

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE ARKANSAS STATE HISTORIC PRESERVATION OFFICER, THE ADVISORY
COUNCIL ON HISTORIC PRESERVATION, THE OSAGE NATION, AND THE
ARKANSAS DEPARTMENT OF TRANSPORTATION
REGARDING SECTION 106 IMPLEMENTATION FOR FEDERAL-AID
TRANSPORTATION PROJECTS**

WHEREAS, the Federal Highway Administration (FHWA), under the authority of Title 23 U.S.C. 101 et seq., implements the Federal-aid Highway Program (Program) in the State of Arkansas by funding and approving state and locally sponsored transportation projects that are administered by the Arkansas Department of Transportation (ARDOT); and

WHEREAS, the Arkansas FHWA Division Administrator is the “Agency Official” responsible for ensuring that the Program in Arkansas complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), as amended, and codified in its implementing regulations, 36 CFR Part 800, as amended (August 5, 2004); and

WHEREAS, ARDOT, as authorized by Title 23 U.S.C. 302, administers Federal-aid projects throughout Arkansas that are carried out with FHWA financial assistance or require a FHWA permit or approval, and ARDOT has participated in the consultation and is an Invited Signatory to this Programmatic Agreement (Agreement); and

WHEREAS, the responsibilities of the Arkansas State Historic Preservation Officer (SHPO) under Section 106 of the NHPA and 36 CFR Part 800 are to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies’ requests within a specified period of time; and

WHEREAS, FHWA has determined that implementation of the Program in Arkansas may have an effect upon properties included in, or eligible for inclusion in, the National Register of Historic Places (NRHP), hereafter referred to as historic properties, and has consulted with SHPO, a Signatory to this Agreement, and the Advisory Council on Historic Preservation (ACHP), pursuant to 36 CFR 800.14(b) of the regulations implementing Section 106 of the NHPA; and

WHEREAS, the ACHP has formally accepted to participate in this Agreement and is a Signatory to this Agreement; and

WHEREAS, FHWA solicited the participation of the U.S. Army Corps of Engineers, Little Rock (Corps), Memphis, and Vicksburg Districts, the U.S. Coast Guard (USCG), and U.S. Fish & Wildlife Service (USFWS) in the development of this Agreement in letters sent on April 25, 2019 due to the authorization of Federal permits involved with the implementation of the Program; and

WHEREAS, the USCG and USFWS have not responded, and the Corps have responded in coordination with the Memphis and Vicksburg Districts in a letter dated August 30, 2019 to recognize FHWA as the lead Federal agency with the Corps as a cooperating agency; however, the Corps declined to be a Signatory to the Agreement; and

WHEREAS, the FHWA has consulted with Federally-recognized Indian tribes (Tribes – Appendix A) with historic, ancestral and ceded land connections in Arkansas about this Agreement, has requested their review and comments of the Agreement in letters dated January 7, 2020; and

WHEREAS, the Quapaw Nation and Choctaw Nation of Oklahoma requested to continue consultation through standard 36 CFR Part 800 procedures; and

WHEREAS, the Osage Nation provided comments and formally accepted to participate as an Invited Signatory to this Agreement, and FHWA has taken any comments received into account; and

WHEREAS, any project involving tribal lands as defined in 36 CFR 800.16(x), or any project that may affect a property identified by a Federally-recognized Indian tribe as possessing traditional religious and cultural significance, shall not be governed by this Agreement, but shall be reviewed by FHWA in accordance with 36 CFR Part 800; and

WHEREAS, FHWA has solicited public participation from Preserve Arkansas, Arkansas Municipal League, and Association of Arkansas Counties about this Agreement, has requested their comments in letters dated January 7, 2020, and has not received any responses; and

WHEREAS, FHWA has notified the Certified Local Governments about this Agreement, has requested their comments in letters dated January 8, 2020, and has not received any responses; and

WHEREAS, FHWA has notified pertinent state organizations, Arkansas Archeological Survey (ARAS), and Arkansas Historical Association about this Agreement, has requested their comments in letters dated January 7, 2020, and has not received any responses except from ARAS, who did not have any comments; and

WHEREAS, pursuant to the consultation conducted under 36 CFR 800.14(b), the signatories have developed this Agreement in order to establish an efficient and effective program alternative for taking into account the effects of the Program on historic properties in Arkansas and for affording the ACHP a reasonable opportunity to comment on undertakings covered by this Agreement; and

WHEREAS, ARDOT employs a staff of cultural resources specialists and consultants who meet the Secretary of Interior's Professional Qualification Standards (48 FR 44738-44739) in the fields of archaeology, architectural history, and history to carry out its cultural resources programs and responsibilities; and

WHEREAS, this Agreement shall supersede and replace the previous Memorandum of Agreements executed by the FHWA, ARDOT (formerly Arkansas State Highway and Transportation Department [AHTD]), and SHPO on March 3, 1992 and June 28, 1999; and

NOW THEREFORE, the FHWA, SHPO, ACHP, Osage Nation, and ARDOT agree that the Program in Arkansas shall be carried out in accordance with the following stipulations in order to take into account the effects of the Program on historic properties in Arkansas and that these stipulations shall govern compliance of the Program with Section 106 of the NHPA until this Agreement expires or is terminated.

To aid the signatories of this Agreement, the stipulations are organized in the following order:

- I. Applicability and Scope
- II. Professional Qualification Standards
- III. Responsibilities of FHWA and ARDOT
- IV. Consultation with Tribes
- V. Participation of Other Consulting Parties and the Public
- VI. Establishing the Area of Potential Effects
- VII. Exempted Categories
- VIII. Identification and Evaluation of Historic Properties
- IX. Findings of Effect
- X. Emergency Situations
- XI. Post-Review and Unanticipated Discoveries
- XII. Treatment of Human Remains
- XIII. Administrative Stipulations
- XIV. Amendment
- XV. Termination
- XVI. Confidentiality
- XVII. Duration of Agreement

STIPULATIONS

The FHWA, with the assistance of ARDOT, will ensure that the following stipulations are carried out.

I. APPLICABILITY AND SCOPE

- A. This Agreement sets forth the process by which the FHWA, with the assistance of the ARDOT, will meet its responsibilities under Sections 106 and 110 of the NHPA (54 U.S.C. §§ 306102 and 306108) for all FHWA projects implemented through the ARDOT. This Agreement establishes the basis for considering the effects of FHWA projects on historic projects and establishes alternative procedures to implement Section 106 for the review of such projects by the FHWA, SHPO, ACHP, Osage Nation, and ARDOT.

- B. The objective of this Agreement is to consolidate existing Section 106-related agreements and make more efficient the methods by which FHWA and ARDOT review individual undertakings that may affect historic properties and to establish the process by which FHWA, SHPO, ACHP, Osage Nation, and ARDOT will be involved in any such review.
- C. Through this Agreement, FHWA authorize ARDOT to initiate and, in most cases, conclude consultation with the SHPO and other consulting parties for purposes of compliance with Section 106 of the NHPA.
- D. Cooperating Federal Agencies who recognize FHWA as the lead Federal agency for an undertaking may fulfill their obligations under Section 106 of NHPA according to 36 CFR 800.2(a)(2), provided that FHWA and ARDOT follow the requirements of this Agreement and the cooperating agency's undertaking does not have the potential to cause effects to historic properties beyond those considered by FHWA and ARDOT.
- E. The FHWA retains the responsibility to consult with the Osage Nation and other consulting Tribes as required under 36 CFR Part 800, as amended. The ARDOT may assist FHWA if individual Tribes agree to alternate procedures.

II. PROFESSIONAL QUALIFICATIONS STANDARDS

All actions prescribed by this Agreement that involve the identification, evaluation, analysis, recording, treatment, monitoring, or disposition of historic properties, or that involve the reporting or documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meets the Secretary of the Interior's (SOI) Professional Qualifications Standards (published in 48 FR 44738-44739). Current ARDOT policy hires only SOI qualified personnel; however, non-SOI qualified ARDOT staff hired prior to this policy are not excluded from conducting the work as outlined per this Agreement.

III. RESPONSIBILITIES OF FHWA AND ARDOT

The following section identifies the responsibilities of FHWA and of ARDOT in complying with the terms of this Agreement.

A. FHWA Responsibilities

1. Consistent with the requirements of 36 CFR 800.2(a) and 800.2(a)(1-4), FHWA remains responsible for ensuring that the terms of this Agreement are carried out and for all findings and determinations made pursuant to this Agreement by ARDOT under the authority of FHWA. At any point in the Section 106 process, FHWA may inquire as to the status of any undertaking carried out under the authority of this Agreement and may participate directly in any undertaking at its discretion.

2. FHWA retains the responsibility for government-to-government consultation with the Osage Nation and other consulting Tribes as required under 36 CFR 800.3(f)(2). FHWA may ask ARDOT to assist in consultation if the individual Tribes agree to alternate procedures.
3. Pursuant to 36 CFR 800.6(a)(1), FHWA is responsible for notifying the ACHP of an adverse effect determination and offering the ACHP the opportunity to become a consulting party.
4. FHWA shall provide ACHP copies of any Memoranda of Agreement (MOA) developed for undertakings with adverse effects to historic properties.
5. FHWA shall be responsible for resolving disputes and objections pursuant to Stipulation XIII.B of this Agreement.

B. ARDOT Responsibilities

Under the authority of FHWA, ARDOT may carry out the following steps with respect to undertakings covered by this Agreement. Assignment of these responsibilities is based on adequate and appropriate performance by ARDOT as evaluated in monitoring by FHWA pursuant to Stipulation XIII.A of this Agreement.

1. Determine under 36 CFR 800.3(a) whether the undertaking is a type of activity that has the potential to cause effects on historic properties.
2. Determine whether the undertaking has the potential to affect historic properties on historic, ancestral and ceded lands of Tribes, as described in 36 CFR 800.3(c).
3. Solicit public comment and involvement in accordance with 36 CFR 800.3(e) and ARDOT's public involvement procedures.
4. Except as identified in Stipulation V, identify additional consulting parties, as described in 36 CFR 800.3, and invite them to participate in the undertakings covered by this Agreement.
5. Except as identified in Stipulation VI, determine and document, in consultation with the SHPO, the scope of identification efforts and level of effort, including the undertaking's Area of Potential Effect (APE), as described in 36 CFR 800.4(a) and (b).
6. In consultation with SHPO, identify and determine the eligibility of properties within the APE, as described in 36 CFR 800.4.
7. Determine whether historic properties may be affected by the undertaking by applying the criteria of adverse effect, as described in 36 CFR 800.5(a)(1).
8. In consultation with FHWA, the SHPO, the ACHP (if it has chosen to participate), and any other consulting parties resolve adverse effects, as described in 36 CFR 800.6.
9. Ensure conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and the Appendix B of the State Plan: Guidelines for Fieldwork and Reporting Writing (updated 2010) and any successor to those guidelines.

