

Appendix A
Agency Coordination

CITY OF BATESVILLE

500 East Main

BATESVILLE, ARKANSAS 72501

Phone 870-698-2400

FAX 870-698-2406



RICK ELUMBAUGH, MAYOR
DENISE JOHNSTON, CLERK
SCOTT STALKER, ATTORNEY

COUNCIL
THOMAS E. BRYANT
MARGARETT HENLEY
DAVY INSELL
FRED KRUG
DOUGLAS MATTHEWS
MATT McDONALD
RICHARD O'NEAL
DAVID SHETRON

September 29, 2010

Damon Johnson
City of Batesville Engineer
500 E. Main Street
Batesville, Arkansas 72501

Re: Pedestrian Bridge Project
Stillhouse Branch, White River Tributary

Mr. Johnson,

The proposed project of a new pedestrian bridge crossing the Stillhouse Branch has been reviewed and appears acceptable to the flood plain management regulations based upon the fact that the flood carrying capacity has not been diminished and that the project does not adversely impact any other lands during a flood event. If you have any questions please feel free to contact me.

Sincerely,

Chad McClure
City of Batesville Flood Plain Administrator



RICK ELUMBAUGH, MAYOR
DENISE JOHNSTON, CLERK
SCOTT STALKER, ATTORNEY

CITY OF BATESVILLE

500 East Main
BATESVILLE, ARKANSAS 72501
Phone 870-698-2400
FAX 870-698-2406

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RICHARD O'NEAL
DAVID SHETRON

January 26, 2011

Re: Still House Branch Pedestrian Bridge Project

To Whom It May Concern,

The proposed project of the replacement of a pedestrian bridge that crosses the Still House Branch (a tributary of the White River) has been reviewed by this office for consideration to the floodplain development standards for the City of Batesville. It has been determined that the scope of the proposed project would not appear to contribute to any adverse impacts of any surrounding properties during a flood event.

If you have additional questions please feel free to contact me at 870-698-2456.

Sincerely,

Chad McClure
Flood Plain Administrator

Cc: Mr. Damon Johnson, City Engineer

ADEQ

ARKANSAS
Department of Environmental Quality

May 7, 2010

Damon Johnson
City of Batesville
500 Main St.
Batesville, AR 72501

RE: Short Term Activity Authorization- City of Batesville Declared Disaster Project on Stillhouse Branch

Dear Mr. Johnson:

The Arkansas Department of Environmental Quality (ADEQ) has completed its review of the request for a short term activity authorization for the City of Batesville to perform replace a pedestrian bridge on Stillhouse Branch associated with flood damaged structures as a result of a recent disaster declaration from FEMA. Attached to this authorization is a 'multiple project information sheet' that has been filled out and returned to ADEQ with exact location and affected waterbodies.

ADEQ hereby grants you a short term activity authorization to exceed the turbidity standard during the performance of the activities at the locations listed in the 'multiple project information sheet' submitted to ADEQ, pursuant to the following conditions:

1. The applicant will limit the construction activity to low flow conditions as much as possible.
2. The applicant will take all reasonable measures to limit equipment and machine usage in the wetted area of the streams.
3. The applicant will utilize best management practices to minimize the impacts of sedimentation and turbidity in the streams. The turbidity shall not exceed 117 NTU's during construction. The contractor's activities shall not cause violations of any other water quality standards.
4. The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant will notify ADEQ immediately.
5. This short term activity authorization is being issued pursuant to the Arkansas Pollution Control and Ecology Commission's Regulation # 2, Section 2.305(E). This authorization is for a period of two (2) months, beginning upon the initiation of repair activities. If the project is not completed within the two month period, the applicant should contact ADEQ to request an extension.

6. The contractor shall cease construction activity immediately if the ADEQ Director rescinds or revokes this short term activity authorization in writing.

In issuing this authorization, ADEQ does not assume any liability for the following:

- (A) Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- (B) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by this authorization.
- (C) Design or construction deficiencies associated with this proposed project.

If you have any questions, please contact Mr. Jason Hooks of the Water Division at (501) 682-0028.

Sincerely,



Teresa Marks
Director

Cc: Mike Kennedy, ADEQ District 11 Inspector
Christopher Hurst, DHS

MULTIPLE PROJECT INFORMATION SHEET FOR WATERWAYS AND WETLANDS

Applicant: City of Batesville
POC: Damon Johnson
Phone #: (870)6982413
Email Address: damonjohnson@swbell.net
Mailing address: 500 Main Street
 Batesville, Ar 72501
COE Regulatory Action #: 2010-00441
Disaster #: Fema 1751
*****UPDATED: March 2010*****

APPLICANT PURPOSES				CORPS OF ENGINEER PURPOSES								
Project ID #	Location of Project (road number or name & "near" address)	GPS Latitude	GPS Longitude	Water Body	Damage Description & Current Distances, Size, etc (road crossing, washout, bank erosion, utility line washout)	Increase in size or water modification? Yes or no	Has emergency work already started/complete? yes or no	Will more permanent repairs be required? yes or no	Permit Required yes or no	Nationwide Permit # 3, 12, 13, 14	Preconstruction notification required yes or no	If no, Justification for why
Fema 1751, PW #4297	Cheney Drive	35.756735	-91.635842	Stillhouse Branch, tributary to White River.	Replace pedestrian bridge at new location, 10' wide by 30' span.	yes	no	no	Yes	14	yes	Regional Condition #5 requires preconstruction notification for NWP #14 for Independence County
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19												
20												

Additional Information:
 Corps of Engineer District POC's
 Little Rock - Jason Gramlich - (601) 324-5296, Jason.V.Gramlich@usace.army.mil
 Memphis - Tim Davis - (901) 544-0734, Timothy.L.Davis@usace.army.mil
 Vicksburg - Tony Lobred - (601) 631-5470, Anthony.R.Lobred@usace.army.mil
 ADEQ POC - Jason Hooks - (601) 682-0028, Hooks@adeq.state.ar.us

* Please complete form on the computer and email to Jason Hooks(ADEQ) and the POC for the Corps of Engineers for your area.
 * Nationwide Permits are required to follow conditions that are applicable for that specific NWP.



