

**DESIGN REASSESSMENT OF  
BELLA VISTA-PINEVILLE, MO  
ENVIRONMENTAL IMPACT STATEMENT  
HIGHWAY 71 IN BENTON COUNTY, ARKANSAS  
FROM BELLA VISTA, ARKANSAS TO THE  
ARKANSAS/MISSOURI STATE LINE**

Federal Highway Administration-Arkansas Division

FHWA-AR-EIS-98-01-F

Federal Project: DPR-00551(1)

State Project: 009969

June 2007

This project was initially evaluated as part of FAP DRP-0051(1), Arkansas State Highway and Transportation Department (AHTD) Job Number 009969, U.S. 71, Bella Vista to Pineville, Missouri (see Figure 1), for which a Final Environmental Impact Statement (FEIS) was prepared by HNTB Corporation. The FEIS was approved by the Federal Highway Administration (FHWA) on December 22, 1999, and the Record of Decision was issued April 19, 2000.

The AHTD and the Missouri Department of Transportation (MoDOT) have different design teams working on the portions of the project that fall within their respective states and are each submitting a Design Reassessment to FHWA for their portion. Changes made by the AHTD near the Missouri/Arkansas state line were coordinated with MoDOT. The reassessment of the FEIS is necessary due to changes in the 1998 Conceptual Design that occurred following the Location Public Hearing (LPH) held May 21, 1998 in Bella Vista, Arkansas.

In July 2004, HNTB Corporation conducted a *Traffic, Revenue and Toll Feasibility Study*, (2004 Study) for the US 71 Bella Vista Bypass Project. In the 2004 Study, the AHTD and MoDOT considered the feasibility of constructing the bypass facility using toll financing. The 2004 Study was conducted as an investment-grade toll study to determine the potential toll financing feasibility of the bypass project.

In 2005, the MoDOT was able to secure funding for their share of the project through the passage of the Amendment 3 ballot initiative, which provided MoDOT the ability to create the *Smoother Safer Sooner* program and allocate funding to construct Missouri's portion of the Bella Vista Bypass without using toll financing.

In April 2006 a *Bella Vista Bypass Toll Study Update* (2006 Study) was conducted by HNTB Corporation to examine the feasibility of tolling only the Arkansas portion of the project, from the Arkansas-Missouri state line to the Highway 71/Highway 71 Business interchange north of Bentonville.

The 2006 Study determined the estimated capital cost of the bypass project and recommended an appropriate tolling solution that would require a commitment by the AHTD for road operation and maintenance but would fully fund the construction costs of the project with no additional funds necessary.

Based on the combined findings of the 2004 Study and 2006 Study, on April 12, 2006 the Arkansas State Highway Commission authorized the AHTD to develop the bypass as a toll facility. Carter & Burgess Inc, an engineering consulting firm, has been hired to design the toll facility. After the design related to the toll facility is complete, analytical results of the toll facility's potential environmental impacts will be included in a separate reevaluation.

Design work within Arkansas was initiated with HNTB Corporation in August 2001 under AHTD Job Number 090115. Due to funding conflicts and transportation priorities, work on the project was suspended between April 2004 and May 2005. Design modifications that have

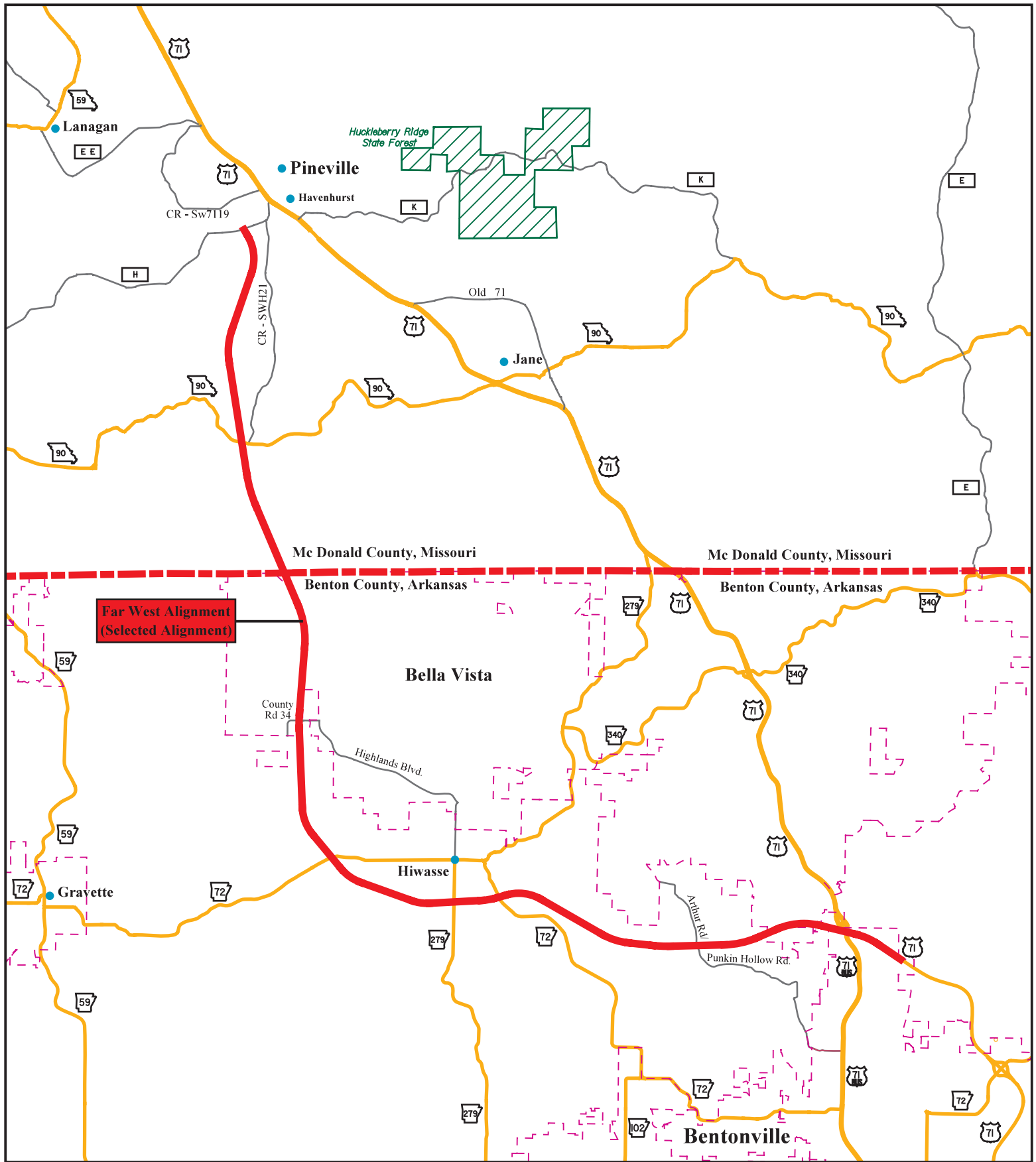
occurred since the LPH were presented to the public at Design Public Hearings (DPH) held in Gravette and Bella Vista on November 15 and November 16, 2006, respectively.

**APPROVED**




\_\_\_\_\_  
Environmental Specialist  
Federal Highway Administration

Date: 6/7/07



**Figure 1**  
 Project Location Map  
 Highway 71 Relocation  
 Bella Vista, Arkansas to Pineville, Missouri  
 AHTD Job No. 009969

Legend	
	Project Location



The design modifications resulted in the following changes in project length and right of way to be acquired.

<u>Design Year</u>	<u>Length in Miles (Kilometers)</u>	<u>Right of Way in Acres (Hectares)</u>
1998	13.8 (22.2)	501.8 (203.0)
2006	14.1 (22.7)	665.1 (269.2)

The 1998 Conceptual Design and 2006 Modified Design include four 12-foot (3.6-meter) wide paved travel lanes, a 60-foot (18.3-meter) wide depressed median, and open shoulder design. The 1998 Conceptual Design included a 12-foot (3.6-meter) wide outside shoulder, whereas the 2006 Modified Design has 10-foot (3.0-meter) wide outside shoulders, and six-foot (1.8-meter) wide inside shoulders. Right of way widths and design speed were not designated in the 1998 Conceptual Design. Right of way widths will average 325 feet (99 meters), and the proposed design speed is 70 miles per hour (120 kilometers per hour) for the 2006 Modified Design.

The changes in estimated costs are shown in Table 1.

<b>Table 1</b>		
<b>Estimated Cost Analysis</b>		
	1998 Conceptual Design (Million \$)	2006 Modified Design (Million \$)
Construction	82.4	141.1*
Right of Way	3.6	29.3**
Design	4.0	4.7***
Totals	90.0	175.1

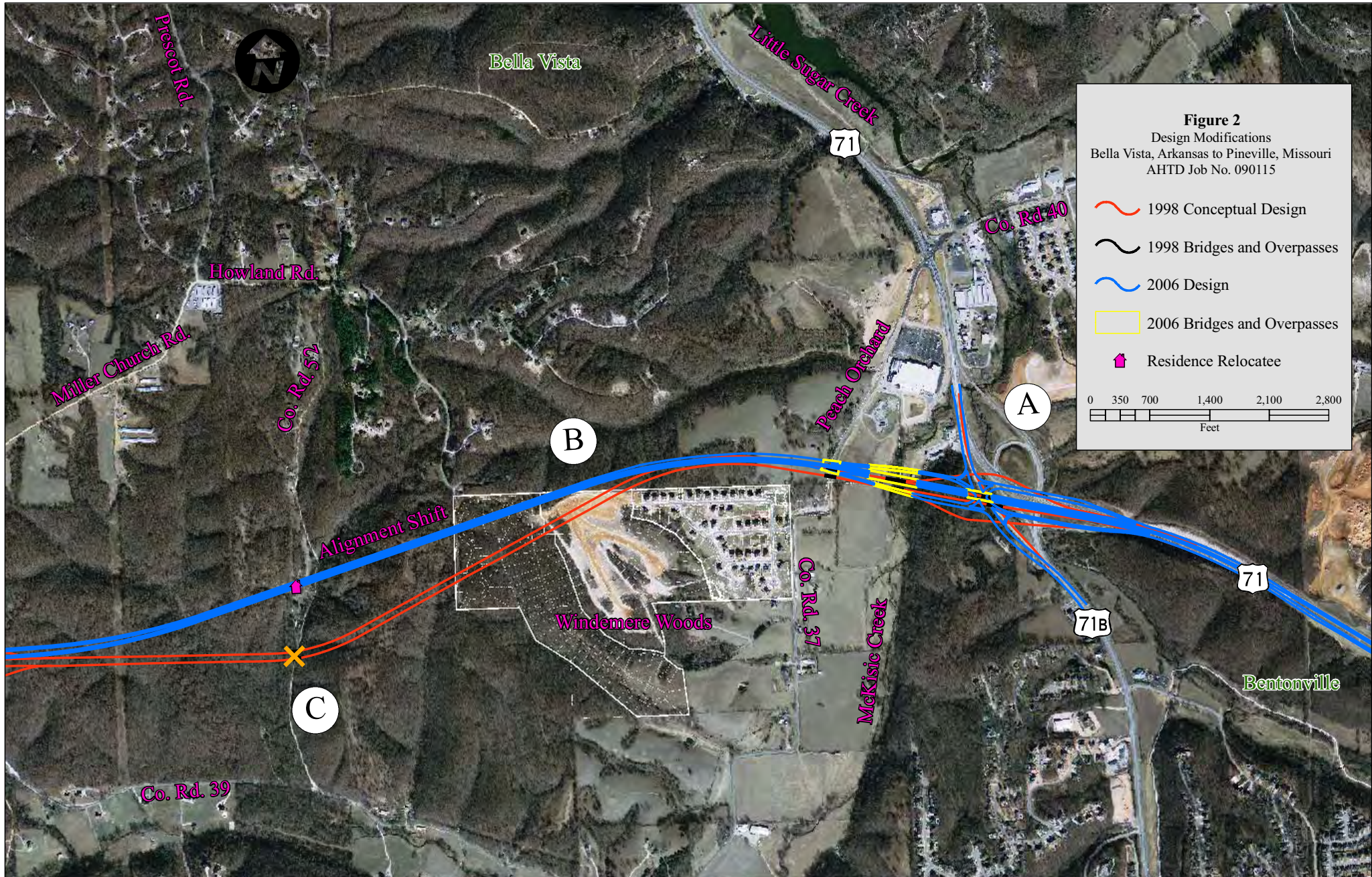
\*Reflects a Construction Cost Index increase of approximately 90% since 1998

\*\*Reflects both increased property values and a low 1998 estimate of required right of way

\*\*\* Reflects annual inflation rates

The proposed design modifications are shown on Figures 2 through 7 and are summarized in Table 2. Each modification has been assigned a letter on the figure, which also corresponds to an explanation of the proposed modifications provided in Table 2.

