

## **Appendix B: Agency Correspondence**



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(2), Erbie Road Improvements  
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 for a proposed road improvement project in Erbie, located in Newton County, Arkansas. Heavy rain and flooding over a three day period in May of 2015 caused extensive damage to Compton-Erbie Road (County Road 19), County Road 57, and Erbie Campground Road (County Road 79). The proposed improvements would repair the damage and provide a more sustainable transportation facility. At County Road 19 the proposed improvements would rehabilitate a 2.7 mile section of the road through the replacement of the base and surface course of the road and grading of the road and ditches for better drainage. Two low-water crossings would be replaced with vented fords and the road approaches would be reconstructed. The first low-water crossing is located along County Road 57 at Cove Creek, and the second is located along County Road 79 at Cove Creek.

An environmental assessment will be prepared to analyze the proposed road improvements. 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, Environmental, and Public Comment (PEPC) website (<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



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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

AUG 15 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(2) – Erbie Road Improvements  
Buffalo National River

Dear Mr. Tobin:

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 for a proposed road improvement project in Erbie, located in Newton County, Arkansas. Heavy rain and flooding over a three day period in May of 2015 caused extensive damage to Compton-Erbie Road (County Road 19), County Road 57, and Erbie Campground Road (County Road 79). The proposed improvements would repair the damage and provide a more sustainable transportation facility. At County Road 19 the proposed improvements would rehabilitate a 2.7 mile section of the road through the replacement of the base and surface course of the road and grading of the road and ditches for better drainage. Two low-water crossings would be replaced with vented fords and the road approaches would be reconstructed. The first low-water crossing is located along County Road 57 at Cove Creek, and the second is located along County Road 79 at Cove Creek. An Environmental Assessment (EA) is underway in order to analyze the impacts of the proposed project.

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 be necessary in order to complete the proposed work. Tree clearing may also be necessary in order to complete the repairs.



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 and a map of the study area are 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](mailto: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. Robert McKelvey, Buffalo National River, NPS

Mr. Chuck Bitting, Buffalo National River, NPS



AUG 15 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(2) – Erbie Road Improvements  
Buffalo National River

Dear Ms. Hurst:

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 for a proposed road improvement project in Erbie, located in Newton County, Arkansas. Heavy rain and flooding over a three day period in May of 2015 caused extensive damage to Compton-Erbie Road (County Road 19), County Road 57, and Erbie Campground Road (County Road 79). The proposed improvements would repair the damage and provide a more sustainable transportation facility. At County Road 19 the proposed improvements would rehabilitate a 2.7 mile section of the road through the replacement of the base and surface course of the road and grading of the road and ditches for better drainage. Two low-water crossings would be replaced with vented fords and the road approaches would be reconstructed. The first low-water crossing is located along County Road 57 at Cove Creek, and the second is located along County Road 79 at Cove Creek. An Environmental Assessment (EA) is underway in order to analyze the impacts of the proposed project.

The Archeological Sites Database (AMASDA) was used to identify any known sites located in the project area. The only known site located within 100 meters of the project area is 3NW1220, Erbie Store. Enclosed you will find AMASDA findings and location map. Please review the proposed project and provide us with comments in regard to potential impacts to cultural resources, 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.

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](mailto: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



# QUAPAW TRIBE OF OKLAHOMA

P.O. Box 765  
Quapaw, OK 74363-0765

(918) 542-1853  
FAX (918) 542-4694

August 24, 2016

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

RECEIVED  
2016 AUG 29 PM 2:01  
EASTERN FEDERAL LANDS  
HIGHWAY DIVISION  
STERLING, VA

Re: AR ERFO NP 2015-1(2), Erbie Road Improvements, Buffalo National River, Environmental Assessment  
Scoping Comment Period

Dear Kevin,

The Quapaw Tribe Historic Preservation Office has received and reviewed the information provided for the proposed road improvement project in Erbie, Newton County, Arkansas and has determined that this project is not likely to adversely effect properties of cultural or significance to the Quapaw Tribe.

