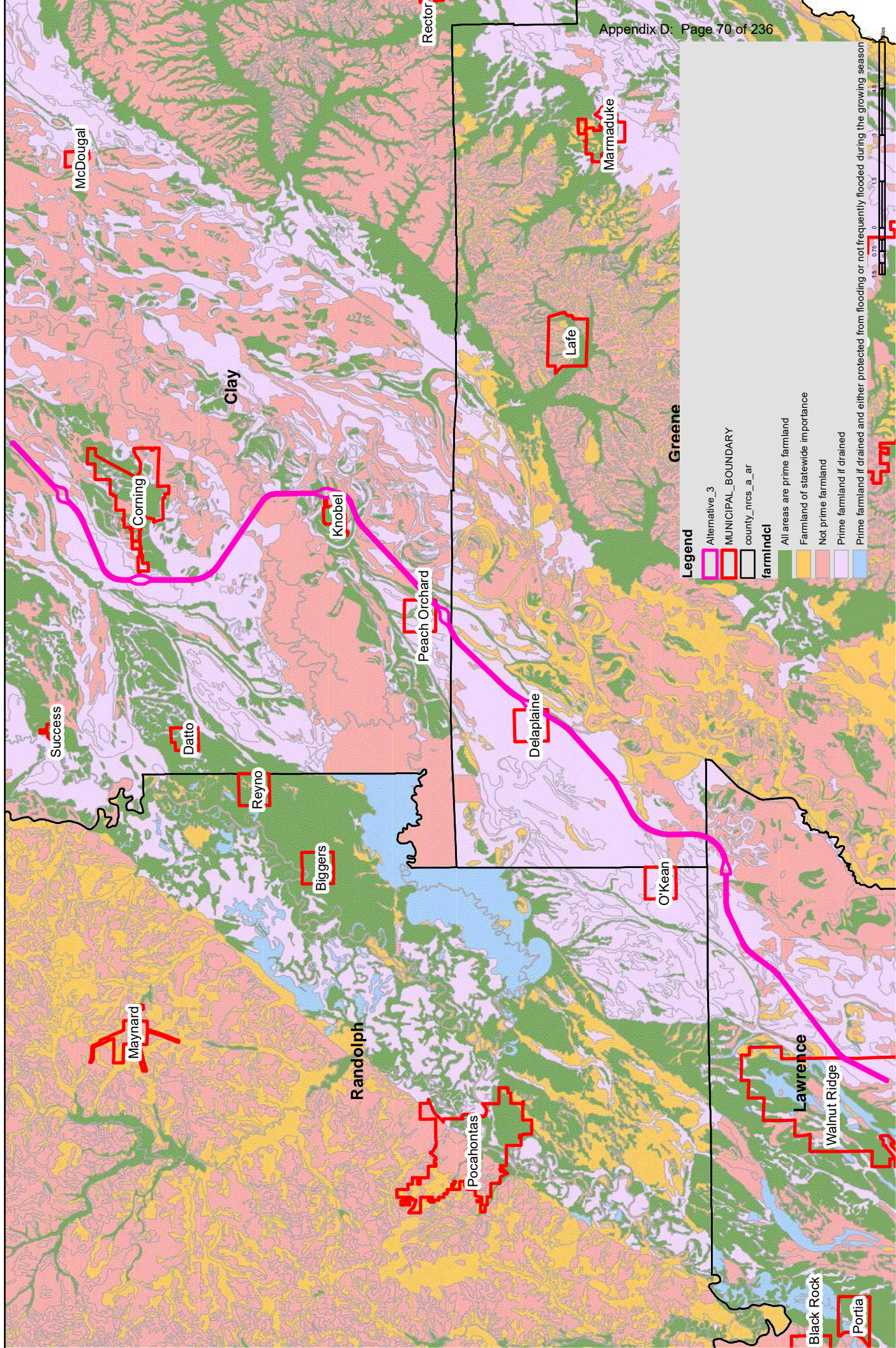


Farmland Classification of Soils Alternative 2 Clay, Lawrence, and Randolph counties, Arkansas





Farmland Classification of Soils Alternative 3 Clay, Greene, and Lawrence counties, Arkansas



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

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

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 9/24/21	4. Sheet 1 of 1
1. Name of Project Future I-57 Corridor		5. Federal Agency Involved USDOT	
2. Type of Project Interstate		6. County and State Greene County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 9/24/21	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 164,821	Average Farm Size 414
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 261,146 % 70	7. Amount of Farmland As Defined in FPPA Acres 256,455 % 69	
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE	10. Date Land Evaluation Returned by NRCS 9/24/21	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly		598		
B. Total Acres To Be Converted Indirectly, Or To Receive Services		0		
C. Total Acres In Corridor	0	598		
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland		532		
B. Total Acres Statewide And Local Important Farmland		7		
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.00	0.23		
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		39		
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)		76		
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	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			
TOTAL CORRIDOR ASSESSMENT POINTS	160	0	0	0
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	0	76	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0	76	0
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	

5. Reason For Selection:

Signature of Person Completing this Part:

DATE

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

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

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 9/21/21	4. Sheet 1 of 1
1. Name of Project Future I-57 Corridors		5. Federal Agency Involved USDOT	
2. Type of Project Interstate		6. County and State Clay County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 9/24/21	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 208,808	Average Farm Size 529
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 286,482 % 70	7. Amount of Farmland As Defined in FPPA Acres 256,139 % 62	
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE	10. Date Land Evaluation Returned by NRCS 9/29/21	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	861	1201		
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0	0		
C. Total Acres In Corridor	861	1201		
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	763	837		
B. Total Acres Statewide And Local Important Farmland	0	0		
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.30	0.42		
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	49	68		
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)	79	71		
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	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			
TOTAL CORRIDOR ASSESSMENT POINTS	160	0	0	0
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	79	71	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	79	71	0
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	

5. Reason For Selection:

Signature of Person Completing this Part:

DATE

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

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

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 9/21/21	4. Sheet 1 of 1
1. Name of Project Future I-57 Corridors		5. Federal Agency Involved USDOT	
2. Type of Project Interstate		6. County and State Lawrence County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 9/24/21	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 147,230	Average Farm Size 504
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 269,678 % 71		7. Amount of Farmland As Defined in FPPA Acres 176,193 % 46
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE		10. Date Land Evaluation Returned by NRCS 9/29/21

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	337	539		
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0	0		
C. Total Acres In Corridor	337	539		

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	321	462		
B. Total Acres Statewide And Local Important Farmland	0	12		
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.12	0.2		
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	48	63		

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)	73	67		
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PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	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				
TOTAL CORRIDOR ASSESSMENT POINTS	160	0	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	73	67	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	73	67	0	0

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

Signature of Person Completing this Part:

DATE

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation ServiceNRCS-CPA-106
(Rev. 1-91)**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 9/21/21	4. Sheet 1 of 1
1. Name of Project Future I-57 Corridors		5. Federal Agency Involved USDOT	
2. Type of Project Interstate		6. County and State Randolph County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 9/24/21	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 59,478	Average Farm Size 339
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 222,789 % 53		7. Amount of Farmland As Defined in FPPA Acres 209,002 % 50
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE	10. Date Land Evaluation Returned by NRCS 9/29/21	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	1,051			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	1,051			
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	905			
B. Total Acres Statewide And Local Important Farmland	145			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.47			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	34			
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)	81			
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	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			
TOTAL CORRIDOR ASSESSMENT POINTS	160	0	0	0
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	81	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	81	0	0
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	

5. Reason For Selection:

Signature of Person Completing this Part:

DATE

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

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

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 9/21/21	4. Sheet 1 of 1
1. Name of Project Future I-57 MO Connectors		5. Federal Agency Involved USDOT	
2. Type of Project Interstate		6. County and State Clay County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 9/24/21	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 208,808	Average Farm Size 529
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 286,482 % 70	7. Amount of Farmland As Defined in FPPA Acres 256,139 % 62	
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE	10. Date Land Evaluation Returned by NRCS 9/29/21	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	137	139	156	
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0	0	0	
C. Total Acres In Corridor	137	139	156	
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	49	51	80	
B. Total Acres Statewide And Local Important Farmland	0	0	0	
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.05	0.05	0.05	
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	62	57	69	
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)	73	75	70	
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	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			
TOTAL CORRIDOR ASSESSMENT POINTS	160	0	0	0
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	73	75	70
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	73	75	70
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	

5. Reason For Selection:

Signature of Person Completing this Part:

DATE

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

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points
 90 to 20 percent - 14 to 1 point(s)
 Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points
 90 to 20 percent - 9 to 1 point(s)
 Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points
 90 to 20 percent - 19 to 1 point(s)
 Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points
 Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?

