

Appendix B: Agency Correspondence



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

JUL 27 2016 In Reply Refer to: HFPP-15

Mr. & Ms. Timothy Justice
575 Good Spring Loop
Williston, TN 38076

Subject: AR ERFO NP 2015-1(1), Lost Valley Road Project
Buffalo National River
Environmental Assessment Scoping Comment Period

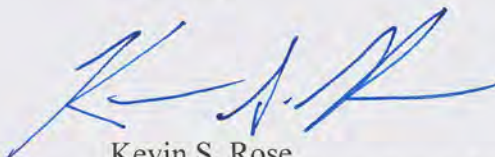
Dear Mr. & Ms. Justice:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS) – Buffalo National River, seeks your input on a proposed project in Lost Valley, located in Newton County, Arkansas. The primary attraction in Lost Valley is the Lost Valley Trail, which offers visitors views of the Natural Bridge, Cob Cave, and Eden Falls. The trailhead and parking area are accessed via Lost Valley Road, which intersects with Highway 43. Lost Valley Road was constructed with the establishment of Lost Valley State Park in 1967, which was operated until it was acquired by the NPS in 1975. Lost Valley has experienced repeated floods over the past few years. Most recently, heavy rain and flooding over a three day period in May of 2015 caused extensive damage to the road. Lost Valley had to be closed to the public so that temporary repairs to the road and trails could be completed. The purpose of the proposed project is to reduce potential future storm damage and provide safe and sustainable access to Lost Valley.

An Environmental Assessment will be prepared to analyze the proposed relocation of a section of Lost Valley Road approximately 500 feet north from its existing location along Clark Creek. The proposed relocation would also include the construction of a new parking area and trailhead. Public participation in the planning process ensures the NPS and FHWA fully understand and consider the public's interest as part of their national heritage, cultural traditions, and community surroundings.

Please visit the NPS's Planning, Environment and Public Comment (PEPC) web site (<http://parkplanning.nps.gov/buff>) to submit comments, or submit written comments by September 9, 2016, to: Ms. Lisa Landers, Federal Highway Administration, 21400 Ridgetop Circle, Sterling, VA 20166.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosure

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Mr. Caven Clark, Buffalo National River, NPS
Mr. Robert McKelvey, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS

Title	Last Name	First Name	Address	Address (line 2)	City	State	ZipCode	Bus/Co/OrgName
	Andrews	Alice B	63 Robinwood Dr		Little Rock	AR	72227	Ozark Society
Senior Regional Director	Barger	Don	Southeast Regional Ofc	706 Walnut St	Knoxville	TN	37902	National Parks Conservation Association
US Representative	Berry	Marion	1113 Longworth House Ofc Bldg		Washington	DC	20515	
US Representative	Berry	Marion	Courthouse Square	1 E 7th St, Ste 200	Mt. Home	AR	72653	
President/CEO	Boaz	Rob	PO Box 4000		Berryville	AR	72616	Carroll Electric Cooperative Corp
	Boswell	Tokey	1201 Eye St NW 9th Floor		Washington	DC	20005	NPS
State Representative	Branscum	David L.	P.O. Box 370		Marshall	AR	72650	
State Representative	Branscum	David L.	320 State Capital Building	500 Woodlane Ave.	Little Rock	AR	72201	
State Representative	Burris	John	923 West Prospect Ave		Harrison	AR	72601	District 85 Representative, State of Arkansas
Director	Butts	Greg	One Capitol Mall		Little Rock	AR	72201	Arkansas Dept of Parks & Tourism
Scout Executive and CEO	Camp Orr		Westark Area Council	1401 Old Greenwood Rd	Fort Smith	AR	72901	Camp Orr Boy Scouts
Secretary	Schafner	Rachael	244 E. Huntsville Road		Fayetteville	AR	72701	Buffalo National River River Partners, Inc
	Cross	Robert	PO Box 145		Fayetteville	AR	72702	Ozark Society - president
	Culver	Jim	HC 70 Box 262		Jasper	AR	72641	Buffalo River Ranch
Executive Director	Davies	Richard W	One Capitol Mall		Little Rock	AR	72201	Arkansas Dept of Parks & Tourism
President	Appel	Elaine	10039 Erbie Cut Off Rd		Harrison	AR	72601	Backcountry Horsemen of America-Buffalo River Chapter
	Gordon	Rosalyn	PO Box 60		Jasper	AR	72641	Gordon Motel, Inc
	Granlund	George	15355 Brownell Rd		Beulah	MI	49617	East Coast Padlers
	Henderson	Scott	PO Box 31		Ponca	AR	72670	Arkansas Game & Fish Commision
	House	R Scott & Patti M	1606 Luce St		Cape Girardeau	MO	63701	Cave Research Foundation
	Huff	Allen & Amy	8524 Hwy 270 West		Prettsville	AR	72129	Arkansas Trailriders and BCHO
	Chamber of Commerce		PO Box 250		Jasper	AR	72601	Jasper/Newton Co. Chamber of Commerce
	Jefferson	Jesse	PO Box 302		Valley Springs	AR	72682	Buffalo River Canoes
	Kelley	Jennifer	121 Old Glory Rd		Montreal	MO	65591	American Wilderness Adventures Camps
	Laidlaw	Sara	2925 N Becca Ln		Houston	TX	77092	Steel Creek Valley Y Ranch
	Langdon	Richard	HC 70 Box 353		Jasper	AR	72641	Steel Creek Cabins
	Lemaster	Michael	2211 Cottonwood Ave		Fayetteville	AR	72701	Ozark Society/Ozark Highland Trail Assoc.
	McSwain	Frances	1500 Tower Bldg	323 Center St	Little Rock	AR	72201	Arkansas Historic Preservation Program
Director	Meyer	Barb	29 Pleasant Valley Dr		Little Rock	AR	72212	Friends of the Buffalo
	Mills	Mike	PO Box 1		Ponca	AR	72670	Buffalo Outdoor Center, Inc
	Newton County		PO Box 435		Jasper	AR	72641	Newton County Judge
Judge	Newton County		PO Box 312	300 N Spring	Jasper	AR	72641	Newton County Sheriff
Sheriff	Olesen	Larry & Kris Jorgensen	PO Box 10	Hwy 43	Ponca	AR	72670	Lost Valley Canoe and Lodging, Inc
	Taylor	Tina	42 Center St		Mayflower	AR	72106	ATRA Trailblazers
	Wimberly	Susan	1914 Biscayne Dr		Little Rock	AR	72227	Arkansas Canoe Club
	Woltgen	Duane W & Judy	821 Applebury Dr		Fayetteville	AR	72701	Ozark Society, Highlands Trail Association
	Yarborough	Sue A	3023 Heritage Creek Terr		Houston	TX	77008	
	Hicks	Mary Ann	P.O. Box 31		Ponca	AR	72670	Arkansas Game and Fish Commission
	Ferguson	Hubert	HC 70, Box 7		Ponca	AR	72670	
	Villines	Paul and Carol	HC 70, Box 2		Ponca	AR	72670	
	Ray	Steve	PO Box 732		Parsons	KS	67357	
	Justice	Timothy & Alicia	575 Good Spring Loop		Williston	TN	38076	
	Cochrane	Bill & Regina	HC 70, Box 39		Ponca	AR	72670	