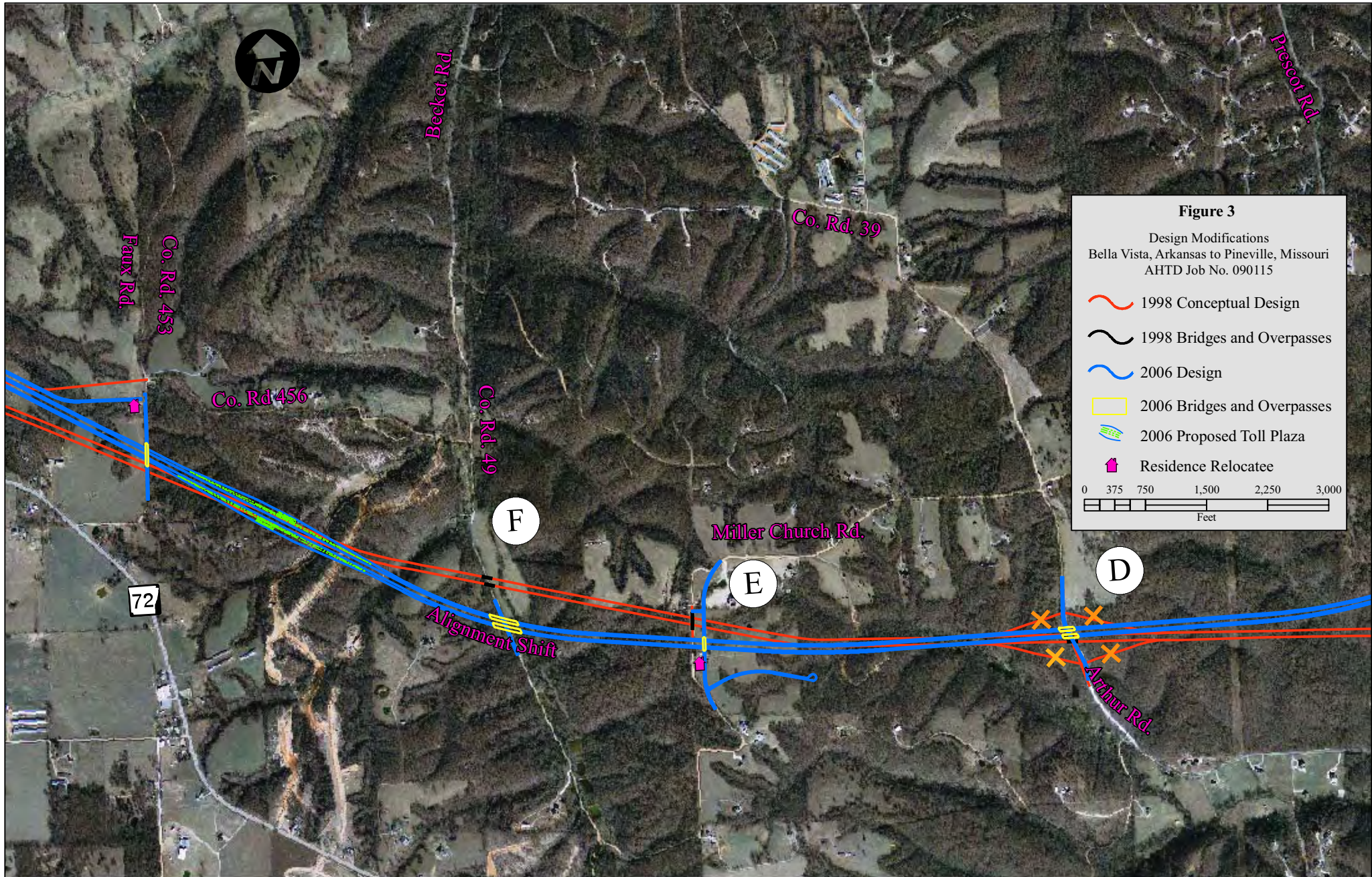
There are no endangered species associated with this project. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits.



**Figure 2**  
 Design Modifications  
 Bella Vista, Arkansas to Pineville, Missouri  
 AHTD Job No. 090115

- 1998 Conceptual Design
- 1998 Bridges and Overpasses
- 2006 Design
- 2006 Bridges and Overpasses
- 🏠 Residence Relocatee

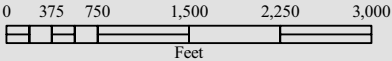
0 350 700 1,400 2,100 2,800  
 Feet



**Figure 3**

Design Modifications  
 Bella Vista, Arkansas to Pineville, Missouri  
 AHTD Job No. 090115

-  1998 Conceptual Design
-  1998 Bridges and Overpasses
-  2006 Design
-  2006 Bridges and Overpasses
-  2006 Proposed Toll Plaza
-  Residence Relocatee



F

E

D

Alignment Shift

Arthur Rd.

72

Faux Rd.  
 Co. Rd. 453

Co. Rd. 456

Co. Rd. 49

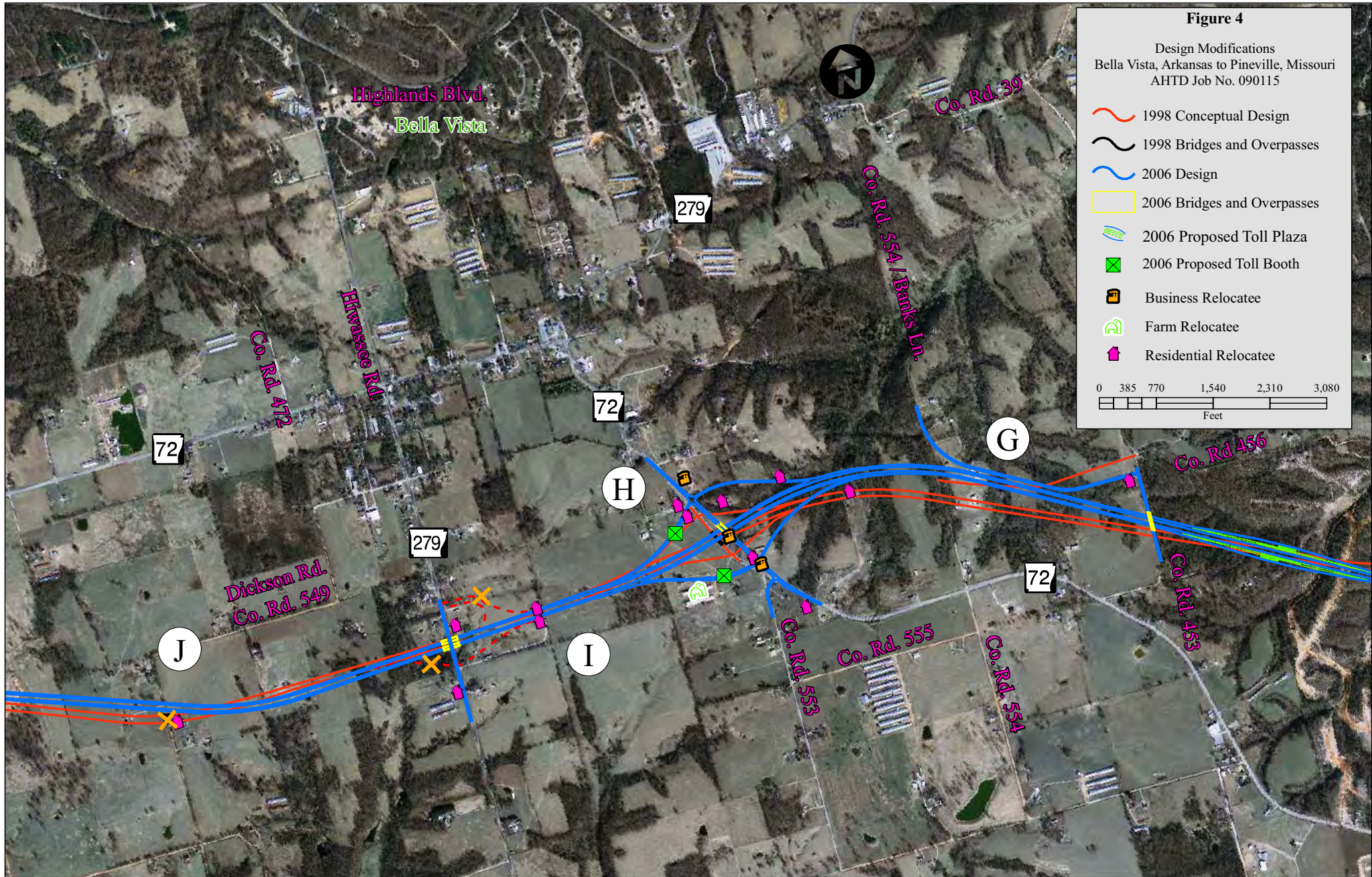
Co. Rd. 39

Miller Church Rd.