(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)

As large or larger - 10 points
 Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
 Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
 Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points
 Some required services are available - 4 to 1 point(s)
 No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points
 Moderate amount of on-farm investment - 19 to 1 point(s)
 No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

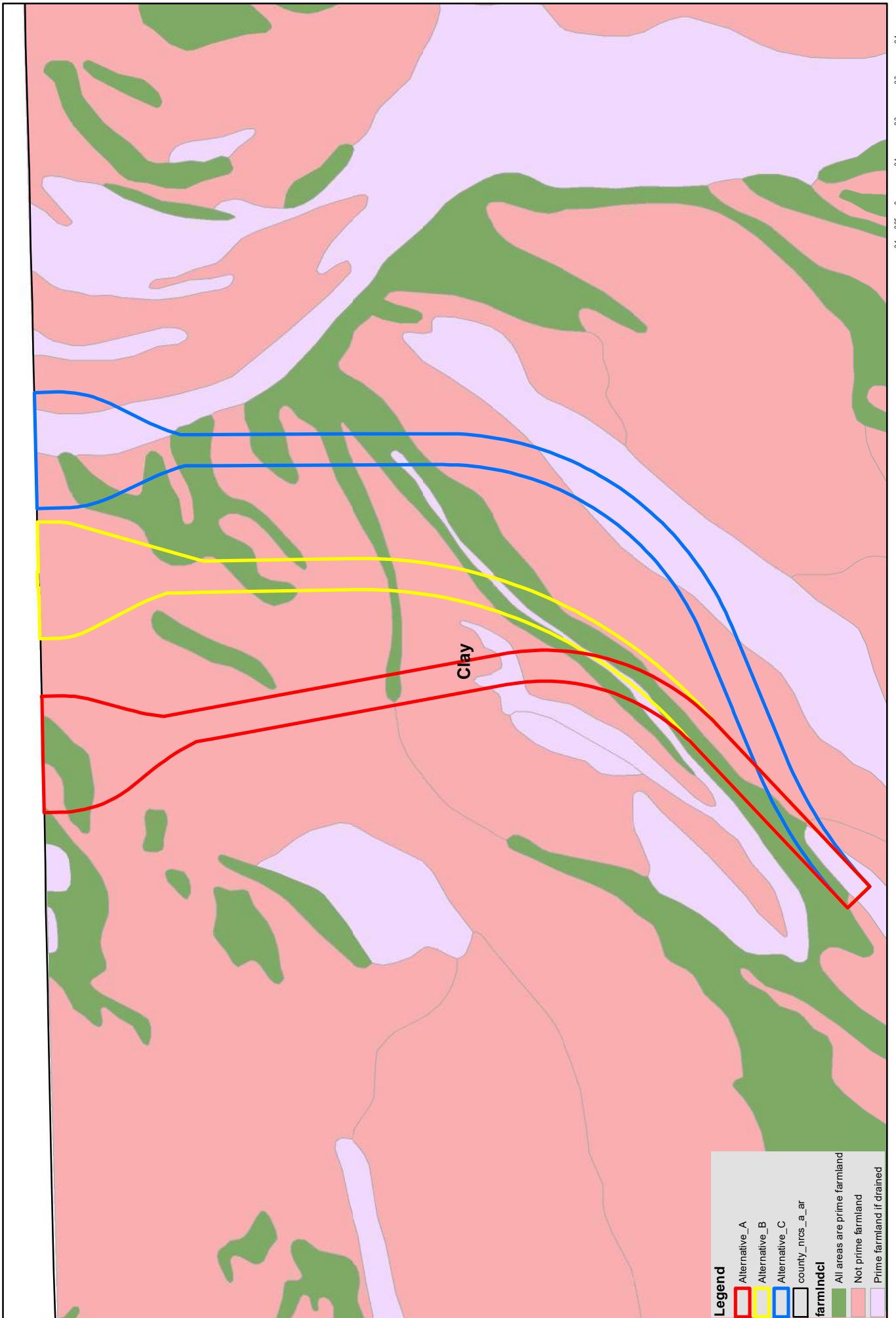
Substantial reduction in demand for support services if the site is converted - 25 points
 Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
 No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
 Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
 Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points



Farmland Classification of Soils
Missouri Connectors
Clay county, Arkansas



Legend

- Alternative_A
- Alternative_B
- Alternative_C
- county_nrcs_a_ar
- farmlandci
- All areas are prime farmland
- Not prime farmland
- Prime farmland if drained

From: [Schmidt, Cassie P.](#)
To: [Fox, Rebecca - FPAC-NRCS, AR](#)
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106 - FHWA-approved Preferred Alternative
Date: Wednesday, March 22, 2023 8:02:00 AM
Attachments: [Fox 2023-03-22 NRCS, FPPA Finalization.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)

Good Morning Rebecca,
Please find the attached final CPA-106 form for the Future I-57 project. This document will be included in the FEIS-ROD.

Sincerely,

Cassie Schmidt

Garver
479-287-4673

From: Fox, Rebecca - FPAC-NRCS, AR <rebecca.fox@usda.gov>
Sent: Thursday, March 16, 2023 8:09 AM
To: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Subject: Re: [External Email]Future I-57 (ARDOT 100512) CPA-106 - FHWA-approved Preferred Alternative

Great, thanks!

Get [Outlook for iOS](#)

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Thursday, March 16, 2023 7:59:58 AM
To: Fox, Rebecca - FPAC-NRCS, AR <rebecca.fox@usda.gov>
Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106 - FHWA-approved Preferred Alternative

I can just use your email below, that should suffice. Thanks for the speedy response! I'll be sending you the completed form back soon.

Sincerely,

Cassie Schmidt

Garver
479-287-4673

From: Fox, Rebecca - FPAC-NRCS, AR <rebecca.fox@usda.gov>
Sent: Wednesday, March 15, 2023 3:55 PM
To: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>

Subject: RE: [External Email]Future I-57 (ARDOT 100512) CPA-106 - FHWA-approved Preferred Alternative

Good afternoon Cassie,

Do you need a map and a letter? I've attached the completed CPA-106's, just let me know about the map and letter.

Thanks,
Rebecca

Rebecca Fox

Acting State Soil Scientist – Arkansas
USDA Natural Resources Conservation Service
Office: (501) 301-3180
Cell: (501) 516-4924

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>

Sent: Tuesday, March 14, 2023 4:51 PM

To: Fox, Rebecca - FPAC-NRCS, AR <rebecca.fox@usda.gov>

Cc: McAbee, William C. <WCMcAbee@GarverUSA.com>

Subject: [External Email]Future I-57 (ARDOT 100512) CPA-106 - FHWA-approved Preferred Alternative

[External Email]

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Good Afternoon Rebecca,

We now have a FHWA-approved Preferred Alternative for the above referenced project and are ready to finalize FPPA coordination. I have attached a SHP and KMZ of the FHWA-approved Preferred Alternative and have also attached a NRCS farmland classification for the Preferred Alternative showing the acreages within each county.

Given the alternatives cross several counties, I am including the partially completed 106 forms for each county (so one for Lawrence, Randolph, Clay, and Butler Counties). Also, given you've already supplied Part II information to us for some of the alignment, with the intent of being helpful, I went ahead and filled in parts of that section based on what you previously sent us. (I hope that's ok!).

If you are able, please complete Parts II and IV within 14 days so we can maintain our project schedule. Feel free to contact me with any questions or if you need any additional information.

Most Sincerely,



Cassie Schmidt

Environmental Scientist/Environmental Specialist
Transportation Team

📞 479-287-4673

📠 918-440-2886

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4300 South J.B. Hunt Drive
Suite 240
Rogers, AR 72758
TEL 479.257.9188
www.GarverUSA.com

March 22, 2023

Rebecca Fox
Acting State Soil Scientist – Arkansas
USDA Natural Resources Conservation Service
Office: (501) 301-3180
Cell: (501) 516-4924
rebecca.fox@usda.gov

RE: Future I-57 (ARDOT 100512) - Walnut Ridge – Missouri State Line
Preferred Alternative in Clay, Lawrence, and Randolph Counties
Farmland Protection Policy Act (FPPA) Finalization

Ms. Fox:

Thank you for your attention to this project. On behalf of the Arkansas Department of Transportation (ARDOT) and the Federal Highway Administration (FHWA), please find attached our completed sections of farmland Form AD-1006 for this interstate project.

Using a weighted averaged as you previously advised, the Preferred Alternative (Alternatives 2 and C) received a total score of 151 points. As the total site score received on NRCS Form CPA 106 was less than 160 points, the consideration of alternatives does not apply. Copies of the completed CPA 106 Forms are attached. These forms will be a part of the Final Environmental Impact Statement and Record of Decision (FEIS-ROD) documentation submitted by the FHWA for the proposed project.

Sincerely,

GARVER

A handwritten signature in cursive script that reads 'Cassie Schmidt'.

Cassie Schmidt
Environmental Scientist

Enclosures: Completed Farmland CPA 106 Forms

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation ServiceNRCS-CPA-106
(Rev. 1-91)**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 3/14/23	4. Sheet 1 of 1
1. Name of Project Future I-57 (ARDOT Job No. 100512)		5. Federal Agency Involved FHWA	
2. Type of Project Highway		6. County and State Clay County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 3/14/23	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 235,621	Average Farm Size 543
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 331,467 % 81	7. Amount of Farmland As Defined in FPPA Acres 256,139 % 62	
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE	10. Date Land Evaluation Returned by NRCS 3/16/23	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	1,014.7			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	1,014.7			
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	843			
B. Total Acres Statewide And Local Important Farmland	0			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.31			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	52			
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)	77			
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
1. Area in Nonurban Use	15	15		
2. Perimeter in Nonurban Use	10	10		
3. Percent Of Corridor Being Farmed	20	20		
4. Protection Provided By State And Local Government	20	0		
5. Size of Present Farm Unit Compared To Average	10	0		
6. Creation Of Nonfarmable Farmland	25	0		
7. Availability Of Farm Support Services	5	5		
8. On-Farm Investments	20	20		
9. Effects Of Conversion On Farm Support Services	25	0		
10. Compatibility With Existing Agricultural Use	10	3		
TOTAL CORRIDOR ASSESSMENT POINTS	160	73	0	0
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	77	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	73	0	0
TOTAL POINTS (Total of above 2 lines)	260	150	0	0
1. Corridor Selected: Corridor A	2. Total Acres of Farmlands to be Converted by Project: 843	3. Date Of Selection: 3/20/2023	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

5. Reason For Selection:

Corridor A, the Preferred Alternative (Alternative 2 and C) was identified because it provides better access to Pocahontas, Randolph County, and existing Hwy. 67, had greater public support, and had less farm impacts.