FEMA

August 10, 2010

Margaret Harney, Team Leader
U.S. Fish and Wildlife Service
110 South Amity Road, Suite 300
Conway, Arkansas 72032

RE: Request for Review of the City of Batesville Proposed Replacement of a Pedestrian Bridge on New Location, FEMA-1751-AR

Undertaking: Replacement of a Pedestrian Bridge on New Location, City of Batesville, Arkansas
Latitude: 35.75875, Longitude: -91.63548

Applicant: City of Batesville, Arkansas

Dear Ms. Harney:

As part of the response and recovery efforts associated with severe thunderstorms, tornadoes, and flooding beginning on March 18, 2008 (FEMA-1751-DR-AR), it is proposed that federal funding through FEMA's Public Assistance Program be provided to replace a pedestrian bridge on a new location in the City of Batesville, Arkansas. The previous pedestrian bridge, which was damaged during the flooding event, was located near a subdivision north of the City of Batesville (Latitude: 35.785953, Longitude: -91.644869). The proposed project area is located in the City of Batesville, approximately 0.6 mile southeast of the intersection between Batesville Boulevard (South St. Louis Street) and Chaney Drive (River Road). The adjacent city park, Riverside, consists of public facilities such as picnic areas, playgrounds, a golf course, and open recreation areas. The project site is located in the riparian corridor of the Stillhouse Branch of the White River. The areas immediately adjacent to the site include a maintained lawn with scattered trees to the south and a narrow wooded area to the north. A project location map is enclosed for your reference.

The City of Batesville has proposed to construct a pedestrian bridge on a new location which would cross the Stillhouse Branch of the White River. This would be a 31-foot long and 10-foot wide precast concrete bridge. Concrete footers on both stream banks would support the bridge over the stream. A schematic plan provided by the City of Batesville is enclosed for your reference. As proposed, the pedestrian bridge would have minimal effects on the water flow in the Stillhouse Branch because the bridge deck would

be elevated above the 100-year flood elevations and both footers would be placed outside the stream channel that carries normal base flow. This pedestrian bridge would support the city's comprehensive plan of a walking trail that connects the recreational areas to the commercial areas of town.

Within the project area, the Stillhouse Branch stream corridor is dominated by a narrow hardwood forest buffer that is located in the floodplain of the nearby White River. The White River supports a diverse riparian habitat that is heavily influenced by human development. An artificial lake (Lake Unico) has been created on the White River by a nearby hydroelectric dam. Riverside Park and Chaney Drive (River Road) separates the project area from the White River. The park consists of a maintained lawn with passive recreation areas. Chaney Drive (River Road) is a maintained paved road that provides access to the park and to other regional roads. To the north of the project area is the City of Batesville wastewater treatment plant.

The regional vegetation is composed mostly of upland hardwood forest trees and understory vegetation. The area is dominated by blackgum (*Nyssa sylvatica*), black oak (*Quercus velutina*), northern red oak (*Quercus rubra*), red maple (*Acer rubrum*), and white oak (*Quercus alba*), with an understory of poison-ivy (*Toxicodendron radicans*), and Virginia creeper (*Parthenocissus quinquefolia*). Herbaceous vegetation observed in the project area included dogbane (*Apocynum cannabinum*), goldenrods (*Solidago* spp.), horse nettle (*Solanum carolinense*), Queen Anne's lace (*Daucus carota*), and tall fescue (*Festuca arundinacea*).

Four species are listed as endangered by the USFWS in Independence County: the gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), pink mucket pearl mussel (*Lampsilis abrupta*), and running buffalo clover (*Trifolium stoloniferum*). The Ozark hellbender (*Cryptobranchus alleganiensis bishopi*) is known to occur within Independence County and is listed as a candidate species. The bald eagle (*Haliaeetus leucocephalus*) is known to occur within Independence County, and is protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Gray bat roost sites are nearly exclusively restricted to caves throughout the year. Forested areas along the banks of streams and lakes are important for feeding and the protection of young bats. Gray bats feed mostly upon flying insects. The Indiana bat hibernates in caves; maternity sites generally are behind loose bark of dead or dying trees or in tree cavities. This bat often feeds in riparian areas, upland forests, ponds, and fields. The pink mucket pearl mussel occupies shallow riffles and shoals in the White River. The running buffalo clover is a perennial herbaceous plant that grows in woodlands, floodplains, and streambanks where there is moderate periodic disturbance, such as mowing, trampling, or grazing. It is most often found in regions underlain with limestone or other calcareous bedrock. The Ozark hellbender can be found in rocky, clear creeks and rivers, usually where there are large shelter rocks. Crayfish are the most important food item, though fishes and other aquatic invertebrates are also eaten as well. The bald eagle frequents waterways, primarily feeding on fish and waterfowl. It typically migrates to the region in early winter and returns to northern breeding grounds in the spring.

The project area is located within the Ozark-Ouachita Plateau of the Mississippi Flyway. The mixed habitat of forest and open parkland within the project area has the potential to provide resting, feeding, and breeding grounds for migratory birds. However, the immediate study area does not contain suitable habitat because it is an area disturbed regularly by public visitation to the park and park maintenance that includes mowing. Higher quality habitat exists in the undisturbed areas of forest east of the project site.

As suggested by the USFWS letter dated March 9, 2009, a mussel survey was conducted on June 13, 2009, for the recently constructed City of Batesville wastewater treatment facility and sewer line to determine whether the pink mucket pearl mussel occurs in the White River and the Stillhouse Branch. This survey was conducted directly adjacent to the project site for the proposed pedestrian bridge. The survey found no pink mucket pearl mussels and the survey report concluded that pink mucket pearl mussel would not be adversely affected by the wastewater treatment facility/sewer line project. In an electronic mail message dated July 10, 2009, Chris Davidson with the USFWS concurred with the results of the mussel survey report. This USFWS concurrence is enclosed for your reference.

Construction for the proposed project will be restricted to a walking trail right-of-way for the pedestrian bridge. A few trees may be removed along the stream corridor during the bridge construction. To address potential water quality degradation that could occur during construction, appropriate best management practices (BMP) listed below will be required and will be part of the project analyzed in the Environmental Assessment being prepared for this project.

FEMA has determined the development of the pedestrian bridge project may affect, but is not likely to adversely affect any listed threatened or endangered species, the Ozark hellbender, or the bald eagle, and seeks USFWS concurrence with this determination. FEMA has also determined that there will be no impact to migratory birds because these species typically use areas only on a temporary basis. Therefore, development of this site will have no significant effect on the migratory population and a negligible effect on the general habitat available in this area.

Construction BMPs

- Best available techniques to control erosion and sedimentation must be used. At minimum, erosion and sediment controls must include silt fences, seeding, rock ditch checks, and sediment basins. All BMPs must follow the National Pollutant Discharge Elimination System (NPDES) guidelines
- Erosion and sedimentation devices must be constructed, stabilized, and functional before site disturbance can occur.
- Temporary erosion and sediment control devices must be maintained in a satisfactory condition during site construction.