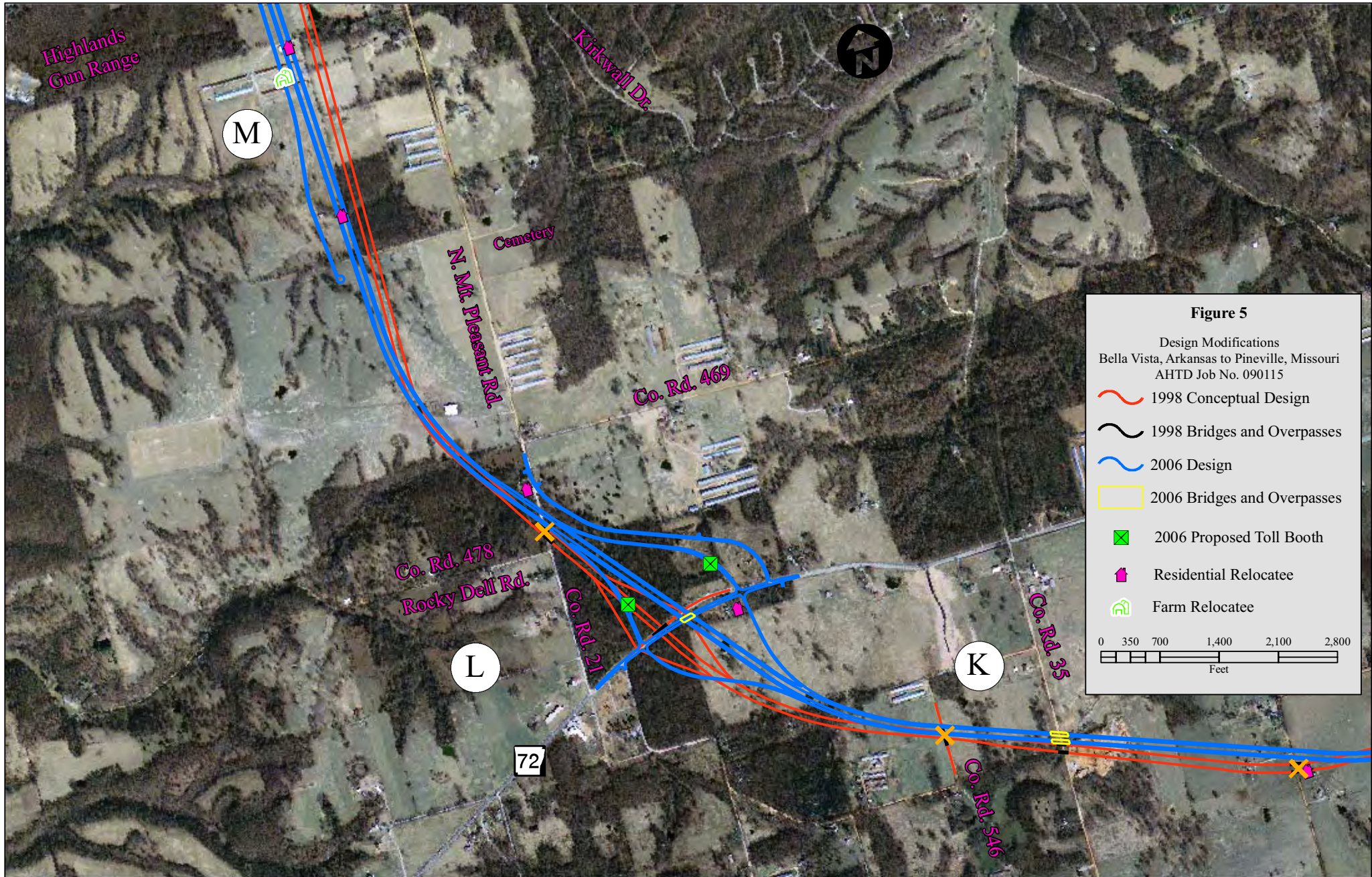
Becket Rd.

Prescot Rd.



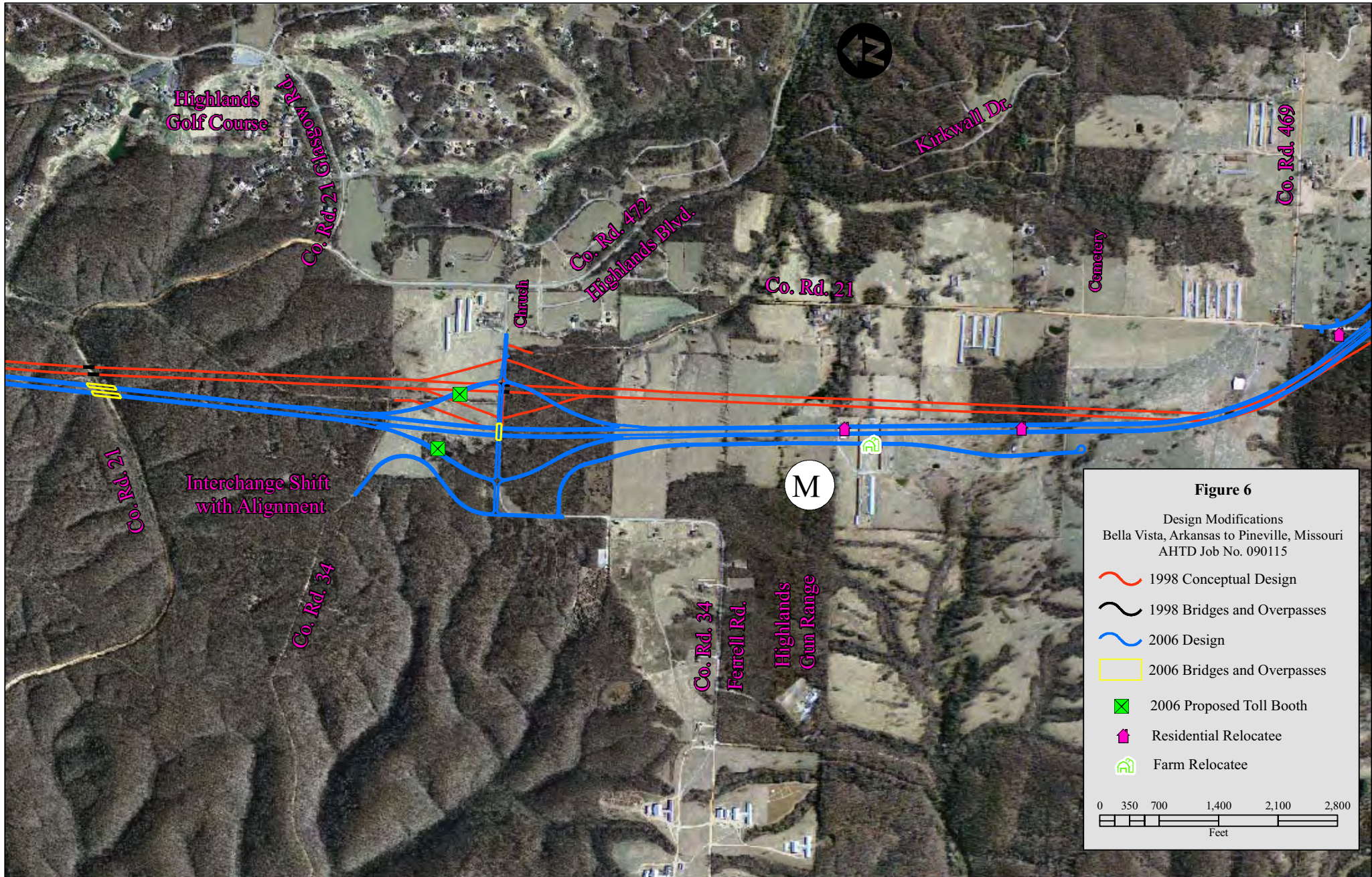






**Figure 5**

- Design Modifications  
 Bella Vista, Arkansas to Pineville, Missouri  
 AHTD Job No. 090115
- 1998 Conceptual Design
  - 2006 Design
  - 2006 Bridges and Overpasses
  - 2006 Proposed Toll Booth
  - Residential Relocatee
  - Farm Relocatee
- 0 350 700 1,400 2,100 2,800  
 Feet



Highlands Golf Course

Co. Rd. 21  
 Mossy Glen Rd.

Kirkwall Dr.

Co. Rd. 469

Co. Rd. 472  
 Highlands Blvd.

Co. Rd. 21

Cemetery

Church

Interchange Shift  
 with Alignment

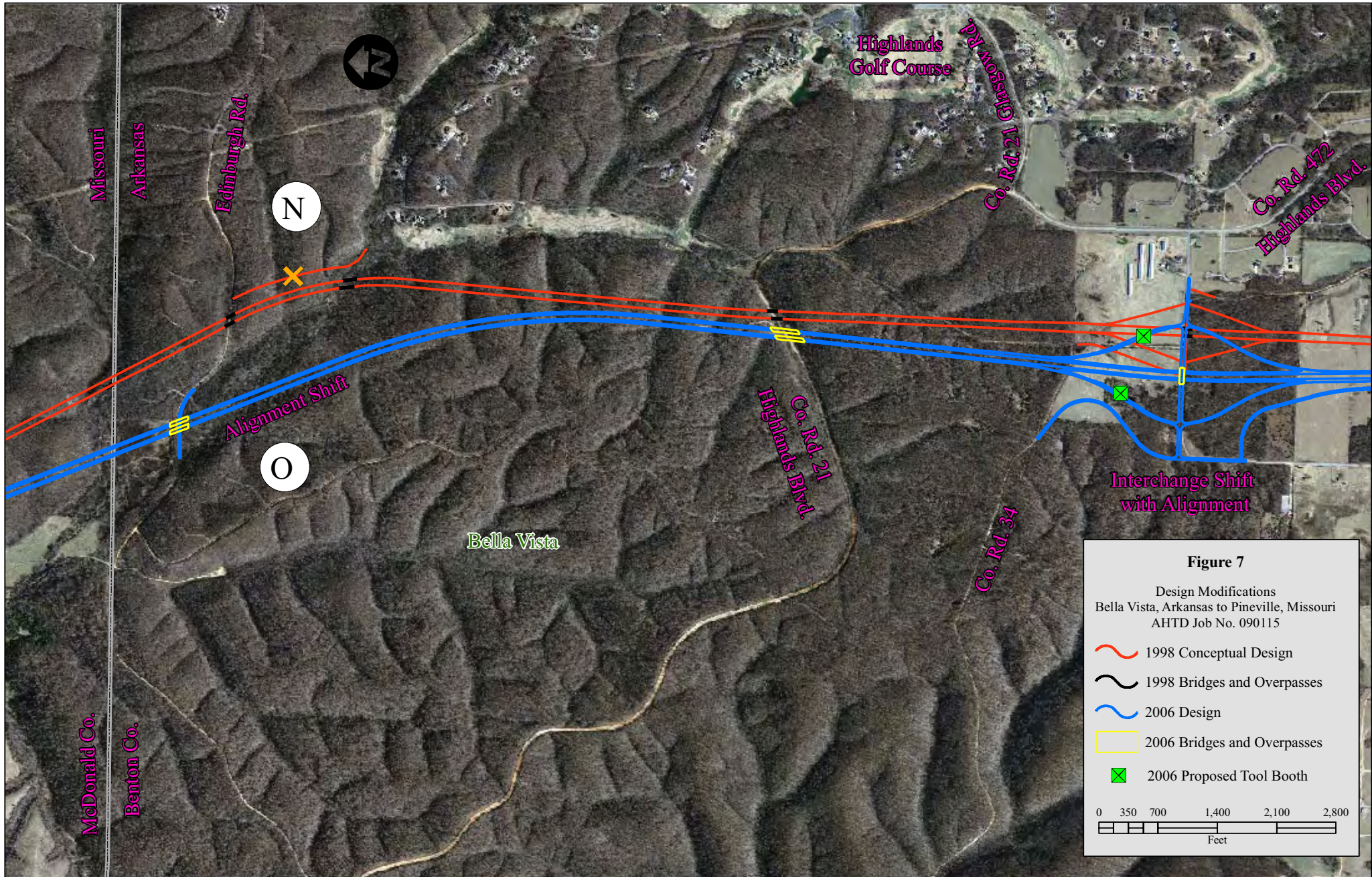
Co. Rd. 21

Co. Rd. 34






M

Co. Rd. 34  
 Ferrell Rd.