Signature of Person Completing this Part:

DATE

3/20/2023

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation ServiceNRCS-CPA-106
(Rev. 1-91)**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 3/14/23	4. Sheet 1 of 1
1. Name of Project Future I-57 (ARDOT Job No. 100512)		5. Federal Agency Involved FHWA	
2. Type of Project Highway		6. County and State Lawrence County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 3/14/23	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated Average Farm Size 130,317 452
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 252,785 % 67		7. Amount of Farmland As Defined in FPPA Acres 176,193 % 46
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE		10. Date Land Evaluation Returned by NRCS 3/16/23

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	336.5			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	336.5			
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	322			
B. Total Acres Statewide And Local Important Farmland	0			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.13			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	48			
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)	73			
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
1. Area in Nonurban Use	15	14		
2. Perimeter in Nonurban Use	10	10		
3. Percent Of Corridor Being Farmed	20	20		
4. Protection Provided By State And Local Government	20	0		
5. Size of Present Farm Unit Compared To Average	10	0		
6. Creation Of Nonfarmable Farmland	25	0		
7. Availability Of Farm Support Services	5	5		
8. On-Farm Investments	20	20		
9. Effects Of Conversion On Farm Support Services	25	0		
10. Compatibility With Existing Agricultural Use	10	1		
TOTAL CORRIDOR ASSESSMENT POINTS	160	70	0	0
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	73	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	70	0	0
TOTAL POINTS (Total of above 2 lines)	260	143	0	0
1. Corridor Selected: Corridor A	2. Total Acres of Farmlands to be Converted by Project: 322	3. Date Of Selection: 3/20/2023	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

5. Reason For Selection:

Corridor A, the Preferred Alternative (Alternative 2 and C) was identified because it provides better access to Pocahontas, Randolph County, and existing Hwy. 67, had greater public support, and had less farm impacts.

Signature of Person Completing this Part:

Cassie Schmidt

DATE

3/20/2023

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation ServiceNRCS-CPA-106
(Rev. 1-91)**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 3/14/23	4. Sheet 1 of 1
1. Name of Project Future I-57 (ARDOT Job No. 100512)		5. Federal Agency Involved FHWA	
2. Type of Project Highway		6. County and State Randolph County, Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 3/14/23	2. Person Completing Form Rebecca Fox
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 56,920	Average Farm Size 316
5. Major Crop(s) Soybeans	6. Farmable Land in Government Jurisdiction Acres: 210,550 % 50	7. Amount of Farmland As Defined in FPPA Acres 209,002 % 50	
8. Name Of Land Evaluation System Used NCCPI	9. Name of Local Site Assessment System NONE	10. Date Land Evaluation Returned by NRCS 3/16/23	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	1,051			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	1,051			
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	906			
B. Total Acres Statewide And Local Important Farmland	144			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.50			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	34			
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)	81			
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
1. Area in Nonurban Use	15	15		
2. Perimeter in Nonurban Use	10	10		
3. Percent Of Corridor Being Farmed	20	20		
4. Protection Provided By State And Local Government	20	0		
5. Size of Present Farm Unit Compared To Average	10	0		
6. Creation Of Nonfarmable Farmland	25	0		
7. Availability Of Farm Support Services	5	5		
8. On-Farm Investments	20	20		
9. Effects Of Conversion On Farm Support Services	25	0		
10. Compatibility With Existing Agricultural Use	10	3		
TOTAL CORRIDOR ASSESSMENT POINTS	160	73	0	0
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	81	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)	160	73	0	0
TOTAL POINTS (Total of above 2 lines)	260	154	0	0
1. Corridor Selected: Corridor A	2. Total Acres of Farmlands to be Converted by Project: 1,050	3. Date Of Selection: 3/20/2023	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

5. Reason For Selection:

Corridor A, the Preferred Alternative (Alternative 2 and C) was identified because it provides better access to Pocahontas, Randolph County, and existing Hwy. 67, had greater public support, and had less farm impacts.

Signature of Person Completing this Part:

DATE **3/20/2023***Cassie Schmidt*

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

**COOPERATING AGENCY:
U.S. ENVIRONMENTAL PROTECTION AGENCY
(EPA)**

ACCEPTANCE AS COOPERATING AGENCY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

February 12, 2021

Vivien N. Hoang, P.E.
Division Director
Federal Highway Administration
Arkansas Division
700 West Capitol, Room 3130
Little Rock, Arkansas 72201

Dear Ms. Hoang:

This letter is in response to the Federal Highway Administration (FHWA) invitation, dated November 30, 2020, to the Environmental Protection Agency (EPA) to become a cooperating agency in the Environmental Impact Statement (EIS) to support improving the U.S. Highway 67 (Hwy. 67) corridor in Clay, Greene, Lawrence, and Randolph counties in Arkansas. The EIS will examine alternatives to improve Hwy. 67 from Walnut Ridge, Arkansas to the Arkansas-Missouri state line to enhance connectivity and continuity of the National Highway System.

EPA agrees to participate as a cooperating agency in the development of the EIS. As a cooperating agency, EPA will:

- provide expertise on NEPA compliance and other subject matter such as wetlands, water quality, air quality, and environmental justice, during the EIS planning and development;
- provide timely technical reviews and comments on preliminary documents, reports, analyses, and sections of the EIS;
- participate in meetings and provide information as requested by FHWA, as resources allow;
- provide sources for information or support in the analysis of such information, when known, during preparation of the EIS in areas in which EPA has expertise; and
- review and comment on the EIS pursuant to our regulatory responsibilities under Section 309 of the Clean Air Act.

EPA anticipates that a cooperative team approach will streamline the environmental process and result in a high quality EIS. Our point of contact will be Eli Martinez, who can be reached via email at martinez.eli@epa.gov and by phone at (972) 375-7655.

Sincerely,

**ROBERT
HOUSTON**

Digitally signed by ROBERT HOUSTON
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=ROBERT HOUSTON,
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3693
Date: 2021.02.12 13:43:42 -0500

for Gerardo Acosta
Acting Director
Office of Communities, Tribes and
Environmental Assessment

**COOPERATING AGENCY:
U.S. ENVIRONMENTAL PROTECTION AGENCY
(EPA)**

MAJOR CONCURRENCE POINTS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
 1201 ELM STREET, SUITE 500
 DALLAS, TEXAS 75270-2102

July 29, 2021

Mr. Randal Looney, Environmental Coordinator
 Federal Highway Administration
 Arkansas Division
 700 West Capital Ave., Room 3130
 Little Rock, Arkansas 72201

Dear Mr. Looney:

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the July 1, 2021, Notice of Intent to prepare an Environmental Impact Statement (EIS), under Docket No. FHWA-2021-0009. The Federal Highway Administration (FHWA), in coordination with Arkansas Department of Transportation, is planning to study the effects of a highway project for the Highway 67 corridor in Clay, Greene, Lawrence, and Randolph Counties, Arkansas. The FHWA will use the EIS in its decision-making process to assess impacts on natural resources and the human environment.

With a distance of approximately 42 miles, the proposed project begins at Walnut Ridge, Arkansas and ends at the Arkansas-Missouri state line, to enhance connectivity and continuity to the National Highway System as the future Interstate Route 57 (I-57) and provide increased opportunity for economic development. FHWA anticipates permits and authorizations to include a U.S. Army Corps of Engineers Section 404 of the Clean Water (33 U.S.C. 1344) and Section 10 (33 U.S.C. 403) of the Rivers and Harbors Act standard (individual) permit for wetland/stream impacts and impacts to navigable waters, and Section 408 (33 U.S.C. 408) approval for Civil Works project impacts such as levees. To assist in the scoping process for the proposed project, enclosed are detailed recommendations for your consideration in preparation of the EIS.

Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508) and Section 309 of the Clean Air Act. Additionally, the NEPAassist Tool is available for use in the environmental review process and project planning and can be located at: <https://www.epa.gov/nepa/nepassist>.

We are available to discuss our comments. If you have any questions, please contact Robert Houston of my staff at (214) 665-8565 or by e-mail at houston.robert@epa.gov.

Sincerely,

Polk, Jonna

Digitally signed by Polk, Jonna
 DN: cn=Polk, Jonna,
 email=Polk.Jonna@epa.gov
 Date: 2021.08.02 11:16:47 -0500

Jonna Polk
 Director
 Office of Communities, Tribes and
 Environmental Assessment

Enclosure

**DETAILED SCOPING COMMENTS
FOR THE PROPOSED
I-57 HIGHWAY PROJECT
IN CLAY, GREENE, LAWRENCE, AND RANDOLPH COUNTIES, ARKANSAS**

Water Resources and Water Quality

Water supplies and/or their source areas exist in many watersheds. Source water is water from streams, rivers, lakes, springs, and aquifers used as a supply of drinking water. Source water areas are delineated and mapped by the state for each federally-regulated public water system. The 1996 amendments to the Safe Drinking Water Act require federal agencies to protect sources of drinking water for communities.

As appropriate, EPA recommends the EIS describe current groundwater conditions in the relevant planning area and fully assess potential impacts to groundwater quality and quantity from reasonably foreseeable activities. EPA also recommends the EIS identify mitigation measures to prevent or reduce adverse impacts to groundwater quality and discuss their effectiveness. EPA recommends FHWA work closely with state and local agencies which regulate the protection of groundwater resources.

EPA recommends the EIS describe the original (natural) drainage patterns in the proposed area for on-shore facilities, as well as the potential impacts to drainage patterns of the areas. Also, we recommend the EIS identify whether any areas are within a 50 or 100-year floodplain.

EPA notes that, under the Federal Clean Water Act, any construction project disturbing a land area of one or more acres requires a construction stormwater discharge permit. Information regarding stormwater permits can be accessed on EPA website at: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>. Also, EPA has resources on Best Management Practices to employ during construction activities to protect water quality at: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-construction> and after construction at: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-post-construction>.

Dredge and Fill Impacts to Waters of the United States

Clean Water Act (CWA) Section 404 regulates the discharge of dredged or fill material into waters of the United States (WOTUS), including streams, wetlands, some arroyos, and other special aquatic sites. There may be the potential need for placement of fill material into regulated WOTUS, specifically construction of aboveground facilities, access roads, drilling pads, and related facilities. These actions, if in regulated waters, may require a Section 404 permit under the CWA, and coordination with the U.S. Army Corps of Engineers (USACE) may be needed.

If an individual permit is required, the USACE will issue a public notice for the CWA Section 404 permit application, and EPA will review the project for compliance with Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 C.F.R. 230), promulgated pursuant to Section 404(b)(1) of the CWA.