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 to 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 Quapaw Tribe has vital interests in protecting its historic and ancestral cultural resources. We do not anticipate that this project will adversely impact any cultural resources or human remains protected under the NHPA, NEPA, or the Native American Graves Protection and Repatriation Act. If, however, artifacts or human remains are discovered during project-related activities, we ask that activities cease immediately and the Quapaw Tribal Historic Preservation Office be contacted.

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 Quapaw Tribe on this matter.

Sincerely,  
*Everett Bandy*

Everett Bandy  
Tribal Historic Preservation Officer  
Quapaw Tribe of Oklahoma  
P.O. Box 765  
Quapaw, OK 74363  
(w) 918-238-3100  
[ebandy@quapawtribe.com](mailto:ebandy@quapawtribe.com)



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October 3, 1950

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Shelbi Doyeto Wofford  
Member

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

U16-575  
16.0594

September 06, 2016

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

Subject: AR ERFO NP 2015-1(2), Erbie Road Improvements  
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 road improvement project in Erbie, 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](mailto: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](mailto: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 HIGHWAY DIVISION  
STERLING, VA





## TRIBAL HISTORIC PRESERVATION OFFICE

Date: October 14, 2106

File: 1516-2320AR-8

RE: Federal Highway Administration Eastern Federal Lands Highway Division HFPP-15 AR ERFO NP 2015-1(2) Erbie Road Improvements at Buffalo National River in Newton County, Arkansas

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

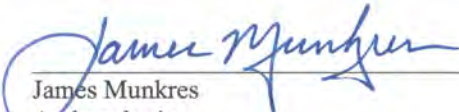
Dear Ms. Landers,

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(2) Erbie Road Improvements 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(2) Erbie Road Improvements 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



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](mailto:info@arkansaspreservation.org)

website:

[www.arkansaspreservation.com](http://www.arkansaspreservation.com)

An Equal Opportunity Employer

November 9, 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

RE: Newton County – Buffalo National River  
Section 106 Review – FHWA  
Erbie Road Project AR ERFO BUFF 2015-1(2)  
FHWA Number HFPP-15  
AHPP Tracking Number 96310.02

Dear Mr. Rose:

The staff of the Arkansas Historic Preservation Program has reviewed the above-referenced submittal.

Based on the information presented in this report, we concur that sites 3NW260, 3NW673, 3NW923, 3NW1138(NW164) and 3NW1220(NW139) not located within the project area of potential effect and that the project will no effect on historic properties..

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

SEP 18 2017

In Reply Refer to: HFPP-15

**CERTIFIED MAIL**

Mr. Earl Barbry, Jr  
THPO  
Tunica-Biloxi Tribe of Louisiana, Inc.  
PO Box 1589  
Marksville, LA 71351

Subject: AR ERFO BUFF 2015-1(2), Eribe Road Improvements  
Buffalo National River  
Section 106 Consultation

Dear Mr. Barbry:

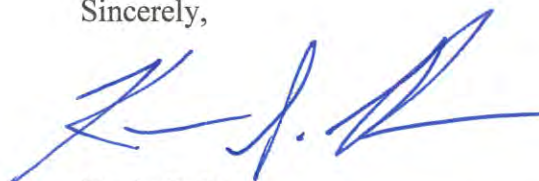
The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to complete the repairs. Enclosed you will find conceptual plans that depict the limits of disturbance for the project. Arkansas Historic Preservation Program records indicate that five historic properties are located near or within this undertaking and so the undertaking and its potential for impacts to historic properties was reviewed by Dr. Caven Clark, Archeologist at Buffalo National River (park), and his findings are enclosed. The review found that because the repairs would be completed primarily within the existing roadway prism which was previously disturbed by the initial construction of the roads, the proposed undertaking would have no adverse effect on historic properties.