Title	Last Name	Suffix	First Name	Address	City	State	ZipCode	Bus/Co/OrgName
NAGPRA Coordinator	Allen		Richard	PO Box 948	Tahlequah	OK	74465	Cherokee Nation Of Oklahoma
THPO	Barbry	Jr	Earl	PO Box 1589	Marksville	LA	71351	Tunica-Biloxi Tribe of Louisiana
Tribal Chairman	Barbry	Sr	Earl J	PO Box 1589	Marksville	LA	71351	Tunica-Biloxi Tribe of Louisiana
Chief	Berrey		John	PO Box 765	Quapaw	OK	74056	Quapaw Tribe of Oklahoma
TPHO	Cast		Robert	PO Box 487	Binger	OK	73009	Caddo Tribe of Oklahoma
Cultural Preservation Director	Dushane		Robin	PO Box 350	Seneca	MO	64865	Eastern Shawnee Tribe of Oklahoma
Governor	Edwards		James Lee	2025 South Gordon Cooper Dr	Shawnee	OK	74801-9381	Absentee Shawnee Tribe
Chairman	Edwards		Brenda Shemayme	PO Box 487	Binger	OK	73009	Caddo Tribe of Oklahoma
Tribal Historic Preservation Officer	Hunter		Andrea	627 Grandview	Pawhuska	OK	74056	Osage Tribe of Oklahoma
NAGPRA Coordinator	Kaniotabe		Karen	2025 South Gordon Cooper Dr	Shawnee	OK	74801-9381	Absentee Shawnee Tribe
Tribal Historic Preservation Officer	Lambert		Jean Ann	PO Box 765	Quapaw	OK	74056	Quapaw Tribe of Oklahoma
Historic Preservation Dept	Pryor		Belinda	29 S Hwy 69A	Miami	OK	74354	The Shawnee Tribe
Chief	Red Eagle		Chief	627 Grandview	Pawhuska	OK	74056	Osage Tribe of Oklahoma
Principle Chief	Smith		Chad	PO Box 948	Tehlequah	OK	74465	Cherokee Nation of Oklahoma
Tribal Chairman	Sparkman		Ron	29 S Hwy 69A	Miami	OK	74354	The Shawnee Tribe
Tribal Historic Preservation Officer	Oosahwee-Voss		Eric	PO Box 1245	Tahlequah	OK	74465-0746	United Keetoowah Band of the Cherokee Indian Nation
Chief	Wallace		Glenna J	PO Box 350	Seneca	MO	64865	Eastern Shawnee Tribe of Oklahoma
Chief	Wickliff		George G	PO Box 746	Tahlequah	OK	74465-0746	United Keetoowah Band of the Cherokee Indian Nation
President	Williams		Stratford	PO Box 729	Anadarko	OK	73005	Wichita and Affiliated Tribes

JUL 28 2016 In Reply Refer to: HFPP-15

Mr. Melvin Tobin
Field Supervisor
U.S. Fish and Wildlife Service
Arkansas Ecological Service Field Office
110 S. Amity Road, Suite 300
Conway, AR 72032

Subject: AR ERFO BUFF 2015-1(1) – Lost Valley Project
Buffalo National River

Dear Mr. Tobin:

The National Park Service, in cooperation with the Federal Highway Administration (FHWA), is initiating an Environmental Assessment (EA) for a proposed project in Lost Valley in Newton County, Arkansas. Lost Valley has experienced repeated floods over the past few years. Most recently, heavy rain and flooding over a three day period in May of 2015 caused extensive damage to the road. The purpose of the proposed project is to reduce potential future storm damage and provide safe and sustainable access to Lost Valley. The EA will analyze the proposed relocation of a section of Lost Valley Road approximately 500 feet north from its existing location along Clark Creek. The proposed relocation would also include the construction of a new parking area and trailhead.

According to the U. S. Fish and Wildlife Service's IPaC Trust Resources Report, the following species may occur within the project area: Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus* (= *Plecotus*) *townsendii ingens*), Ozark cavefish (*Amblyopsis rosae*), rabbitsfoot (*Quadrula cylindric cylindrical*), and snuffbox mussel (*Epioblasma triquetra*). In-water work would most likely not be necessary in order to complete the proposed work; however, tree clearing would be necessary in order to relocate the existing roadway and trailhead.

Please provide us with information regarding potential impacts to any federally-listed species, which will assist us in the development of the EA. If possible, please identify specific areas where concerns are present, and include any required or suggested measures to avoid or minimize impacts. A copy of the IPaC report, including a quad map indicating the study area, is enclosed. FHWA respectfully requests your response within 30 days of receipt of this letter.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Mr. Caven Clark, Buffalo National River, NPS
Mr. Robert McKelvey, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480



EASTERN FEDERAL LANDS
HIGHWAY DIVISION
STERLING, VA

2016 AUG 29 PM 2:01

RECEIVED

August 10, 2016

Reference: TA787

Kevin Rose
U.S. Department of Transportation
21400 Ridgetop Circle
Sterling, VA 20166

Dear Mr. Rose:

The U.S. Fish and Wildlife Service (Service) has reviewed the information supplied in your letter dated July 28, 2016, regarding the proposed relocation of a section of Lost Valley Road near the city of Ponca, Newton 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 listed threatened and endangered species are known to occur in this region: Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), and Northern Long-eared Bat (*Myotis septentrionalis*). In addition, the federally protected Bald Eagle (*Haliaeetus leucocephalus*) is also known to occur in this region. The Buffalo River provides critical habitat for the Rabbitsfoot.