EPA recommend the EIS discuss the CWA 404 permit requirements, specifically the requirement to seek the least damaging practicable alternative and to avoid and minimize any required aquatic impacts.

The EIS should identify potential impacts to aquatic habitats, including direct, secondary, and cumulative impacts to arroyos, ephemeral, intermittent and perennial streams, and wetlands. Both permanent and temporary impacts should be identified. EPA recommends that FHWA include a wetland compensatory mitigation discussion that would describe options for mitigation to compensate for unavoidable impacts to aquatic resources.

Clean Water Act Section 303(d)

The CWA requires States to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans, called Total Maximum Daily Loads (TMDLs), to meet water quality standards. EPA recommends the EIS provide information on CWA Section 303(d) impaired waters in the project area, if any, and efforts to develop and revise TMDLs. EPA recommends the EIS describe existing restoration and other enhancement efforts for those waters, how proposed activities may affect on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Existing impaired waters under Section 303(d) of the Clean Water Act do not represent the entire universe of potential water and sediment quality concerns that may need to be addressed. FHWA should ensure the EIS considers if there are water or sediment quality concerns that are documented by sources of information other than the 303(d) list.

Biological Resources, Habitat and Wildlife

EPA recommends the EIS identify all candidate and listed threatened and endangered species and designated critical habitat within the project area. We further recommend the EIS identify, as appropriate, species or critical habitat potentially affected by each alternative and possible practicable mitigation. EPA recommends that the FHWA consult with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act. We also recommend that the FHWA coordinate with appropriate State Agency to ensure that current and consistent surveying, monitoring, and reporting protocols are applied in protection and mitigation efforts.

Air Quality

EPA recommends the EIS provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS) and non-NAAQS pollutants, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed project. Such an evaluation is necessary to understand the potential impacts from temporary, long-term, or cumulative degradation of air quality.

EPA recommends the EIS describe and estimate air emissions from potential construction, maintenance, and operation activities, as well as proposed mitigation measures to minimize those emissions. We recommend an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics):

- ***Existing Conditions*** – EPA recommends the EIS provide a detailed discussion of ambient air conditions, National Ambient Air Quality Standards, and criteria pollutant nonattainment areas in the vicinity of the project.

- ***Quantify Emissions*** – We recommend the EIS estimate emissions of criteria and hazardous air pollutants (air toxics) from the proposed project and discuss the timeframe for release of those emissions over the lifespan of the project and describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions. The EIS should also consider any expected air quality/visibility impacts to Class I Federal Areas identified in 40 CFR Part 81, Subpart D.
- ***Specify Emission Sources*** – EPA recommends the EIS specify all emission sources by pollutant from mobile sources (on and off-road), stationary sources (including portable and temporary emission units), fugitive emission sources, area sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.
- ***Construction Emissions Mitigation Plan*** – We recommend the EIS include a draft Construction Emissions Mitigation Plan and ultimately adopt this plan in the Record of Decision. EPA recommends all applicable local, state (e.g., coordination of land-clearing activities with the state air quality agency to determine air quality conditions such as atmospheric inversions prior to performing open burning activities), or Federal requirements (e.g., certification of non-road engines as in compliance with the EPA Tier 4 regulations found at 40 CFR Parts 89 and 1039) be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other toxics from any potential construction-related activities.

Hazardous Materials, Hazardous Waste and Solid Waste

EPA recommends the EIS address potential direct, indirect, and cumulative impacts of solid and hazardous waste from construction, maintenance, and operation of the proposed project. The EIS should identify projected solid and hazardous waste types, volumes, and expected storage, disposal, and management plans. We recommend the EIS address the applicability of state and federal hazardous waste requirements. Appropriate mitigation should be evaluated, including measures to minimize the generation of hazardous waste (i.e., hazardous waste minimization). Alternate industrial processes using less toxic materials should be evaluated as mitigation since such processes could reduce the volume or toxicity of hazardous materials requiring management and disposal as hazardous waste.

Environmental Justice

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), and the Interagency Memorandum of Understanding on Environmental Justice (August 4, 2011) direct federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process. Guidance¹ by CEQ clarifies the terms low-income and minority population and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

¹ Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.

EPA recommends the EIS include an evaluation of minority and low-income populations in proximity to the geographic scope of the proposed project and use of available tools (i.e., EJ Screen Mapping Tool², U.S. Census Bureau, area knowledge) to identify and screen populations, including communities with environmental justice concerns potentially impacted by the proposed project. We recommend FHWA provide a map depicting the scope and impacts of proposed project in relation to minority and low-income populations in proximity to the project area.

EPA recommends the EIS include an evaluation of community cohesion, access, noise, water, and air impacts to environmental justice from communities. We recommend FHWA include a mitigation plan to reduce or eliminate adverse environmental and economic development impacts to the minority and low-income populations based on the stated need of the proposed project, while advancing environmental and economic equity in the implementation of the proposed project. EPA recommends FHWA include a commitment to implement mitigation measures.

EPA recommends a comprehensive outreach strategy to inform minority and low-income populations in proximity of the proposed project and foster meaningful participation and coordination with minority and low-income populations, applicable stakeholders and external organizations and entities. The EIS should describe outreach activities conducted to involve all communities that could be affected by the proposed project, along with discussion of any environmental justice concerns by communities. We recommend the comprehensive communication strategy includes various forms of media (i.e., community's preferred radio stations, local television channels, library, food establishments, and school and religious institutions) to adequately inform communities impacted by the proposed projects, including communities with environmental justice concerns.

EPA recommends utilization of EPA's Office of Environmental Justice website at: <https://www.epa.gov/environmentaljustice> for policy and guidance regarding the use of the environmental justice terminology and implementation of the proposed project, as applicable. Also, we recommend FHWA utilize the Promising Practice Report (<https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>) to supplement the applicable requirements for considering and analyzing minority and low-income populations for the proposed project.

Coordination with Tribal Governments

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes. If applicable, we recommend the EIS describe the process and outcome of government-to-government consultation between the FHWA and each of the tribal governments affected by the proposed project, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

² www. <https://ejscreen.epa.gov/mapper/>

National Historic Preservation Act (NHPA) and Executive Order 13007 (Indian Sacred Sites)

EPA recommends the EIS address the existence of cultural and historic resources, including Indian sacred sites and traditional cultural properties, in the project area, and address compliance with Section 106 of the NHPA. It should also address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how FHWA will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. We recommend the EIS provide a summary of all coordination and consultations with Tribes, the State Historic Preservation Officer/Tribal Historic Preservation Officer, or any other interested party in cultural and historic resources; and identify all NHPA listed or eligible sites, as well as the development of a Cultural Resource Management Plan for the area, as appropriate.

Schmidt, Cassie P.

From: Price, Kimeka <Price.Kimeka@epa.gov>
Sent: Tuesday, August 23, 2022 2:31 PM
To: Randal.Looney@dot.gov; Schmidt, Cassie P.; McAbee, William C.; Fleming, John
Cc: Price, Kimeka; Houston, Robert
Subject: I-57 Highway Project - Cooperating Agency's review of the Administrative Draft EIS

Mr. Randal Looney and Mr. John Fleming,

As a Cooperating Agency, EPA reviewed the Administrative Draft Environmental Impact Statement (EIS) for the I-57 Highway Project proposed by the Federal Highway Administration (FHWA) and Arkansas Department of Transportation (ArDOT). The proposed action evaluates the construction of an interstate from Walnut Ridge to the Missouri State line within Clay, Greene, Lawrence, and Randolph Counties, Arkansas. Communities, cities, and towns in and around the Study Area are Walnut Ridge, Pocahontas, and Corning, College City, O’Kean, Delaplaine, Peach Orchard, Knobel, Biggers, Reyno, and Datto, Arkansas.

For your consideration, the following recommendations are provided and focus on improving the clarity of the Draft EIS:

Water Resources

The preservation of source water and wellhead protection areas surrounding public water supplies are encouraged. Both Alternatives 2 and 3 yield potential adverse impacts to underground sources of drinking water through the disruption of source water and wellhead protection areas. Source Water Protection Areas’ (SWPA) (and wellhead protection areas) are delineated for the purpose of ensuring the protection of underground sources of drinking water through the preservation and protection of the overall watershed. Alternative 2 proposes impacts to 549 acres of the Pocahontas Waterworks SWPA. Alternative 3 proposes impacts to 68 acres of the Clay County Regional Water District wellhead protection area. Such disturbances may result in a loss of vegetation and buffer zones and increase in impervious surface acreage leading to potential water quality degradations. The EPA recommends the FHWA and ArDOT preserve water and wellhead protection areas to ensure the lowest risk of adverse impacts to underground sources of drinking water.

Although the Administrative Draft EIS identifies that heavy metals may accumulate during operation and maintenance of the proposed highway system, highway runoff also regularly includes inorganic salts and hydrocarbons. We recommend the FHWA and ArDOT include a discussion in the EIS regarding potential impacts of these additional pollutants on local surface waters, aquatic environments, and drinking water resources, as well as any corresponding mitigation measures associated with the protection of the water resources.

The EPA recommends the FHWA and ArDOT comply with well abandonment procedures pursuant to the Arkansas Department of Agriculture's Water Well Construction Commission (AWWCC) [regulations](#).

Consultation with Indian Tribal Governments

We recommend the FHWA and ArDOT continue consultation and coordination with Indian Tribal Governments as applicable and incorporate a discussion in the EIS.

Environmental Justice

Pursuant to NEPA, the FWHA is required to comply with Executive Order 12898, Interagency Memorandum of Understanding on Environmental Justice, and Council on Environmental Quality guidance.