The FHWA and NPS respectfully requests your review of the proposed project and concurrence with our determination that the proposed undertaking would have no adverse effect on historic properties 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](mailto: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. Jesse Morris, Buffalo National River, NPS



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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

SEP 18 2017

In Reply Refer to: HFPP-15

**CERTIFIED MAIL**

Ms. Sheila Bird  
THPO  
Cherokee Nation Of Oklahoma  
PO Box 948  
Tahlequah, OK 74465

Subject: AR ERFO BUFF 2015-1(2), Eribe Road Improvements  
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 proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

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The FHWA and NPS respectfully requests your review of the proposed project and concurrence with our determination that the proposed undertaking would have no adverse effect on historic properties 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](mailto: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. Jesse Morris, Buffalo National River, NPS





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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

SEP 18 2017 In Reply Refer to: HFPP-15

**CERTIFIED MAIL**

Mr. Phil Cross  
THPO  
Caddo Nation of Oklahoma  
PO Box 487  
Binger, OK 73009

Subject: AR ERFO BUFF 2015-1(2), Eribe Road Improvements  
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 proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to complete the repairs. Enclosed you will find conceptual plans that depict the limits of disturbance for the project. Arkansas Historic Preservation Program records indicate that five historic properties are located near or within this undertaking and so the undertaking and its potential for impacts to historic properties was reviewed by Dr. Caven Clark, Archeologist at Buffalo National River (park), and his findings are enclosed. The review found that because the repairs would be completed primarily within the existing roadway prism which was previously disturbed by the initial construction of the roads, the proposed undertaking would have no adverse effect on historic properties.

The FHWA and NPS respectfully requests your review of the proposed project and concurrence with our determination that the proposed undertaking would have no adverse effect on historic properties 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](mailto: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. Jesse Morris, Buffalo National River, NPS





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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

SEP 18 2017 In Reply Refer to: HFPP-15

**CERTIFIED MAIL**

Ms. Kim Jumper  
THPO  
Shawnee Tribe of Oklahoma  
29 S Hwy 69A  
Miami, OK 74355

Subject: AR ERFO BUFF 2015-1(2), Eribe Road Improvements  
Buffalo National River  
Section 106 Consultation

Dear Ms. Jumper:

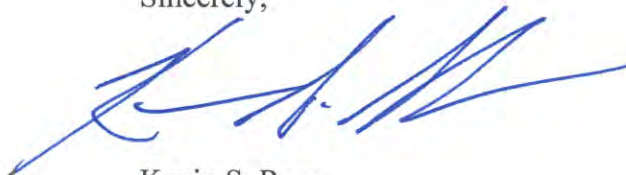
The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), is continuing to prepare an Environmental Assessment for the proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

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The FHWA and NPS respectfully requests your review of the proposed project and concurrence with our determination that the proposed undertaking would have no adverse effect on historic properties 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](mailto:Lisa.Landers@dot.gov) or (571) 434-1592.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. S. Rose', with a long horizontal flourish extending to the right.

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. Jesse Morris, Buffalo National River, NPS



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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

SEP 18 2017

In Reply Refer to: HFPP-15

**CERTIFIED MAIL**

Mr. Leonard Longhorn  
THPO  
Absentee Shawnee Tribe of Oklahoma  
2025 South Gordon Cooper Dr  
Shawnee, OK 74801-9381

Subject: AR ERFO BUFF 2015-1(2), Eribe Road Improvements  
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 proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

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The FHWA and NPS respectfully requests your review of the proposed project and concurrence with our determination that the proposed undertaking would have no adverse effect on historic properties 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](mailto:Lisa.Landers@dot.gov) or (571) 434-1592.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. S. Rose', with a stylized flourish at the end.

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. Jesse Morris, Buffalo National River, NPS





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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

SEP 18 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(2), Eribe Road Improvements  
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 proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to complete the repairs. Enclosed you will find conceptual plans that depict the limits of disturbance for the project. Arkansas Historic Preservation Program records indicate that five historic properties are located near or within this undertaking and so the undertaking and its potential for impacts to historic properties was reviewed by Dr. Caven Clark, Archeologist at Buffalo National River (park), and his findings are enclosed. The review found that because the repairs would be completed primarily within the existing roadway prism which was previously disturbed by the initial construction of the roads, the proposed undertaking would have no adverse effect on historic properties.