Ms. Margaret Harney
August 10, 2010
Page 4

- Any disturbed area on which site construction has ceased must be stabilized immediately.
- After final site stabilization has been achieved, temporary erosion and sediment controls must be removed.

Thank you for your attention and assistance. Should you have any questions, please contact Kevin Jaynes, the Region VI, Regional Environmental Officer at 940-383-7224 (Kevin.Jaynes@dhs.gov) or Alan Hermely at 215-390-2164 alan.hermely@urscorp.com).

Sincerely,



for Kevin Jaynes, CHMM
FEMA Region VI
Regional Environmental Officer

Enclosures as noted

Site Photographs
(all photographs taken on 5/21/10)



Photo 1: View looking north toward the proposed site. The area of disturbance is from a recent sewer line installation.



Photo 2: View looking north toward the proposed site. The Stillhouse Branch can be seen in this photograph.



Photo 3: View looking southwest toward the area of maintained lawn with scattered trees.



Photo 4: View looking south toward the project area.



Photo 4: View looking northwest toward the city park adjacent to the project area.



Photo 4: View looking northwest toward the wastewater treatment facility adjacent to the project area.

From: [Chris Davidson@fws.gov](mailto:Chris_Davidson@fws.gov)
Date: July 10, 2009 8:51:46 AM CDT
To: Bruce Shackleford <bruceshackleford@aristotle.net>
Subject: Re: City of Batesville Mussel Survey

Bruce,

The FWS concurs with the results included in the draft mussel survey report submitted to the City of Batesville. Please use this email as official concurrence from the FWS regarding the report. The FWS has no further ESA concerns at this time. Should the scope of the project change, please notify the FWS for further review of proposed changes and any additional requirements. Survey results are valid for one year, unless otherwise specified by the FWS.

Chris Davidson
Endangered Species Coordinator

U. S. Fish & Wildlife Service
Arkansas Field Office
110 South Amity Road, Suite 300
Conway, AR 72032

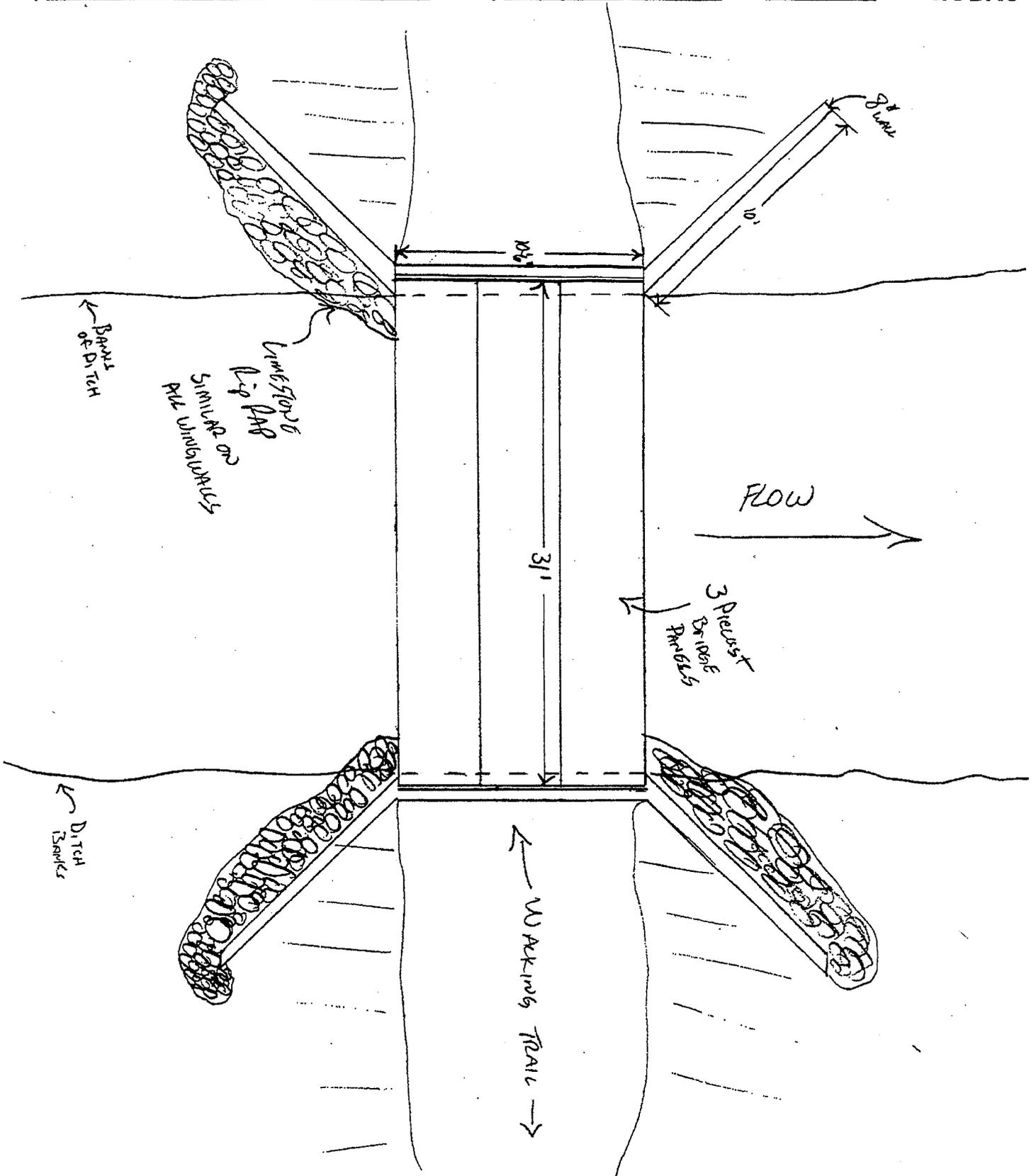
office: 501-513-4481
cell: 501-730-3268
fax: 501-513-4480

email: chris_davidson@fws.gov
Bruce Shackleford <bruceshackleford@aristotle.net>

Project BATESVILLE PEDESTRIAN BRIDGE: PLAN VIEW

Project No. _____ Sheet No. _____ Of _____

By _____ Date _____ Chkd. By _____ Date _____



United States Department of the Interior



IN REPLY REFER TO:

RECEIVED
FISH AND WILDLIFE SERVICE
FEMA, REGION 10
1050 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel: 501/513-4470 Fax: 501/513-4480
2010 NOV -8 P12:11
October 27, 2010



Reference: TA0076

Kevin Jaynes
FEMA
8900 N Loop 288
Denton, TX 76209

Dear Mr. Jaynes,

The Fish and Wildlife Service (Service) has reviewed the information supplied in your letter dated August 10, 2010, regarding the proposed replacement of a pedestrian bridge in Batesville, Independence County, Arkansas. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The following endangered species are known to occur in Independence County: gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), pink mucket (*Lampsilis abrupta*), and running buffalo clover (*Trifolium stoloniferum*). The Service has concluded that this project may affect, but is not likely to adversely affect these listed species, provided the following recommendations are implemented.