- Groups or clusters of minority or low-income populations have been identified. The EPA recommends the FHWA and ArDOT identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income populations in its totality based on design, construction and operation, which should evaluate and incorporate a discussion of the direct, and indirect and cumulative impacts for each segment of the project and applicable mitigation measures, in order to consider population vulnerability, environmental protection, etc.
- Based on the 2021-2024 Statewide Transportation Improvement Plan (STIP) and Section S.8 of the Administrative Draft EIS, new transportation infrastructure projects have been proposed within Clay, Greene, Lawrence, and Randolph Counties. We recommend the FHWA and ArDOT consider other reasonably foreseeable future projects (improvement, infrastructure, and roadway widening projects), current projects, and past projects (Highways 62, 63, 412, 67, I-40, I-30, I-55, etc.) in its cumulative impact analysis effecting minority and low-income populations.
- The EIS identifies that the Missouri Department of Transport (MoDOT) has not studied their portion of proposed I-57 Highway Project at the Arkansas-Missouri State line and coordination is ongoing. Yet the FHWA and ArDOT stated that MoDOT identified Alternative C as their Preferred Alternative, and the ARDOT Preferred Alternative is in cooperation with MoDOT. Therefore, the EPA recommends the FHWA and ArDOT incorporate a discussion of direct, indirect, and cumulative impacts at the Arkansas-Missouri State line, regarding minority and low-income populations.
- The Preferred Alternative is Alternative 2 for the Main Corridor and Alternative C for the Missouri Connector. In Figure 25, Alternative 2 requires the conversion of approximately 2,249 acres of land to maintained highway right-of-way. In Table 1, the FHWA and ArDOT identifies 631 acres for Main Corridor Alternative 2 and 14 acres for Missouri Connection. Alternative C includes the ArDOT acquisition of minority and low-income populations' property. Therefore, we recommend the FHWA and ArDOT clearly identify and map the populations (i.e., low-income populations, minority populations, non-environmental justice populations, residential populations, business populations), areas (i.e., developed, agricultural) and corresponding property acquisition quantity for right-of-way, along each segment of the proposed action. Additionally, the FHWA and ArDOT should ensure mitigation measures are implemented and/or the alternative minimize and/or prevent impact to minority and low-income populations.
- The EIS states that the southern-most 1.6 miles of Alternative 2 occur within the planning area boundary of Walnut Ridge, and that this section is fully compatible with the comprehensive land use plans for the city. It appears the remainder of the alignment does not occur within any identified city or planning area boundaries. The EPA recommends the FHWA and ArDOT identify the number and percentage of residences, businesses, and low-income and minority populations along each segment of the proposed action being impacted by the proposed preferred alternative southern-most 1.6 miles within the planning area boundary of Walnut Ridge.

- The EIS identifies that the FHWA and ArDOT adjusted its preferred alternatives to avoid impacts to other localities and petitioners. Similarly, direct, indirect, and cumulative impacts to low-income and minority populations should be minimized and prevented, as applicable.
- The EPA recommends the FHWA and ArDOT incorporate a discussion of its communication strategy that effectively provides meaningful opportunity and engagement of low-income and minority populations to participate in the process for this proposed action, which may include local religious institution, neighborhood establishment, environmental advocates, etc.
- In regarding to invoking eminent domain, the EPA recommends the FHWA and ArDOT ensure equitable treatment of minority and low-income populations adversely impacted by the proposed project (i.e., buy-out, relocation, splitting communities, market values, compensation).
- We recommend the FHWA and ArDOT incorporate a discussion on how the proposed action may alter the minority, low-income and indigenous neighborhoods and communities access, community resiliency, gentrification, and other conditions.
- The EPA recommends the FHWA and ArDOT ensure mitigation measures are implemented for adverse impacts.

We look forward to the receipt of the electronic version of the Draft EIS. If you have any questions or want to discuss, please contact me at (214) 665-7438 or by e-mail at price.kimeka@epa.gov.

Kimeka Price, Environmental Engineer/NEPA Project Manager
Office of Regional Administrator - Communities, Tribes and Env. Assessment (6RA-C)
National Environmental Policy Act (NEPA) Program
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270
(214)665-7438
price.kimeka@epa.gov

**COOPERATING AGENCY:
U.S. ENVIRONMENTAL PROTECTION AGENCY
(EPA)**

ALL OTHER CORRESPONDENCE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6

1201 ELM STREET, SUITE 500

DALLAS, TEXAS 75270-2102

January 10, 2023

Mr. Randal Looney
Federal Highway Administration
700 W. Capitol, Room 3130
Little Rock, Arkansas 72201-3298

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

Re: I-57 Walnut Ridge – Missouri State Line Draft Environmental Impact Statement

Dear Mr. Looney and Mr. Fleming:

Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and our NEPA review authority under Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) Region 6 reviewed the I-57 Walnut Ridge – Missouri State Line Draft Environmental Impact Statement (EIS) (CEQ No. 20220178).

The Federal Highway Administration (FHWA) and Arkansas Department of Transportation (ArDOT) propose to construct an interstate facility from Walnut Ridge to the state line within Clay, Greene, Lawrence, and Randolph counties, Arkansas. The proposed action provides system linkage, connectivity, and mobility of the National Highway System, support economic development, and enhance climate resiliency during extreme weather events.

Under the build alternatives, the Draft EIS analyzes the potential impacts of the proposed action on air and water quality, land use and zoning, farmlands, visual resources, relocation and property acquisitions, environmental justice, traffic, noise, cultural resources, hazardous materials and sites, greenhouse gases, public lands, terrestrial ecology, vegetation, wildlife, growth effects, federally-protected species, national domestic listing workplan species, migratory birds, invasive species and noxious weeds, species of state concern, streams and wetlands, floodplains and levees, communities, energy, historic sites, construction, aquatic ecology and biota, and economics. Alternatives 2 and C are the Preferred Alternatives of FHWA and ArDOT. All build alternatives begin at Highways 67 and 412 interchange at Walnut Ridge, Arkansas, and end at Highway 67 at Arkansas-Missouri state line, a distance of approximately 42 miles.

FHWA and ArDOT anticipate permits and authorizations for the proposed action, including Clean Water Act (CWA) Section 404 Permit for placement of dredge and fill material, CWA Section 401 Water Quality Certification, and National Pollutant Discharge Effluent System (NPDES) Permit. If an earth disturbance of one acre or greater, or less than one acre but apart of a larger common plan of development or sale which will ultimately disturb one or more acres of land, EPA recommends the applicable Arkansas and Missouri state agencies are consulted regarding NPDES permit coverage for the proposed action.

EPA looks forward to the receipt of the electronic version of the Final EIS, any NEPA document tiering from this Draft EIS, and connected action. If you have any questions, please contact Kimeka Price of my staff at (214) 665-7438 or by e-mail at price.kimeka@epa.gov.

Sincerely,

**ROBERT
HOUSTON**

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HOUSTON
Date: 2023.01.10 09:54:06
-06'00'

Robert Houston
Staff Director
Office of Communities, Tribes and
Environmental Assessment

cc: Mr. Jon Hetzel, Garver USA

COOPERATING AGENCY:
U.S. FISH AND WILDLIFE SERVICE (USFWS)

ACCEPTANCE AS COOPERATING AGENCY



IN REPLY REFER TO:

United States Department of the Interior



FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032

May 12, 2020

Ms. Vivien N. Hoang, P.E.
Division Administrator
Federal Highway Administration
Arkansas Division
700 West Capitol Ave., Rm. 3130
Little Rock, Arkansas 72201-3298

Subject: ARDOT U.S. Highway 67 (HWY 67) (I-57 project) corridor in Clay, Greene, Lawrence, and Randolph counties in Arkansas

Dear Ms. Hoang:

This letter responds to your letter dated May 5, 2020, requesting U.S. Fish and Wildlife Service (Service) participation as a cooperating agency regarding the development of an Environmental Impact Statement (EIS) to support improving the U.S. Highway 67 (HWY 67) corridor in Clay, Greene, Lawrence, and Randolph counties in Arkansas. Your agency invited the Service to become a cooperating agency with the Federal Highway Administration in the development of the EIS for the Future I-57 project. The Service is more than willing to provide support in this manner throughout the EIS process and we look forward to working with all parties involved.

The Service appreciates the opportunity to serve as a cooperating agency on this project. If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov. Mr. Lewis will be the project point of contact to represent the Service in interagency consultations regarding this action.

Sincerely,

Melvin L. Tobin
Field Supervisor

cc: Project File
Read File
Filename: C:\Users\lilewis\Documents\PROJECTS\FY2020\ARDOT\US HWY 67
Corridor\Comments-US HWY 67 Corridor - FHWA - Coop Agency.docx

**COOPERATING AGENCY:
U.S. FISH AND WILDLIFE SERVICE (USFWS)**

MAJOR CONCURRENCE POINTS



IN REPLY REFER TO:

United States Department of the Interior



FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032

January 15, 2021

Ms. Vivien N. Hoang, P.E.
Division Administrator
c/o Randal Looney
Federal Highway Administration
Arkansas Division
700 West Capitol Ave., Rm. 3130
Little Rock, Arkansas 72201-3298

Subject: ARDOT U.S. Highway 67 (HWY 67) (I-57 project) One Federal Decision Purpose and Needs and Alternatives

Dear Ms. Hoang:

This letter responds to your letter dated January 6, 2020, requesting the U.S. Fish and Wildlife Service (Service), as a cooperating agency, review and comment on the proposed purpose and need statement and the range of alternatives in accordance with the Memorandum of Understanding (MOU) implementing One Federal Decision under Executive Order 13807.

The Service concurs that the information provided in the purpose and need statement and the range of alternatives is sufficient for this stage in the process and that the environmental review process may proceed. We previously provided technical assistance by letter on November 24, 2020, and have no additional comments to provide at this time. If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,

Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2021\ARDOT\ARDOT Job 100512 - I-57\Comments-US HWY 67 Corridor - FHWA - Coop - Concurrence.docx



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



January 31, 2022

Mr. Bill McAbee
Environmental Manager
Garver, LLC
4701 Northshore Drive
North Little Rock, Arkansas 72118

Consultation Code: 04ER1000-2021-SLI-1167

Re: ARDOT Job 100512 - Future I-57 - Draft Environmental Impact Statement (DEIS) Submittal

Dear Mr. McAbee:

This letter responds to your request dated January 19, 2022, soliciting U.S. Fish and Wildlife Service (Service) comments on the above referenced document. Our comments are submitted in accordance with the Endangered Species Act of 1973 (87 stat. 884, as amended; 16 U.S.C. 1531 et seq.; Act), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), and Migratory Bird Treaty Act (16 U.S. Code 703-712).