10. ARDOT shall ensure that all archaeological materials, records, and reports produced under this Agreement are accessioned at a curation facility in accordance with the standards of 36 CFR 79.

IV. CONSULTATION WITH TRIBES

- A. FHWA shall retain ultimate responsibility for complying with all federal requirements pertaining to government-to-government consultation with the Osage Nation and other consulting Tribes. FHWA has entrusted day-to-day tasks related to tribal documentation to ARDOT. FHWA Environmental Coordinator reviews and signs all documentation sent to the Osage Nation and other consulting Tribes. Notwithstanding any other provision of this stipulation, FHWA shall honor the request of any Tribe for government-to-government consultation regarding an undertaking covered by this Agreement.
- B. If the scope of the undertaking requires Section 106 consultation, and in accordance with 36 CFR 800.3(f)(2), any Tribes that might attach religious and cultural significance to historic properties in the APE shall be identified by ARDOT and invited by FHWA to be consulting parties.
- C. FHWA shall ensure that consultation with the Osage Nation and other interested Tribes is initiated early in the project planning process to identify cultural, confidentiality, or other concerns and to allow adequate time for consideration.
- D. FHWA shall ensure that consultation continues with the Osage Nation and other consulting Tribes throughout the Section 106 review process prescribed by this Agreement whenever the Osage Nation and other consulting Tribes express a concern about an undertaking or about historic properties that may be affected by an undertaking.

V. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC

In addition to the previously named consulting parties, other agencies, groups, and individuals may be identified as consulting parties and can be involved as Invited Signatories or Concurring Parties, as defined by 36 CFR 800.6(c).

A. Additional Consulting Parties

1. Consulting parties shall be identified by ARDOT in consultation with the SHPO pursuant to 36 CFR 800.3(c-f) and their participation in undertakings covered under this Agreement shall be governed by 36 CFR 800.3(f)(3). Individuals and organizations with a demonstrated interest in an undertaking shall be invited by ARDOT in consultation with FHWA to participate in the Section 106 process. Any land-managing agency whose

land may be affected by an undertaking shall be invited by ARDOT to participate in the Section 106 process.

2. Written requests by individuals, organizations, and agencies to become consulting parties will be evaluated on a case-by-case basis by ARDOT and FHWA in consultation with SHPO.
3. Any objections by consulting parties will be handled in accordance with Stipulation XIII.B.

B. Public Involvement

1. Public involvement in planning and implementing undertakings covered by this Agreement shall be governed by FHWA's and ARDOT's environmental compliance procedures. AHTD's Public Involvement Plan Handbook provides guidance for identifying, informing, and involving the public. FHWA's Technical Advisory and similar and subsequent guidance documents will also be used. Public involvement and the release of information hereunder shall be consistent with 36 CFR 800.1(c), 800.2(d), and 800.3(e).
2. The ARDOT shall continue to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, and the likely interest of the public in the effects on historic properties, to remain consistent with the intent of 36 CFR Part 800.
3. For those actions that do not routinely require public review and comment (e.g., Unscreened and Screened Projects, see Stipulation VIII), appropriate public involvement should be based on the specifics of the situation and commensurate with the type and location of historic properties, and the undertaking's potential impacts on them.
4. The ARDOT shall make FHWA, SHPO, the Osage Nation, and other consulting Tribes aware of any and all public controversy as it relates to the historic properties potentially affected by the proposed undertaking, including properties of religious and/or cultural significance to Indian tribes.
5. At any time during implementation of the terms of this Agreement, should any member of the public raise an objection in writing pertaining to such implementation to any signatory party to this Agreement, that signatory party shall immediately notify FHWA. FHWA shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment on the objection to FHWA. FHWA shall establish a reasonable time frame for this comment period. FHWA shall consider the objection, and in reaching its decision, FHWA will take all comments from the other parties into account. Within fifteen (15) days following closure of the comment period, FHWA will render a decision regarding the objection and respond to the objecting party. FHWA will promptly notify the other parties of its decision in writing, including a copy of the response to the objecting party. FHWA's decision regarding resolution of the objection will be final. Following the issuance of its final decision, FHWA may authorize the action subject to dispute hereunder to proceed in accordance with the

terms of that decision.

VI. ESTABLISHING THE AREA OF POTENTIAL EFFECTS (APE)

On behalf of the FHWA, ARDOT shall follow the procedures in 36 CFR 800.4(a) to determine and document an undertaking's APE as defined in 36 CFR 800.16(d).

- A. For large or complex projects when there is public controversy, issues of access for inventory and evaluation, or concerns over delineating whole properties, ARDOT shall consult with SHPO staff and present a proposed APE boundary for the project. Following this consultation, ARDOT shall send a map and written description of the APE to SHPO requesting comments on the boundary within thirty (30) calendar days.
- B. For all other projects that do not conform to VI.A, a separate meeting with SHPO to discuss the APE is not necessary. A detailed written description and map for the APE boundary shall be included along with the survey report and/or other Section 106 documentation for the project.
- C. ARDOT shall afford identified consulting parties an opportunity to comment on the APE for all projects.

VII. EXEMPTED CATEGORIES

- A. ARDOT Qualified Staff may make a determination that an undertaking is a Minor Transportation Project and a type of activity/activities with minimal or no potential to affect historic properties as classified under exempted categories. As such, the undertaking will not require additional Section 106 review or consultation with SHPO as long as the undertaking is limited to the activities specified in Appendices B and C, meets all of the terms and conditions in Appendices B and C, and is not part of a larger undertaking. ARDOT may add additional activities to the list in Appendices B and C upon written notice and concurrence by the Signatories and Invited Signatories to this Agreement. Appendices B and C will be reported in accordance with Stipulation XIII.A.
- B. **Appendix B** lists Unscreened Projects that shall require no consultation with SHPO, Osage Nation, and other consulting Tribes, and the public. For projects that are limited to the activities listed in Appendix B, no written documentation will be required by ARDOT Qualified Staff or non-qualified personnel as the project is unlikely to affect historic properties.
- C. **Appendix C** lists Screened Projects that require internal review by ARDOT Qualified Staff to determine if a project including the listed activities meets all of the terms and conditions in Appendix C provided that the activities are not located within or adjacent to a historic property and that no particular

circumstances exist that would call for additional review. If no such circumstances exist, the ARDOT Qualified Staff will document its finding that the project does not require any further review and maintain that document in the project file. Documentation will contain the project number, description of the activity or project activities listed in Appendix C, description of any step followed in the internal review process, and reference to this Agreement as noted in Appendix D.III. If the project does not meet the terms and conditions for Appendix C, or if there are special circumstances, the project shall be reviewed under the provisions of Stipulation VIII.

VIII. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

If an undertaking does not meet the criteria of Appendix B or Appendix C, ARDOT Qualified Staff will employ a multi-disciplinary approach to meet the requirements of 36 CFR 800.3 and 36 CFR 800.4. ARDOT Qualified Staff will follow the internal procedures process as outlined in Appendix D.V and may address multiple steps simultaneously.

- A. ARDOT shall identify historic properties that may be located within the APE. ARDOT shall determine the appropriate scope and type of identification efforts based on the magnitude of the project, the nature and extent of its potential effects on historic properties, and the likely nature of historic properties within the APE. ARDOT shall consult formally or informally with SHPO to determine the level of effort to identify historic properties and associated survey methodology. ARDOT will undertake the Initiation of the Section 106 Process and the Identification of Historic Properties by carrying out the following steps in conformance with the process outlined in the regulations implementing Section 106:
1. Initiate the Section 106 process in accordance with the procedures in 36 CFR 800.3, including establishing an undertaking exists, coordinating with other reviews, planning to involve the public, and identifying and inviting other consulting parties, as appropriate;
 2. Determine the project's APE, as defined in 36 CFR 800.16(d) and under the provisions stated in Stipulation VII;
 3. Review existing information on file (including but not limited to ARAS's site files, Arkansas Historic Preservation Program's recorded structures and site files, and ARDOT's historic bridge database) to identify historic properties in the APE;
 4. Formal consultation letters are sent to the Osage Nation and other consulting Tribes early in the planning process as outlined in Stipulation IV and Appendix D.V.
 5. Assess the likelihood that unidentified historic properties exist in the APE by examining archival maps and resources and aerial imagery;
 6. Determine the degree of existing disturbance within the APE by performing a windshield survey and/or field inspection, as needed and

determine whether an archaeological or historic architectural survey is needed;

7. Perform archaeological or historic architectural field reconnaissance and/or intensive surveys, as warranted, in conformance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation: Identification* (1983, as revised in the 48 FR 44716) and "Appendix B of the State Plan: Guidelines for Archeological Fieldwork and Report Writing in Arkansas". If an archeological or historic architectural survey is performed, the appropriate documents will be completed and submitted to SHPO, Osage Nation, and other consulting Tribes, as appropriate, for review.

B. Eligibility Evaluations and Assessments of Effect

1. As part of ARDOT's identification under Stipulation VIII of this Agreement, staff, in consultation with SHPO, the Osage Nation, other consulting Tribes, and other consulting parties will apply the NRHP criteria in 36 CFR 60.4 to properties identified within the APE that have not been previously evaluated to determine if such properties are NRHP eligible in accordance with 36 CFR 800.4(c)(1), and, if so, make the eligibility determination. If properties not previously evaluated are found to not be NRHP eligible in accordance with 36 CFR 800.4(c)(2), ARDOT will document this work as part of their assessment of effect. ARDOT recognizes the Osage Nation and other consulting Tribes' special expertise in assessing the eligibility of historic properties identified by them to be of significant cultural, traditional, and/or religious value.
2. If steps followed under Stipulation VIII.A suggests that a project may affect historic properties, ARDOT will apply the criteria of adverse effect in 36 CFR 800.5(a) in consultation with the SHPO, the Osage Nation, other consulting Tribes, and other consulting parties, as appropriate, to assess the need for any additional investigation and assess NRHP eligibility in accordance with 36 CFR 800.4.
3. Should any signatory party object to ARDOT or FHWA determination of eligibility after attempting to resolve the matter through additional consultation, FHWA will submit the determination to the Keeper of the NRHP for resolution.