The FHWA and NPS respectfully requests your review of the proposed project and concurrence with our determination that the proposed undertaking would have no adverse effect on historic properties 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](mailto: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. Jesse Morris, Buffalo National River, NPS





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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

SEP 18 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(2), Erbie Road Improvements  
Buffalo National River  
File 1516-2320AR-8  
Section 106 Consultation

Dear Mr. Munkres

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 proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

In your letter dated October 21, 2016, a request was made that a cultural resource survey be conducted for the subject project. Since the receipt of your letter, FHWA and NPS have been working to complete the conceptual design and the supporting engineering analysis for this project so that the impacts of the project could be better understood. The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to complete the repairs. Enclosed you will find conceptual plans that depict the limits of disturbance for the project. Arkansas Historic Preservation Program was contacted regarding the presence of any known historic properties, and their records indicated that five historic properties are located near or with this undertaking. In response to the results of the records and your request for a cultural resource survey, the undertaking and its potential for impacts to historic properties was reviewed by Dr. Caven Clark, Archeologist at Buffalo National River (park). The review found that because the repairs would be completed primarily within the existing roadway prism, the proposed undertaking would have no adverse effect on historic properties (sites). The detailed findings of his review are enclosed.

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](mailto:Lisa.Landers@dot.gov) or (571) 434-1592.

Sincerely,



Kevin S. Rose  
Environmental Compliance Specialist

Enclosures

cc:

Mr. Bob Kammel, FLTP Coordinator, Midwest Region, NPS  
Dr. Caven Clark, Buffalo National River, NPS  
Mr. Jesse Morris, Buffalo National River, NPS





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

Eastern Federal Lands  
Highway Division

21400 Ridgetop Circle  
Sterling, VA 20166-6511

SEP 18 2017 In Reply Refer to: HFPP-15

**CERTIFIED MAIL**

Mr. Eric Oosahwee-Voss  
Tribal Historic Preservation Officer  
United Keetoowah Band of Cherokee Indians in Oklahoma  
P.O. Box 1245  
Tahlequah, OK 74465

Subject: AR ERFO BUFF 2015-1(2), Erbie Road Improvements  
Buffalo National River  
U16-575, 16.0594  
Section 106 Consultation

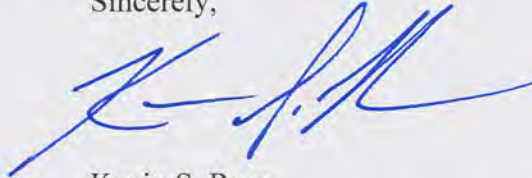
Dear Mr. Oosahwee-Voss:

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 proposed road improvement project within the Buffalo National River in Erbie, located in Newton County, Arkansas. Road improvements would include the rehabilitation of a 2.7 mile segment of Compton-Erbie Road (also referred to as County Road 19), and the replacement of the low water crossings. The first low water crossing, located along County Road 57 at Cove Creek, would be replaced with ten 8-foot span by 4-foot rise box culverts. The second low water crossing, located along County Road 79 at Cove Creek, would be replaced in-kind with a concrete slab low water crossing.

In your letter dated September 6, 2016, a request was made that a cultural resource survey be conducted for the subject project. Since the receipt of your letter, FHWA and NPS have been working to complete the conceptual design and the supporting engineering analysis for this project so that the impacts of the project could be better understood. The undertaking's area of potential effect (APE) has been defined as the limits of disturbance required in order to complete the repairs. Enclosed you will find conceptual plans that depict the limits of disturbance for the project. Arkansas Historic Preservation Program was contacted regarding the presence of any known historic properties, and their records indicated that five historic properties are located near or with this undertaking. In response to the results of the records and your request for a cultural resource survey, the undertaking and its potential for impacts to historic properties was reviewed by Dr. Caven Clark, Archeologist at Buffalo National River (park). The review found that because the repairs would be completed primarily within the existing roadway prism, the proposed undertaking would have no adverse effect on historic properties (sites). The detailed findings of his review are enclosed.

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](mailto:Lisa.Landers@dot.gov) or (571) 434-1592.