The proposed project occurs within the NLEB consultation area for Arkansas. However, according to your project description and our records (i.e., known locations of NLEB hibernacula and maternity roost trees), this project appears to comply with the final 4(d) rule for NLEB. Projects that comply with the 4(d) rule include all activities, except any activity resulting in purposeful take of NLEB, which occur outside a 150 foot buffer around known maternity roost trees and/or a ¼ mile buffer around NLEB hibernacula. Therefore, no survey of the project site is required for NLEB.

The Service recommends that potential roost trees not be removed between April 1 and October 15 because Indiana bats roost in trees throughout the Karst region and northeast Arkansas during these dates. See the website www.fws.gov/arkansas-es for the Indiana bat summer survey guidelines. Potential roost trees include live trees and snags ≥ 5 " DBH (diameter at breast height) that have exfoliating bark, cracks, crevices and/or hollows

The designation of critical habitat for the Rabbitsfoot by the Service considers physical or biological features essential to the conservation of these species. These include, but are not limited to:

1. Space for individual and population growth and for normal behavior;
2. Food, water, air, light, minerals, or other nutritional or physiological requirements; and
3. Sites for breeding, reproduction, or rearing; and

Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life history processes and are essential to the conservation of these species. Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain life history processes for the Rabbitsfoot, the primary constituent elements specific to these species are:

1. Primary Constituent Element 1— Geomorphically stable river channels and banks (channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) with habitats that support a diversity of freshwater mussel and native fish (such as, stable riffles, sometimes with runs, and mid-channel island habitats that provide flow refuges consisting of gravel and sand substrates with low to moderate amounts of fine sediment and attached filamentous algae).
2. Primary Constituent Element 2— A hydrologic flow regime (the severity, frequency, duration, and seasonality of discharge over time) necessary to maintain benthic habitats where the species are found and to maintain connectivity of rivers with the floodplain, allowing the exchange of nutrients and sediment for maintenance of the mussel's and fish host's habitat, food availability, spawning habitat for native fishes, and the ability for newly transformed juveniles to settle and become established in their habitats.
3. Primary Constituent Element 3— Water and sediment quality (including, but not limited to, conductivity, hardness, turbidity, temperature, pH, ammonia, heavy metals, and chemical constituents) necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages.
4. Primary Constituent Element 4— The presence and abundance (currently unknown) of fish hosts necessary for recruitment of the Rabbitsfoot. The occurrence of natural fish assemblages, reflected by fish species richness, relative abundance, and community composition, for each inhabited river or creek will serve as an indication of appropriate presence and abundance of fish hosts until appropriate host fish can be identified.
5. Primary Constituent Element 5— Either no competitive or predaceous invasive (nonnative) species, or such species in quantities low enough to have minimal effect on survival of freshwater mussels.

Sediment and/or nutrient transport from the proposed project location may have direct, indirect, and/or cumulative effects to mussels, fish hosts, and/or their habitat(s). The effects of sedimentation and nutrients (e.g., ammonia, etc.) on mussels, fish, and their habitats are well documented in the scientific literature. Adverse effects associated with sedimentation and nutrification from all phases of construction activities may be minimized and/or alleviated through proper implementation and maintenance of erosion control best management practices and maintaining vegetative buffers. Buffer width is dependent upon slope, vegetation type, and soil types. The Service can provide additional technical assistance on appropriate vegetative buffer widths upon request.

Based on information provided, there are stream crossings and waterways included in the proposed project. We recommend Best Management Practices be incorporated into construction occurring in riparian zones and at stream crossings. These streams may be considered Waters of the United States and may have adjacent wetlands that require a Clean Water Act Section 404 permit prior to being

altered. Therefore, we recommend you contact the U.S. Army Corps of Engineers Little Rock District office for additional information. They can be contacted at (501) 324-5295.

The following best management practices (BMPs) do not override other BMPs that may have been specified to use from other sources, but are in addition to those instructions.

Erosion and Sediment Control

BMPs should be implemented for all construction projects within karst landscapes. BMPs should include filter fences, straw bales, interceptor dikes and swales, sediment traps, ditch checks, detention basins, mulching, seeding, and/or revegetation as appropriate. Mats or netting should be applied on steep slopes and stream banks. Erosion and sediment control measures should be sized to handle at least the 25 year flood and 24-hour storm event. Erosion and sediment control BMP's should be implemented to prevent sediment and contaminants from entering groundwater.

It is important that construction plans reduce erosion and sedimentation into streams and karst features by:

- Identifying areas with potential for erosion problems prior to construction initiation.
- Avoiding wetlands and low lying areas.
- Restoring steep embankments with seed, mulch, fertilizer, and implementing erosion control measures such as silt fences, straw bales, matting, and sediment traps. Soil stabilization immediately after earth work is complete is critical.
- Restoring steep approaches to stream crossings by seeding, mulching, fertilizing, and implementing erosion control measures such as silt filter fences, ditch checks, straw bales, matting, and sediment traps. It is critical that restoration be implemented immediately after construction.
- On approaches to stream crossings, drainage control structures should be located at the top and base of the slope/bank. Runoff should be routed to stable slopes on either side of the right of way, or routed via temporary conveyance structures to the base of the approach slope where it can infiltrate into the stream bank and eventually seep back to the channel.

Construction in Sensitive Areas

As the true extent of the underground environment is difficult to clearly delineate, undiscovered karst features; such as cave openings, sinkholes, and underground passages may occur on or near a project site, even in previously developed areas. Therefore, the Service recommends the following precautionary measures be taken to avoid impacts to groundwater and sensitive or endangered species which may inhabit karst features not previously surveyed.

- Survey existing and any new right-of-ways for karst features such as caves, sinkholes, losing streams, and springs.
- Establish a natural area of 300 feet or greater around any cave, sinkhole, losing stream, or spring found during the survey (or during any aspect of project implementation). The

Service should be contacted for further evaluation to determine if caves are used by sensitive or federally listed species.