IX. FINDINGS OF EFFECT

If the project does not meet the criteria in Appendix B or Appendix C, as described in Stipulation VII, ARDOT shall ensure the following steps are implemented.

- A. **Finding of No Historic Properties Affected.** Where, as a result of Stipulation VIII.A, it is determined that there are no historic properties present, or there are historic properties present but the undertaking will have no effect on them as defined in 36 CFR 800.16(i), ARDOT shall make a

finding of “no historic properties affected” and provide documentation to SHPO, the Osage Nation, other consulting Tribes, and other consulting parties, as requested. The type of documentation submitted will follow the procedure as stated in Appendix D.IV or Appendix D.VI. ARDOT shall request SHPO concurrence on the finding. If SHPO does not respond within thirty (30) calendar days, their concurrence will be assumed. No further review under Section 106 is required for a finding of no historic properties affected unless the scope of work or limits change, thus requiring additional review. Should any consulting party object, the disagreement will be resolved in compliance with 36 CFR 800.4(d)(1).

- B. Finding of No Adverse Effect.** For any undertaking that includes historic properties within the APE that will not be adversely affected by an undertaking, as defined by the Criteria of Adverse Effect set forth in 36 CFR 800.5(a), ARDOT shall make a formal finding of “no adverse effect.” ARDOT shall submit to SHPO, the Osage Nation, other consulting Tribes, and consulting parties, as requested, this finding along with the appropriate supporting documentation. The type of documentation submitted will follow the procedure as stated in Appendix D.VI. ARDOT shall seek concurrence on the finding. ARDOT shall seek the Osage Nation’s written concurrence on findings of no adverse effect when sites identified by the Osage Nation to be of significant cultural, traditional, and/or religious value to the Osage people are present within the APE. If no objection is received within thirty (30) calendar days, concurrence will be assumed. ARDOT shall make documentation available for public inspection (subject to confidentiality provisions) upon request, prior to approving the undertaking. No further review under Section 106 is required for a finding of no adverse effect unless the scope of work or limits change, thus requiring additional review. Should any consulting party object, the disagreement will be resolved in compliance with 36 CFR 800.5(c)(2).
- C. Finding of Adverse Effect.** For any undertaking that includes historic properties within the APE that will be adversely affected by the project, as defined by the Criteria of Adverse Effect set forth in 36 CFR 800.5(a), ARDOT shall make a formal finding of “adverse effect.” ARDOT shall submit to SHPO, the Osage Nation, other consulting Tribes, and consulting parties, as requested, this finding along with the appropriate supporting documentation. The type of documentation submitted will follow the procedure as stated in either Appendix D.VI or Appendix D.VII. If any project results in adverse effect to historic properties and cannot be avoided, ARDOT Qualified Staff will notify FHWA, and FHWA will notify the ACHP of the finding of adverse effect and consult with the SHPO and other consulting parties, as appropriate, in order to resolve adverse effects and conclude the Section 106 process in accordance with 36 CFR 800.6.

X. EMERGENCY SITUATIONS

For the purposes of this Agreement, emergencies are defined as occurrences that require emergency highway system and facility repairs that are necessary to 1) protect the life, safety, or health of the public; 2) minimize the extent of damage to the highway system and facilities; 3) protect remaining highway facilities; or 4) restore essential traffic. The following stipulations apply to emergency situations:

- A. Repairs to address emergency situations as defined above can occur regardless of funding category, and regardless of declarations made by federal, state, or local agencies.
- B. If the emergency repair project could affect historic properties, ARDOT Qualified Staff shall notify FHWA, SHPO, ACHP, Osage Nation, and other consulting Tribes prior to any work taking place. FHWA, SHPO, ACHP, Osage Nation, and any other consulting Tribe that may attach religious and cultural significance to historic properties likely to be affected will have seventy-two (72) hours to respond.
- C. For projects where the repair must be made within the first thirty (30) calendar days of the occurrence of the event that caused the emergency or the declaration of the emergency by an appropriate authority, the processing of environmental documentation will happen concurrently or after the fact. In these cases, ARDOT will comply with the procedures in Stipulation VIII of this Agreement to the extent possible. If reviews are not possible prior to the emergency work, they will be conducted after the work is completed.
- D. For projects taking longer than thirty (30) days for repair, ARDOT will comply with the non-emergency procedures.
- E. Written notification of an emergency action shall be provided to SHPO, Osage Nation, other consulting Tribes, and consulting parties, as appropriate. The notice shall be clearly and prominently marked as an emergency notification, and shall include an explanation of how the action meets the requirements for emergency as defined herein. The notice shall also include a brief description of the eligibility and/or significance of the resource(s) involved, the nature, effect, and anticipated effect of the emergency action on the resource(s), and the anticipated time frame available for comment.
- F. For emergency erosion control measures such as the placement of riprap or grout bags to prevent undermining or other major damage to bridges, dams, or roadways caused by flooding events, ARDOT will comply with the procedures in Stipulation VIII of this Agreement to the extent possible. If reviews are not possible prior to the emergency work, they will be conducted after the work is completed.

XI. POST-REVIEW AND UNANTICIPATED DISCOVERIES

- A. Planning for Subsequent Discoveries. When ARDOT's identification efforts indicate that historic properties are likely to be discovered during implementation of an undertaking, ARDOT shall include in any environmental document a plan for discovery of such properties. Implementation of the plan as originally proposed, or modified as necessary owing to the nature and extent of the properties discovered, will be in accordance with 36 CFR 800.4-6.
- B. Unanticipated Discoveries
1. If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered after ARDOT has completed its review under this Agreement, that portion of the project will stop immediately, in accordance with Section 107.10(c) of AHTD's Standard Specifications for Highway Construction, Edition of 2014. No ground-disturbing activities will occur within a two hundred (200)-foot radius of the location of the discovery.
 2. ARDOT Qualified Staff will inspect the work site and determine the extent of the affected archaeological resource or historic property and ensure that construction activities have halted within the buffer area. At this time, ARDOT Qualified Staff will determine if the established buffer is appropriate for avoidance of the archaeological resource or historic property and may increase the buffer based on the nature of the discovery.
 3. No further construction in the area of discovery will proceed until the requirements of 36 CFR 800.13 have been satisfied, including consultation with the Osage Nation and other consulting Tribes that may attach traditional cultural and religious significance to the discovered property.
 4. ARDOT will consult with FHWA, SHPO, the Osage Nation, and other consulting Tribes, as appropriate, to record, document, and evaluate NRHP eligibility of the property and the project's effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property. Teleconferences may be held with the consulting parties to discuss options and recommendations. ARDOT Qualified Staff may reduce or increase the buffer after discussion with the appropriate consulting parties.
 5. Upon request, the consulting parties shall be allowed to visit the site with ARDOT Qualified Staff.
 6. If neither FHWA, SHPO, nor a Tribe files an objection within seventy-two (72) hours of ARDOT's plan for addressing the discovery, ARDOT may carry out the requirements of 36 CFR 800.13 on behalf of FHWA, and the ACHP does not need to be notified.

XII. TREATMENT OF HUMAN REMAINS

In the event that human remains or objects that would otherwise be considered associated and unassociated funerary objects pursuant to Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during cultural resources investigations, maintenance, construction, or any other ground-disturbing activities, they will be handled in accordance with Arkansas Burial Law (Act 753 of 1991, as amended).

- A. Should human remains be encountered, work within a two hundred (200)-foot radius of the discovery will cease immediately and the location will be secured and protected from damage and disturbance. The discovery location will immediately flag or fence off and measures taken to ensure site security. The human remains shall be covered with canvas tarp. No human remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- B. ARDOT Qualified Staff will inspect the work site and determine the extent of the affected human remains and ensure that construction activities have halted within the buffer area. At this time, ARDOT Qualified Staff will determine if the established buffer is appropriate for avoidance of the human remains and may increase the buffer based on the nature of the discovery.
- C. ARDOT shall immediately notify the office of the Chief Medical Examiner, SHPO, and FHWA. The medical examiner will make the official ruling on the nature of the remains, being either forensic or unevaluated resources.
- D. If human remains are determined to be Native American, a plan for their avoidance or recovery shall be generated in consultation with SHPO, the Osage Nation and other consulting Tribes, FHWA, and ARDOT. The preferred plan shall be avoidance. If no feasible avoidance plan can be developed to allow the human remains and/or funerary objects to stay in place, in consultation with interested Tribes and SHPO, ARDOT will engage in the development of a site-specific disinterment/re-interment plan. Teleconferences may be held with the consulting parties to discuss options and recommendations. ARDOT Qualified Staff may reduce or increase the buffer after discussion with the appropriate consulting parties. No photo documentation shall be done without permission from the Tribes. Upon request, the consulting parties shall be allowed to visit the site with ARDOT Qualified Staff.
- E. If human remains are determined to be non-Native American, consultation with SHPO and other appropriate parties will be required to determine a plan of action.
- F. ARDOT will communicate the procedures to be observed under this Stipulation to all consultants and employees along with the penalties

stipulated by NAGPRA when on federal or tribal lands or the Arkansas Burial Law when on state or private lands.

XIII. ADMINISTRATIVE STIPULATIONS

A. Annual Review and Monitoring

1. ARDOT will prepare a written report that includes, but is not limited to, summaries in tabular form that includes specifying project numbers, names, locations, and types, and all findings pursuant to 36 CFR Part 800 that were processed by ARDOT for the calendar year under review pursuant to Stipulation VII in this Agreement. The initial report shall be prepared following the completion of the first full calendar year under this Agreement.
2. The report will also describe accomplishments/successes achieved over the course of the year as well as suggestions for improvements. ARDOT shall submit the annual report to FHWA, the SHPO, ACHP, and the Osage Nation no later than March 31 of each following year unless the signatory parties agree to amend the reporting schedule.
3. FHWA, ACHP, and SHPO may monitor activities carried out pursuant to this Agreement. ARDOT will cooperate with these parties in carrying out their monitoring efforts.
4. ARDOT will organize an annual meeting with FHWA, SHPO, and Osage Nation to discuss the status of all Section 106 Memoranda of Agreements and Programmatic Agreements. The meeting will take place by April 30 of each calendar year of the duration of this Agreement.