The true extent of underground environments are difficult to delineate and features such as caves, sinkholes, springs, losing streams, and underground passages may occur on or near your project site, even in previously developed areas. Therefore, the Service recommends the following precautionary measures to avoid impacts to groundwater and sensitive/endangered species not previously known. These include:

1. Survey for karst features including caves, springs, sinkholes, and losing streams prior to initiating project activities. If such a feature is found, please establish a 300 foot conservation zone around its location and contact the Service for an onsite karst evaluation.
2. If caves are encountered during construction activities, the Service requests that work efforts cease within 300 feet of the opening. The opening should be adequately marked, fill material should not be placed in the cave, personnel should not enter the cave, and the Service should be contacted immediately.

Best management practices (BMPs) should be properly installed and maintained throughout construction to minimize erosion. These BMPs should be maintained until the site is adequately re-vegetated to prevent soil loss and sedimentation in nearby streams.

We appreciate your interest in the conservation of endangered species. If you have any questions, please call Chris Davidson at (501) 513-4481 or Sarah Pavan at (501) 513-4487.

Sincerely,

A handwritten signature in black ink that reads "Margaret Harney". The signature is written in a cursive style with a long, sweeping tail on the "y".

Margaret Harney
Environmental Coordinator

RECORD OF CONVERSATION

DATE: January 24, 2011 TIME: 10:15 AM JOB NO.: _____

RECORDED BY: Jeff Pollock OWNER/CLIENT: FEMA

TALKED WITH: Chris Davidson OF USFWS

NATURE OF CALL: INCOMING OUTGOING VISIT MEETING PHONE: # 501-513-4481

ROUTE TO:	INFORMATION	ACTION
_____	_____	_____
_____	_____	_____
_____	_____	_____

MAIN SUBJECT: Batesville Pedestrian Bridge

ITEMS DISCUSSED: I contacted Mr. Davidson to confirm whether the USFWS required that the results of the Karst features survey be submitted to the agency prior to construction of the pedestrian bridge. USFWS recommended that this survey be completed to avoid impacts to groundwater and sensitive/endangered species not previously known. Mr. Davidson stated that the USFWS does not need to be notified of the results of the survey provided that no Karst features are identified. USFWS should be notified if Karst features are identified through surveying or during construction.



FEMA

March 26, 2010

George H. McCluskey
Senior Archaeologist and Section 106 Review Coordinator
Arkansas Historic Preservation Program
1500 Tower Building
323 Center Street
Little Rock, AR 73201

RE: Section 106 Review Consultation, FEMA-DR-1751-AR, Severe Storms and Flooding
Request for Concurrence with Finding of "No Historic Properties Affected"
Replacement of pedestrian bridge in new location (UTM 15S 623356 3958056; Latitude
35.7588, Longitude -91.6355), Independence County, Arkansas, PW # 4297

Dear Mr. McCluskey:

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to FEMA Region VI, DR-1751-AR. FEMA is initiating the Section 106 review process for the above referenced property in accordance with the National Historic Preservation Act and its implementing of regulations in 36 CFR part 800. It is proposed that federal funding through FEMA's Public Assistance program be provided to the City of Batesville (Applicant) for the replacement of a walking bridge damaged by floodwaters in an alternate location (Undertaking).

Heavy rains and flooding from Poke Bayou damaged the Hiking Trail Park including a pedestrian bridge. In order to reduce the likelihood of future damage and to make the bridge more functional in relation to the trails, the Applicant proposes to move the pedestrian bridge to a new area of the park (UTM 15S 623356 3958056; Latitude 35.7588, Longitude -1.6355).

On July 14, 2009, the University of Arkansas (UA) Archeological Survey conducted the cultural resources survey of the area for a sewer line and water project. This survey area is approximately 70 meters from the location of the proposed pedestrian bridge. The July 2009 survey report notes that none of the subsurface investigations found evidence of archeological deposits. The UA Archeological Survey concluded that the proposed water and sewer lines would not adversely affect cultural resources and no further work was recommended. The UA Archeological Survey transmitted a copy of the report "Archeological Survey of the Batesville Sewer Improvements, Independence County, Arkansas" to the Arkansas Historic Preservation Program on August 3, 2009. Deputy SHPO Frances McSwain responded to the submittal of the report in a letter dated August

George H. McCluskey

March 26, 2010

Page 2

In that letter Ms. McSwain concluded that on the basis of the information contained in the report, the undertaking will have no effect on historic properties.

Based upon the recent survey of the area; the results of that survey and the survey area's location less than 70 meters from the site of the new pedestrian bridge, FEMA has determined that there will be **No Historic Properties Affected** by the proposed pedestrian bridge. Additionally, FEMA will condition this project with the following statement: "In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately and FEMA will consult with the SHPO or THPO and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act." FEMA requests your concurrence with this determination.

If you have any questions, please contact Leah Anderson at (940) 383-7288 or via email at leah.anderson@dhs.gov.