Sincerely,



Kevin S. Rose  
Environmental Compliance Specialist

Enclosures

cc:

Mr. Bob Kammel, FLTP Coordinator, Midwest Region, NPS

Dr. Caven Clark, Buffalo National River, NPS

Mr. Jesse Morris, Buffalo National River, NPS



SEP 18 2017 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(2) – Erbie Road Improvements  
Buffalo National River  
Request for Concurrence  
Consultation Code: 04ER1000-2017-SLI-0800

Dear Mr. Tobin:

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), Buffalo National River, is proposing a road improvement project in the Erbie area, in Newton County, Arkansas. The proposed improvements would repair damage, replace existing low water crossings and provide a more sustainable transportation facility. The preferred alternative in the Environmental Assessment, currently underway for the project, would rehabilitate a 2.7-mile section of Compton-Erbie Road (County Road 19) through the replacement of the base and surface course of the road and grading of the road and ditches. The low water crossing along County Road 57 at Cove Creek would be replaced with multiple box culverts and the second water crossing along County Road 79 at Cove Creek would be replaced in-kind with a concrete slab low water crossing. The road approaches on each side of the crossings would also be repaired and articulated concrete block mats would be installed to provide additional stability.

The species list provided through ECOS-IPaC for the project area includes seven threatened, endangered, or candidate species: 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*). Designated critical habitat for rabbitsfoot is found downstream of the project area and is defined as the Buffalo River from the Erbie low water crossing to its confluence with the White River.

Tree clearing would be necessary in order to complete the repairs, and has the potential to impact listed bat species. 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.

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. Within a 5-kilometer buffer of the project area there is at least one cave with hibernating gray bats. There is also at least one cave with a gray bat summer bachelor colony. The proposed repairs would be completed within or immediately adjacent to the existing roads, and would not have no impact on any caves in the vicinity of the project. The proposed project is not anticipated to impact gray bats or Ozark big-eared bats.

Within a 5-kilometer buffer of the project area there are at least two known caves with hibernating Indiana bats and at least one cave with hibernating northern long-eared bats. 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.

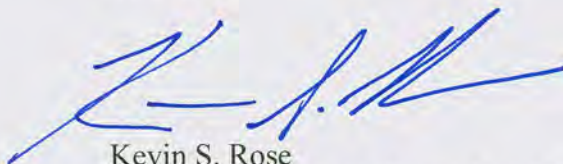
Park database records show that there are at least six mussel beds within a 5-kilometer buffer of the project area; however, rabbitsfoot and snuffbox mussels have not been found in these locations. In-water work and ground disturbance would be necessary in order to replace the two existing low water crossings and their approach roads. Sedimentation resulting from these activities has the potential to impact mussels, fish, and/or their habitats. 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. Temporary diversion berms would be installed in order to dewater the work area. The water would be pumped through filter bags to remove sediment. The temporary diversions would be phased to keep roughly half of the channel open during construction. Turbidity curtains would also be installed to minimize sedimentation of the stream.

We have determined that the project may affect, but is not likely to adversely affect the gray bat, Indiana bat, Ozark big-eared bat, Ozark cavefish, rabbitsfoot, or the snuffbox mussel based on the reasoning provided above. The project would have no effect on the designated critical habitat for the rabbitsfoot mussel. Enclosed you will find a location map and conceptual plans. 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](mailto:Lisa.Landers@dot.gov) or (571) 434-1592.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. S. Rose', with a stylized flourish at the end.

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

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



October 2, 2017

Mr. Kevin S. Rose  
U. S. Department of Transportation  
Federal Highway Administration  
21400 Ridgetop Circle  
Sterling, Virginia 20166-6511

Consultation Code: 04ER1000-2017-SLI-0800

Dear Mr. Rose,

The U.S. Fish and Wildlife Service (Service) has reviewed your assessment and determinations for Arkansas Department of Transportation (ARDOT) project AR ERFO BUFF 2015-1(2) - Erbie Road Improvements Buffalo National River (HFPP-15). The project was described and assessed as follows (abbreviated):