The Service accepted the role as a National Environmental Policy Act (NEPA) cooperating agency for the Environmental Impact Statement which will analyze proposed improvements to the highway system between Walnut Ridge and the Missouri state line in Clay, Greene, Lawrence, and Randolph counties in Arkansas. The Federal Highway Administration, in cooperation with the Arkansas Department of Transportation (ARDOT), is submitting project information for your review and comment. We offer the following comments for your consideration.

In general, the Service agrees with the purpose and need for this action. Furthermore, we do not have any current reason to oppose the preferred alternatives and believe that either Alternative 2 or 3 would have similar effects on fish and wildlife resources. Additional coordination, modifications, and mitigation for either alternative will be necessary as survey results are obtained and effects are further assessed through the Section 7 process.

We recommend considering the following for inclusion within the DEIS and in consideration of conservation measures for avoidance, minimization, and mitigation of effects for this action:

1. Each alternative will likely create substantially more obstruction to wildlife movements and increase wildlife mortalities from collisions than currently exists. The preferred alternative, in particular, lies in a floodplain between the riparian corridors of the Current and Black rivers. Wildlife traversing between the corridors will have to cross this interstate, thus increasing the likelihood of collisions and wildlife mortalities. The Service recommends assessing the effects of increased mortalities to wildlife from

Mr. Bill McAbee

2

collisions and considering mitigative measures, such as wildlife overpasses and wider stream bridging with riparian wildlife corridors as conservation measures.

2. The preferred alternative has the potential to have considerable effects on the floodplain hydrology and aquatic species movements and habitats by creating a bottleneck and holding back and retaining floodwater at higher elevations for a longer duration. The Service recommends considering the potential effects of creating this bottleneck and including flood relief pass throughs and maintaining aquatic connections sufficient to minimize effects to aquatic species and their habitats.
3. We have been in coordination through the pre-planning process regarding species and habitat surveys. As survey results become available, the information obtained should be considered in further evaluation of each alternative and incorporated into further coordination and planning for avoidance and minimization through alignment, design, and construction timing modifications, as necessary.
4. The Service recommends inclusion of additional conservation/mitigation measures for avoiding and minimizing effects to migratory birds in accordance with the Migratory Bird Treaty Act. We recommend a special conservation measure requiring the placement of net barriers during the non-breeding season on any existing colonized bridges or culverts that will be affected prior to construction taking place. No activities should occur within 1,000 feet of an active migratory bird nesting colony.
5. The Service recommends including an assessment, surveys, and a discussion within the DEIS regarding Bald and Golden Eagles protection and conservation/mitigation measures in accordance with the Bald and Golden Eagle Protection Act. Further coordination and guidance may be necessary if nests are found in or near the proposed alignment. No activities should take place within 1,000 feet of a Bald or Golden Eagle nest without first seeking assistance or permits from the Service and/or following approved guidelines.
6. The Alligator Snapping Turtle (AST) (*Macrochelys temminckii*) and Pyramid Pigtoe (*Pleurobema rubrum*) (a mussel) were recently proposed for listing as threatened species under the Act. The Service also proposed a Section 4(d) rule to provide for their conservation. The potential range and habitats for both species intersect this project; therefore, we recommend including an assessment of effects to both species within the DEIS. Section 7(a)(4) of the Act requires federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of proposed species or result in the destruction or adverse modification of proposed critical habitat. The Service decided that critical habitat for the AST is not determinable at this time. Critical habitat for the Pyramid Pigtoe will be determined within a year of listing. Currently, this means that an action agency has to determine if the action is likely to jeopardize a proposed species. Further updating of the assessments and conservation measures may be

Mr. Bill McAbee

3

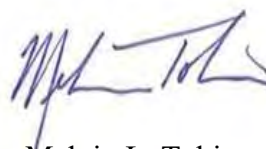
necessary through on-going coordination and consultation as new information on these species becomes available and the Section 4(d) rules are implemented.

If a species is subsequently listed, section 7(a)(2) of the Act requires federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible federal agency must enter into consultation with the Service.

7. The Monarch Butterfly (*Danaus plexippus plexippus*) is a candidate species and as such, is not federally protected under the Act. However, the Service 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. We recommend addressing additional assessment and conservation/mitigation measures regarding this species and its habitat within the DEIS. Specifically, we suggest further explanation and assessment of how planting a wildflower seed mix and maintaining permanent seeding to establish habitat will benefit Monarch Butterfly and other pollinator species.
8. The Western Fanshell (*Cyprogenia aberti*) (a mussel) is currently being evaluated for listing under the Act with a decision expected in 2022. We recommend inclusion of this species in the assessment for the DEIS.
9. The Service recommends incorporation of the aforementioned surveys, species assessments, and conservation measures in the project commitments section of the DEIS, as appropriate.

We appreciate the opportunity to comment on the DEIS and to participate in the transportation planning process. For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,



Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2022\ARDOT\ARDOT Job 100512 Future I-57\20220201_Ltr_ARDOT Job 100512 - DEIS - Comments - LCL.docx



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



August 3, 2022

Ms. Cassie Schmidt
Environmental Manager
Garver, LLC
4701 Northshore Drive
North Little Rock, Arkansas 72118

Consultation Code: 2022-0029477

Re: ARDOT Job 100512 - Future I-57 - Draft Environmental Impact Statement (DEIS) (Draft 5) Submittal

Dear Ms. Schmidt:

This letter responds to your request dated July 26, 2022, soliciting U.S. Fish and Wildlife Service (Service) comments on the above referenced document. Our comments are submitted in accordance with the Endangered Species Act of 1973 (87 stat. 884, as amended; 16 U.S.C. 1531 et seq.; Act), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), and Migratory Bird Treaty Act (16 U.S. Code 703–712).

The Service accepted the role as a National Environmental Policy Act (NEPA) cooperating agency for the Environmental Impact Statement which will analyze proposed improvements to the highway system between Walnut Ridge and the Missouri state line in Clay, Greene, Lawrence, and Randolph counties in Arkansas. The Federal Highway Administration, in cooperation with the Arkansas Department of Transportation (ARDOT), is submitting project information for review and comment. We offer the following comments for your consideration.

The Service concurs with the purpose and need for this action and believes that the reasoning behind the selection of the preferred Alternatives 2 and C are reasonable. Additional coordination, avoidance/minimization modifications, and conservation action discussions will be necessary as project design details are obtained and effects are further assessed through the Section 7 of the Endangered Species Act process.

We recommend the following for consideration of conservation measures for avoidance, minimization, and mitigation of effects from this action:

1. We have been in coordination throughout the pre-planning process regarding species and habitat effects assessments. As project designs and effects analyses are refined, additional coordination and conservation planning for avoidance and minimization through detailed alignment, design, and construction timing modifications should be discussed and considered.

Ms. Cassie Schmidt

2

2. Further updating of the assessments, conservation measures, and mitigation may be necessary through on-going coordination and consultation as new information on listed species becomes available, habitat effects change, new listings occur, and/or as species listing statuses change.

If a species is subsequently listed, section 7(a)(2) of the Act requires federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible federal agency must enter into consultation with the Service.

We appreciate the opportunity to comment on the DEIS and to participate in the transportation planning process. For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,



Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2022\ARDOT\ARDOT Job 100512 Future I-57\20220803_Ltr_ARDOT Job 100512 - DEIS (Draft 5) - Comments.docx



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



March 30, 2023

Mr. Randal Looney
Federal Highway Administration
Arkansas Division
700 West Capitol Avenue
Room 3130
Little Rock, Arkansas 72201-3298

Consultation Code: 2022-0029477

Re: Biological Assessment ARDOT Job 100512 Walnut Ridge – Missouri State Line (Future I-57) Clay, Greene, Lawrence, & Randolph Counties, Arkansas

Dear Mr. Looney:

This letter provides U.S. Fish and Wildlife Service (Service) comments for the Biological Assessment (BA) for the proposed construction of I-57 from Walnut Ridge to the Missouri State line within Clay, Lawrence, and Randolph counties, Arkansas (ARDOT Job Number 100512), developed by the Arkansas Department of Transportation (ARDOT) and the Federal Highway Administration (FHWA). Our comments are submitted in accordance with the Endangered Species Act (ESA) of 1973 (Act; 87 stat. 884, as amended; 16 U.S.C. 1531 et seq.). Comments from the Service were solicited on March 16, 2023.

This biological assessment addresses the Future I-57 project in compliance with Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended. Section 7(a)(2) of the ESA requires that, through consultation with the Service, federal agencies ensure their actions are not likely to jeopardize the continued existence of any listed species or results in the destruction or adverse modification of critical habitat. This assessment evaluates the potential effects of the proposed transportation project on species that are federally listed under the ESA. Specific project design elements are identified that avoid or minimize adverse effects of the proposed project on listed species and designated critical habitat.

The official species list obtained from the Service's Information for Planning and Consultation (IPaC) website identified the following endangered and threatened species as potentially occurring within the project boundaries: the endangered Gray Bat (*Myotis grisescens*), the endangered Indiana Bat (*Myotis sodalis*), the threatened Northern Long-eared Bat (*Myotis septentrionalis*), the threatened Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), the threatened Piping Plover (*Charadrius melodus*), the threatened Red Knot (*Calidris canutus rufa*),

Curtis Pearlymussel (*Epioblasma curtisii*), Pink Mucket (*Lampsilis abrupta*), Rabbitsfoot (*Theliderma cylindrica*), Scaleshell Mussel (*Potamilus leptodon*; formerly *Leptodea leptodon*), Hine's Emerald Dragonfly (*Somatochlora hineana*), Missouri Bladderpod (*Physaria filiformis*), Pondberry (*Lindera melissifolia*), and Ozark Hellbender (*Cryptobranchus alleganiensis bishopi*).