- If a cave is used by sensitive or federally listed species, the Service may request that the cave be mapped to determine if additional openings or passages may be affected by the project. The Service may recommend modifications of the proposed project to allow natural areas to be established. Incorporation of natural areas may be necessary to avoid impacts.
- If caves or other openings are encountered during construction, the Service requests that work efforts cease within 300 feet of the opening. The opening should be adequately marked and protected from work activities, and the Service should be contacted immediately. No fill materials should be placed into the opening until Service or Service approved personnel have the opportunity to inventory the site.
- The Service should assess caves located prior to or during construction for sensitive/endangered species and provide recommendations before activities proceed.
- No blasting should be permitted in the vicinity of any known karst feature without previous consultation.

Additional measures may be required for construction near sensitive areas including stream channels and karst features. Care should be taken when working around streams and karst features to prevent unnecessary damage to or removal of vegetation. If a cave or fracture is breeched or surface water is rerouted into a karst feature, all activities should cease and the Service should be contacted to assess the situation and provide further consultation before proceeding.

Staging areas should be at least 300 feet away from streams, wetlands, and karst features. All streams, wetlands, and karst features adjacent to disturbed areas should be protected by the use of silt fence, straw bales, and other BMPs necessary to prevent sediment from entering water bodies. A combination of several measures may be necessary to decrease damage at stream crossings. In streams with enough flow, temporary in-stream settling ponds should be used to catch sediment generated by construction. Sediment should be removed as soon as construction is completed. For smaller streams or where appropriate, water could be bypassed through construction areas by the use of flume pipes, pumps, or coffer dams. Stream can be bypassed using directional drilling techniques, as discussed later.

Streams and karst areas should be restored and stabilized immediately following construction activities. Native plants, mats, netting, and other BMPs should be used to stabilize banks. Instream deflectors and anchored logs should be used in high velocity streams to protect vulnerable banks and allow for reestablishment of vegetation. Riprap revetment should also be used, if necessary, to help stabilize slopes in areas of high velocity stream flows. The use of riprap should, however, be minimized. Rock typical of the local geology should be used if available. Monitoring of BMP performance in critical areas, particularly at sensitive stream crossings and stream approach slopes should be conducted and documented on a routine basis prior to and after storms during construction and operation. Based on monitoring, additional BMPs or other improvements may be necessary to insure minimization of impact.

All efforts should be made to minimize stream alterations which could impact water quality and fish

and wildlife resources. Construction along streams should not take place during fish spawning seasons if possible.

Stormwater

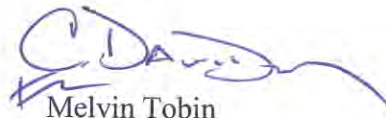
Stormwater concerns occur during construction and after the site is developed and stabilized. Threats to groundwater shift from sediment and fuel/oil/grease, to lawn chemicals, oil and grease from personal vehicles, brake dust, chip seals, roof tar, and other household contaminants. Plans should be made to address post construction stormwater contaminants.

The Arkansas Department of Environmental Quality and the Environmental Protection Agency oversee and permit stormwater runoff. In 2003, the Northwest Arkansas Regional Planning Commission developed the Northwest Arkansas Stormwater Quality Best Management Practices Preliminary Guide Manual for community use. The manual was developed with six control measures including public education and outreach, public participation and involvement, illicit discharge, detection and elimination, construction site runoff control, post-construction runoff control, pollution prevention, and good housekeeping. When open land is developed the hydrology of the site completely changes. Possible contaminants associated with development include sediment, nutrients, microbes, organic matter, toxic contaminants, trash, and debris. Each of these together or separately can pollute groundwater. Once contaminants leave the site and enter drainage within a groundwater recharge zone, whatever the water was carrying is now contributing to groundwater contamination threatens rare and endangered karst animals.

The comments herein are for the sole purpose of providing technical assistance to the action agency or for individual pre-project planning assistance. These comments and opinions should not be misconstrued as an "effect determination" or considered as concurrence with any proceeding determination(s) by the action agency in accordance with Section 7 of the ESA. These comments do not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, a finding concurrence letter, etc.) from the Service, both lethal and nonlethal "take" of protected species are in violation of the ESA.

We appreciate your interest in the conservation of endangered species. If you have any questions, please contact the Arkansas Ecological Services Staff at (501) 513-4487.

Sincerely,



Melvin Tobin
Project Leader



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum



ARKANSAS HISTORIC
PRESERVATION PROGRAM



National Historic
Preservation Act 1966-2016



323 Center Street, Suite 1500
Little Rock, AR 72201

(501) 324-9880
fax: (501) 324-9184
tdd: 711

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

August 24, 2016

Mr. Kevin S. Rose
Environmental Compliance Specialist
Eastern Federal Lands
Highway Division
Federal Highway Administration
US Department of Transportation
21400 Ridgetop Circle
Sterling, VA 20166-6511

RECEIVED
2016 AUG 29 PM 2:00
EASTERN FEDERAL LANDS
HIGHWAY DIVISION
STERLING, VA

RE: Newton County – General
Section 106 Review – FHWA
AR ERFO NP 2015-1(1), Lost Valley Road Project
AHPP Tracking Number 96309

Dear Mr. Rose:

This letter is in response to your inquiry regarding properties of archeological, historical, or architectural significance in the area of the proposed referenced project. The staff of the Arkansas Historic Preservation Program has reviewed records pertaining to the area in question.

There are no recorded cultural resources located within this undertaking. However, due to the existence of known archeological sites in the vicinity of the undertaking, we recommend that a cultural resources survey be conducted in the areas of direct impacts.

Tribes that have expressed an interest in the area include: the Absentee Shawnee Tribe of Oklahoma (Mr. Joseph H. Blanchard), the Caddo Nation (Ms. Kim Penrod), the Cherokee Nation of Oklahoma (Ms. Shelia Bird), the Shawnee Tribe of Oklahoma (Ms. Kim Jumper), the Tunica-Biloxi Tribe of Louisiana, Inc. (Earl J. Barbry, Jr.), the United Keetoowah Band of Cherokee Indians (Mr. Eric Oosahwee-Voss) and the Wichita and Affiliated Tribes (Mr. Gary McAdams). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c)(2).