Highlands  
 Gun Range



**Figure 7**  
 Design Modifications  
 Bella Vista, Arkansas to Pineville, Missouri  
 AHTD Job No. 090115

-  1998 Conceptual Design
-  1998 Bridges and Overpasses
-  2006 Design
-  2006 Bridges and Overpasses
-  2006 Proposed Tool Booth

0 350 700 1,400 2,100 2,800  
 Feet

**Table 2**  
**Design Modification Summary**

Location	Design Modification/Explanation
A	The Highway 71 Business/Highway 71 interchange was represented as a conventional diamond interchange in the 1998 Conceptual Design. At the 2006 DPH, the interchange was presented as a directional interchange in order to satisfy traffic needs. The interchange has been redesigned as a single point urban interchange to decrease the amount of right of way required, thereby reducing costs, and to provide for adequate turning movements.
B	The alignment was shifted north to reduce impacts to recent residential development. This alignment was presented at the 2006 DPH, after which it was determined the shift would result in stream relocation issues. Therefore, the alignment was shifted south of the stream while preserving the residential development to the greatest extent possible.
C	The County Road 52 grade separation was removed to reduce costs, as recommended by Value Engineering Study results.
D	The Arthur Road full interchange was removed and replaced with a grade separation due to insufficient traffic. The vertical grade of Arthur Road was reduced, minimizing right of way requirements and decreasing costs.
E	Miller Church Road was relocated and a frontage road added south of the bypass to maintain property access.
F	The alignment was shifted south, replacing two curves with one continuous curve.
G	The County Road 554 (Banks Lane) and County Road 453 (Faux Road) connection was shifted north to concur with the 2006 Design location.
H	The Highway 72 interchange was enlarged to meet current design standards, resulting in additional right of way acquisition.
I	An interchange was considered at Highway 279, but was determined as not needed due to insufficient traffic. Public input indicates the need for connectivity between Highway 72 and Highway 279. This highway connectivity will be evaluated under separate documentation.
J	In the 1998 Conceptual Design, the main lanes bridged County Road 549 (Dickson Road). Information presented at the 2006 DPH showed Dickson Road going over the main lanes. Comments received at the DPH led to further study of local traffic patterns and the elimination of the Dickson Road grade separation in favor of a grade separation at County Road 35 (Gordon Hollow Road).
K	The grade separations at Gordon Hollow Road and County Road 546 (Cash Springs Road) represented in the 1998 Conceptual Design were removed to reduce costs as recommended by the Value Engineering Study results. Due to comments received after the 2006 DPH and further study of local traffic patterns, the Gordon Hollow Road grade separation was reinstated.
L	The Highway 72 interchange footprint was enlarged to meet current design standards, and a frontage road between North Mount Pleasant Road and Highway 72 was added to maintain the local road network.
M	The County Road 34 (Ferrell Road) interchange was enlarged to meet current design standards, County Road 34 was realigned west of the interchange to reconnect the local road network, and a frontage road was added to maintain property access.
N	The frontage road between Edinburgh Road and Mill Creek was eliminated because it is no longer needed due to the alignment shift at Location O.
O	Alignment segment shifted west due to public comments regarding impacts to the Highlands Golf Course residents. This change was made in coordination with MoDOT.

The design presented at the 2006 Public Hearing will require 13.4 acres (5.4 hectares) of additional Prime Farmland and 60.9 acres (24.6 hectares) of additional Farmland of Statewide Importance more than the 1998 conceptual design estimates (see Table 3). Form NRCS-CPA-106, the Farmland Conversion Impact Rating, is included in Appendix A for both the 1998 Conceptual Alignment and the 2006 Modified Design. Due to the design modifications developed after the FEIS, the impact totals for prime farmland have increased approximately 5% and for farmland of statewide importance have increased approximately 8% over those presented in the FEIS.

Alignment Segment*	1998 Conceptual Design		2006 Modified Design	
	Prime Farmland Acres (Hectares)	Farmland of Statewide Importance Acres (Hectares)	Prime Farmland Acres (Hectares)	Farmland of Statewide Importance Acres (Hectares)
FW/NWH1	7.5 (3.0)	1.5 (0.6)	12.3 (5.0)	2.6 (1.0)
FWD1	35.8 (14.5)	90.8 (36.7)	44.3 (18.0)	123.8 (50.1)
FWC2	0	19.1 (7.7)	0	45.9 (18.6)
<b>Total</b>	<b>43.2 (17.5)</b>	<b>111.4 (45.0)</b>	<b>56.6 (23.0)</b>	<b>172.3 (69.7)</b>

\*Alignment Segments used in the analysis of the FEIS Selected Alignment, as shown on Figure 8.

A preliminary analysis of noise impacts within the project study area was conducted and presented in the FEIS. A noise barrier analysis will be conducted during the final phase of design, in accordance with the AHTD Noise Policy, to determine barrier feasibility for the Windemere Woods Subdivision (see Figure 2) and other areas of concentrated residential development.

There were 15 residential and two business relocations estimated for the 1998 Conceptual Alignment. The 2006 Modified Design will result in 19 residential, two farm and three business relocations, eleven more than originally estimated.

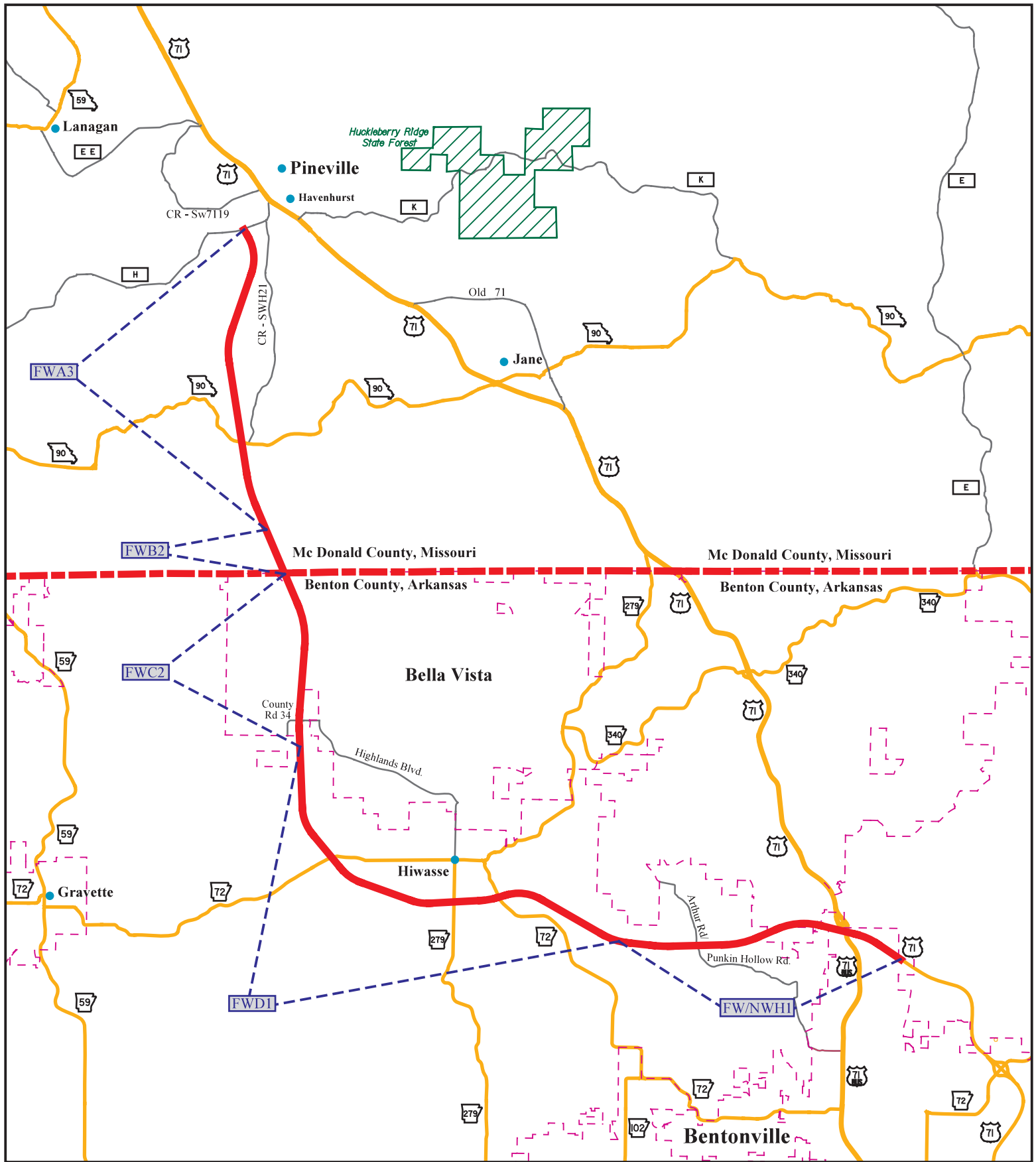
In Arkansas, four archeological sites were identified within the limits of the 1998 Conceptual Design, with only one (3BE634) warranting further evaluation. Subsequent Phase II testing determined that the site area located within the proposed right of way was not eligible for nomination to the National Register. Therefore, the 1998 Conceptual Design avoided eligible structures identified along the Selected Alternative. However, because portions of the 2006 Design are located outside of the area previously evaluated, additional cultural resource evaluation is required.

Cultural resource surveys have been conducted within the area not covered during the initial survey, and a report containing the results and recommendations has been submitted to the State Historic Preservation Officer (SHPO) for review. The survey identified three archeological sites (3BE756, 3BE748 and 3BE634) that have been recommended for Phase II evaluation. SHPO correspondence is included in Appendix B.

The assessment of sites associated with some private property where access has been restricted, and Phase II or III archeological work, is pending and will follow a Programmatic Agreement between the Advisory Council on Historic Preservation, SHPO, FHWA, and AHTD. The identified sites do not appear to contain material or features that would warrant preservation in place. The draft Programmatic Agreement is included in Appendix C.

An Architectural Survey was conducted for the project area with five structures identified as eligible to the National Register. All five eligible structures are located outside of the 2006 Modified Design and will not be impacted by the project.

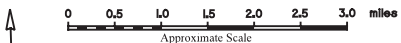
FHWA project consultation with the Quapaw and Osage tribes was initiated during the early stages of project development and will continue throughout its duration.



**Figure 8**

FEIS Selected Alignment Segments  
 Highway 71 Relocation  
 Bella Vista, Arkansas to Pineville, Missouri  
 AHTD Job No. 009969

Legend	
	Project Location
	Alignment Segments



Construction of this project would impact 21 mapped streams within Arkansas (see Figure 9). Twelve of the 21 streams are classified as waters of the United States (WOUS). The FEIS and U.S. Army Corp of Engineers Section 404 Permit have identified these streams as B-1 through B-21. B-1 is located at the Missouri state line and B-21 at the intersection of existing Highway 71. The twelve WOUS streams are B-1, 2, 3, 4, 8, 12, 13, 14, 15, 16 and 21 (see Table 4). One non-jurisdictional wetland, identified as B-3a, is located near stream crossing B-3. Impacts to the wetland total 0.1 acre (0.04 hectare). There are no jurisdictional wetland impacts on this project.

The 2006 Modified Design will result in minimal stream crossing impacts, with changes of five structure types from the 1998 concepts. Stream crossing structure types and associated Section 404 information are found in Table 4. An unnamed tributary to Spavinaw Creek (crossing B-8) will require approximately 150 feet (45 meters) of stream relocation to align with a new box culvert. Impacts to the stream would be less than approximately 0.1 acre (0.04 hectare). Tanyard Creek (crossing B-14) will require approximately 350 feet (110 meters) of stream relocation to align with a new bridge. Impacts to the stream would be less than approximately 0.1 acre (0.04 hectare). An unnamed tributary to McKissic Creek (crossing B-21) would require approximately 750 feet (229 meters) of stream relocation at the Highway 71/71B interchange due to construction of a new box culvert and removal of two existing box culverts. Impacts to the unnamed tributary of McKissic Creek are estimated at 0.26 acre (0.1 hectare). Work roads will be required at stream crossings to facilitate construction access. Impacts due to work roads will be minimal and temporary.