B. Resolving Objections to Implementation of this Agreement

1. Should any signatory party object in writing to FHWA regarding the manner in which the terms of this Agreement are carried out, FHWA will immediately notify the other signatory parties of the objection and proceed to consult with the objecting party to resolve the objection. FHWA will honor the request of any signatory party to participate in the consultation and will take any comments provided by such parties into account. The FHWA shall establish a reasonable time frame for such consultations.
2. If the objection is resolved through consultation, FHWA may authorize the disputed action to proceed in accordance with the terms of such resolution.
3. If after initiating such consultation, FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the ACHP and other signatory parties, including FHWA's proposed response to the objection. Within thirty (30) calendar days after receipt of all pertinent documentation in accordance with 36 CFR 800.11, ACHP shall exercise one of the following options:
 - i. Advise FHWA that ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA will respond to the objection accordingly; or

- ii. Provide FHWA with recommendations, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or
 - iii. Notify FHWA that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4) and proceed to refer the objection and comment. In this event, FHWA shall ensure that the Agency Official is prepared to take the resulting comments into account in accordance with 36 CFR 800.7(c)(4).
4. Should ACHP not exercise one of the foregoing options within thirty (30) calendar days after receipt of all pertinent documentation, FHWA may assume ACHP's concurrence in its proposed response to the objection.
5. FHWA shall take into account any ACHP recommendation or comment and any comments from the other signatory parties to this Agreement in reaching a final decision regarding the objection. FHWA's responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.
6. FHWA shall provide all other signatory parties to this Agreement with a written copy of its final decision regarding any objection addressed pursuant to this stipulation.
7. FHWA may authorize any action subject to objection under this stipulation to proceed, provided the objection has been resolved in accordance with the terms of this stipulation.

XIV. AMENDMENT

- A. Any signatory party to this Agreement may at any time propose amendments, whereupon all signatory parties shall consult to consider such amendment. This Agreement may be amended only upon written concurrence of all signatory parties.
- B. Each appendix to this Agreement may be individually amended through consultation of the signatory parties without requiring amendment of the Agreement, unless the signatory parties through such consultation decide otherwise.

XV. TERMINATION

Any party to this Agreement may terminate it by providing thirty (30) calendar days-notice in writing to the other parties explaining the reason for termination, provided that the parties will consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, FHWA shall ensure that undertakings shall be reviewed individually in accordance with 36 CFR 800.3-800.6 that were previously covered by this Agreement.

XVI. CONFIDENTIALITY

All parties to this Agreement acknowledge that information about historic properties, unevaluated historic properties, or properties considered historic for purposes of this Agreement are or may be subject to the provisions of Section 304 of NHPA. Section 304 allows FHWA to withhold from disclosure to the public, information about the location, character, or ownership of a historic property if ARDOT determines that disclosure may 1) cause a significant invasion of privacy; 2) risk harm to the historic resource; or 3) impede the use of a traditional religious site by practitioners. Having so acknowledged, all parties to this Agreement will ensure that all actions and documentation prescribed by this Agreement are, where necessary, consistent with the requirements of Section 304 of the NHPA.

XVII. DURATION OF AGREEMENT

This Agreement shall remain in effect for a period of five (5) years after the date it takes effect, unless it is terminated prior to that time pursuant to Stipulation XV of this Agreement. No later than ninety (90) calendar days prior to the conclusion of the five (5) year period, ARDOT will notify all parties in writing. If there are no objections or amendments from the signatory parties, the term of this Agreement will automatically be extended for an additional five (5) years. If any party objects to extending the Agreement or proposes amendments, ARDOT will consult with the parties to consider amendments or other actions to avoid termination.

Execution and implementation of this Agreement evidence that FHWA and SHPO have delegated certain Section 106 responsibilities to ARDOT and have afforded the Osage Nation and ACHP a reasonable opportunity to comment on the undertakings identified in this Agreement and that FHWA has taken into account the effects of the Program and its individual undertakings on historic properties, and that FHWA and ARDOT have complied with Section 106 of the NHPA and 36 CFR Part 800 for the Program and its individual undertakings.

Signatory

FEDERAL HIGHWAY ADMINISTRATION

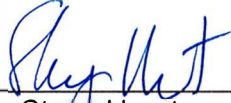


Vivien N. Hoang, P.E.
Arkansas Division Administrator

1/29/2021
Date

Signatory

ARKANSAS STATE HISTORIC PRESERVATION OFFICER



Secretary Stacy Hurst
Arkansas State Historic Preservation Officer



Date

Signatory

ADVISORY COUNCIL ON HISTORIC PRESERVATION



Rick Gonzalez, AIA
Vice Chairman

February 18, 2021

Date:

Final Programmatic Agreement

Invited Signatory

OSAGE NATION



Geoffrey M. Standing Bear
Principal Chief

1-26-2024
Date

Invited Signatory

ARKANSAS DEPARTMENT OF TRANSPORTATION



Lorie H. Tudor, P.E.
Director

1/25/2021
Date

Joan RO

APPENDIX A

LIST OF FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES ASSOCIATED WITH ARKANSAS

Ms. Devon Frazier
Tribal Historic Preservation Officer
Absentee Shawnee Tribe
2025 S. Gordon Cooper
Shawnee, OK 74801

Mr. Nelson Scott Harjo
Chief
Alabama-Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

Ms. Tamara Francis
Tribal Historic Preservation Officer
Caddo Nation
P. O. Box 487
Binger, OK 73009

Ms. Elizabeth Toombs
Tribal Historic Preservation Officer
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465

Ms. Karen Brunso
Tribal Historic Preservation Officer
Chickasaw Nation
P.O. Box 1548
Ada, OK 74821

Dr. Ian Thompson
Tribal Historic Preservation Officer &
NAGPRA Program Coordinator
Choctaw Nation of Oklahoma
P.O. Box 1210
Durant, OK 74702

Ms. Erin Thompson
Historic Preservation/106 Director
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Mr. Brett Barnes
Tribal Historic Preservation Officer
Eastern Shawnee Tribe of Oklahoma
12705 E. 705 Road
Wyandotte, OK 74370

Ms. Alina Shively
Tribal Historic Preservation Officer
Jena Band of the Choctaw Indians
P.O. Box 14
Jena, LA 71342

Mr. Jeremiah Hobia
Mekko (Town King)
Section 106 Review Coordinator
Kialegee Tribal Town
P.O. Box 332
Wetumka, OK 74883

Mr. Kenneth H. Carleton
Tribal Historic Preservation Officer/Archeologist
Mississippi Band of Choctaw Indians
P.O. Box 6010
Choctaw, MS 39350

Ms. Corain Lowe-Zepeda
Tribal Historic Preservation Officer
Muscogee (Creek) Nation
P. O. Box 580
Okmulgee, OK 74447

Dr. Andrea A. Hunter
Tribal Historic Preservation Officer
The Osage Nation
627 Grandview
Pawhuska, OK 74056

Mr. Everett Bandy
Tribal Historic Preservation Officer
The Quapaw Nation
(O-Gah-Pah)
P. O. Box 765
Quapaw, OK 74363

Mr. Theodore Isham
Tribal Historic Preservation Officer
Seminole Nation of Oklahoma
P. O. Box 1498
Wewoka, OK 74884

Ms. Tonya Tipton
Tribal Historic Preservation Officer
Shawnee Tribe
P.O. Box 189
Miami, OK 74355

Final Programmatic Agreement

Mr. Mekko Ryan Morrow
Town King
Thlopthlocco Tribal Town
P.O. Box 188
Okemah, OK 74859

Mr. Joey Barbry, Jr.
Tribal Historic Preservation Officer
Tunica-Biloxi Tribe of Louisiana, Inc.
P.O. Box 1589
Marksville, LA 71351

Ms. Whitney Warrior
Tribal Historic Preservation Officer
United Keetoowah Band of
Cherokee Indians in Oklahoma
P.O. Box 746
Tahlequah, OK 74465

Mr. Gary McAdams
Cultural Director
Wichita & Affiliated Tribes
P.O. Box 729
Anadarko, OK 73005

APPENDIX B

UNSCREENED PROJECTS EXEMPT FROM SECTION 106 REVIEW

Unscreened Projects are exempt from Section 106 review by ARDOT Qualified Staff and are actions that have no potential to affect historic properties. Based on their past experience with similar actions, the Signatories and Invited Signatories agree that projects limited to activities listed in Appendix B have no appreciable potential to affect historic properties (36 CFR 800.3(a)(1)). To be applicable, an undertaking must be limited to any one or a combination of the actions specified below. These projects are stand-alone transportation activities that, based on the Signatories' and Invited Signatories past experience with similar actions, will not result in any significant impacts to the human or natural environment. ARDOT Qualified Staff will produce an annual report of Unscreened Projects, as specified in Stipulation XIII.A.

- A. General pavement marking, line painting, or installation of sensors on existing pavement.
- B. Pothole filling, crack sealing, and joint repair.
- C. Pavement overlay, milling or grooving, chip sealing or sealing, and resurfacing of roadways within the previously disturbed right-of-way (ROW).
- D. Surface treatments or sealcoats.
- E. Repair or in-kind replacement (essentially the same size, material, color, and texture) of curbs, curbing, and sidewalks, including street furniture, highway signage, and existing traffic signals (no new underground work).
- F. New pavement markings or replacement of pavement markings (normal or raised), rumble strips, traffic sensors, snow and ice detectors, or other similar features on existing ramps and roadways.
- G. The in-kind replacement or relocation of existing utility poles between edge of sidewalk and roadway except within 50 feet of a marked cemetery boundary.
- H. Beam end and bearing repair of bridges.
- I. Bridge deck hydrodemolition, rehabilitation, and stabilization for non-eligible bridges.
- J. Removal, replacement, or installation of utilities and conduits that do not require modifications to the bridge structure. Applies only to non-eligible bridges.
- K. Substructure alterations where the work is confined to the bridge.
- L. Pothole patching, painting, concrete sealants, expansion joint replacement, and other maintenance activities that will not affect the appearance or alter significant structural elements. Applies only to non-eligible bridges.
- M. Herbicidal spraying within the existing ROW.
- N. Mowing or brush removal/trimming, seeding/reseeding, planting of annual and perennial flowers, in-kind replacement of trees and shrubs, and other ground cover and vegetative maintenance, within the existing ROW.
- O. Off-site Locations that have been previously approved or utilized in the past or currently for similar activities as defined below, are located on existing gravel or paved lots or areas where fill material has been placed, and/or utilizing structures that are not fifty years old or older or have been previously evaluated as not eligible to the NRHP. Off-site Locations are defined in Section 107.10(c)(2) of

AHTD's Standard Specifications for Highway Construction, Edition of 2014 as borrow pits, waste areas, haul roads, equipment and material storage or stockpile areas, and field offices. Off-site Locations facilitate the construction of a project by providing areas to borrow or waste dirt/materials, store equipment or stockpile material for use, and have an on-site field office.