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Bob Scoggin of my staff at 501-324-9270



Federally Recognized
October 3, 1950

BOARD

Anile Locust
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Member

Shelbi Doyeto Wofford
Member

UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA (UKB) UKB CORPORATE BOARD

U16-573
16.0592

September 06, 2016

Ms. Lisa Landers
Federal Highway Administration
21400 Ridgetop Circle
Sterling, VA 20166

Subject: AR ERFO NP 2015-1(1), Lost Valley Road Project
Buffalo National River
Environmental Assessment Scoping Comment Period

Dear Ms. Landers,

We received a letter dated July 27, 2016 from Kevin S. Rose, Environmental Compliance Specialist requesting comments from the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB) regarding the proposed project in Lost Valley, located in Newton County, Arkansas.

Please be advised that the proposed undertaking lies within the traditional territory of the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB). This opinion is being provided by UKB THPO, pursuant to authority vested by the UKB Corporate Board and under resolution 16-UKB-34. The United Keetoowah Band is a Federally Recognized Indian Nation headquartered in Tahlequah, OK.

Information on Native American use in the project vicinity shows that prehistoric, ethnographic, historic, and traditional sites of value to the UKB surround the project area. We recommend that a cultural resources inventory be completed prior to project implementation.

Thank you for consulting with the UKB. Please note that these comments are based on information available to us at the time of the project review. We reserve the right to revise our comments as information becomes available. If you have any questions or concerns, please contact me Eric Oosahwee-Voss at (918) 458-6717 or eoosahwee-voss@ukb-nsn.gov
Wa-do, do-na-da-go-hv-i (thank you, until I see you again)

Eric Oosahwee-Voss
Tribal Historic Preservation Officer
United Keetoowah Band of Cherokee Indians in Oklahoma
PO Box 1245
Tahlequah, OK 74465
Ph: 918.458.6717
Cell: 918.207.7182
eoosahwee-voss@unitedkeetoowahband.org

cc: Bob Scoggin, Senior Archaeologist/Section 106 Coordinator, Department of Arkansas Heritage

RECEIVED
2016 SEP 12 PM 2:44
EASTERN FEDERAL LAND
HIGHWAY DIVISION
STERLING, VA

RECEIVED
2016 OCT 21 PM 1:08
EASTERN FEDERAL LANDS
HIGHWAY DIVISION
STERLING, VA



TRIBAL HISTORIC PRESERVATION OFFICE

Date: October 14, 2106

File: 1516-2319AR-8

RE: Federal Highway Administration Eastern Federal Lands Highway Division HFPP-15 AR ERFO NP 2015-1(1) Lost Valley Road Project at Buffalo National River in Newton County, Arkansas

Federal Highway Administration
Lisa Landers
21400 Ridgetop Circle
Sterling, VA 20166

Dear Ms. Landers,

The Osage Nation Historic Preservation Office has received notification and accompanying information for the proposed project listed as **Federal Highway Administration Eastern Federal Lands Highway Division HFPP-15 AR ERFO NP 2015-1(1) Lost Valley Road Project at Buffalo National River in Newton County, Arkansas.** The Osage Nation requests that a cultural resource survey be conducted for this project.

In accordance with the National Historic Preservation Act, (NHPA) [16 U.S.C. 470 §§ 470-470w-6] 1966, undertakings subject to the review process are referred in S101 (d)(6)(A), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. **The Osage Nation anticipates reviewing and commenting on the cultural resources survey report for the proposed Federal Highway Administration Eastern Federal Lands Highway Division HFPP-15 AR ERFO NP 2015-1(1) Lost Valley Road Project at Buffalo National River in Newton County, Arkansas.**

Should you have any questions or need any additional information, please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.


James Munkres
Archaeologist



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

OCT - 4 2016 In Reply Refer to: HFPP-15

Ms. Stacy Hurst
State Historic Preservation Officer
Arkansas Historic Preservation Program
323 Center Street, Suite 1500
Little Rock, AR 72201

Subject: AR ERFO BUFF 2015-1(1) – Lost Valley Project
AHPP Tracking Number 96309
Buffalo National River
Phase I Archeological Inventory Report

Dear Ms. Hurst:

The National Park Service (NPS), in cooperation with the Federal Highway Administration (FHWA), is initiating an Environmental Assessment for the proposed relocation of an existing portion of Lost Valley Road, associated parking area, and trailhead, in Newton County, Arkansas. Lost Valley Road is located in the Big Buffalo Valley Historic District; which includes 1850s pioneer structures and site features dating to the 1950s. Lost Valley Road, parking area, and trailhead were constructed in 1967, and as such, are not listed as contributing to the district. There is; however, a historic structure (the Keeton House) and a lithic scatter (3NW500) directly south of the proposed project area.

The FHWA is in receipt of your letter dated August 24, 2016, in which you recommended that a cultural resources survey be conducted for this project. Archeological testing was previously completed for the proposed project area in May 2016 by the NPS-Midwest Archaeological Center. No National Register of Historic Places (NRHP) eligible resources were identified during the Phase I Archeological Inventory. The proposed project would not adversely affect any known or potential cultural resources. Enclosed you will find the draft report for your review.

Scoping letters were sent to the tribes listed in your letter; however, no responses have been received to date. Tribal consultation will be completed in accordance with 30 CFR §800.2(c)(2).

Please provide us with your response within 30 days of receipt of this letter. If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)

Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS

Mr. Caven Clark, Buffalo National River, NPS

Mr. Robert McKelvey, Buffalo National River, NPS



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum



ARKANSAS HISTORIC
PRESERVATION PROGRAM



National Historic
Preservation Act 1966-2016



1100 North Street
Little Rock, AR 72201

(501) 324-9880
fax: (501) 324-9184
tdd: 711

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

An Equal Opportunity Employer

November 4, 2016

Mr. Kevin Rose
Environmental Compliance Specialist
US Department of Transportation
Federal Highway Administration
Eastern Federal Lands – Highway Division
21400 Ridgetop Circle
Sterling, VA 20166-6511

RECEIVED

2016 NOV 14 AM 11:56

EASTERN FEDERAL LANDS
HIGHWAY DIVISION
STERLING, VA

RE: Newton County – Buffalo National River
Section 106 Review – FHWA
Report Entitled: *Phase I Archeological Inventory Report*
FHWA Number HFPP-15
AHPP Tracking Number 96309.02

Dear Mr. Rose:

The staff of the Arkansas Historic Preservation Program has reviewed the above-referenced Phase I cultural resources report.