The Eastern Federal Lands Highway Division, of the Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), Buffalo National River, is proposing a road improvement project in the Erbie area, in Newton County, Arkansas. The proposed improvements would repair damage, replace existing low water crossings, and provide a more sustainable transportation facility. The preferred alternative in the Environmental Assessment, currently underway for the project, would rehabilitate a 2.7-mile section of Compton-Erbie Road (County Road 19) through the replacement of the base and surface course of the road and grading of the road and ditches. The low water crossing along County Road 57 at Cove Creek would be replaced with multiple box culverts and the second water crossing along County Road 79 at Cove Creek would be replaced in-kind with a concrete slab low water crossing. The road approaches on each side of the crossings would also be repaired and articulated concrete block mats would be installed to provide additional stability.

The species list provided through ECOS-IPaC for the project area includes seven threatened, endangered, or candidate species: 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*). Designated critical habitat for Rabbitsfoot is found downstream of the project area and is defined as the Buffalo River from the Erbie low water crossing to its confluence with the White River.

Tree clearing would be necessary in order to complete the repairs, and has the potential to impact listed bat species. 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.

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. Within a 5-kilometer buffer of the project area, there is at least one cave with hibernating Gray Bats. There is also at least one cave with a Gray Bat summer bachelor colony. The proposed repairs would be completed within or immediately adjacent to the existing roads, and would not have an impact on any caves in the vicinity of the project. The proposed project is not anticipated to impact Gray Bats or Ozark Big-eared Bats.

Within a 5-kilometer buffer of the project area, there are at least two known caves with hibernating Indiana Bats and at least one cave with hibernating Northern Long-eared Bats. 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.

Park database records show that there are at least six mussel beds within a 5-kilometer buffer of the project area; however, Rabbitsfoot and Snuffbox Mussels have not been found in these locations. In-water work and ground disturbance would be necessary in order to replace the two existing low water crossings and their approach roads. Sedimentation resulting from these activities has the potential to impact mussels, fish, and/or their habitats. 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. Temporary diversion berms would be installed in order to dewater the work area. The water would be pumped through filter bags to remove sediment. The temporary diversions would be phased to keep roughly half of the channel open during construction. Turbidity curtains would also be installed to minimize sedimentation of the stream.

We have determined that the project may affect, but is not likely to adversely affect the Gray Bat, Indiana Bat, Ozark Big-eared Bat, Ozark Cavefish, Rabbitsfoot, or the Snuffbox Mussel based on the reasoning provided above. The project would have no effect on the designated critical habitat for the Rabbitsfoot Mussel. Enclosed you will find a location map and conceptual plans. FHWA respectfully requests your review of the proposed project and concurrence with our determination within 30 days of receipt of this letter.

Based on the location of this action, the minimal forested habitat being affected, type of habitat being affected, the distance to known species locations and hibernacula, night time construction and winter only clearing restrictions, BMPs for stream sediment control, and temporary and limited noise and vibrations, the Service agrees with your assessment and concurs with your determinations for Gray Bat, Indiana Bat, Ozark Big-eared Bat, Ozark Cavefish, Rabbitsfoot, or the Snuffbox Mussel. No further consultation regarding these species is necessary at this time.

Furthermore, the Service has reviewed your determination that the proposed action will not result in any prohibited incidental take for Northern Long-eared Bat. This project may affect the Northern Long-eared Bat; 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 (50 CFR §17.40(o)). This project is consistent with the description of the proposed action in the programmatic biological opinion, and the 4(d) rule does not prohibit incidental take of the Northern Long-eared Bat that may occur as a result of this project. Therefore, the programmatic biological opinion satisfies the "action agency" responsibilities under ESA section 7(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 surveys conducted, or any dead, injured, or sick Northern Long-eared Bats 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.

Furthermore, due to the limited size of the area being cleared, proximity to the existing right-of-way, minimal adjacent habitat being disturbed, minimal ground disturbance, and distance to known species locations, the Service has no concerns or recommendations to provide as further technical assistance related to this action for any other species identified for this area. No further action is required at this time.



Mr. Kevin Rose

4

For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or [lindsey\\_lewis@fws.gov](mailto:lindsey_lewis@fws.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Mel L. Tobin", with a stylized flourish at the end.