The original Section 404 Permit was issued as a General Permit, which has since been discontinued. The permit should be reissued as a Nationwide Permit 14 for Linear Transportation Crossings as defined in Federal Register 67 (10): 2020-2095.

This reevaluation of the environmental impacts resulting from design modifications was conducted through document review, site visits, and evaluation of Design Public Hearing comments. The additional and/or revised impacts detailed in this design reassessment are not deemed significant.



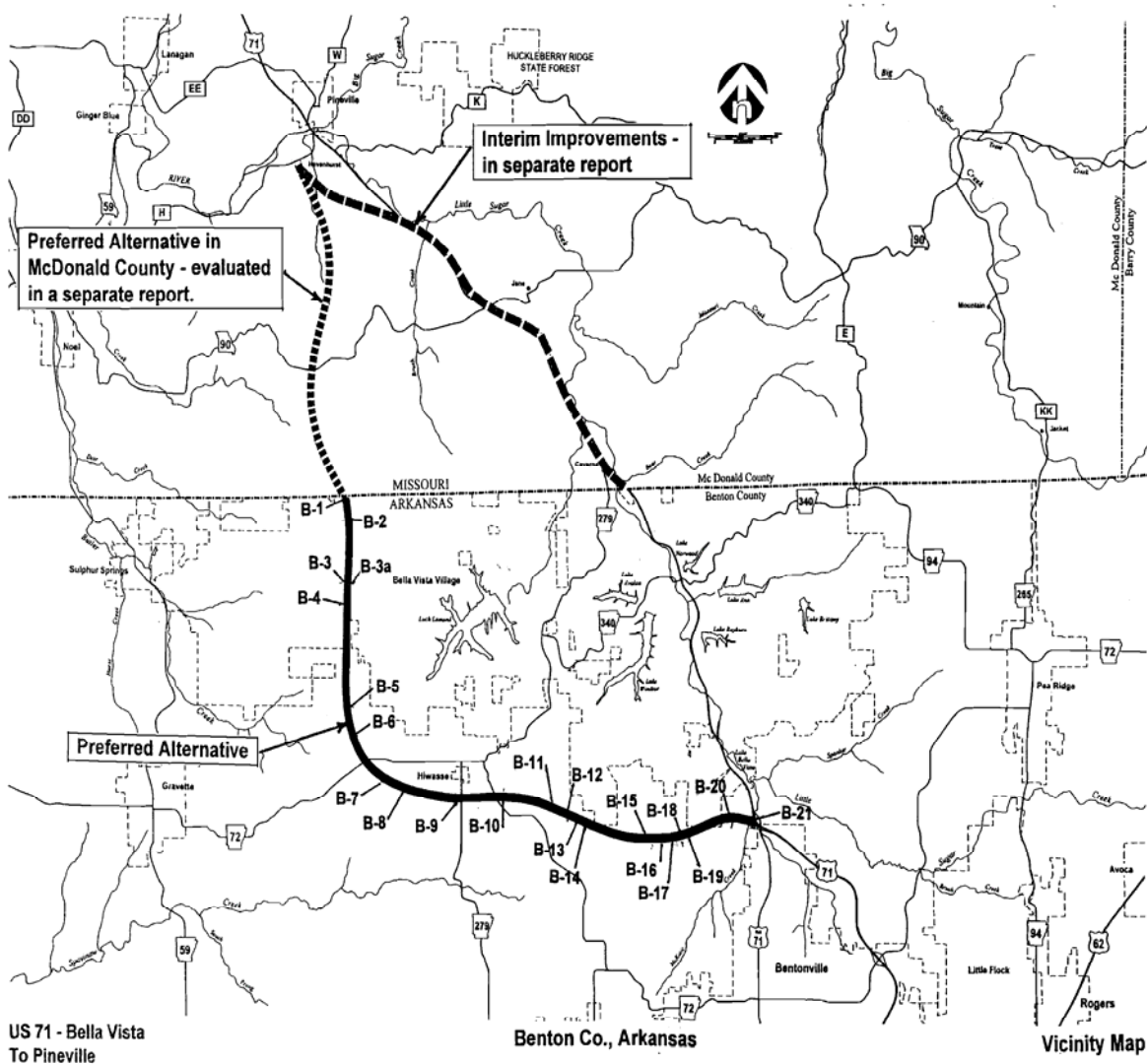


Figure 9  
 Stream Crossing Locations and Non-Jurisdictional Wetland  
 Bella Vista, Arkansas – Pineville, Missouri

<b>Table 4</b>			
<b>Stream Crossing Analysis</b>			
<b>Stream Crossing</b>	<b>1998 Crossing Type</b>	<b>2006 Crossing Type</b>	<b>Waters of the United States (*)</b>
B-1	Bridge	Box Culvert	*
B-2	Bridge	Box Culvert	*
B-3	Culvert	Culvert	*
B-4	Culvert	Culvert	*
B-5	Culvert	Culvert	
B-6	Culvert	Culvert	
B-7	Culvert	Culvert	
B-8	Culvert	Box Culvert	*
B-9	Culvert	Box Culvert	
B-10	Culvert	Culvert	
B-11	Culvert	Culvert	
B-12	Culvert	Culvert	*
B-13	Culvert	Culvert	*
B-14	Culvert	Box Culvert	*
B-15	Culvert	Bridge	*
B-16	Culvert	Culvert	*
B-17	Culvert	Culvert	
B-18	Culvert	Culvert	
B-19	Culvert	Culvert	
B-20	Bridge	Stream Avoided	*
B-21	Culvert	3 Bridges 1 Culvert	*
Totals	21	24	12

## **APPENDIX A**

### **THE FARMLAND CONVERSION IMPACT RATING**

FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Federal Agency) 090224		3. Date of Land Evaluation Request 1/18/07	4. Sheet 1 of ____
1. Name of Project Bella Vista to Pineville Mo.		5. Federal Agency Involved FHWA	
2. Type of Project Bypass		6. County and State Benton County Arkansas	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated   Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

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

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	43			
B. Total Acres Statewide And Local Important Farmland	111			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	10			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	10			
6. Creation Of Nonfarmable Farmland	25	1			
7. Availability Of Farm Support Services	5	0			
8. On-Farm Investments	20	5			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	2			
TOTAL CORRIDOR ASSESSMENT POINTS	160	0 53	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0 53	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0 153	0	0	0

1. Corridor Selected: FAR West	2. Total Acres of Farmlands to be Converted by Project: 154	3. Date Of Selection: 1/18/07	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:  
1998 Conceptual Alignment

Signature of Person Completing this Part: <i>John Baker</i>	DATE: 1/18/07
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NOTE: Complete a form for each segment with more than one Alternate Corridor

FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Federal Agency) 090224		3. Date of Land Evaluation Request 1/18/07	4. Sheet 1 of _____
1. Name of Project Bella Vista to Pineville Mo		5. Federal Agency Involved FHWA	
2. Type of Project Bypass		6. County and State Barton County Arkansas	

PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated   Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

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

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	57			
B. Total Acres Statewide And Local Important Farmland	172			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	10			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	10			
6. Creation Of Nonfarmable Farmland	25	1			
7. Availability Of Farm Support Services	5	0			
8. On-Farm Investments	20	5			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	2			
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>0 53</b>	<b>0</b>	<b>0</b>	<b>0</b>

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0 53	0	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>0 153</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Corridor Selected: Far West	2. Total Acres of Farmlands to be Converted by Project: 229 Acres	3. Date Of Selection: 1/18/07	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:  
2006 Design

Signature of Person Completing this Part: <i>John Bell</i>	DATE: 1/18/07
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NOTE: Complete a form for each segment with more than one Alternate Corridor

## **Appendix B**

### **Request for Technical Assistance and SHPO Response**



The Department of  
**Arkansas  
Heritage**

Mike Beebe  
Governor

Cathie Matthews  
Director

Arkansas Arts Council

Arkansas Natural Heritage  
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars  
Cultural Center

Old State House Museum



**Arkansas Historic  
Preservation Program**

1500 Tower Building

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Little Rock, AR 72201

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fax: (501) 324-9184

tdd: (501) 324-9811

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[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)

website:

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

Opportunity Employer



RECEIVED  
AHTD

APR 24 2007

ENVIRONMENTAL  
DIVISION

April 20, 2007

Mr. Lynn Malbrough  
Division Head  
Environmental Division  
Arkansas State Highway and Transportation Department  
P.O. Box 2261  
Little Rock, Arkansas 72203-2261

RE: Benton County – Bella Vista  
Section 106 Review – FHWA  
Cultural Resources Survey Report Entitled “US 71  
Bella Vista Alignment Study Reassessment, Benton  
County, Arkansas”  
AHTD Job Number 090224  
AHPP Project Number 62392

Dear Mr. Malbrough:

My staff has reviewed the referenced cultural resources survey report. We concur that this research is of sufficient intensity to identify cultural resources in the areas of potential effect (APE), although all standing structures 50 years old or older in the APE should be recorded as archeological sites.

This Phase I survey is not of the intensity in some cases to evaluate properties for their eligibility for inclusion in the National Register of Historic Places. We do concur, though, with the findings and recommendations on the prehistoric sites and on the historic sites that have been recommended for avoidance or archeological testing to determine National Register eligibility. However, we find that there is a lack of specific archival information and fieldwork on the other house sites and farmsteads to make a determination. This can be handled in a Phase II survey and testing program.

It is our understanding that landowner access problems prevented archeological investigations from being conducted on some of the house sites in the APE. Therefore, we recommend that a programmatic agreement be developed to address this issue, National Register evaluation procedures, assessments of effect, and the resolution of any adverse effects. Since the State of Missouri is a partner in this project, we believe the Advisory Council on Historic Preservation may also wish to be consulted and be a signatory to this agreement.

Thank you for your interest and concern for the cultural heritage of Arkansas.  
If you have any questions, please contact George McCluskey of my staff at  
(501) 324-9880.

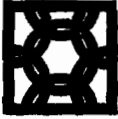
Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Grunewald', with a stylized flourish at the end.

Ken Grunewald  
Deputy State Historic Preservation Officer

cc: Federal Highway Administration  
Osage Nation  
Historic Preservation Associates  
Arkansas Archeological Survey





The Department of  
**Arkansas  
Heritage**

Mike Beebe  
Governor

Cathie Matthews  
Director

Arkansas Arts Council

Arkansas Natural Heritage  
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars  
Cultural Center

Old State House Museum



**Arkansas Historic  
Preservation Program**

1500 Tower Building  
323 Center Street  
Little Rock, AR 72201  
(501) 324-9880  
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Community Employer

March 16, 2007

Mr. Lynn P. Malbrough  
Division Head, Environmental Division  
Arkansas State Highway and Transportation Department  
PO Box 2261  
Little Rock, AR 72203-2261

RECEIVED  
AHTD

MAR 20 2007

ENVIRONMENTAL  
DIVISION

RE: Benton County – Bella Vista  
Section 106 Review – FHWA  
Bella Vista Bypass Toll Facility  
AHPP Tracking #62392, AHTD Job # 090224

Dear Mr. Malbrough:

This letter is written in response to your inquiry regarding properties of architectural or historical significance in the area of the above referenced project. The staff of the Arkansas Historic Preservation Program has reviewed your submission and determined that Structures E, AA, CC, EE, and YY are eligible for inclusion in the National Register of Historic Places. Structure B, the New Home Church and School was listed on the National Register of Historic Places on January 28, 1988. We have determined that the remaining 48 structures are not eligible for inclusion in the National Register of Historic Places.