Based on the information presented in this report, we concur that site 3NW500 is not eligible for the National Register of Historic Places (NRHP) and requires no further work.

In addition we concur that the Keeton House/Clark House is located outside of the project area and will not be affected by the project.

Finally, we find that the project will have no adverse effect on the Big Buffalo Valley Historic District.

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Bob Scoggin of my staff at 501-324-9270

Sincerely,

Frances McSwain

Frances McSwain
Deputy State Historic Preservation Officer

cc: Mr. Randal Looney, FHWA
Mr. Bob Kammel, Midwest Archeological Center, NPS
Mr. Caven Clark, BNR
Dr. Andrea Hunter, Osage Nation
Dr. Ann Early, Arkansas Archeological Survey



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

JAN 30 2017

In Reply Refer to: HFPP-15

CERTIFIED MAIL

Mr. Earl Barbry Jr
Tribal Historic Preservation Office
Tunica-Biloxi Tribe of Louisiana, Inc.
PO Box 1589
Marksville, LA 71351

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
Section 106 Consultation

Dear Mr. Barbry Jr:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas.

The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to construct a new alignment of the road along the northern edge of a field currently leased for agricultural use, the new parking area of similar capacity, accessibility access to existing facilities, and the trail extension. The APE also includes the portion of the existing road and parking area that would be obliterated and restored to natural conditions.

A lithic scatter (3NW500) is known to be present directly south of the proposed project area. Archeological testing was completed and found that the lithic scatter represents an ephemeral use in prehistory over an unknown period of time. The artifact density and distribution is low and consists of lithic debitage. No National Register of Historic Places eligible resources were identified, and the proposed undertaking is not expected to impact any known or potential resources. A copy of the report is enclosed for your review.

The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. Enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

JAN 30 2017

In Reply Refer to: HFPP-15

CERTIFIED MAIL

Ms. Sheila Bird
Tribal Historic Preservation Officer
Cherokee Nation Of Oklahoma
PO Box 948
Tahlequah, OK 74465

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
Section 106 Consultation

Dear Ms. Bird:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas.

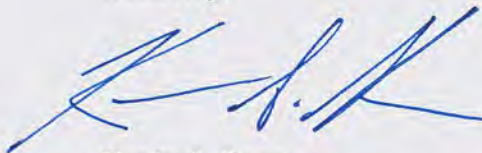
The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to construct a new alignment of the road along the northern edge of a field currently leased for agricultural use, the new parking area of similar capacity, accessibility access to existing facilities, and the trail extension. The APE also includes the portion of the existing road and parking area that would be obliterated and restored to natural conditions.

A lithic scatter (3NW500) is known to be present directly south of the proposed project area. Archeological testing was completed and found that the lithic scatter represents an ephemeral use in prehistory over an unknown period of time. The artifact density and distribution is low and consists of lithic debitage. No National Register of Historic Places eligible resources were identified, and the proposed undertaking is not expected to impact any known or potential resources. A copy of the report is enclosed for your review.

The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. Enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS



U.S. Department
of Transportation

**Federal Highway
Administration**

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

JAN 30 2017

In Reply Refer to: HFPP-15

CERTIFIED MAIL

Mr. Phil Cross
Tribal Historic Preservation Officer
Caddo Nation of Oklahoma
PO Box 487
Binger, OK 73009

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
Section 106 Consultation

Dear Mr. Cross:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas.

The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to construct a new alignment of the road along the northern edge of a field currently leased for agricultural use, the new parking area of similar capacity, accessibility access to existing facilities, and the trail extension. The APE also includes the portion of the existing road and parking area that would be obliterated and restored to natural conditions.

A lithic scatter (3NW500) is known to be present directly south of the proposed project area. Archeological testing was completed and found that the lithic scatter represents an ephemeral use in prehistory over an unknown period of time. The artifact density and distribution is low and consists of lithic debitage. No National Register of Historic Places eligible resources were identified, and the proposed undertaking is not expected to impact any known or potential resources. A copy of the report is enclosed for your review.

The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. Enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

JAN 30 2017 In Reply Refer to: HFPP-15

CERTIFIED MAIL

Ms. Kim Jumper
Tribal Historic Preservation Officer
Shawnee Tribe of Oklahoma
29 S Hwy 69A
Miami, OK 74355

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
Section 106 Consultation

Dear Ms. Jumper:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas.

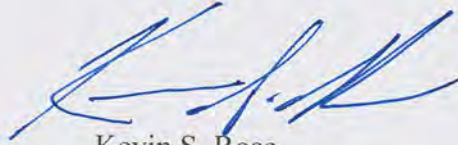
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A lithic scatter (3NW500) is known to be present directly south of the proposed project area. Archeological testing was completed and found that the lithic scatter represents an ephemeral use in prehistory over an unknown period of time. The artifact density and distribution is low and consists of lithic debitage. No National Register of Historic Places eligible resources were identified, and the proposed undertaking is not expected to impact any known or potential resources. A copy of the report is enclosed for your review.

The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. Enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

JAN 30 2017

In Reply Refer to: HFPP-15

CERTIFIED MAIL

Mr. Leonard Longhorn
Tribal Historic Preservation Officer
Absentee Shawnee Tribe of Oklahoma
2025 South Gordon Cooper Dr
Shawnee, OK 74801-9381

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
Section 106 Consultation

Dear Mr. Longhorn:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas.

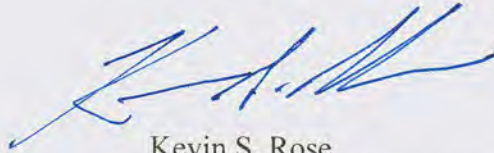
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The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. Enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS

JAN 30 2017 In Reply Refer to: HFPP-15

CERTIFIED MAIL

Mr. Gary McAdams
Cultural Director
Wichita and Affiliated Tribes
PO Box 729
Anadarko, OK 73005

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
Section 106 Consultation

Dear Mr. McAdams:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas.