Sincerely,



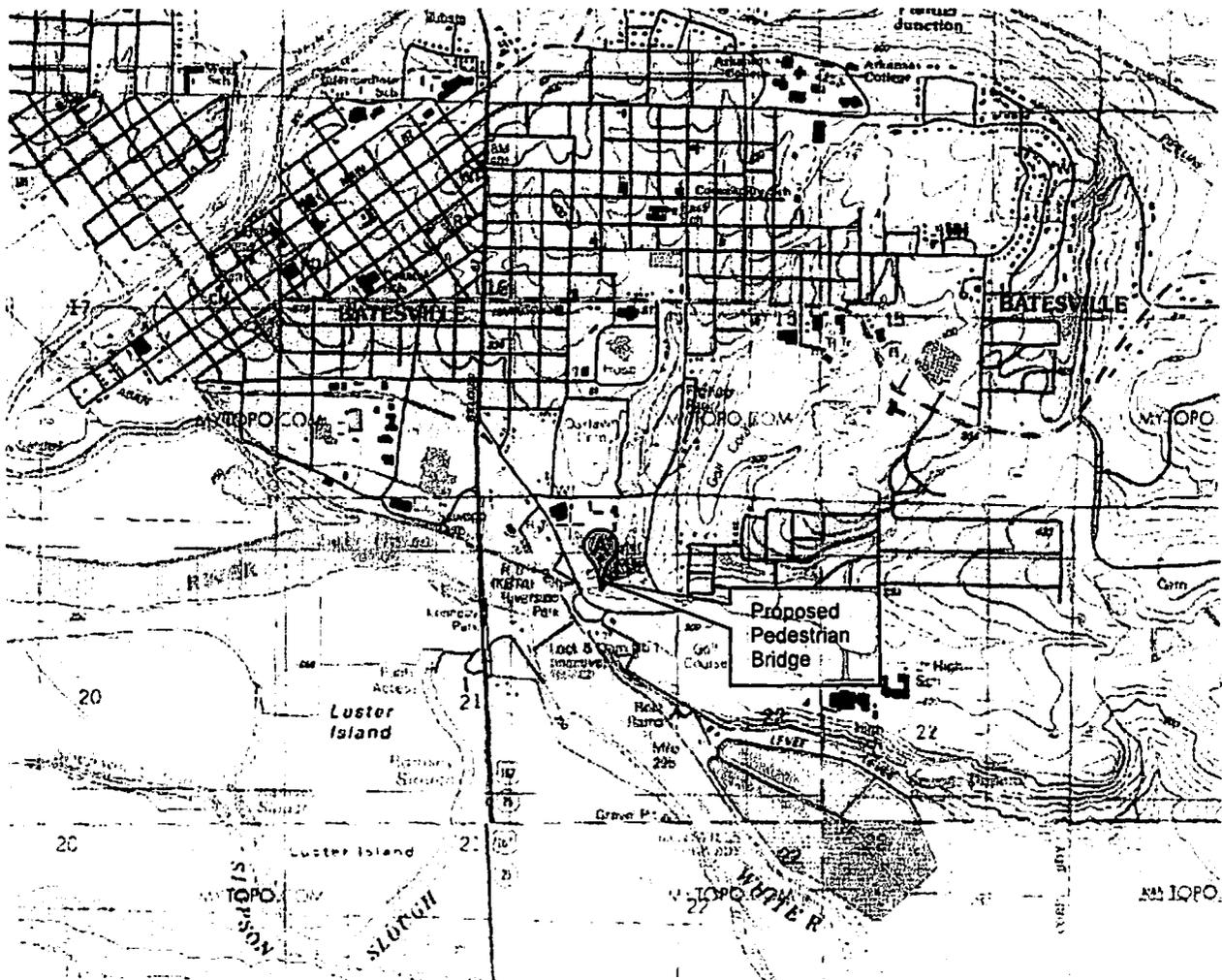
Teresa L. Lukes
Deputy Regional Environmental Officer
FEMA Region VI

Enclosures

U.S. Department of Homeland Security
Federal Emergency Management Agency
Section 106 Review: USGS Quad Location Map

Resource Name: Pedestrian Bridge, Independence County, Arkansas

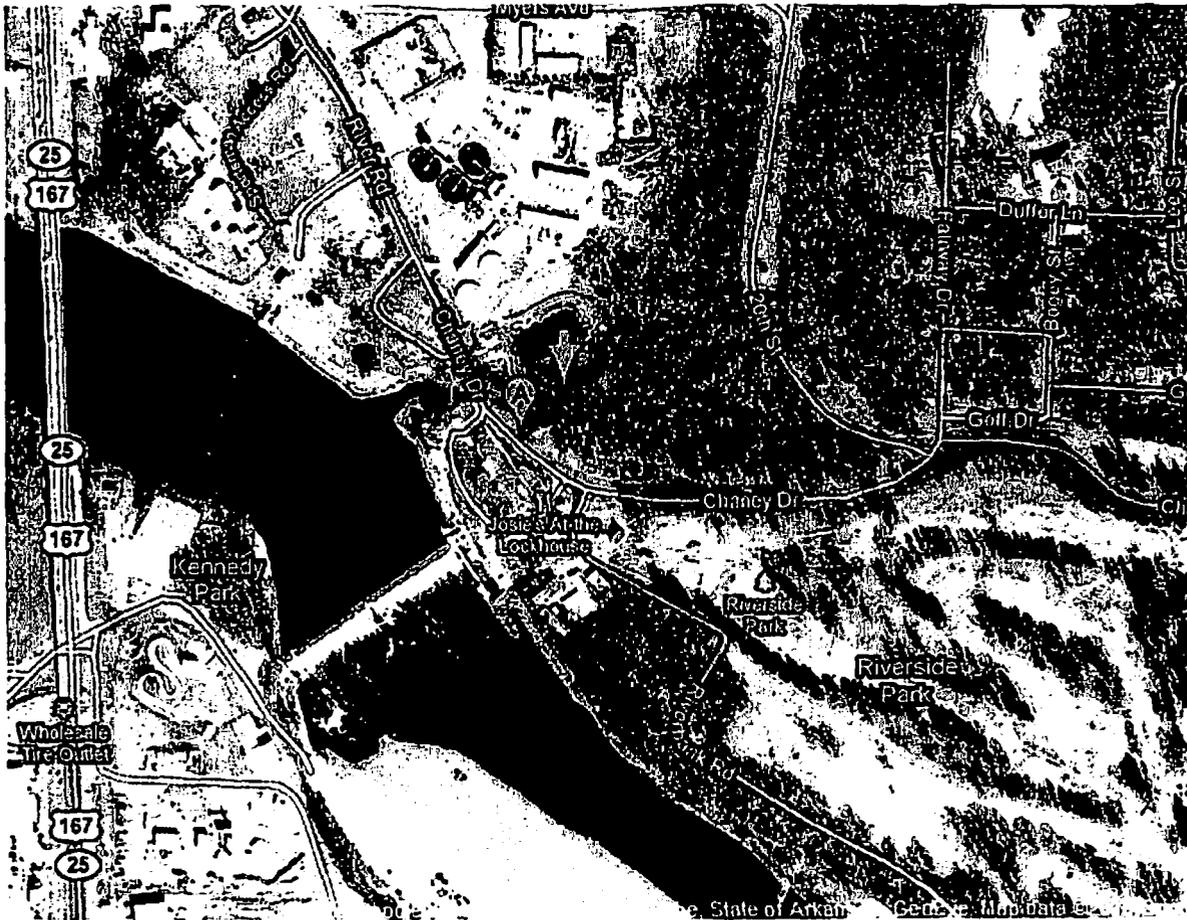
Resource Coordinates: (UTM 15S 623356 3958056; Latitude 35.7588, Longitude -91.6355)



