

Chapter 7. Consultation and Coordination

National Historic Preservation Act, Section 106 Consultation

Agencies that have direct or indirect jurisdiction over historic properties are required by section 106 of the NHPA, to take into account the effect of any undertaking on properties listed in, or eligible for listing in, the National Register. The NPS has documented compliance with the requirements of both NEPA and Section 106 of the NHPA pursuant to 36 CFR Part 800.8(c) within this CLR/EA.

Agency scoping for the CLR/EA began with a scoping letter sent on June 3, 2013, to the Arkansas SHPO to solicit input on issues of concern. The SHPO responded on July 2, 2013, acknowledging initiation of consultation and supporting the decision of NPS to return the Pea Ridge Battlefield to its appearance during the period of significance. The SHPO encouraged NPS to consider archeological resources during CLR/EA alternatives development. The SHPO will also receive a copy of the draft CLR/EA for review and comment, and the park will coordinate with the SHPO in the development of mitigation measures for historic and archeological resources, if necessary.

Consultation with American Indian Tribes

The park initiated consultation with American Indian tribes and organizations on June 3, 2013, informing them of the proposed project and soliciting comments. Information from the tribes also was requested to determine if any ethnographic resources are in the project area and if the tribes wanted to be involved in the environmental compliance process. American Indian tribes traditionally associated with the lands of the park will also have an opportunity to review and comment on this CLR/EA. The NPS will continue to consult with the tribes throughout implementation.

The following federally recognized American Indian tribes and tribal governments that are traditionally associated with the area now containing the park received a copy of the scoping notice and will receive a copy of the draft CLR/EA.

- Absentee Shawnee Tribe
- Cherokee Nation of Oklahoma
- Choctaw Nation of Oklahoma
- The Osage Nation
- Shawnee Tribe of Oklahoma
- Quapaw Tribe of Oklahoma
- United Keetoowah Band of Cherokee Indians
- The Chickasaw Nation
- Muscogee (Creek) Nation of Oklahoma

U.S. Fish and Wildlife Service, Section 7 Consultation

In accordance with Section 7 of the Endangered Species Act, the park initiated consultation with the USFWS on June 3, 2013 with a letter that included the park's determination that the proposed CLR/EA would have no effect on listed species.

The park will also forward this CLR/EA to the USFWS for review and comment. The USFWS, in coordination with the NPS, will determine the level of consultation needed for potential effects on threatened and endangered species for the proposed project. The USFWS will review this CLR/EA to determine if they concur with the park's findings of effect, and whether additional conservation measures are needed to protect listed species.

Environmental Assessment Review and List of Recipients

The CLR/EA will be released for a 30-day public comment period. To inform the public of the availability of the CLR/EA, the NPS will publish and distribute a letter to the park's general mailing list; area tribes; and federal, state, and local agencies. The park will provide a press release to the area media. In addition, the park will provide hard copies of the CLR/EA to area libraries. Interested individuals may obtain a copy of the CLR/EA upon request. The CLR/EA will also be available for review at the park's visitor center and on the Internet at <http://parkplanning.nps.gov/peri>. Comments can be submitted through this website or provided in writing to: Superintendent, Attn: Pea Ridge National Military Park, Vegetation Management Plan and EA, 15930 Hwy 62, Garfield, AR 72732.

Compliance with Federal and State Regulations

The NPS would comply with all applicable federal and state regulations when implementing the preferred alternative. Permitting and regulatory requirements for the preferred alternative are listed in Table 7-1.

TABLE 7-1. ENVIRONMENTAL COMPLIANCE REQUIREMENTS

Agency	Statute, Regulation, or Order	Purpose	Project Application
Federal			
National Park Service	National Environmental Policy Act	Applies to federal actions that may significantly affect the quality of the environment.	Environmental review of proposed action and decision to prepare a FONSI or EIS.
	National Historic Preservation Act, Section 106	Protection of historic and cultural resources.	The park is consulting with the SHPO to address anticipated effects and mitigation for cultural resources.
	EO 11990, "Protection of Wetlands" and NPS 77-1: Wetland Protection	Requires avoidance of adverse wetland impacts where practicable and mitigation, if necessary.	The preferred alternative would have no effects on wetlands as these areas would be avoided and would not include the discharge of fill material into wetlands.
	EO 11988, "Floodplain Management"	Requires avoidance of adverse floodplain impacts, where practicable, and mitigation, if necessary.	The preferred alternative would have no effect on floodplains.
	NPS 77-2: Floodplain Management	Protection of natural resources and floodplains.	The preferred alternative would have no effect on floodplains.
U.S. Army Corps of Engineers	Clean Water Act – Section 404 Permit to discharge dredge and fill material	Authorizes placement of fill or dredge material in waters of the U.S. including wetlands.	The preferred alternative would not discharge fill material into wetlands.
U.S. Fish and Wildlife Service	Endangered Species Act	Protection of federally listed threatened or endangered species.	The park is consulting with the USFWS as part of the NEPA process.