The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to construct a new alignment of the road along the northern edge of a field currently leased for agricultural use, the new parking area of similar capacity, accessibility access to existing facilities, and the trail extension. The APE also includes the portion of the existing road and parking area that would be obliterated and restored to natural conditions.

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The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. Enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS

JAN 30 2017

In Reply Refer to: HFPP-15

CERTIFIED MAIL

Mr. Eric Oosahwee-Voss
Tribal Historic Preservation Officer
United Keetoowah Band of the Cherokee Indian Nation
PO Box 1245
Tahlequah, OK 74465-0746

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
Section 106 Consultation

Dear Mr. Oosahwee-Voss:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas.

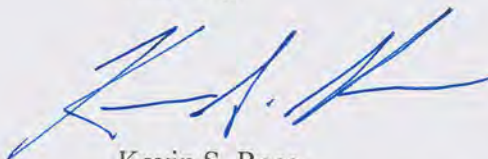
The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to construct a new alignment of the road along the northern edge of a field currently leased for agricultural use, the new parking area of similar capacity, accessibility access to existing facilities, and the trail extension. The APE also includes the portion of the existing road and parking area that would be obliterated and restored to natural conditions.

A lithic scatter (3NW500) is known to be present directly south of the proposed project area. Archeological testing was completed and found that the lithic scatter represents an ephemeral use in prehistory over an unknown period of time. The artifact density and distribution is low and consists of lithic debitage. No National Register of Historic Places eligible resources were identified, and the proposed undertaking is not expected to impact any known or potential resources. A copy of the report is enclosed for your review.

The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. Enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

JAN 30 2017

In Reply Refer to: HFPP-15

CERTIFIED MAIL

Mr. James Munkres
Osage Nation
Tribal Historic Preservation Office
627 Grandview
Pawhuska, OK 74056

Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project
Buffalo National River
File 1516-2319AR-8
Section 106 Consultation

Dear Mr. Munkres

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), is in receipt of your letter dated October 21, 2016, in which you requested that a cultural resource survey be conducted for the subject project. The project would construct a new alignment of the road along the northern edge of a field currently leased for agricultural use, a new parking area of similar capacity, accessibility access to existing facilities, and a trail extension and improvement. The project would also include a portion of the existing road and parking area that would be obliterated and restored to natural conditions.

A lithic scatter (3NW500) is known to be present directly south of the proposed project area. Archeological testing was completed by the National Park Service (NPS) and found that the lithic scatter represents an ephemeral use in prehistory over an unknown period of time. The artifact density and distribution is low and consists of lithic debitage. No National Register of Historic Places eligible resources were identified, and the proposed undertaking is not expected to impact any known or potential resources. A copy of the report is enclosed for your review.

The FHWA and NPS have determined that there would be no adverse effects to cultural resources as a result of the proposed action. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. In addition to the report, enclosed you will find a topographic map and preliminary project plans.

If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Dr. Caven Clark, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Ms. Suika Rivett, Buffalo National River, NPS

From: [Tonya Tipton](#)
To: [Landers, Lisa \(FHWA\)](#)
Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project Buffalo National River Section 106 Consultation
Date: Friday, February 17, 2017 10:20:29 AM

This letter is in response to the above referenced project.

The Shawnee Tribe's Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project.

We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

Thank you for giving us the opportunity to comment on this project.

Sincerely,
Tonya Tipton
Shawnee Tribe



From: [karen pritchett](#)
To: [Landers, Lisa \(FHWA\)](#)
Cc: Section106@arkansasheritage.org; [Eric Oosahwee-Voss](#); [karen pritchett](#)
Subject: AR ERFO BUFF 2015-1(1), Lost Valley Project, Buffalo National River, Section 106 Consultation
Date: Tuesday, February 21, 2017 11:16:12 AM

Dear Lisa,

On behalf of Tribal Historic Preservation Officer (THPO) Eric Oosahwee-Voss, please accept this digital communication regarding the proposed relocation of a section of Lost Valley Road, along with the construction of a new parking area and trailhead located within the Buffalo National River in Newton County, Arkansas. AR ERFO BUFF 2015-1(1), Lost Valley Project.

Please be advised that the proposed undertaking lies within the traditional territory of the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB). This opinion is being provided by UKB THPO, pursuant to authority vested by the UKB Corporate Board and under resolution 16-UKB-34. The United Keetoowah Band is a Federally Recognized Indian Nation headquartered in Tahlequah, OK.

We agree with the report findings that the project will result in a finding of no effect to historic properties. As the project moves forward we request the following conditions be followed:

Condition 1: Inadvertent Discoveries - In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his/her authorized agent shall cease work immediately within 200 ft of the find. They shall take steps to protect the find from further damage or disruption. They shall contact the THPO at (918) 458-6717 [desk] or (918) 207-7182 [cell] to report the find. The THPO shall contact the appropriate law enforcement authority if human remains are found. No further work shall be allowed on the project until the THPO has approved a plan for managing or preserving the remains or items.

Condition 2: Post Review Discoveries - In the event that pre-contact artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, pottery or flakes from the manufacture of tools, fire pits, culturally modified trees, etc.) or historic period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or his/her authorized agent shall cease work immediately within 200 ft of the find. They then shall contact the THPO at (918) 458-6717 [desk] or (918) 207-7182 [cell] to report the find. No further work shall be allowed on the project until the THPO has approved a work plan for managing or preserving the artifacts or features.

Condition 3: Activities that have the potential to disturb cultural resources outside the areas specified in the accompanying document(s) are not approved and will not proceed until cultural resources review of potential adverse effects in the new area has been completed.