- P. Removal of objects on roadways, traffic accident clean-up, hazardous waste removal, and fire control.
- Q. Improvements to existing maintenance facilities.

APPENDIX C

SCREENED PROJECTS NOT REQUIRING SHPO REVIEW

Screened Projects are those actions whose effects to historic properties are foreseeable, likely to be minimal, not adverse, or that will have no effect at all, but following appropriate screening, may be determined exempt from further review or consultation under this Agreement because they have been determined to result in a finding of no historic properties affected as defined in 36 CFR 800.4(d). Screened Projects require internal review by ARDOT Qualified Staff to determine if a project meets all of the terms and conditions in Appendix C and that no particular circumstances exist that would call for additional review. If no such circumstances exist, the ARDOT Qualified Staff will document its finding in the project file as specified in Appendix D and produce an annual report of Screened Projects, as specified in Stipulation XIII.A.

ARDOT Qualified Staff assesses previously disturbed areas of ground in relation to highway infrastructure, construction practices, available plans, vertical and horizontal extents, signs of excavation and/or fill, natural and unnatural contours, existing utilities, and review of site and structure records, historic maps, and aerial imagery.

Ground disturbance is defined as any work or activity that results in disturbance of the earth, including excavating, digging, trenching, drilling, augering, backfilling, clearing, and grading.

The actions taken outside of the listed activities and their likely effects to historic properties will be considered per 36 CFR 800.16(d). In addition, no activity can involve the acquisition of additional ROW. Screened projects adhering to these procedures are listed as follows:

Interstate Related Projects

1. Interstate bridge or roadway projects (excluding air rights development) where all work occurs within the previously disturbed areas of the existing ROW.

Roadway Related Projects

2. Reconstruction activities within the previously disturbed areas of the existing ROW. Reconstruction activities may include roadway restoration and/or rehabilitation; repair, replacement or resetting of existing guardrail (wood or weathering steel guardrail to be consistent with that existing); widening less than one full travel lane; addition of shoulders; construction of cross-overs on median strips; and addition or extension of emergency turnouts.
3. Correcting substandard roadway geometrics and intersections, provided that such improvements do not extend beyond the limits of previously disturbed areas of the existing ROW. These improvements would include but are not limited to roundabouts; turn lanes; improved turning radii; traffic channelization, divisional, and refuge islands; acceleration/deceleration lanes; and installation of curbs and gutters.
4. Extension of curbs, curbing, and sidewalks, including street furniture. Minor modifications in size, locations, content, and material composition of these

- features are permitted as well as installation of new curbs, gutters, sidewalks, street furniture and landscaping within previously disturbed areas.
5. Modifications to sidewalks and curbs to satisfy the requirements of the Americans with Disabilities Act.
 6. Modification of existing artificial features, such as slopes, ditches, driveways, and dikes within previously disturbed areas of the existing ROW or adjacent to the existing ROW (restricted to the use of Temporary Construction Easements).
 7. Removal of vegetation and trees within the existing ROW for the purposes of maintaining and/or restoring visibility of the roadway.
 8. Installation of new underground utilities or the replacement/repairing of existing underground utilities within previously disturbed areas of the existing ROW.
 9. The in-kind replacement or relocation of existing utility poles between the edge of the sidewalk and roadway.
 10. Rehabilitation, reconstruction or refurbishing of existing active at-grade railroad crossings or separations, including installation of railroad warning signs and devices, such as flashing lights and new crossing gates.
 11. Roadway resurfacing that intersects existing railroad crossings where work is limited to re-paving only. Applies to both NRHP eligible and non-eligible railroad resources and where crossing material is already in place. Also applies to railroad resources in historic districts where crossing material is already in place and is being replaced with in-kind materials.

Bridge/Culvert Related Projects

Items 12 through 18 only refer to the structures (bridges/culverts) as being exempt from further review and not the archaeology portion, if such investigations are warranted.

12. Bridge deck rehabilitation and stabilization for NRHP bridges.
13. Removal, replacement, or installation of utilities and conduits that do not require modifications to the bridge structure. Applies to NRHP bridges.
14. Substructure alterations where the work is confined to the bridge.
15. Pothole patching, painting, concrete sealants, expansion joint replacement, hydro-demolition, and other maintenance activities that will not affect the integrity or alter significant structural elements. Applies to NRHP bridges.
16. All bridge/culvert related work, up to and including replacement of bridges with a NRHP eligibility determination of "Not Eligible" on file with ARDOT and SHPO.
17. All bridge/culvert related work, up to and including replacement of concrete slab and steel stringer bridges that conform to the *Program Comment Issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges* (77 FR 68790).
18. All bridge/culvert related work, up to and including replacement of all concrete and/or steel bridge/culvert superstructures with no more than a 20-foot span length with an APE wholly confined to disturbed soils.

Roadside Safety Related Projects

19. Highway safety improvement activities, including installation, replacement, repair, modification, or removal of traffic control devices and safety appurtenances, such as impact attenuators, median glare screens, roadway delineators, guardrails, and safety barriers. These improvements may also include pole countermeasures (reflectors, breakaway devices, and shielding systems), installation of panel mounted reflective object markers, installation of reflective object markers not mounted on panels, and removal of fixed objects (utility poles, non-breakaway signs, and pipe headwalls).

Drainage Related Projects

20. Routine cleaning, maintenance, and repair of existing drainage system elements, such as catch basins, pipes, stormwater management, and water quality facilities and devices.
21. Retrofitting or redesign of existing drainage system elements as long as such work occurs within the previously disturbed areas of the existing ROW.
22. Minor safety-related improvement activities involving drainage system elements, including but not limited to, converting existing drop inlets to traversable designs; installation, replacement, or removal of pipes, headwalls, and wingwalls; installation, replacement, and extensions of pipes; and addition of pipe end sections as long as such work occurs within the previously disturbed areas of the existing ROW.

Electrical Related Projects

23. Traffic Signal Projects that involve existing traffic signal replacement or upgrade projects where all work occurs within previously disturbed areas of the existing ROW.
24. Intelligent Transportation System Projects (except for NRHP eligible or listed bridges, districts, or properties), such as installation of ramp metering systems; installation of closed circuit television cameras or highway advisory radio systems, support structures; and installation of computer links to monitor and control traffic volumes throughout the roadway system.

Roadway Related Facilities Projects

25. Maintenance and minor improvements to existing rest areas, fringe parking facilities, park and ride lots, weigh stations and other highway-related maintenance, storage, and office facility construction provided that no new ROW is required and that no excavation occurs outside of previously disturbed areas. (Examples of “minor improvements” include repaving parking lots and access ramps, re-striping, installing truck-car related conveniences such as electric plug-in equipment, interstate fencing repairs, routine maintenance/repair of WIM equipment, and adding lighting, picnic benches, and sidewalks within previously-disturbed ROW).

Bicycle/Recreational/Pedestrian Projects

26. Projects involving construction or addition of bicycle lanes, recreational trails, pedestrian walkways, shared use paths, and associated facilities provided that

work is either confined to areas of previous ground disturbance.

Lighting and Signing Projects

27. Restoration, replacement, upgrading, or addition of highway lighting systems (includes under-deck, conventional, high mast and offset lighting systems) on controlled access highways. For other highways, in-kind replacement or repair of highway lighting systems (essentially the same size, material, color or texture).
28. Installation or replacement of highway signs (including overhead and electronic variable message signs) on controlled access highways. For other highways, in-kind replacement or repair of highway signs (essentially the same size, material, color or texture).

Miscellaneous Projects

29. Off-site Locations that have been surveyed in accordance to Stipulation VIII.A where no cultural resources were identified during fieldwork and therefore no historic properties will be affected. Off-site Locations are defined in Section 107.10(c)(2) of AHTD's Standard Specifications for Highway Construction, Edition of 2014 as borrow pits, waste areas, haul roads, equipment and material storage or stockpile areas, and field offices.
30. Removal and disposal of any hazardous waste materials from the existing ROW.
31. Replacement or repair of highway fencing, median barriers, and safety barriers where the location is unchanged.
32. Emergency repairs under 23 USC § 125 necessary to restore essential travel, minimize the extent of damage, or protect the remaining facilities.
33. The installation of noise barriers or retaining walls within the previously disturbed areas of the existing ROW to provide for noise reduction.
34. Projects involving purchase or acquisition of land without associated ground-disturbing activities, such as mitigation areas or surplus property.

APPENDIX D

**STANDARD OPERATING PROCEDURES FOR ARKANSAS DEPARTMENT OF
TRANSPORTATION'S CULTURAL RESOURCES PROJECT DOCUMENTATION**

STANDARD OPERATING PROCEDURES FOR ARKANSAS DEPARTMENT OF TRANSPORTATION'S CULTURAL RESOURCES PROJECT DOCUMENTATION

I. INTRODUCTION

The Standard Operation Procedures (SOP) describe the process to be performed by the cultural resources staff at the Arkansas Department of Transportation (ARDOT) in relation to identifying, evaluating, and documenting Federal Highway Administration (FHWA) undertakings that either have or do not have the potential to impact historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 306108) and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800. In addition, the SOP addresses other types of documentation, such as reports produced for impacts to historic properties and internal ARDOT forms. All documentation should be adjusted to the resource or historic property involved, project requirements, or requests made by ARDOT, FHWA, SHPO, ACHP, or other invested parties as appropriate. The SOP will be a continuously evolving document as new changes are made or requested and will follow the most up-to-date version of any Agreement document(s) executed by the above-mentioned parties.

II. BACKGROUND

Two existing Memoranda of Agreement determine the type of internal and external documentation completed by ARDOT cultural resources staff for compliance with the Section 106 process. A Memorandum of Agreement (MOA) between ARDOT (formerly the Arkansas State Highway and Transportation Department [AHTD]), the Arkansas State Historic Preservation Officer (SHPO), and FHWA was executed in 1992 for undertakings, as defined by 36 CFR 800.16(y), that do not have the potential to impact historic properties that would be documented with a short report form known as a Project Identification Form (PIF).