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Elizabeth A. James of my staff at (501) 324-9880.

Sincerely,

Ken Grunewald  
Deputy State Historic Preservation Officer

cc: Federal Highway Administration

ARKANSAS STATE HIGHWAY  
AND  
TRANSPORTATION DEPARTMENT

Dan Flowers  
Director  
Telephone (501) 569-2000



P.O. Box 2261  
Little Rock, Arkansas 72203-2261  
Telefax (501) 569-2400

March 15, 2007

Mr. Ken F. Grunewald  
Deputy State Historic Preservation Officer  
1500 Tower Building  
323 Center Street  
Little Rock, Arkansas 72201

Subject: Request for Technical Assistance  
Job Number 090224  
Bella Vista Bypass Toll Facility  
Benton County

Dear Mr. Grunewald.

The project proposes to construct a four-lane divided highway on new location from the I-540 and Highway 71B interchange south of Bella Vista in Benton County, Arkansas that would reconnect with Highway 71 in Pineville, Missouri. Fifty-three structures appear to be at least 50 years old and may be impacted by the project.

Photographs, descriptions and a location map for the structures are included so your staff may evaluate the eligibility of these structures to the National Register. If, in the opinion of the AHPP the structure is eligible, please include any mitigation alternatives in the response letter. If you have any questions about the project, please contact Robert Scoggin of my staff at 569-2077.

Sincerely,

Lynn P. Malbrough  
Division Head  
Environmental Division

LM:RS:pb



AHTD Job 090224

## **Structure A**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a metal roof and no windows. The structure is Craftsman influenced and was probably built in the late 1930s. The structure is not eligible to the National Register due to the fact that a metal roof has been added and the windows have been removed. The structure is abandoned.



AHTD Job 090224

## **Structure B**

In the opinion of AHTD the structure is **Eligible**.

The structure is frame with a composite shingle roof, and wooden windows. The structure built in 1896. The structure was previously determined eligible to the National Register by AHPP. The structure is currently in use as a church.



AHTD Job 090224

## **Structure C**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof and metal windows. The structure was probably built in the mid 1960s. The structure is not 50 years old and is not eligible to the National Register. The structure is currently in use as a residence.



AHTD Job 090224

## Structure D

In the opinion of AHTD the structure is **Not Eligible**.

The structure is rock with a composite shingle roof, side garage edition and wooden windows. The structure is Craftsman influenced and was probably built in the mid 1930s. The structure was previously determined not eligible to the national register by AHPP. The structure is abandoned.



AHTD Job 090224

## **Structure E**

In the opinion of AHTD the structure is **Eligible**.

The structure is a wood barn with a wood shingle roof. The barn is the only extant structure of a 1920s farmstead. The structure is eligible to the National Register due to the fact that it is a good example of early agricultural buildings in the area of Bella Vista.



AHTD Job 090224

## Structure F

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, side garage edition and vinyl windows. The structure is of the Minimal Traditional style and was probably built in the late 1950s. The structure is not eligible to the National Register due to the addition of a side garage and vinyl windows. The structure is in use as a residence.





AHTD Job 090224

## Structure G

In the opinion of AHTD the structure is **Not Eligible**.

The structure is a metal barn. The structure is not eligible to the National Register due to the fact that the original wood exterior was replaced with sheet metal and there are better examples of agricultural buildings in the area. The structure is in use as a residence.



AHTD Job 090224

## Structure H

In the opinion of AHTD the structure is **Not Eligible**.

The structure is rock with a composite shingle roof, replaced front window, aluminum siding and wooden windows. The structure is Craftsman influenced and was probably built in the mid 1940s. The structure is not eligible to the National Register due to the fact that aluminum siding was added and the front picture window was replaced. The structure is in use as a residence.



AHTD Job 090224

## Structure I

In the opinion of AHTD the structure is **Not Eligible**.

The structure is brick with a composite shingle roof; rear addition, vinyl siding and vinyl windows. The structure was Craftsman influenced and was probably built in the late 1930s. The structure is not eligible to the National Register due to the fact that a new exterior has been constructed of brick and the window have been replaced with vinyl ones. The structure is in use as a residence.



AHTD Job 090224

## **Structure J**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a metal roof and wooden windows. The structure was probably built in the mid 1910s. The structure is not eligible to the National Register due to the fact that any architectural integrity has been compromised by its dilapidated condition. The structure is abandoned



AHTD Job 090224

## **Structure K**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, and vinyl windows. The structure is Ranch style and was probably built in the early 1960s. The structure is not eligible to the National Register due to the fact that the structure is not 50 years old. The structure is currently in use as a residence.



AHTD Job 090224

## Structure L

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding, and vinyl windows. The structure is Craftsman influenced and was probably built in the late 1940s. The structure is not eligible to the National Register due to the fact that vinyl siding and windows have been added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure M

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding and wooden windows. The structure is Craftsman influenced and was probably built in the early to mid 1940s. The structure is not eligible to the National Register due to the fact that the vinyl siding has been added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure N

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a metal roof, numerous different kinds of siding and wooden windows. The structure is Folk Vernacular and was probably built in the early 1940s. The structure is not eligible to the National Register due to the fact that it has numerous types of siding which has compromised any architectural integrity it may have had. The structure is currently in use as a residence.





AHTD Job 090224

## Structure O

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding, side additions and wooden windows. The structure is Craftsman influenced and was probably built in the mid 1930s. The structure is not eligible to the National Register due to the fact that vinyl siding and a side addition were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure P

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, and metal windows. The structure was probably built in the mid 1960s. The structure is not 50 years old and is not eligible to the National Register. The structure is currently in use as a residence.



AHTD Job 090224

## Structure Q

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof and metal windows. The structure is of the Ranch style and was probably built in the mid 1960s. The structure is not 50 years old and is not eligible to the National Register. The structure is currently in use as a residence.



AHTD Job 090224

## Structure R

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a metal roof, rear additions, aluminum siding and metal windows. The structure is Craftsman influenced and was probably built in the early 1930s. The structure is not eligible to the National Register due to the fact that rear additions, metal windows and aluminum siding were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure S

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding, a side addition and metal windows. The structure is Folk Vernacular and was probably built in the late 1920s. The structure is not eligible to the National Register due to the fact that the vinyl siding and a side addition were added. The structure is currently in use as a residence.



AHTD Job R090224

## Structure T

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof and metal windows. The structure is of the Minimal Traditional style and was probably built in the late 1950s. The structure is not eligible to the National Register due to the fact that it is on the border of 50 years old and there are better examples in the area. The structure is currently in use as a business.



AHTD Job 090224

## Structure U

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding and wooden windows. The structure is Craftsman influenced and was probably built in the late 1940s. The structure is not eligible to the National Register due to the fact that aluminum siding was added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure V

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding and wooden windows. The structure is Ranch style and was probably built in the late 1960s. The structure is not 50 years old and is not eligible to the National Register. The structure is currently in use as a residence.





AHTD Job 090224

## **Structure W**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, side addition and metal windows. The structure was probably built in the late 1940s. The structure is not eligible to the National Register due to the fact that the windows have been replaced; a side addition and new exterior siding were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure X

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, side additions, vinyl siding and vinyl windows. The structure is of the Craftsman style and was probably built in the late 1930s. The structure is not eligible to the National Register due to the fact that side additions, vinyl siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure Y

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, a rear addition, aluminum siding and vinyl windows. The structure is of the Minimal Traditional style and was probably built in the mid 1950s. The structure is not eligible to the National Register due to the fact that a rear addition, aluminum siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## **Structure Z**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a pyramidal composite shingle roof, a rear addition, aluminum siding and vinyl windows. The structure is of the Craftsman style and was probably built in the late 1930s. The structure is not eligible to the National Register due to the fact that a rear addition, aluminum siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure AA

In the opinion of AHTD the structure is **Eligible**.

The structure is a wooden barn with a metal roof. The structure is part of a farmstead built in the early 1930s (the other buildings in the farmstead are BB and CC). The structure is eligible to the National Register as a contributing structure to the farmstead.



AHTD Job 090224

## Structure BB

In the opinion of AHTD the structure is **Eligible**.

The structure is frame with a composite shingle roof, metal and wooden windows. The structure has craftsman influences and is part of a farmstead built in the early 1930s (the other buildings in the farmstead are AA and CC). The structure is eligible to the National Register as a contributing structure to the farmstead.



AHTD Job 090224

## Structure CC

In the opinion of AHTD the structure is **Eligible**.

The structure is rock and frame with a composite shingle roof and wooden windows. The structure is of the Craftsman style and is part of a farmstead built in the early 1930s (the other buildings in the farmstead are AA and BB). The structure is eligible to the National Register as a contributing structure to the farmstead.



AHTD Job 090224

## **Structure DD**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a metal roof and wooden windows. The structure is Ranch style and was probably built in the late 1960s. The structure is not 50 years old and is not eligible to the National Register. The structure is currently in use as a residence.





AHTD Job 090224

## **Structure EE**

In the opinion of AHTD the structure is **Eligible**.

The structure is frame with a pyramidal composite shingle roof, a rear addition, and wooden windows. The structure is Folk Victorian and was probably built in the early 1900s. The structure is eligible to the National Register as a good example of the Folk Victorian style. The structure is currently in use as a residence.



AHTD Job 090224

## **Structure FF**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding and vinyl windows. The structure is Folk Vernacular and was probably built in the early 1940s. The structure is not eligible to the National Register due to the fact that vinyl siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure GG

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a pyramidal composite shingle roof, aluminum siding and vinyl windows. The structure is an American Foursquare and was probably built in the mid 1930s. The structure is not eligible to the National Register due to the fact that aluminum siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure HH

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, a side addition, vinyl siding and vinyl windows. The structure is Craftsman influenced and was probably built in the mid 1940s. The structure is not eligible to the National Register due to the fact that a side addition, vinyl siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure II

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding and vinyl windows. The structure is Ranch style and was probably built in the late 1950s. The structure is not eligible to the National Register due to the fact that vinyl siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure JJ

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding and vinyl windows. The structure is Folk Vernacular and was probably built in the mid 1920s. The structure is not eligible to the National Register due to the fact that vinyl siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## **Structure KK**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding and metal windows. The structure is Folk Vernacular and was probably built in the early 1940s. The structure is not eligible to the National Register due to the fact that aluminum siding and metal windows were added. The structure is currently abandoned.



AHTD Job 090224

## **Structure LL**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is a wooden barn with a metal roof. The date of construction for this barn is probably in the mid 1930s. The structure is not eligible to the National Register due to the fact that its physical condition compromises its architectural integrity and there are better examples of this type of structure in the area.





AHTD Job 090224

## **Structure MM**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding and metal windows. The structure is of the Craftsman style and was probably built in the mid 1940s. The structure is not eligible to the National Register due to the fact that aluminum siding and metal windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure NN

In the opinion of AHTD the structure is **Not Eligible**.

The structure is a wooden barn with a metal roof. The date of construction for this barn is probably in the mid 1940s. The structure is not eligible to the National Register due to the fact that there are better examples of this type of structure in the area.



AHTD Job 090224

## Structure OO

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, front and side additions, aluminum siding and wooden windows. The structure was probably built in the late 1910s. The structure is not eligible to the National Register due to the fact that front and side additions and aluminum siding were added. The structure is currently in use as a church.