U.S. Department of Homeland Security
Federal Emergency Management Agency
Section 106 Review: Location Map

Resource Name: Pedestrian Bridge, Independence County, Arkansas

Resource Coordinates: (UTM 15S 623356 3958056; Latitude 35.7588, Longitude -91.6355)





The Department of Arkansas Heritage

Mike Beebe
Governor

Cathie Matthews
Director

Arkansas Arts Council

*

Arkansas Natural Heritage
Commission

*

Delta Cultural Center

*

Historic Arkansas Museum

*

Mosaic Templars
Cultural Center

*

Old State House Museum



Arkansas Historic Preservation Program

1500 Tower Building
323 Center Street
Little Rock, AR 72201
(501) 324-9880
fax: (501) 324-9184
tdd: (501) 324-9811

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

An Equal Opportunity Employer



April 5, 2010

Ms. Teresa L. Lukes
Deputy Regional Environmental Officer
Federal Emergency Management Agency
FEMA-DR-1751-AR
800 North Loop 288
Denton, Texas 76209

RE: Independence County - Batesville
Section 106 Review - FEMA
FEMA-DR-1751-AR; Replacement of Walking Bridge
AHPP Tracking No: 71923

Dear Ms. Lukes:

This letter is written in response to your inquiry regarding properties of architectural, historical, or archeological significance in the area of the referenced project.

For the Arkansas Historic Preservation Program to complete its review of the proposed project, we will need the additional information checked below:

- A 1:24,000 scale USGS topographic map clearly delineating the project boundary.
- A project description detailing all aspects of the proposed project
- The location, age and photographs of structures to be renovated, removed, demolished, or abandoned as a result of this project.
- Photographs of any structures on property directly adjacent to the project area.

Once we have received the above information, we will complete our review as expeditiously as possible. If you have any questions, please contact me at (501) 324-9880.

Sincerely,

Steven M. Imhoff
Staff Archeologist

AHPP
APR 22 2010

U.S. Department of Homeland Security
Federal Emergency Management Agency
Little Rock Joint Field Office
FEMA-1872-DR-AR
2637 Lakewood Village Dr.
North Little Rock, AR 72116
Office: (501) 918-5000
Fax: (501) 753-6143

72241
~~XXXXXXXXXX~~

FEMA



FEMA

April 22, 2010

Mr. George McCluskey
State Historic Preservation Office
Department of Arkansas Heritage
323 Center Street, Suite 1500
Little Rock, AR 72201

RE: Request to Continue Consultation under Section 106 of the National Historic Preservation Act for FEMA-DR-1751-AR, Replacement of pedestrian bridge in new location, City of Batesville, Independence County, AR PW #4297

Undertaking: Bridge Relocation

Latitude: 35.7588; Longitude:-91.6355
UTM: 15 623356 958056
Quad Map: Batesville

Applicant: City of Batesville

Determination: No Effect to Historic Properties

Dear Mr. McCluskey:

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to FEMA Region VI, DR-1751-AR. FEMA is continuing the Section 106 review process for the above referenced property in accordance with the National Historic Preservation Act and its implementing of regulations in 36 CFR part 800. It is proposed that federal funding through FEMA's Public Assistance program be provided to the City of Batesville (Applicant) for the replacement of a walking bridge damaged by floodwaters in an alternate location (Undertaking).

Heavy rains and flooding from the Poke Bayou damaged the Hiking Trail Park including a pedestrian bridge. In order to reduce the likelihood of future damage and to make the bridge more functional in location to the trails, the Applicant proposes to move the pedestrian bridge to a new area of the park (UTM 15S 623356 3958056; Latitude 35.7588, Longitude -91.6355).

Date 04/22/10
No known historic properties will be affected by this undertaking. This effect determination could change if new information come to light.
Frances McSwain
Frances McSwain, Deputy State Historic Preservation Officer

Mr. George McCluskey
April 22, 2010
Page 2

On March 26, 2010, FEMA initiated consultation with the Arkansas Historic Preservation Program (AHPP), AHPP Staff Archeologist Steve Imhoff responded in a letter dated April 5, 2010 requesting more information regarding the proposed project. The location of the damaged bridge is (UTM 15S 622468E 3961055S, Latitude 35.785953, Longitude -91.644869) and is to be abandoned in place. The bridge no longer connects the walking trails and the subdivision on the west side of the remains has turned the bridge into a fishing pier. Per personal communication with the City of Batesville's Public Works Engineer, the bridge is about 10 years old; however, he is unsure of the actual age. A review of the National Register listings on the AHPP website for Independence County revealed that this bridge is not currently listed on the National Register of Historic Places. A review of the Arkansas State Highway and Transportation Department listings for historic bridges did not have this bridge listed on their files. A review of the Automated Management of Archeological Site Data in Arkansas (AMASDA) revealed that this bridge is not listed in their files. Photos of the bridge are attached.

Should you need additional information, please contact Chelsea Klein, Historic Preservation Specialist at (501) 918-5035.