Also, a MOA between the same parties was signed in 1999 to cover federally funded highway construction and maintenance activities that are not considered undertakings. The exempted categories listed in this MOA do not apply to activities on or adjacent to known NRHP historic districts and listed or eligible properties. This SOP clarifies the

procedures and documentation associated with updating these MOAs into the current Programmatic Agreement (Agreement). The Agreement will supersede the two MOAs once it is executed.

III. PROJECTS REQUIRING NO SHPO REVIEW

Conduct an examination of preliminary project plans or requests and determine if the project (or activities) constitutes an exempted undertaking under Stipulation VII of the Agreement. If the project constitutes an exempted undertaking, a records check should be conducted of the Arkansas Archeological Survey's (ARAS) Automated Management of Archeological Site Data in Arkansas (AMASDA) site files and the Arkansas Historic Preservation Program's (AHPP) structure databases to determine if known historic properties are present on or adjacent to the project or proposed activity. Historic properties, defined by 36 CFR 800.16(l)(1), are any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). If historic properties are not recorded or identified as part of a field visit, the Agreement applies. A Phase I archeological survey will not be required. A full architectural survey is also not required on projects typically classified as exempted categories. An Interoffice Memorandum (IOM) will be prepared and put into the project file in accordance with Stipulation VII.C. The IOM should be limited to the following documentation:

- 1) Brief project description;
- 2) Review and results of records check of the ARAS and AHHP databases and general maps, including General Land Office (GLO) survey plats, 1936 county highway maps, topographic quadrangle maps, and other applicable sources; and
- 3) Reference to the Agreement and exempted work category or categories.

The IOM is distributed to the Section Head and then to the Assessments Section and fulfills the review process pursuant to Section 106 of the NHPA and its implementing regulations.

IV. EXEMPTED WORK CATEGORIES WITH RECORDED HISTORIC PROPERTIES

If historic properties are recorded or identified, Stipulation VII of the Agreement does not apply. Field work may be necessary to address the historic properties in or adjacent to the proposed activities, such as the need to verify the location or existence of the historic property or to check a cemetery's boundary in relation to the right-of-way (ROW). A PIF will be prepared to address the historic property and include the following sections and information:

- 1) Project Description
 - a) Brief summary of project type with length of job, highway and/or county road number
 - b) A topographic quad map of the project location, referenced as Figure 1
 - c) Whether confined to existing roadway or highway ROW
 - d) Reference to Agreement as not applicable due to adjacent historic properties
- 2) Project Location
 - a) Brief description of ecoregion location (appropriate reference; Woods et al. 2004)
 - b) Brief description of soil association (appropriate reference to soil survey book).
- 3) Project Methods
 - a) Records check of ARAS and AHPP databases and map reviews of GLO survey plats, 1936 county highway maps, topographic quadrangle maps, and other applicable sources
 - b) Based on abbreviated version of Appendix B of the State Plan (Early et al. 2010) and consisted of archival review of the project
 - c) Shovel testing not conducted
 - d) Native American tribal consultation not initiated
- 4) Project Results
 - a) Records check results
 - b) Brief historic property description and location in relation to the project with the statement "will not be impacted physically, audibly, or visually by the nature of this undertaking" and "will not cause adverse effects"

- c) Map review results and reference to presence or absence of cemeteries adjacent to project area
 - d) No documentation of unrecorded structures 45 years old or older will be necessary, unless bridges are part of the proposed system preservation improvements.
 - e) No shovel tests excavated
- 5) Summary and Conclusion
- a) Restate project description and that all work is confined to existing roadway and ROW
 - b) Closing statements should be “No historic properties will be affected by the proposed project. No further work is recommended.”
- 6) Header and Footer
- a) The Header should have “Project Identification Form” above the header line.
 - b) The Footer should have the “Job Number...” aligned left and a single page number aligned right (not Page 1 of 2). Both should be below the footer line.
- 7) PIF cover page
- a) The fillable Portable Document Format (PDF) has boxes to fill in or check.
 - b) The PIF cover page, PIF, and SHPO letter should all have the same information.

The SHPO cover letter, PIF cover page, and PIF are submitted to the Section Head, or if the Section Head is absent, to the Lead Cultural Resources Specialist for review. If no major edits are proposed, corrections will be made and the documentation will then be sent to SHPO through the administrative assistant. The staff will be copied on the email to the administrative assistant with the final edited version to use for reference. The documentation will be submitted to SHPO after it has been reviewed and signed by the Division Head or Assistant Division Head. If comments need to be addressed, then the Section Head will send the documents back for corrections, and the staff will resubmit the corrected version to the Section Head and submitted through the above-described process. If time constraints prevent further review and editing, the Section Head may deem it appropriate to proceed with sending it to SHPO.

V. METHODOLOGY TO IDENTIFY AND EVALUATE HISTORIC PROPERTIES

The process outlined in the following section meets compliance with Section 106 of the NHPA, its implementing regulations, and Appendix B of the State Plan (Early et al. 2010). Coordination and relaying information to other sections are essential to the function of the Environmental Division (Note: All maps should be produced by the GIS/Data Management Section using a predetermined standardized format.) Examples of documentation can be found at \\san1\gis_share\ARCH\Templates & Examples Documents.

- 1) Identify and notify consulting parties that might want to participate in the Section 106 process, such as the appropriate Native American tribes, federal and state agencies, local governments, or municipalities.
- 2) The Native American consultation should be patterned as follows:
 - a) The appropriate consulting tribes are found in a PDF titled "TribeCoordinationbyCounty" in the \\san1\gis_share\ARCH\Native American coordination. Other tribes (besides those included in the PDF) may need to be contacted as applicable to the location of the project.
 - b) GIS will provide the standard project location map on topographic quad map with latitude and longitude coordinates and the township, range, and section to attach to FHWA's Native American Consultation Letters (NACL).
 - c) The NACL template should have the correct date, job reference, project description, tribal representative, address, archeological site review (include site numbers), and FHWA Environmental Coordinator's phone number and signature, currently Randal Looney. If a Trail of Tears corridor is present in the project area, add reference to it. The NACL letters for all the tribes should be in one single Word file.
 - d) The NACL and map shall be submitted to the Section Head or Lead Cultural Resources Specialist for review, who will then forward the letters to the FHWA Environmental Coordinator for signature. Upon receipt of the signed letters, the NACL and maps will be mailed to the tribes for a 30-day review period.

- e) If a tribe requests a copy of the cultural resources survey documentation, please edit the NACL letter to be Native American Continuing Consultation (NACC).
- 3) Establish the Area of Potential Effect (APE) based on preliminary survey plans. The APE, defined by 36 CFR 800.16(d), is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Remember to include proposed survey corridor or a map of proposed design plans (if available) to show the established APE boundary in the cultural resources survey documentation for the proposed undertaking. The architectural historian and archeologist should work together to establish an approximate APE.
 - 4) Perform a preliminary records check of the ARAS and AHPP databases for previously identified historic properties.
 - 5) Perform map reviews of GLO survey plats, 1936 county highway maps, topographic quadrangle maps, and other relevant maps to assess structures, cemeteries, and high probability areas.
 - 6) Perform a field visit to identify initial constraints and assess potential historic properties within or near the proposed APE. Indirect effects should be taken into account when assessing potential historic properties. Indirect effects are defined as changes to the character or setting of property that contribute to its historic significance and are often related to but not limited to audible, atmospheric, and visual effects or view shed issues. The architectural historian and archeologist should work together to accomplish this task.
 - 7) A structural survey of properties 45 years old or older should follow the standards and procedures in the Attachment for Architectural Resources Survey (ARS) documentation.
 - 8) Properties should be evaluated according to National Register Bulletin No. 15, "How to Apply the National Register Criteria for Evaluation" (National Register Bulletin 1997). Also, be aware that exceptions, noted as Criteria Considerations in National Register Bulletin No. 15, may be applicable to certain kinds of properties not typically evaluated as part of the project.

- 9) The archeologist shall submit the ARS and maps to the architectural historian for review. Once edits are received back from the architectural historian, the archeologist shall submit the edited ARS and maps to the Section Head for review.
- 10) ARDOT shall submit the ARS results of identification and evaluation of potential historic properties to SHPO for a 30-day review period.
- 11) If additional properties are identified after the original ARS submittal, an Addendum ARS shall be completed and submitted to SHPO for review.
- 12) For properties already listed on the NRHP, the boundary should be included as part of the ARS and constraints map. If a property is considered eligible, a boundary needs to be established based on its significance, contributing features, and aspects of integrity in consultation with an architectural historian on staff. The architectural historian shall provide the archeologists all applicable constraints in relation to historic structures.
- 13) Identify constraints from the records check, a windshield survey, and SHPO concurrence of eligibility calls from the ARS. Constraints should be verifiable cultural resources (eligible archeological site shown in AMASDA) and not a destroyed archeological site or an unknown cultural resource only shown on a historic map [i.e. GLO fields]. A site may be mentioned in the constraints memo without being shown on the constraints map, if its presence cannot be verified within the project area prior to the constraints request deadline. An early Phase I survey may be applicable for certain projects or for high probability areas to plan for avoidance alternatives.
- 14) On the constraints map, archeological sites should be noted as "Restraining Conditions". NRHP listed properties, eligible historic properties, and cemeteries are referred to as such.
- 15) The constraints map and memo are sent to the Section Head for review and disseminated through the administrative assistant to the Assessments Section. Assessments staff will compile the information from the Cultural Resources and Natural Resources Sections to send to the Roadway Design Division. The

process for constraints provides Roadway Design Division an opportunity to avoid and/or minimize impacts to a historic property in the early design phase.

- 16) Once the proposed survey corridor or proposed design plans are received and the APE is reassessed, a Phase I archeological survey may occur if it has not already been completed. All fieldwork should conform to the guidelines in Appendix B of the State Plan (Early et al. 2010).
- 17) SHPO clearance should be acquired well before the Environmental Estimated End Date, as indicated on the Staff Minutes, to allow for Assessments to meet this deadline.
- 18) If previously recorded sites and/or new sites are identified within the APE, whether determined eligible or not eligible for the NRHP, then a Cultural Resources Survey Report will be done for the undertaking.
- 19) These steps are a guideline and at any time may need modification or done in different sequences to accommodate a certain job or time restrictions.