AHTD Job 090224

## **Structure PP**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is cinder block with a metal roof, side and rear additions and metal windows. The structure was probably built in the early 1950s. The structure is not eligible to the National Register due to the fact that rear and side additions were added. The structure is currently in use as a business.



AHTD Job 090224

## Structure QQ

In the opinion of AHTD the structure is **Not Eligible**.

The structure is a wooden barn with a metal roof. The date of construction for this barn is probably in the mid 1940s. The structure is not eligible to the National Register due to the fact that there are better examples of this type of structure in the area.



AHTD Job 090224

## **Structure RR**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding, side addition and metal windows. The structure is of the Craftsman style and was probably built in the mid 1940s. The structure is not eligible to the National Register due to the fact that a side addition, aluminum siding and metal windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## **Structure SS**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, vinyl siding and metal windows. The structure is of the Minimal Traditional style and was probably built in the mid 1950s. The structure is not eligible to the National Register due to the fact that aluminum siding and metal windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure TT

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding and wooden windows. The structure is of the Craftsman style and was probably built in the late 1940s. The structure is not eligible to the National Register due to the fact that aluminum siding was added. The structure is currently in use as a residence.





AHTD Job 090224

## Structure UU

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, side addition, wooden and metal windows. The structure is of the Craftsman style and was probably built in the mid 1930s. The structure is not eligible to the National Register due to the fact that it is in the process of being completely remodeled and will not retain its architectural integrity when completed. The structure is currently in use as a residence.



AHTD Job 090224

## **Structure VV**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding, rear addition and wooden windows. The structure is of the Craftsman style and was probably built in the early 1930s. The structure is not eligible to the National Register due to the fact that aluminum siding and a rear addition were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure WW

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a metal roof, vinyl siding and vinyl windows. The structure is Craftsman influenced and was probably built in the late 1940s. The structure is not eligible to the National Register due to the fact that vinyl siding and vinyl windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure XX

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof, aluminum siding, rear addition and metal windows. The structure is Folk Vernacular and was probably built in the early 1940s. The structure is not eligible to the National Register due to the fact that aluminum siding and metal windows were added. The structure is currently in use as a residence.



AHTD Job 090224

## Structure YY

In the opinion of AHTD the structure is **Eligible**.

The structure is log with a hipped composite shingle roof and wooden windows. The date of construction for this structure is unknown, but it appears to have a Craftsman roof. The structure is eligible to the National Register as a good example of a log structure in the area. The structure is currently in use as a church.



AHTD Job 090224

## **Structure ZZ**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is frame with a composite shingle roof and metal windows. The structure is Ranch style and was probably built in the mid 1960s. The structure is not 50 years old and is not eligible to the National Register. The structure is currently in use as a residence.

occurred since the LPH were presented to the public at Design Public Hearings (DPH) held in Gravette and Bella Vista on November 15 and November 16, 2006, respectively.



AHTD Job 090224

## **Structure AAA**

In the opinion of AHTD the structure is **Not Eligible**.

The structure is a wooden barn with a metal roof. The date of construction for this barn is probably in the mid 1940s. The structure is not eligible to the National Register due to the fact that there are better examples of this type of structure in the area.





The Department of  
**Arkansas  
Heritage**

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Governor

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An Equal Opportunity Employer



March 16, 2007

Mr. Lynn P. Malbrough  
Division Head, Environmental Division  
Arkansas State Highway and Transportation Department  
PO Box 2261  
Little Rock, AR 72203-2261

RECEIVED  
AHTD

MAR 20 2007

ENVIRONMENTAL  
DIVISION

RE: Benton County – Bella Vista  
Section 106 Review – FHWA  
Bella Vista Bypass Toll Facility  
AHPP Tracking #62392, AHTD Job # 090224

Dear Mr. Malbrough:

This letter is written in response to your inquiry regarding properties of architectural or historical significance in the area of the above referenced project. The staff of the Arkansas Historic Preservation Program has reviewed your submission and determined that Structures E, AA, CC, EE, and YY are eligible for inclusion in the National Register of Historic Places. Structure B, the New Home Church and School was listed on the National Register of Historic Places on January 28, 1988. We have determined that the remaining 48 structures are not eligible for inclusion in the National Register of Historic Places.

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Elizabeth A. James of my staff at (501) 324-9880.

Sincerely,

Ken Grunewald  
Deputy State Historic Preservation Officer

cc: Federal Highway Administration

**APPENDIX C**

**DRAFT PROGRAMMATIC AGREEMENT**

PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT  
AND  
THE ARKANSAS STATE HISTORIC PRESERVATION OFFICER,  
REGARDING  
THE CONSTRUCTION OF AHTD JOB NUMBER 009969 (090224)  
FAP NUMBER DPR-0051(1)  
U.S. 71-BELLA VISTA TO PINEVILLE  
BENTON COUNTY, ARKANSAS AND MCDONALD COUNTY, MISSOURI

WHEREAS, the Federal Highway Administration (FHWA) has determined that proposed improvement of U.S. 71 from Bella Vista, Arkansas to Pineville, Missouri (the Project) in Benton County, Arkansas and McDonald County, Missouri is necessary to serve the transportation needs of northwest Arkansas and southwest Missouri to improve traffic flow, safety and capacity in the Project area; and

WHEREAS, a Preferred Alignment for the Project was identified in the Draft Environmental Impact Statement based on the review of records regarding previously recorded archeological sites and historic properties, a reconnaissance of high probability areas and an architectural resources survey within the area of potential effect (APE) of alternative routes; and

WHEREAS, a Selected Alignment for the Project was identified in the Final Environmental Impact Statement and a Phase I survey and subsequent Phase II site evaluation resulted in a decision of no historic properties affected and the Selected Alignment was finalized in the Record of Decision (ROD); and

WHEREAS, portions of the Selected Alignment in Arkansas were changed after the ROD had been finalized due to input obtained during the Location Public Hearing, Value Engineering Analysis, and the Design Public Hearing; and these subsequent changes have been addressed in a Design Reassessment; and

WHEREAS, the Arkansas Highway and Transportation Department (AHTD) and the Missouri Department of Transportation (MDOT) have conducted separate design reassessments and Phase I evaluations for the portion of the Project within each State. The FHWA, working with MDOT, in consultation with the Missouri State Historic Preservation Officer has concluded that no historic properties will be affected within the proposed project area in Missouri and no further historic or archeological investigations are necessary within that state; and

WHEREAS, this Programmatic Agreement (PA) is pursuant only to that part of the Project within Arkansas and does not warrant participation by MDOT or the Missouri State Historic Preservation Officer; and

WHEREAS, the FHWA has determined that the Project may have an effect on properties that are eligible for inclusion in the National Register of Historic Places (the Register) and in

accordance with 36 CFR Part 800 *Protection of Historic Resources*, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), as amended, must address these effects; and

WHEREAS, additional Phase I cultural resources surveys have been conducted in all areas where the changes have occurred and were of sufficient intensity to identify cultural resources within the APE of the current Selected Alignment; and

WHEREAS, the architectural components of all standing structures 50 years old or older associated with the Arkansas portion of the Project have been evaluated by the FHWA in consultation with the Arkansas State Historic Preservation Officer (SHPO) and six structures (Structures B, E, AA, CC, EE and YY) have been determined eligible for inclusion in the National Register. Design adjustments have resulted in the avoidance of all six structures and none of them will be affected by construction of the proposed Project; and

WHEREAS, three archeological sites (3BE634, 3BE748, and 3BE756) have been identified and have been recommended for Phase II evaluation and a number of other archeological sites have been identified within the APE in Arkansas but not yet evaluated due to property access issues. None of the archeological sites identified appear to contain elements that would warrant preservation in place or that would otherwise necessitate a FHWA Section 4(f) analysis; and

WHEREAS, the signatories agree that all identification, evaluation and reporting efforts have and shall follow the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-39) and *A State Plan for the Conservation of Archeological Resources in Arkansas* (Davis ed. 1994); and

WHEREAS, the FHWA has consulted with representatives of the Osage Nation, the Quapaw Tribe of Oklahoma, the United Keetoowah Band of Cherokee Indians and the Cherokee Nation of Oklahoma regarding the project. All four Tribes expressed interest in the project and requested continued consultation as the project develops. None of them requested signatory status on this PA, but may want to be included as signatories on any future agreements that deal specifically with the treatment of sites that contain Native American components; and

WHEREAS, the FHWA has consulted with the Advisory Council on Historic Preservation (the Council) regarding the Project. The Council indicated that they would not want to be a party to this PA unless controversy or extra-ordinary circumstances developed as the project proceeded. They have requested, and FHWA shall provide them with, standard notification of adverse effect documentation as specified in 36 CFR Part 800.6; and

WHEREAS, the FHWA and AHTD have developed this PA under the guidance and in consultation with the SHPO; and

WHEREAS, the treatment of human remains and grave associated objects shall follow the Council's policy statement regarding the *Treatment of Burial Sites, Human Remains and Funerary Objects*, the procedures set forth in the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 3001 et seq.; 43 CFR Part 10) and guidelines promulgated under the Arkansas State Burial Law (Act 753 of 1991, as amended); and

WHEREAS, the definitions set forth in 36 CFR Part 800 are applicable throughout this PA; and

NOW, THEREFORE, the signatories agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.

## STIPULATIONS

The FHWA shall ensure that the following stipulations are carried out prior to taking any action that could have an effect on properties listed in or considered eligible to the National Register of Historic Places.

### I. AREA OF POTENTIAL PROJECT EFFECT

The APE is defined as the Selected Alignment as identified in the 2007 Design Reassessment and in the Phase I report (Klinger, Dickson and Gray 2007). Should the APE change, the FHWA shall ensure that any areas requiring additional survey will follow all appropriate identification, evaluation and reporting guidelines as outlined in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-39) and *A State Plan for the Conservation of Archeological Resources in Arkansas* (Davis ed. 1994).

### II. ARCHEOLOGICAL RESOURCES

A. Archeological sites 3BE634, 3BE748, and 3BE756 will be affected by construction of the Project and will require Phase II assessment to determine their National Register eligibility. In addition, there are a number of archeological sites that were not defined or evaluated during the Phase I Survey due to property access issues. Most of these are archeological components that are associated with 20<sup>th</sup> century farmsteads, some of which are currently used as private residences. All of these will also require further evaluation to determine their eligibility.

1. The FHWA shall ensure that additional research and investigations are conducted as necessary to define, document and determine the eligibility of all unevaluated archeological resources within the APE. This includes recording all archeological components associated with standing structures that are 50 years old or older, many of which could not be defined or properly recorded at the time of the Phase I field work due to property access issues. Archival research will be conducted and fieldwork will be sufficient to determine National Register eligibility and include site sizes and boundaries, contents of the archeological record, depth and integrity of cultural deposits, presence or absence of cultural features, site functions, age and cultural affiliation. The Phase II assessments shall follow the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-39) and the standards for fieldwork and report writing in *A State Plan for the Conservation of Archeological Resources in Arkansas* (Davis ed. 1994).