Thank you for consulting with the UKB. Please note that these comments are based on information

available to us at the time of the project review. We reserve the right to revise our comments as information becomes available. If you have any questions or concerns, please contact me at (918) 458-6715 or kpritchett@ukb-nsn.gov or THPO Eric Oosahwee-Voss at (918) 458-6717 or eoosahwee-voss@ukb-nsn.gov

UKB# U17-274
 17.0279

Thank you,
Karen Pritchett
THPO Assistant
Tribal Historic Preservation Office
United Keetoowah Band of Cherokee Indians in Oklahoma
P. O. Box 1245
Tahlequah, OK 74465
918-458-6715



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

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

FEB - 8 2017

In Reply Refer to: HFPP-15

FEDERAL EXPRESS

Mr. Melvin Tobin
Field Supervisor
U.S. Fish and Wildlife Service
Arkansas Ecological Service Field Office
110 S. Amity Road, Suite 300
Conway, AR 72032

Subject: AR ERFO BUFF 2015-1(1) – Lost Valley Project
Buffalo National River
Request for Concurrence

Dear Mr. Tobin:

The Federal Highway Administration (FHWA) is in receipt of your letter dated August 10, 2016, in which you provided us with comments regarding the proposed relocation of a section of Lost Valley Road, the trailhead, and the associated parking area. Your letter indicated that the following species are known to occur in this region: gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Ozark big-eared bat (*Corynorhinus (=plecotus) townsendii ingens*), and rabbitsfoot (*Quadrula cylindric cylindrical*). The Buffalo River provides critical habitat for the rabbitsfoot. The bald eagle is also known to occur in this region.

For the northern long-eared bat, we have followed the *Key to the Northern Long-Eared Bat 4(d) Rule for Federal Actions that May Affect Northern Long-Eared Bats* and have determined that the action would not cause prohibited incidental take. No tree removal would occur during the pup season from May 15 through July 31. We will rely on the finding of the *Programmatic Biological Opinion on the 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions*, and consider our project-specific section 7(a)(2) responsibilities fulfilled unless notified that additional consultation is necessary.

Survey of the area was completed, and no caves, sinkholes, losing streams or springs were found in the project area. Gray bats and Ozark big-eared bats typically utilize caves year-round for winter hibernation and summer roosting. Occasionally summer roosts have been found in bridges or other structures. An analysis of known roosts for the four species of bats was completed by Mr. Chuck Bitting, Natural Resource Program Manager at Buffalo National River. A known gray bat cave roost is located within five kilometers of the project; however, the cave would not be impacted by the project. No Ozark big-eared bat cave roosts are known to be present within ten kilometers of the project. The proposed project is not anticipated to impact gray bats or Ozark big-eared bats. One northern long-eared bat roost and one Indiana bat roost cave are known to be present within one kilometer of the project. Indiana bats and northern

long-eared bats are also known to roost in suitable trees in the summer months. In order to avoid potential impacts to the Indiana and northern long-eared bats, tree removal would not occur between April 1 and October 15. Noise levels would increase during construction, for an estimated duration of six months. During this time construction activities would include primarily excavation, grading, and the placement of aggregate material. These activities would take place during the day and would not disrupt foraging bats.

The proposed project would require ground disturbance, from which sedimentation has the potential to impact mussels, fish hosts, and/or their habitats. Also, an unnamed tributary to Clark Creek would be impacted by the proposed project as the existing culvert along the road would be replaced. Best Management Practices (BMPs) such as silt fence or fiber roll, mulching, and seeding would be implemented to reduce erosion and the amount of sediment leaving the project area. The section of Lost Valley Road running adjacent to Clark Creek regularly washes out during storm events, sending sediment and gravel into Clark Creek which eventually washes into the Buffalo River. As part of the project, the existing section of Lost Valley Road along Clark Creek would be obliterated and restored to natural vegetated conditions, re-establishing a riparian buffer. This would provide a long-term reduction in the amount of sediment entering Clark Creek.

No known bald eagle nests are known to occur in the vicinity of the project area. The project is unlikely to disturb nesting bald eagles.

We have determined that the project may affect, but is not likely to adversely affect the gray bat, Ozark big-eared bat, Indiana bat, rabbitsfoot, or its critical habitat based on the reasoning provided above. Enclosed you will find a location map and conceptual plans. The FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter. If you have any questions concerning this matter, please contact Ms. Lisa Landers, Environmental Protection Specialist, at Lisa.Landers@dot.gov or (571) 434-1592.

Sincerely,



Kevin S. Rose
Environmental Compliance Specialist

Enclosures

cc:

Mr. Kevin Cheri, Superintendent, Buffalo National River, NPS (hardcopy only)
Mr. Bob Kammel, FLTP Coordinator, Midwest, NPS
Mr. Jesse Morris, Buffalo National River, NPS
Mr. Chuck Bitting, Buffalo National River, NPS



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480



February 27, 2017

Kevin Rose
U.S. Department of Transportation
21400 Ridgetop Circle
Sterling, VA 20400

Dear Mr. Rose,

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated February 8, 2017, concerning the proposed relocation of a section of Lost Valley Road, trailhead, and associated parking area near the city of Ponca, Newton County, Arkansas. Our comments are submitted in accordance with the Fish and Wildlife Coordination Act (FWCA; 16 U.S.C. 661-667e), Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) and Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

The Service concurs with your determination that the proposed project may affect, but is not likely to adversely affect Rabbitsfoot (*Quadrula cylindrical cylindrica*), Ozark Big-Eared Bat (*Corynorhinus townsendii ingens*), Gray Bat (*Myotis grisescens*), and Indiana Bat (*Myotis sodalis*).

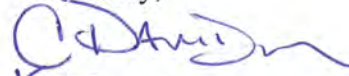
The U.S. Fish and Wildlife Service (Service) has reviewed the Biological Evaluation (BE) and your determination that the proposed action will not result in any prohibited incidental take. This project may affect the Northern Long-eared Bat (*Myotis septentrionalis*); however, there are no effects beyond those previously disclosed in the Service's programmatic biological opinion for the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule. This project is consistent with the description of the proposed action in the programmatic biological opinion, and 4(d) rule does not prohibit incidental take of the Northern long-eared Bat that may occur as a result of the project. Therefore, the programmatic biological opinion satisfies the ATHD's responsibilities under ESA section 79(a)(2) relative to the Northern Long-eared Bat for this project.

Please keep in mind that you must report any departures from the plans submitted; results of any survey conducted or any dead, injured, or sick Northern Long-eared Bat that are found to this office. If this project is not completed within one year of this letter, you must update your determination and resubmit the required information.

Please be aware Bald Eagle is not protected under the ESA. Bald Eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Refer to the Service's website at www.fws.gov/southeast/es/baldeagle for management guidelines and conservation measures.

We appreciate your interest in the conservation of endangered species. If you have any questions, please contact the Arkansas Ecological Services Staff at (501) 513-4487.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melvin Tobin', with a stylized flourish extending to the right.

Melvin Tobin
Project Leader