Sincerely,

Lynn Starnes
Environmental Advisor
FEMA-1872-DR-AR

Attachments: (3)
Aerial photographs of site
Topographic Map
Photographs

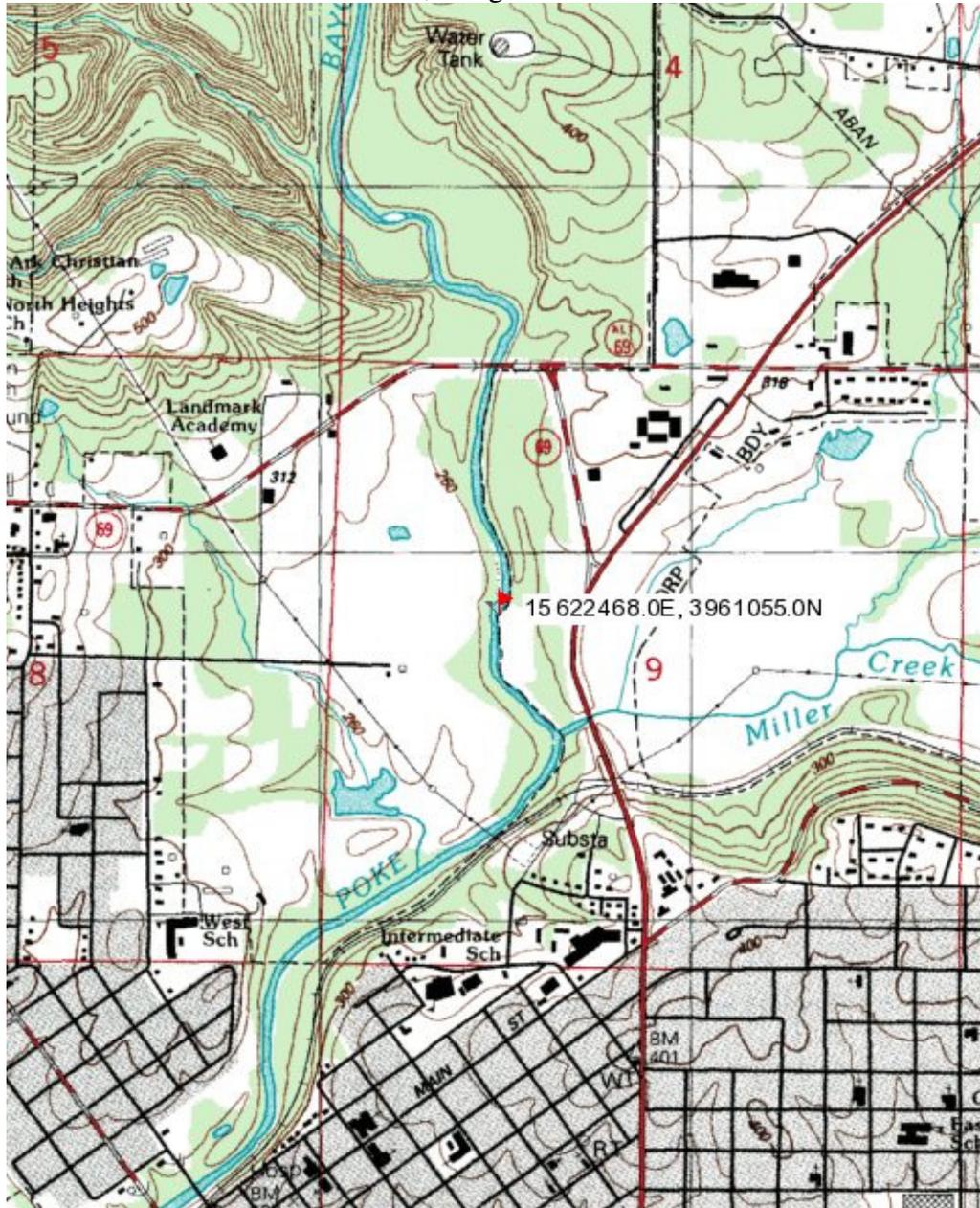
U.S. Department of Homeland Security
Federal Emergency Management Agency
Section 106 Review: Aerial View Location Map

Resource Name: Bridge Relocation Project, Damaged Bridge, Batesville,
Resource Address: off of highway 25, Batesville, Independence County, AR
Resource Coordinates: Latitude: 35.7588; Longitude:-91.6355



U.S. Department of Homeland Security
 Federal Emergency Management Agency
 Section 106 Review: USGS Topographic Map

Resource Name: Bridge Relocation Project, Damaged Bridge, Batesville,
Resource Address: off of highway 25, Batesville, Independence County, AR
Resource Coordinates: Latitude: 35.7588; Longitude:-91.6355



	0 0.5 Mi 0 2000 Ft
State:	Arkansas
Topo Map Source:	Batesville
Source Scale:	1:24000
Map Source Year:	1989
PLSS Township:9	T13.0N, R6.0W
PLSS Section:	9



View of bridge looking south. Bridge to be abandoned in place.

Appendix B
Eight-Step Process Checklist for Floodplains

8- STEP CHECKLIST - EO 11988 and EO 11990

FLOODPLAIN MANAGEMENT – CHECKLIST (44 CFR Part 9)

<u>Project Amount</u>		
≤\$5,000	No 8-Step Required	
\$5,000-\$25,000	Steps 1, 4, 5, 8	Abbreviated process (only steps 1, 4, 5, 8) unless it is in floodway or coastal high hazard area, it is not repair (it is actually new construction or 'substantial improvement") or it is a structure or facility that has sustained repetitive damage from flooding from a disaster.
\$25,000-\$100,000	Steps 1, 2, 4, 5, 8	Abbreviated process (only steps 1, 2, 4, 5, and 8) unless it is in a floodway or coastal high hazard area, it is not repair (it is actually new construction or substantial improvement) or it is a structure or facility that has sustained repetitive damage from flooding from a disaster.
≥\$100,000	Full 8-Step	

PROJECT TITLE: City of Batesville Pedestrian Bridge on New Location

PROPOSED ACTION: The applicant proposes to construct a pedestrian bridge on new location through a flood zone to maintain access on a public walking trail.

Actions which have the potential to be located in a Floodway or Coastal High Hazard Area.

YES NO

Does the project include encroachments, including fill, new construction substantial improvements of structures or facilities, or other development within a designated regulatory floodway?

Proposed action: (The City of Batesville floodplain administrator has reviewed the project and has indicated that the project appears acceptable to the floodplain management regulations based upon the fact that the flood carrying capacity has not been diminished and that the project does not adversely impact any other lands during a flood event).

YES NO

The proposed action is located in a V-Zone as identified on the current effective Flood Insurance Rate Map (FIRM) or more recent best available data such as Advisory Base Flood Elevations (ABFE) or preliminary DFIRM.

YES NO

Is the project functionally dependent upon being near the water?

YES NO

Does the project facilitate open space use?

STEP NO. 1 Determine whether the proposed action is located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions); and whether it has the potential to affect or be affected by a floodplain or wetland (see Sec. 9.7);

.Flood Hazard data available (check the box that applies)

YES **NO** The project is located in a 100 year floodplain as mapped by
FIRM No: 05063C0195D, Dated: 3/17/2010

YES **NO** The project is located in a 500 year floodplain as mapped by FIRM
Panel No. , Dated .

YES **NO** The project is located in a floodplain as mapped by a FEMA
draft/preliminary study. Name Dated .

YES **NO** The project is located in a floodplain as mapped by the local
community. Name Dated .

YES **NO** The project is located in a floodplain as mapped by another
Agency (State, Corps, USGS, NRCS, and etc.) Agency,
Name Dated .

Flood Hazard data not available

YES **NO** The proposed action is subject to flooding based on evaluation
from soil surveys, aerial photos, site visits and other available data.
Evaluation material used in determination:

YES **NO** FEMA assumes the proposed action is subject to flooding based
upon on previous flooding of the facility/structure.