2. The FHWA shall determine National Register eligibility in consultation with the SHPO. All National Register evaluations shall follow the guidelines established in the National Register Bulletins *How to Apply the National Register Criteria for Evaluation* and *Guidelines for Evaluating and Registering Archeological Properties*. Disputes concerning eligibility shall be resolved by the Keeper of the National Register of Historic Places (the Keeper) as set forth in 36 CFR Part 800.
  3. The FHWA shall ensure that a treatment plan is developed for any archeological site that is determined eligible for inclusion in the National Register that is adversely affected by the Project. This treatment plan will consider measures to avoid or mitigate adverse effects on archeological sites such as design adjustments, buffer zone establishment, protective fencing, construction monitoring and education of construction personnel, and will take into account engineering feasibility, cost and other factors considered appropriate by the FHWA. If adverse effects on archeological sites cannot be avoided, the FHWA shall consult with the signatories, to determine appropriate measures to mitigate adverse effects. These measures will be included in the treatment plan.
  4. None of the archeological sites identified appear to contain deposits, features or other elements that would warrant preservation in place or that would require additional Section 4(f) evaluation. However, should additional research reveal archeological resources that warrant preservation in place, they will be avoided if prudent and feasible alternatives exist that avoid the use of the site(s) for highway construction.
  5. If the appropriate treatment of an archeological site involves data recovery, the FHWA shall ensure that a data recovery plan is developed in consultation with the SHPO and other consulting parties, as appropriate. Data recovery plans shall meet the Secretary of the Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 44734-37) and the standards in *A State Plan for the Conservation of Archeological Resources in Arkansas* (Davis ed. 1994).
  6. The FHWA shall provide treatment plans and data recovery plans to all consulting parties for review. Comments shall be provided by these parties within thirty (30) calendar days. Failure to comment within thirty (30) calendar days of receipt shall be taken as concurrence with the submitted plan. Any disputes arising from such review shall be resolved in accordance with Stipulation XI of this PA.
- B. Following completion of data recovery or other treatment plans, the appropriate analysis shall be conducted and final reports shall be prepared. The FHWA shall ensure that all final reports resulting from actions pursuant to this PA are provided to all signatories and to the National Park Service for possible submission to the National Technical Information Service. The FHWA shall ensure that all such reports in accordance with contemporary professional standards and meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-39) and the standards in *A State Plan for the Conservation of Archeological Resources in Arkansas* (Davis ed. 1994). Precise location data may be provided only in a separate appendix if it appears that its release could jeopardize archeological sites.

C. Following appropriate analysis, all material and data recovered as a result of the Project from public land and from private land (with permission of the landowner) shall be curated in a permanent facility approved by the SHPO in accordance with 36 CFR Part 79.

### III. ARCHITECTURAL RESOURCES

A. Architectural Resources are defined as structural features or elements of archeological sites that consist of historic buildings, structures, objects and districts.

B. An architectural survey of the Project area has been completed and the results and recommendations have been reviewed by the SHPO. A total of 54 structures 50 years old or older were identified in the project vicinity. Of these, six (Structures B, E, AA, CC, EE and YY) were determined eligible for inclusion in the National Register; 48 were found to be ineligible. Design adjustments were made to avoid all six eligible structures and none of them will be affected by construction of the proposed Project. Only 11 (Structures G, H, K, T, U, V, QQ, RR, UU, WW and XX) fall within the APE; the remaining 43 are outside the APE and are not expected to be impacted by Project construction. All 11 structures within the APE have been determined to be ineligible for inclusion in the National Register. No additional work regarding architectural resources is expected within the APE, aside from the noted documentation and evaluation of the archeological components associated with all standing structures that are 50 years old or older.

### IV. FEDERALLY RECOGNIZED CONSULTING TRIBES

FHWA consultation with the Quapaw Tribe of Oklahoma and Osage Nation was initiated with letters soliciting views about the Project during the early planning stages. No formal responses have been received from either Tribe, but informal discussions have also occurred throughout the project with the NAGPRA Representative of both Tribes. The U.S. Government recognized all of Arkansas north of the Arkansas River as part of Osage hunting territory in the early 19<sup>th</sup> century. While the Quapaw do not usually consult on projects in Benton County, there is some documentation of a camp or camps along the removal route taken by the Quapaw in the Project vicinity although the exact location of the route is not known. Recently available (2006) research reviewed during the Design Reassessment resulted in the identification of a previously unknown route associated with the removal of the Cherokee. The exact location of the route has not been verified, but it is thought to have traveled along or near what is now State Highway 72 which crosses the Project in two places near the town of Hiwassee. In light of this new data, and in consultation with the SHPO, the United Keetoowah Band of Cherokee Indians and the Cherokee Nation of Oklahoma were added to the consultation list of appropriate federally recognized Tribes. During the Design Reassessment, representatives from all four of these Tribes were informed about the status of the Project and this PA. All expressed interest in the Project and requested continued consultation as it develops. None of them requested signatory status on this PA, but they may want to be included as signatories on any future agreements that deal specifically with the treatment of sites that contain Native American components. None of the tribal representatives contacted knew of specific sites that might be of cultural or religious significance to their Tribe within the Project area.

1. The FHWA shall ensure that consultation continues with the four Tribes listed above throughout the duration of the Project. If further research or analysis results in the identification of other federally recognized Tribes with interests or cultural ties to the Project, they will also be added to the list of consulting Tribes. Consultation methods will vary depending on the requests from the Tribes. They may include phone calls, on-site meetings, providing various levels of documentation for review, field reviews and jointly developing site specific treatment plans or agreement documents.

## V. HUMAN REMAINS

Human remains are not expected at any of the sites identified, however if they are encountered during implementation of the terms of this PA or during implementation of the Project, all activity in the vicinity of the discovery shall cease and the AHTD shall notify the FHWA. The FHWA shall immediately notify the SHPO and other consulting parties. If it can be determined that the remains are not Native American, there will be no need to consult with the Native American parties. The FHWA shall consult with the SHPO and, as appropriate, the descendants or other interested parties to determine treatment of the human remains including analysis, if any, funerary objects, and proposed plans for reburial.

## VI. QUALIFICATIONS

The FHWA shall ensure that all investigations pursuant to this PA are carried out by, or under the direct supervision of, a person or persons meeting the appropriate qualifications set forth in the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44739) for archeology.

## VII. COMMENCEMENT OF CONSTRUCTION

Construction may commence in a portion of the Project area once appropriate efforts to evaluate and mitigate adverse effects on historic properties in that portion have been completed and the SHPO and the FHWA have reviewed and commented on the results of the investigation and the SHPO concurs that the effort is consistent with the agreed evaluation plan, treatment plan or data recovery plan. Construction may commence if the FHWA and the SHPO concur that no adverse effect on eligible or listed cultural resources will occur as a result of construction in a specific area of the Project.

## VIII. CONSULTING AND INTERESTED PARTY PARTICIPATION

The FHWA shall ensure access by consulting parties, the public and other interested parties, as appropriate, to all determinations made pursuant to this PA and shall consider or respond to comments or objections by consulting and interested parties in a timely manner. Comments from the Osage Nation, the Quapaw Tribe of Oklahoma, the United Keetoowah Band of Cherokee Indians and the Cherokee Nation of Oklahoma and interested parties, as appropriate, shall be solicited by the FHWA and shall be taken into account during the consultation process when Native American properties are identified in the APE.



Consulting parties, members of the public, or interested parties, as appropriate, may ask the Council to review a finding, become a party to consultation or request the Keeper of the National Register to review a determination of eligibility made under this PA by the FHWA and SHPO.

Stipulation IIA.5 provides for federally recognized tribal consultation in data recovery plans developed by the FHWA and the SHPO if the site involves prehistoric or historic Native American remains. If the Tribe or Tribes object to the data recovery plan agreed to by the other consulting parties, the FHWA shall consult with the Council pursuant to 36 CFR Part 800 (see also Stipulation XI).

## IX. DISCOVERY SITUATIONS

Pursuant to 36 CFR Part 800.11, if cultural material is discovered during the implementation of the Project, the FHWA shall ensure all construction activities cease in the area of the discovery and the consulting parties or other interested parties, as appropriate, shall be notified. The FHWA and the SHPO shall determine eligibility of the discovered property for the Register and the treatment of the historic property. The other consulting parties and other interested parties, as appropriate, shall be provided with an opportunity to review and comment on proposed treatment plans. Disputes arising from such review shall be resolved in accordance with Stipulation XI.

## X. DOCUMENTATION AND REPORTING REQUIREMENTS

A. A management summary and report will be prepared for all Phase II work (National Register eligibility evaluations) as soon as it is completed. Phase III archeological data recovery management summaries and reports will be prepared by individual site.

B. All archeological reports shall meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-39) and the standards for fieldwork and report writing in *A State Plan for the Conservation of Archeological Resources in Arkansas* (Davis ed. 1994).

C. The FHWA and the SHPO shall ensure that site location information will be made available only to qualified persons in accordance with state and federal guidelines.

D. The FHWA shall provide management summaries, Phase II and Phase III reports, as necessary, to the SHPO for review. The SHPO comments shall be provided to the FHWA within thirty (30) calendar days.

E. The AHTD shall distribute all final reports to the FHWA, the SHPO, the appropriate federally recognized Tribe(s) and the Arkansas Archeological Survey.

## XI. DISPUTE RESOLUTION

Should the SHPO or any consulting party object within thirty (30) calendar days to any findings, proposed actions or determinations made pursuant to this PA, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, it shall request further comments from the Council pursuant to 36 CFR Part 800.6(b).

Any Council comment provided in response to such a request shall be taken into account by the FHWA in accordance with 36 CFR Part 800.6(b)(2) with reference only to the subject of the dispute; the FHWA responsibility to carry out all actions under this PA that are not subject to the dispute shall remain unchanged.

The consulting parties or one or more of the parties in cooperation may monitor efforts carried out pursuant to this PA.

## XII. AMENDING THE PROGRAMMATIC AGREEMENT

Should any of the signatories to this PA believe that the terms of this PA are not being met or cannot be met, that party shall immediately notify the other signatories and request consultation to amend this PA in accordance with 36 CFR Part 800.13. The process to amend this PA shall be conducted in a manner similar to that leading to the execution of this PA.

## XIII. TERMINATING THE PROGRAMMATIC AGREEMENT

Any signatory to this PA may terminate it by providing thirty (30) calendar days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 CFR Part 800.4 through 800.6 with regard to the Project covered by this PA.

## XIV. FAILURE TO CARRY OUT THE PROGRAMMATIC AGREEMENT

In the event the FHWA does not carry out the terms of this PA, the FHWA shall comply with 36 CFR Part 800.4 through 800.6 with regard to the undertaking covered by this PA.

## XV. FULFILLMENT OF SECTION 106 RESPONSIBILITIES

Execution and implementation of this PA evidences that the FHWA has afforded the Council a reasonable opportunity to comment pursuant to 36 CFR Part 800.13 on the proposed construction of the U.S. 71 Relocation, in Benton County, Arkansas and its effect on historic properties, and the FHWA has taken into account the effect of the Project on historic properties.

XV. FULFILLMENT OF SECTION 106 RESPONSIBILITIES

Execution and implementation of this PA evidences that the FHWA has afforded the Council a reasonable opportunity to comment pursuant to 36 CFR Part 800.13 on the proposed construction of the U.S. 71 Relocation, in Benton County, Arkansas and its effect on historic properties, and the FHWA has taken into account the effect of the Project on historic properties.

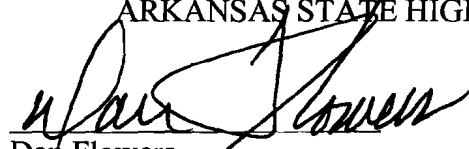
Signatories

FEDERAL HIGHWAY ADMINISTRATION

  
Sandra Otto  
Division Administrator

6-13-07  
Date

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

  
Dan Flowers  
Director of Highways

6-8-07  
Date

ARKANSAS STATE HISTORIC PRESERVATION OFFICER

  
Cathie Matthews  
Arkansas SHPO

6/21/07  
Date