Mr. Randal Looney

2

In addition, the following candidate and proposed species were identified as potentially occurring within the action area and may be affected: the proposed endangered Tricolored Bat (*Perimyotis subflavus*), the candidate Monarch Butterfly (*Danaus plexippus*), the proposed threatened Alligator Snapping Turtle (*Macrochelys temminckii*), the proposed threatened Western Fanshell (*Cyprogenia aberti*), and the proposed threatened Pyramid Pigtoe (*Pleurobema rubrum*).

The Bald Eagle (*Haliaeetus leucocephalus*), though no longer federally listed as threatened or endangered, remains protected through the Bald and Golden Eagle Protection Act of 1940, is also found in Clay, Lawrence, and Randolph Counties.

Based on habitat assessments conducted for the above-listed species, no suitable habitats for the Red Knot, Piping Plover, Missouri Bladderpod, Hine's Emerald Dragonfly, or Ozark Hellbender were identified within the action area. Based on the lack of available habitat and the distance to known populations, a determination was made that the proposed action would have no effect on these species.

The BA identified Gray Bats, Indiana Bats, and Northern Long-eared Bats as potentially occurring along portions of the action area; however, none were captured during surveys and no known roost trees or hibernacula are located within the action area. The Curtis Pearlymussel, Pink Mucket, Rabbitsfoot, Scaleshell Mussel, Western Fanshell, and Pyramid Pigtoe potentially occur within the Black River; however, only the Rabbitsfoot and Western Fanshell were captured during surveys. The Eastern Black Rail, Pondberry, Monarch Butterfly, and Alligator Snapping Turtle also potentially occur along portions of the action area. No Pondberry specimens were found during the survey for the species. The BA analyzed potential impacts to each of these 13 above-listed species.

The Service has reviewed the assessment and determinations of “may affect, not likely to adversely affect” for the listed species identified. Based on the distance to known species locations, limited suitable habitats, effects to forested areas, rivers, and wetlands, negative bat survey results, avoidance and minimization measures (i.e., spanning of the Black River, alternative selection, wetland, floodway, and stream affects minimization and/or avoidance), and sediment erosion and water quality control BMPs, the Service agrees with your assessments and concurs with your determinations. No further consultation or coordination for this project is required for these species at this time. Your agency has met consultation requirements by informing the Service of your “no effect” and “non-jeopardy” determinations. No consultation for this project is required for species that you determined will not be affected by this Action. This concurrence verification letter confirms that you have met the requirements under Section 7(a)(2) of the ESA of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA).

The Service recommends that your agency contact the Arkansas Ecological Services Field Office or re-evaluate this Action in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes; 2) new information reveals the action may affect Bald or Golden Eagles, listed species, or designated critical habitat; and 3) a proposed species is listed, a new species is

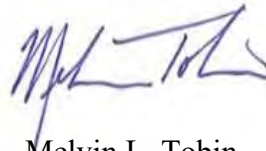
Mr. Randal Looney

3

proposed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Arkansas Ecological Services Field Office should take place before project changes are final or resources committed. This concludes informal consultation in accordance with 50 CFR 402.13.

We appreciate your continued efforts toward the conservation of protected and at-risk species and their habitats. For future correspondence on this matter, please contact Lindsey Lewis at (501) 513-4489.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melvin L. Tobin', written over a vertical line.

Melvin L. Tobin
Field Supervisor

cc: Arkansas Department of Transportation, Little Rock, Arkansas

Project File

Read File

Filename: <https://doimspp->

[my.sharepoint.com/personal/lindsey_lewis_fws_gov/Documents/Documents/PROJECTS/FY2023/ARDO
T/ARDOT I-57 100512/20230328_Ltr_Concurrence_ARDOT_FHWA_100512_I-57_Biological
Assessment_LCL.docx](https://doimspp-my.sharepoint.com/personal/lindsey_lewis_fws_gov/Documents/Documents/PROJECTS/FY2023/ARDO%20T/ARDOT%20I-57%20100512/20230328_Ltr_Concurrence_ARDOT_FHWA_100512_I-57_Biological%20Assessment_LCL.docx)

From: [Lewis, Lindsey](#)
To: [Schmidt, Cassie P.](#); [Tobin, Melvin](#)
Cc: [Looney, Randal \(FHWA\)](#); [McAbee, William C.](#)
Subject: Re: [EXTERNAL] Walnut Ridge – Missouri State Line (Future I-57) Job No 100512 , FEIS-ROD Review #1
Date: Tuesday, April 11, 2023 12:37:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Cassie,

I have reviewed the FEIS-ROD and do not have any additional comments or concerns to add at this time. Please let me know if you require any further assistance or have any questions.

Thank you,

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
<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.

From: Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>
Sent: Thursday, April 6, 2023 5:51 PM
To: Tobin, Melvin <melvin_tobin@fws.gov>
Cc: Lewis, Lindsey <lindsey_lewis@fws.gov>; Looney, Randal (FHWA) <Randal.Looney@dot.gov>; McAbee, William C. <WCMcAbee@GarverUSA.com>
Subject: [EXTERNAL] Walnut Ridge – Missouri State Line (Future I-57) Job No 100512 , FEIS-ROD Review #1

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

Good evening,

The U.S. Fish and Wildlife Service has accepted the role as a National Environmental Policy Act (NEPA) cooperating agency for the Environmental Impact Statement which will analyze proposed improvements to the highway system between Walnut Ridge and the Missouri State line in Clay, Greene, Lawrence, and Randolph Counties in Arkansas. The Federal Highway Administration, in cooperation with the Arkansas Department of Transportation, is submitting project information for your review and comment.

Provided at the link below is the draft Future I-57 FEIS-ROD, which is ready for your review. There are three PDF files that contain the narrative and appendices due to the size of the files. Additionally, the cover and signature pages were separated from the narrative because of issues with Section 508 compliance.

 [100512_FEIS-ROD_2023-04-6 \(cover & sig pg ONLY\).pdf](#)

 [100512_FEIS-ROD_2023-04-6.pdf](#)

 [100512_FEIS_AppendicesA-J_2023-04-6.pdf](#)

 [100512_FEIS_AppendicesK-N_2023-04-6.pdf](#)

Please communicate to reviewers that the **only alignment/footprint revision to the Preferred Alternative** in the DEIS is a minor increase in the width of the Missouri interim connector footprint that was expanded from two lanes to four lanes. This change was included in the public hearing materials so that local officials and the public could comment on the impacts as shown in the current FEIS. Most of the changes through the document reflect relatively small changes that had no impact on altering the Preferred Alternative. Minor numerical corrections, changes to grammar and punctuation, and references to the FEIS have been incorporated. Most importantly reviewers should note that updated information and changes made in response to public and agency comments on the DEIS are **highlighted in yellow in the FEIS** so they can be easily identified.

Please respond with comments or to concur by April 21, 2023.

If you have any questions or would like to discuss this project or your agency's roles and responsibilities throughout the NEPA process in more detail, please contact Bill McAbee at (501) 537-3259 or email wcmcabee@garverusa.com, or Randal Looney at (501) 324-6430 or email randal.looney@dot.gov.


Sincerely,




Cassie Schmidt

Environmental Scientist/Environmental Specialist

Transportation Team

 479-287-4673

 918-440-2886

**COOPERATING AGENCY:
U.S. FISH AND WILDLIFE SERVICE (USFWS)**

ALL OTHER CORRESPONDENCE



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



November 24, 2020

Mrs. Cassie Schmidt
Garver, LLC
4701 Northshore Drive
North Little Rock, AR 72118

RE: Future I-57 EIS - Request for Technical Assistance (ARDOT Job #100512)

Dear Mrs. Schmidt:

The U.S. Fish and Wildlife Service (Service) is responding to your request dated November 12, 2020, regarding the Arkansas Department of Transportation (ARDOT) and the Federal Highway Administration (FHWA) initiating an Environmental Impact Statement (EIS) to improve the Highway (Hwy.) 67 corridor in Clay, Greene, Lawrence, and Randolph Counties, Arkansas. The proposed limits for the project extend from Walnut Ridge, Arkansas to the Arkansas-Missouri state line along three proposed study corridors, approximately 40 miles in length. Each of the three corridors being proposed would have a typical section consisting of a four lane divided highway with an approximately 300-foot proposed right-of-way.

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

Mrs. Cassie Schmidt

2

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

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 at anytime.

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.

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."

Endangered Species Act Species

There is a total of 10 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.

Mammals

Indiana Bat *Myotis sodalis*

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Mrs. Cassie Schmidt

3

Species profile: <https://ecos.fws.gov/ecp/species/5949>
Status: Endangered

Northern Long-eared Bat *Myotis septentrionalis*
No critical habitat has been designated for this species.
Species profile: <https://ecos.fws.gov/ecp/species/9045>
Status: Threatened

Birds

Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis*
No critical habitat has been designated for this species.
Species profile: <https://ecos.fws.gov/ecp/species/10477>
Status: Threatened

Piping Plover *Charadrius melodus*
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>
Status: Threatened

Red Knot *Calidris canutus rufa*
No critical habitat has been designated for this species.
Species profile: <https://ecos.fws.gov/ecp/species/1864>
Status: Threatened

Clams (freshwater mussels)

Pink Mucket (pearlymussel) *Lampsilis abrupta*
No critical habitat has been designated for this species.
Species profile: <https://ecos.fws.gov/ecp/species/7829>
Status: Endangered

Rabbitsfoot *Quadrula cylindrica cylindrica*
There is **final** critical habitat for this species. Your location is outside the critical habitat.
Species profile: <https://ecos.fws.gov/ecp/species/5165>
Status: Threatened

Scaleshell Mussel *Leptodea leptodon*
No critical habitat has been designated for this species.
Species profile: <https://ecos.fws.gov/ecp/species/5881>
Status: Endangered

Flowering Plants

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

Mrs. Cassie Schmidt

4

Pondberry *Lindera melissifolia*

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/1279>

Status: Endangered

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

Known areas of concern

Red Knot, Piping Plover, and Eastern Black Rail migrate through Arkansas and may have habitat within all 3 proposed alignments. However, most of the topography suitable for habitat lies adjacent to the alignments or has already been converted to agriculture. The Service recommends identifying any mud flats, wetland, and/or shoreline habitats early in the review process and demonstrating efforts to avoid, minimize, or mitigate any effects to these habitats in advance of likely permit reviews for Clean Water Act Permits under the purview of the U.S. Army Corps of Engineers and the Arkansas Department of Environmental Quality. We will provide further comments and recommendations for these permits when appropriate during their formal process.