**IF ANY OF THE ABOVE ANSWERS ARE YES, CONTINUE WITH THE FOLLOWING
STEPS, OTHERWISE REVIEW IS COMPLETE.**

**STEP NO. 2 Notify the public at the earliest possible time of the intent to carry out an action in a
floodplain or wetland, and involve the affected and interested public in the decision-making
process (see Sec. 9.8);**

- Notice was provided as part of a disaster cumulative notice.
- Project Specific Notice was provided by: City of Batesville

Type of Public Notice:

- Newspaper, (name: Batesville Guard)
- Post Site, (location:)
- Broadcast, (station:)
- Direct Mailing, (area:)
- Public Meeting, (dates:)
- Other:

Date of Public Notice: The public notice will be incorporated into the notice of availability for the Draft Environmental Assessment.

STEP NO. 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (including alternative sites, actions and the "no action" option) (see Sec. 9.9). If a practicable alternative exists outside the floodplain or wetland FEMA must locate the action at the alternative site.

Alternative Options

YES NO

Is there a practicable alternative site location outside of the 100-year floodplain?

Site location:

YES NO

For Critical Actions, is there a practicable alternative site location outside of the 500-year floodplain?

Site location:

YES NO

Is there a practicable alternative action outside of the 100-year floodplain that will not affect the floodplain?

Proposed action: (The applicant proposes to construct a pedestrian bridge through a flood zone because the structure is functionally water dependent).

YES NO

Is there a practicable alternative located outside of an identified wetland which will not affect the wetland or wetland values?

YES NO

Is the NO Action alternative the most practicable alternative?

IF ANY ABOVE ANSWER IS YES, THEN FEMA SHALL TAKE THAT ACTION AND THE REVIEW IS CONCLUDED. EXPLAIN WHY EACH ALTERNATIVE WAS NOT CHOSEN.

STEP NO. 4 Identify the potential direct and indirect impacts associated with the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action (see Sec. 9.10);

YES NO

Is the Proposed Action based on incomplete information?

YES NO

Is the proposed action in compliance with the NFIP?

Proposed action: (The City of Batesville floodplain administrator has reviewed the project and has indicated that the project appears acceptable to the floodplain management regulations based upon the fact that the flood carrying capacity has not been diminished and that the project does not adversely impact any other lands during a flood event).

- YES NO Does the proposed action increase the risk of flood loss?
- YES NO Will the proposed action result in an increased base discharge or increase the flood hazard potential to other properties or structures?
- YES NO Does the proposed action minimize the impact of floods on human health, safety and welfare?
- YES NO Will the proposed action induce future growth and development, which will potentially adversely affect the floodplain?
- YES NO Does the proposed action involve dredging and/or filling of a floodplain or wetland? Applicant will have to use fill to install the new bridge.
- YES NO Will the proposed action result in the discharge of pollutants into the floodplain or wetland?
- YES NO Does the proposed action avoid long and short-term adverse impacts associated with the occupancy and modification of floodplains or wetlands?
- YES NO Will the proposed action result in any indirect impacts that will affect the natural values and functions of floodplains or wetlands?
- YES NO Will the proposed action forego an opportunity to restore the natural and beneficial values served by floodplains?
- YES NO Does the proposed action restore and/or preserve the natural and beneficial values served by floodplains and/or wetlands?
- YES NO Will the proposed action result in an increase to the useful life of a structure or facility?

STEP NO. 5 Minimize the potential adverse impacts and support to or within floodplains and wetlands to be identified under Step 4, restore and preserve the natural and beneficial values served by floodplains, and preserve and enhance the natural and beneficial values served by wetlands (see Sec. 9.11);

- YES NO Were flood hazard reduction techniques (see technical bulletins) applied to the proposed action to minimize the flood impacts if site location is in the 100-year floodplain?
If No, Identify flood hazard reduction techniques required as a condition of the grant:
- YES NO Were avoidance and minimization measures applied to the proposed action to minimize the short and long term impacts on the 100-year floodplain or wetland?
If no, identify measures required as a condition of the grant:
- YES NO Were measures implemented to restore and preserve the natural and beneficial values of the floodplain and/or wetlands.

If no, identify measures required as a condition of the grant:

IF ANY ABOVE ANSWER IS NO, EXPLAIN WHY:

STEP NO. 6 Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others, and its potential to disrupt floodplain and wetland values and second, if alternatives preliminarily rejected at step 3 are practicable in light of the information gained in Steps 4 and 5. FEMA shall not act in a floodplain or wetland unless it is the only practicable location (see Sec. 9.9);

- YES NO The action is still practicable at a floodplain site in light of the exposure to flood risk and ensuing disruption of natural values;
- YES NO The floodplain site is the only practicable alternative.
- YES NO There is no potential for limiting the action to increase the practicability of previously rejected non-floodplain sites and alternative actions.
- YES NO Minimization of harm to or within the floodplain can be achieved using all practicable means.
- YES NO The action in a floodplain clearly outweighs the requirement of E.O. 11988.

STEP NO. 7 Prepare and provide the public with a finding and public explanation of any final decision that the floodplain or wetland is the only practicable alternative (see Sec. 9.12);

- Final Notice was provided as part of the floodplain notice. See EO 11988 checklist.
- Notice was provided as part of a disaster cumulative notice.
- Project Specific Notice was provided by: City of Batesville

Type of Public Notice:

- Newspaper, ()
- Post Site, (location:)
- Broadcast, (station:)
- Direct Mailing, (area:)
- Public Meeting, (dates:)
- Other:

Date of Public Notice: The City of Batesville must prepare and provide Public Notice issued 15 days prior to the start of construction of any final decision where proposed floodplain or wetland project is the only practicable alternative.

STEP NO. 8 Review the implementation and post-implementation phases of the proposed action to ensure that the requirements stated in Sec. 9.11 are fully implemented. Oversight responsibility shall be integrated into existing processes.

YES **NO**

Was Grant conditioned on review of implementation and post-implementation phases to insure compliance of EO 11988? This step is completed with the NEPA determination.

Appendix C
Photograph Log

Site Photographs

(all photographs taken on 5/21/10)



Photo 1: View looking north toward the proposed site. The area of disturbance is from a recent sewer line installation.



Photo 2: View looking north toward the proposed site. The Stillhouse Branch can be seen in this photograph.

Site Photographs

(all photographs taken on 5/21/10)



Photo 3: View looking southwest toward the area of maintained lawn with scattered trees.



Photo 4: View looking south toward the project area.

Site Photographs

(all photographs taken on 5/21/10)



Photo 5: View looking northwest toward the city park adjacent to the project area.



Photo 6: View looking northwest toward the wastewater treatment facility adjacent to the project area.