VI. DOCUMENTATION FOR NON-EXEMPTED UNDERTAKINGS WITH NO HISTORIC PROPERTIES IMPACTED

In Stipulation V (1-19), the methodology should be followed to identify and evaluate historic properties for a proposed project. If no previously recorded or identified historic properties are impacted by the project, a PIF will be prepared in compliance with the Agreement and include the following sections and information:

1) Project Description

- a) Include a summary of project type with length of job, highway and county, description of amount of proposed ROW, Temporary Construction Easements (TCE), and other pertinent plan information.
- b) Project Location Maps should include a topographic quadrangle map (Figure 1) and a proposed design plan map or proposed survey corridor (Figure 2), which shows the defined APE.

2) Project Location

- a) description of ecoregion location (appropriate reference)
- b) description of soil association (appropriate reference)
- c) local project environment

3) Project Methods

- a) The description of records check of ARAS and AHPP and map reviews of GLO survey plats, 1936 county highway maps, topographic quadrangle maps, and any other relevant historic map
- b) The NACL sent out and any Native American responses should be designated as an Attachment, if there is only one; or Appendix A if there is a second Appendix.
- c) A description of fieldwork performed and abbreviated report based on guidelines in Appendix B of the State Plan (Early et al. 2010) and consisting of archival review, structural survey, and Phase I survey.
- d) Shovel testing methodology, including intervals, depths, widths, and ¼ inch screening

4) Project Results

- a) Records check results

- b) Brief ARS description and eligibility determination. SHPO concurrence should be noted as Appendix B. If structures are eligible or listed on the NRHP but will not be adversely affected by the project, provide a brief written description of why it is NRHP eligible or listed and a historic property map showing the property in relation to the design plans to prove that finding.
 - c) Map review results
 - d) Survey conditions of negative shovel tests
 - e) The soil profile, characteristics, and Munsell color value description with a photograph of the shovel test (any photograph and figure title should be centered with a border; the figure title should be bold).
 - f) A statement that the field survey failed to identify any artifacts or features or new historic or Native American sites.
- 5) Summary and Conclusion
- a) Restate project description and nature of project.
 - b) Restate brief sentence of negative field survey results.
 - c) Closing statements should be “No historic properties will be impacted by the project. No further work recommended.”
 - d) Standard paragraph for discovery situation following the Arkansas State Highway and Transportation Department’s Standard Specifications for Highway Construction.
- 6) Header and Footer
- a) The Header should have “Project Identification Form” above the header line.
 - b) The Footer should have the “Job Number...” aligned left and a page number aligned right (not Page 1 of 2). Both should be below the footer line.
- 7) PIF cover page
- a) The fillable Portable Document Format (PDF) has boxes to fill in or check.
 - b) The SHPO letter, PIF cover page, and PIF should all have the same information.

The SHPO cover letter, PIF cover page, and PIF are submitted to the Section Head, or if the Section Head is absent, to the Lead Cultural Resources Specialist for review. If no major edits are proposed, corrections will be made and the documentation will then be

sent to SHPO through the administrative assistant. The staff will be copied on the email to the administrative assistant with the final edited version to use for reference. The documentation will be submitted to SHPO after it has been reviewed and signed by the Division Head or Assistant Division Head. If comments need to be addressed, then the Section Head will send the documents back for corrections, and the staff will resubmit the corrected version to the Section Head and submitted through the above-described process. If time constraints prevent further review and editing, the Section Head may deem it appropriate to proceed with sending it to SHPO.

VII. DOCUMENTATION FOR NON-EXEMPTED UNDERTAKINGS WITH HISTORIC PROPERTIES IMPACTED

In the Agreement and in Stipulation V (1-19) of this document, the methodology should be followed to identify and evaluate historic properties for a proposed project. If previously recorded archeological sites and/or new sites are identified within the APE, whether determined eligible or not eligible for the NRHP, then a Cultural Resources Survey (CRS) Report will be done for the undertaking. If a previously recorded or identified historic property is impacted by the project, a CRS Report will be prepared in compliance with Section 106 of the NHPA, 36 CFR Part 800, and the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 Federal Register 44716–44742) and in accordance with the guidelines in Appendix B of the State Plan (Early et al. 2010). Exceptions can occur with documentation types, such as a historic bridge impacted can be addressed according to Stipulation VI of this document as long as the archeological survey is negative. A report should be tailored to the nature of the undertaking, the study area, and the type of resource impacted and should include the following sections, subsections, and information:

- Report Cover Page with name of author and month/year
- Header and Footer
 - a) The header should have "Cultural Resources Survey Report" above the header line.
 - b) The footer should have the "Job Number..." aligned left and a single page number or appropriate numeral (ABSTRACT and below) aligned right. Both the job and page numbers should be below the footer line.
- **ABSTRACT**

Brief synopsis of project and results
- **TABLE OF CONTENTS**

Should be linked to the headings and subheadings in the report
- **LIST OF FIGURES, LIST OF TABLES, AND LIST OF APPENDICES**

The figures and tables should be hyperlinked to the appropriate title in the report text. Make sure all the figures and tables are referenced in the body of the report.

- **INTRODUCTION**

Personnel, investigation procedures, days of fieldwork

Project Description

- a) Project type with length of job, highway and county; defined APE with the description of proposed ROW, TCE, and other pertinent plan information
- b) Project Location Maps should include a topographic quadrangle map (Figure 1) and a proposed design plan map or proposed survey corridor (Figure 2), which shows the defined APE. If the project is too large and multiple aerial maps are required, the plans may be overlain on the topo maps shown in Figure 1 instead of having multiple Figure 2 maps. GIS will present options to see if the topo map clearly depicts the APE.

Local Environment

- a) Description of ecoregion location (Woods et al. 2004) with project location shown on Ecoregions of Arkansas map.
- b) Description of soil association (with appropriate reference to soil survey book)
- c) Local project environment (photographs); (any photograph and figure title should be centered with a border; the figure title should be bold)
- d) Optional (water source, climate)

Past Environment

Past reports have this section already written; use and update as needed.

Culture History

- a) Past reports have this section written; use and update as needed. If the impacted historic property is historic and not prehistoric, do not have an exhaustive prehistory section and vice versa.
- b) Identify the archeological region location (appropriate reference-Davis 1994) with project location shown on Archeological Regions of Arkansas map and references used for the overview of that region with the following subsections: *Paleoindian Period, Dalton Period, Archaic Period, Woodland Period, Mississippian Period, Protohistoric Period/Historic Indian Occupation, Historic Settlement, and Local History.*

- **PROJECT METHODS**

- Records Check/Literature Search

- Records check of ARAS and AHPP databases and map reviews of GLO survey plats, 1936 county highway maps, topographic quadrangle maps, and any other relevant historic map and the results. Provide a historic map figure with project location if it pertains to the site or historic property recorded.

- Previous Archeological Investigations

- Check of Automated Management of Archeological Site Data in Arkansas (AMASDA) for projects; only mention those that intersect or are adjacent to the project area.

- Native American Consultation

- Native American consultation sent out and any responses returned should be included in Appendix A.

- Architectural Resources Survey

- ARS description should be included along with the eligible or listed structures; if impacted by project; and if property will be discussed later in the report. ARS SHPO concurrence needs to be attached as Appendix B. (Note: the ARS does not need to be attached).

- Pedestrian Survey Methods

- a) Fieldwork and report writing followed the procedures and guidelines of:
 - i. Advisory Council on Historic Preservation's (ACHP) "Protection of Historic Properties" (36 CFR Part 800)
 - ii. Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 Federal Register [FR] 44716–44742)
 - iii. Appendix B of the Arkansas State Plan: Guidelines for Archeological Fieldwork and Report Writing in Arkansas Guidelines (Early et al. 2010).
 - iv. The Principal Investigator for the project meets the Secretary of the Interior's "Professional Qualification Standards for Archeology and Historic Preservation" (48 FR 44738-44739).
 - b) Methods used in the field and lab
 - v. Number of field days

- vi. 20-meter interval shovel tests, diameter and depth, screened ¼-inch mesh, etc.

Obstacles and Limitations

- a) Vegetation restrictions, any limitations that prohibited shovel testing (utilities, pavement, etc.), urban development
- b) Secondary project impacts such as off-site locations

Lab Work and Analysis

- a) If a site is recorded or revisited, reference completed site form or revisit form submitted to ARAS Registrar's Office with temporary site number and/or site number. If artifacts were found, reference the artifact analysis method conducted. Also include the assigned accession and site number and that artifacts will be transferred to ARAS curation facility. If no artifacts were found associated with a site, then state that.

Historic Property and Site Evaluation

- a) Evaluation of a property followed the National Register Bulletin No. 15, "How to Apply the National Register Criteria for Evaluation" (National Register Bulletin 1997). There are four criteria for determining the significance of a resource and its eligibility for the NRHP (36 CFR Part 60.4). The property must not only be significant under the NRHP criteria but also must retain sufficient aspects of integrity, which include location, design, setting, materials, workmanship, feeling, and association.
- b) Also guidelines and characteristics listed in the *State Plan* (Davis 1994) and by the ACHP (36 CFR Part 800) were applied for site data and evaluations.

• **SURVEY RESULTS**

The area to be investigated is determined by the amount and area of potential impact of a proposed project (Early et al. 2010:8). An intensive survey of the APE should be conducted with closely spaced shovel tests. Please specify in this section the number and general location of shovel tests; restrictions of survey; typical soil profile description (with photograph) for each soil type found in project area; results of shovel tests (i.e. if negative-no artifacts or cultural features

identified; if positive-see site description below); then outline the historic property and/or site with the following descriptive sections:

- a. **Historic Property Name (Number of Property)** – If the historic property is impacted, then include these sub-sections:

Property Description – history, eligibility determination, significance, and property boundary (*photograph* and *map* of property with delineated property boundaries and proposed design plans)

Fieldwork – specify how many shovel tests were done within the NRHP boundary and if negative results; if positive results, describe shovel tests and whether recorded as a site or was already recorded as a site and have description of site in separate section

Anticipated Impacts – assess direct effects (amount of acreage to be acquired versus total acreage of historic property) and indirect effects (visual, audible, etc.) with APE

Recommendations – no adverse effect; or adverse effect and mitigation required and stipulated in a MOA with mitigation measures explained

- b. **New Site Recorded or Revisited Site** – If a new site is recorded or a previously recorded site is revisited, include the following information:

All points in the site form, such as the ARAS Site Number, Temporary Site Number, Site Type, Cultural Affiliation, Approximate Site Size, Soil Type, Topographic Setting, USGS Quadrangle, Nearest Water, Survey Method, Ground Cover/Site Condition with the following sub-sections:

Discussion – site description and *photograph* of site area (site form included in last appendix)

Component Analysis – total of shovel tests and number of positive shovel tests (should include *sketch map* with location of shovel tests); how delineated, at what intervals, soil profile description (provide *photographs*), artifact count and descriptions (provide table either in text or appendix); Phase II testing should include the number of excavated test units and explanation of placement with the soil profile description (provide *photographs and profile*

drawings), artifact count and descriptions (provide table either in text or appendix).