Numerous Pondberry locations lie to the northwest of the proposed alignment; however, it is possible that this species may be found with any of the proposed alignments. We recommend coordinating with Arkansas Natural Heritage Commission for further guidance and to see if they recommend pre-construction surveys. There are time of year restrictions for performing these surveys, so coordinating and determining if surveys are necessary is recommend early in the process to ensure there is sufficient time for completion.

There are no records for Missouri Bladderpod or its habitat type within the vicinity of the proposed action.

Black River/Dave Donaldson WMA is home to a presumed Indiana Bat maternity colony (detected several years ago). We would recommend avoiding the removal of bottomland hardwood habitat where possible and particularly any that is contiguous with the WMA. If suitable habitat removal would occur, then we would recommend winter tree removal. We would also recommend conducting a survey of that habitat regardless of winter clearing to gain an accurate assessment and to determine if current maternity roost trees occur within the habitat.

Northern Long-eared Bat have also been found within Black River/Dave Donaldson WMA. We would recommend avoiding the removal of bottomland hardwood habitat where possible and particularly any that is contiguous with the WMA. If trees must be removed from these areas we would recommend clearing during the winter. However, any incidental take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). You may use the ECOS-IPaC system to determine if this action qualifies at any time.

There were three listed mussels identified occurring in the river reaches falling within the proposed alignments. Avoidance and minimization of actions that would affect the rivers and the species that inhabit them is recommended. The Service would request that freshwater mussel surveys be performed on any river crossings and prior to any instream work on the Black River and Current River.

Mrs. Cassie Schmidt

5

We further recommend avoiding and staying as far away from the WMA as possible, remove as little bottomland hardwoods as possible, and cross streams and wetlands as little as possible. We recommend following existing alignments and avoiding paralleling a linear right-of-way within close proximity to a stream. Although it is early in the process and considering all of the aforementioned concerns, it is our preliminary recommendation that Corridor 3 – (Eastern Alternative) would be the Service’s preferred alternative.

The Service is unable to provide assistance in developing a permitting timetable for the FHWA Permitting Dashboard for major infrastructure projects as we are unable to predict what level of consultation may be necessary in accordance with Section 7 of the Endangered Species Act. We provide comments on other agency permit reviews in accordance with their standardized timeframes and deadlines. Section 10(a)(1)(A) of the Endangered Species Act provide recovery and interstate commerce permits that are issued to allow for take as part of activities intended to foster the recovery of listed species. A typical use of a recovery permit is to allow for studies or surveys for a listed species in order to determined the amount of “take” that may occur, to provide guidance for relocation of individuals, and conservation measures that may be applied through Section 7 Consultation. Furthermore, through the formal consultation process it may be determined that there is a need for an Incidental Take Permit (section 10(a)(1)(B)) if you conduct an otherwise lawful activity where a listed species may be adversely affected. The timetable for obtaining these types of permits is highly variable and usually dependent on the complexity of the action and the level of environmental assessment required.

Once formal consultation is initiated it may last up to 90 days, after which the Service will prepare a biological opinion. The conclusion of the biological opinion will state whether the Federal agency has insured that its action is not likely to jeopardize the continued existence of a listed species and/or result in the destruction or adverse modification of critical habitat. The Service has 45 days after completion of formal consultation to write the opinion.

For further assistance or if you have any questions, please contact me at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,



Lindsey Lewis
Transportation Liaison

cc: Project File

Read File

Filename: <C:\Users\lilewis\Documents\PROJECTS\FY2021\ARDOT\ARDOT Job 100512 - I-57\ArDOT I-57 Technical Assistance.docx>

Mountain, Ryan C.

From: Lewis, Lindsey <lindsey_lewis@fws.gov>
Sent: Wednesday, March 10, 2021 7:05 AM
To: Mountain, Ryan C.
Subject: Re: [EXTERNAL] ARDOT #100512 - I-57 Bat Mist Net Locations

Ryan,

I asked our bat guys to take a look at the proposed locations you sent and this is what they said.

Based on aerial imagery, we would recommend netting all of the white polygons EXCEPT for the following:

- KM18
- KM25
- KM55
- KM61
- KM17

We would also recommend to net green KM39.

We don't think any of the other green or yellow/orange are necessary; therefore, we concur with removing "Questionable Sites" from consideration and allowing field confirmation to dictate whether netting is necessary at the green locations.

These comments are based on review of potential habitat from aerial imagery, not necessarily the required level of effort for the project. Once you all have narrowed them down, we can look at that as well.

Thanks and let me know if you have any questions.

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
<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.

From: Mountain, Ryan C. <RCMountain@GarverUSA.com>
Sent: Monday, March 8, 2021 12:59 PM
To: Lewis, Lindsey <lindsey_lewis@fws.gov>
Cc: Ewing, Anne (Kayti) <Kayti.Ewing@ardot.gov>; Matthews, Mickey W. <Mickey.Matthews@ardot.gov>; McAbee, William C. <WCMcAbee@GarverUSA.com>
Subject: [EXTERNAL] ARDOT #100512 - I-57 Bat Mist Net Locations

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

Lindsey,

Attached is a letter detailing areas proposed for mist netting within Alternatives 2 and 3 of this I-57 project. I've also attached a KMZ that shows both alternative corridors broken down by kilometer with proposed netting locations identified. Please review this information and let us know if you have any questions.

Thanks,
Ryan



Ryan Mountain, PWS
Senior Environmental Scientist/Specialist
Transportation Team

📞 479-257-9188
📠 479-903-2041

Schmidt, Cassie P.

Subject: FW: Future I-57 (ARDOT # 100512) Notice of Intent

From: McAbee, William C.

Sent: Wednesday, July 7, 2021 9:40 AM

To: johnny.l.mclean@usase.army.mil; Mersiovsky, Edgar - NRCS, Little Rock, AR <edgar.mersiovsky@usda.gov>; [Melvin Tobin@fws.gov](mailto:Melvin_Tobin@fws.gov); Timothy C. Pickett <Timothy.Pickett@modot.mo.gov>; Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>; keogh@adeq.state.ar.us; grady.spann@arkansas.gov; travis.napper@arkansas.gov; Pat.Fitts@agfc.ar.gov; bruce.holland@arkansas.gov; stacy.hurst@arkansas.gov; Houston, Robert <Houston.Robert@epa.gov>

Cc: Looney, Randal (FHWA) <Randal.Looney@dot.gov>; Fleming, John <John.Fleming@ardot.gov>

Subject: Future I-57 (ARDOT # 100512) Notice of Intent

To All:

On behalf of the Federal Highway Administration, we are pleased to notify your agency that the Notice of Intent (NOI) for the referenced project was published in the Federal Register on July 1, 2021. The following link will take you to the NOI publication location: [Federal Register :: Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Highway Project in Arkansas](#)

There are additional materials and information regarding the NOI on our project website located here: <https://future57.transportationplanroom.com/pm2020-materials/noi>

There is a 30-day comment period that ends August 2, 2021.

If you have any questions or want to discuss the project, please contact me anytime. Your input is important so we thank you for your time.

Sincerely,



Bill McAbee
Environmental Project Manager
Arkansas Environmental and Planning Team Leader

📞 501-537-3259
📠 601-715-4803



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office
110 South Amity Road, Suite 300
Conway, Arkansas 72032



July 12, 2022

Ms. Vivien N. Hoang, P.E., Division Administrator
Federal Highway Administration
Arkansas Division
700 West Capitol Ave., Rm. 3130
Little Rock, Arkansas 72201-3298

Subject: ARDOT Job 100512, Walnut Ridge – Missouri State Line, (Future I-57) P.E., Clay, Lawrence, & Randolph Counties, HDA-AR

Dear Ms. Hoang:

We are responding to your letter dated June 22, 2022, requesting that the U.S. Fish and Wildlife Service (Service), as a cooperating agency, review, comment, and become an Invited Signatory on a Draft Programmatic Agreement (Agreement) for the above referenced undertaking developed by the Federal Highway Administration (FHWA) and Arkansas Department of Transportation (ARDOT) to comply with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800 – Protection of Historic Properties.

Our office's responsibilities related to the referenced Action are limited to reviewing and commenting on NEPA and Clean Water Act related Actions, insuring that the applicable Native American Tribes have been consulted, providing technical assistance for conservation of species and their habitats, providing coordination and guidance related to the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act, and providing consultation in accordance with Section 7 of the Endangered Species Act. The Service is not otherwise involved with the responsibilities of Federal and State Agencies related to NHPA compliance, cultural resource reviews, or consultations with the State Historic Preservation Offices or Native American Tribes. The Service is satisfied that the appropriate Tribes have and are being consulted and we do not have any additional concerns or comments related to this agreement. Therefore, the Service respectfully declines your invitation to be an Invited Signatory on this Agreement.

If you have any questions regarding our response or if you need additional information, please contact Lindsey Lewis at (501) 513-4489 or lindsey_lewis@fws.gov.

Sincerely,

For Melvin L. Tobin
Field Supervisor

cc: Project File
Read File

Filename: C:\Users\lilewis\Documents\PROJECTS\FY2022\ARDOT\I-57\20220712_Ltr_US HWY
67 (I-57) Corridor - FHWA - Sec 106 - Prog Agreement.docx