Melvin L. Tobin  
Field Supervisor

**From:** [tonya@shawnee-tribe.com](mailto:tonya@shawnee-tribe.com)  
**To:** [Landers, Lisa \(FHWA\)](#)  
**Subject:** AR ERFO BUFF 2015-1(2), Eribe Road Improvements Buffalo National River  
**Date:** Wednesday, October 4, 2017 4:55:35 PM

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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 immediate consultation under such a circumstance.

If you have any questions, you may contact me via email at [tonya@shawnee-tribe.com](mailto:tonya@shawnee-tribe.com)

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

Sincerely,  
Tonya Tipton THPO  
Shawnee Tribe





2017 OCT 16 PM 01:41 Osage Nation Historic Preservation Office

HAZARDOUS WASTE

Date: October 13, 2017

File: 1718-288AR-10

RE: FHWA Eastern Federal Lands Highway Division HFPP-15 AR ERFO NP 2015-1(2) Erbie Road Improvements at Buffalo National River in Newton County, Arkansas

Federal Highway Administration  
Eastern Federal Lands – Highway Division  
Kevin Rose  
21400 Ridgetop Circle  
Sterling, VA 20166-6511


Dear Mr. Rose,

The Osage Nation Historic Preservation Office has evaluated your submission and concurs that, per the enclosed review conducted by Dr. Caven Clark of the Buffalo National River, the proposed **FHWA Eastern Federal Lands Highway Division HFPP-15 AR ERFO NP 2015-1(2) Erbie Road Improvements at Buffalo National River in Newton County, Arkansas** most likely will not adversely affect properties of cultural or sacred significance to the Osage Nation. The Osage Nation has no further concern with this project, with the exception below.

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 to 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). **As a part of the scoping process the FHWA has fulfilled NHPA and NEPA compliance by consulting with the Osage Nation Historic Preservation Office in regard to the proposed FHWA Eastern Federal Lands Highway Division HFPP-15 AR ERFO NP 2015-1(2) Erbie Road Improvements at Buffalo National River in Newton County, Arkansas.**

The Osage Nation has vital interests in protecting its historic and ancestral cultural resources. We do not anticipate that this project will adversely impact any cultural resources or human remains protected under the NHPA, NEPA, the Native American Graves Protection and Repatriation Act, or Osage law. **If, however, artifacts or human remains are discovered during project-related activities, we ask that activities cease immediately and the Osage Nation Historic Preservation Office be contacted.**

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



GWYD D3P  
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**Office of the Chief**

Bill John Baker  
*Principal Chief*  
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S. Joe Crittenden  
*Deputy Principal Chief*  
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October 24, 2017

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Kevin S. Rose  
Environmental Compliance Specialist  
US Department of Transportation  
Federal Highway Administration  
Eastern Federal Lands Highway Division  
21400 Ridgetop Circle  
Sterling, VA 20166-6211

Re: HFPP-15, Road Improvement Project, Buffalo National River

Mr. Kevin S. Rose:

The Cherokee Nation (CN) is in receipt of your correspondence about **HFPP-15** for a proposed road improvement project within the Buffalo National River, and appreciates the opportunity to provide comment upon this project.

The CN maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office reviewed this project, cross referenced the project's legal description against our information, and found no instances where this project intersects or adjoins such resources. Thus, the CN does not foresee this project imparting impacts to Cherokee cultural resources at this time.

However, the CN requests that the Federal Highway Administration (FHWA) halt all project activities immediately and re-contact our Offices for further consultation if items of cultural significance are discovered during the course of this project.

Additionally, the CN also requests that FHWA conduct appropriate inquiries with other pertinent Tribal and Historic Preservation Offices regarding historic and prehistoric resources not included in the CN databases or records.

If you require additional information or have any questions, please contact me at your convenience. Thank you for your time and attention to this matter.

Wado,

Elizabeth Toombs, Special Projects Officer  
Cherokee Nation Tribal Historic Preservation Office  
[elizabeth-toombs@cherokee.org](mailto:elizabeth-toombs@cherokee.org)  
918.453.5389