Evaluation – assessment of site components and integrity

Recommendations – NRHP eligibility recommendation for the portion of the site within the proposed ROW/APE with above examples to support call

- **SUMMARY AND CONCLUSION**

Restate ABSTRACT and recommendations for historic property and/or site

- **REFERENCES CITED**

Certain references and citations should be included in the appropriate documentation and follow the *American Antiquity* style guide.

Davis, Hester (editor)

1994 *A State Plan for the Conservation of Archeological Resources in Arkansas*. Originally published 1982. Arkansas Archeological Survey Research Series No. 21. Arkansas Archeological Survey, Fayetteville.

Early, Ann M., Hester Davis, Tom Green and George McCluskey

2010 Appendix B of the Arkansas State Plan: Guidelines for Archeological Fieldwork and Report Writing in Arkansas. In *A State Plan for the Conservation of Archeological Resources in Arkansas*, edited by H.A. Davis (Originally published 1982, revised 1994). Research Series No. 21. Arkansas Archeological Survey, Fayetteville.

National Register Bulletin

1997 *How to Apply the National Register Criteria for Evaluation*. Report 15, U.S. Department of the Interior, National Park Service, Washington D.C. Electronic document, <https://www.nps.gov/nr/publications/bulletins/nrb15/>, accessed October 16, 2018.

Woods, A.J., T.L. Foti, S.S. Chapman, J.M. Omernik, J.A. Wise, E.O. Murray, W.L. Prior, J.B. Pagan, Jr., J.A. Comstock and M. Radford

2004 *Ecoregions of Arkansas* (color poster with map, descriptive text, summary tables, and photographs). U.S. Geological Survey, Reston, Virginia.

The SHPO COVER LETTER, REPORT, FIGURES, and APPENDICES are submitted to the Section Head, or if the Section Head is absent, to the Lead Cultural Resources Specialist for review. If no major edits are proposed, corrections will be made and the documentation will then be sent to SHPO through the administrative assistant. The staff will be copied on the email to the administrative assistant with the final edited version to

use for reference. The documentation will be submitted to SHPO after it has been reviewed and signed by the Division Head or Assistant Division Head. If comments need to be addressed, then the Section Head will send the documents back for corrections, and the staff will resubmit the corrected version to the Section Head and submitted through the above-described process. If time constraints prevent further review and editing, the Section Head may deem it appropriate to proceed with sending it to SHPO.

VIII. ADDITIONAL DOCUMENTATION

- a) Addendum Report – If proposed design plans change for a project and therefore alter the APE, an additional survey and documentation will be completed to document the design revisions. The documentation should be an Addendum to the PIF or Addendum to the Cultural Resources Survey Report and be limited by 1) the nature of the proposed changes to the APE, and 2) if historic properties or sites are impacted. The Addendum should include all the main points of job description, design changes, field methods and results, and recommendations with the appropriate maps, photographs, and references cited, as outlined previously in this SOP. If monitoring was proposed as part of the original SHPO documentation, an addendum should be done covering the monitoring activities and results. The documentation will be sent to the Section Head for review and submittal to SHPO.
- b) SHPO Response – SHPO may request further documentation on a resource for a submitted ARS, PIF, or CRS Report. The documentation should be patented to the nature of the request: i.e. a response letter or addendum report. Alternatively, FHWA and ARDOT may disagree with SHPO's non-concurrence on a NRHP eligibility determination, adverse effect finding, or additional request for more information. A response letter with substantiated evidence may be sent to SHPO to reconsider the original reply. All documentation will be sent to the Section Head for review and submittal to SHPO.
- c) MOA – If a historic property will be impacted by the current project, a MOA will be needed to mitigate any adverse effect to the historic property. Examples of MOA examples are found at \\San1\gis_share\ARCH\MOA. MOA documents exist for bridge removal, bridge relocation, or preservation in place, eligible structures with standard architectural documentation (Arkansas Architectural Resources Form and photographs), and eligible sites with Phase III data recovery and Treatment Plan, if applicable. Any MOA Amendments shall follow the template provided by the ACHP. The MOA is not fully executed until all Signatories have signed the document. The final signed MOA should be sent

out to the Signatories and ACHP. Also see 36 CFR 800.6(c) for more information.

- d) Section 4(f) documentation – For use of certain historic bridges, Programmatic Section 4(f) documentation will be prepared by the Cultural Resource Section. Currently, the archeologist will draft the documentation and submit it to the architectural historian for review. The architectural historian will submit the documentation to Assessments Section after incorporating all the changes. Other Section 4(f) documentation, such as a *De Minimis* finding or a Section 4(f) Evaluation, may also be prepared by the Cultural Resource Section for the physical use or impacts to a historic property.
- e) Programmatic Agreement (PA) – A project-specific PA is prepared when the effects on historic properties cannot be fully determined prior to approval of a complex undertaking; terms and conditions are agreed upon to resolve potential adverse effects for the undertaking. Examples of PAs are found at [\\San1\gis_share\ARCH\PA](#). Also, see 36 CFR 800.14 for more information.

IX. INTERNAL ARDOT DOCUMENTATION

- a) Constraints IOM was already discussed in Stipulation V (12-14).
- b) Reevaluation – A reevaluation of the project may be necessary when three years or more have passed since the National Environmental Policy Act process was completed without proceeding to construction; or changes have been made in the project design. The Cultural Resources reevaluation summary will include the unsurveyed acreage, if any; any newly recorded sites that may require further work; the number of sites that require Phase II or III testing; properties within the APE that are eligible or that need to be evaluated; and a summary of any commitments that need to be met. The IOM to the Job File will go to the Section Head for review and then to the Assessments Section, who will incorporate the information into the Reevaluation document.
- c) Environmental Assessment (EA) Cultural Resources – Upon request from the Assessments Section, a word document shall be developed that summarizes potential impacts to cultural resources in relation to the proposed project alternatives. This will be submitted to the Section Head for review and then to the Assessments Section, who will incorporate the information into the EA.
- d) Special Provision (SP) – A SP is a document that goes into the agreements for the contractor. If there is a cemetery, site, or property in close proximity to the project that the contractor and utilities needs to avoid impacting, a Restraining Conditions SP, map, and IOM are sent to Roadway Design and Right of Way Divisions. Other types of SPs include Archeological or Historic Property Monitoring, Removal of Historic Bridge, Construction Delay Due to Archeological Mitigation, or Limitation of Vibratory Equipment. Examples are found at \\San1\gis_share\ARCH\SPs/.

X. SUMMARY

The SOP describes the process to be performed by ARDOT cultural resources staff in relation to identifying, evaluating, and documenting FHWA undertakings that either have or do not have the potential to impact historic properties pursuant to Section 106 of the NHPA, its implementing regulations, and the Agreement. In addition, the SOP addresses other types of documentation, such as reports produced for impacts to historic properties and internal ARDOT forms. All documentation should be adjusted to the resource or historic property involved, project requirements, or requests made by ARDOT, FHWA, SHPO, ACHP, or other invested parties as appropriate. The SOP will be a continuously evolving document as new changes are made or requested by consulting parties.

ATTACHMENT

ARS STANDARDS AND PROCEDURES

Architectural Resources Survey (ARS) Standards

Structure Identification:

What to include

- Per Section 106 implementing regulations (36 CFR Part 800), all historic properties (including prehistoric or historic districts, sites, buildings, structures, or objects) within the Area of Potential Effect (APE) should be identified. Performing the ARS early helps us recognize areas for constraints.
- The ARS should contain all properties within the APE of > or = to 45 years of age (2019=buildings built 1974 or older).
- Include structures that may be affected by physical, visual, or audible impacts. Any property near the right of way, with a sightline to the project or can be affected by increased traffic noise, should be included.
 - Types of structures to record: residential and commercial buildings, churches, barns, etc. and all associated ancillary structures with a view of the project (you can skip buildings way behind the business or house and not visible from the road). Ancillary buildings may include (but are not limited to) barns, sheds, garages, stand-alone carports, well-houses, storm shelters, walls, fences, statues, signs, etc. As well as, any manmade objects part of the built environment should be evaluated.

Planning

- Before going to the field you should plan the data collection—if you are unsure about planning, ask the Architectural Historians for assistance. A few methods to begin planning your trip are listed below.
- Checking the existing Arkansas Historic Preservation Program database for recorded structures and their eligibility determination:
<http://www.arcgis.com/home/webmap/viewer.html?webmap=e9040629adab4162bd21b7dde5a5702d>.
- Using maps:
 - USGS topoview scale 1:62500 or larger scale: <https://ngmdb.usgs.gov/topoview/viewer/#4/40.01/-99.93>
 - Start with the 1970s-1980 map kmz download and use as an overlay, after placing “pins” on each square, church, or school continually move to older maps. Then uncheck map and see what remains where buildings that would be old enough previously existed.
- Using Assessor data
 - Use county data to determine building ages—pin any > or = to 45 years old.
- Using Google Earth Street View
 - Verify older buildings by appearance. If you are not sure of styles or age, do other research first (such as above).
- If a building has the appearance of an older style, but may include new materials, always include on the ARS even if it was not built in the right period. Add description and year built, full analysis is unnecessary. State the structure is too new to evaluate; therefore, it is recommended as not eligible.

Architectural Resources Survey (ARS) Standards

- Many of the buildings in rural Arkansas are vernacular versions of styles, such as Folk Victorian, Craftsman, Minimal Traditional, and Ranch styles—some will be eligible. Ask to borrow reference books or consult with the Architectural Historians if you need help with styles, building types, and dating houses visually.
 - Mobile Homes: Include any mobile home/modular home that has permanent structure attachments, such as a full porch, room addition, side/back porch addition, or rest on a foundation and is 50 years old or older
 - Most will be too new. We'll need to assess to determine if they will be included in the ARS.
 - While unlikely, a mobile home 50 years old or older could have enough integrity to be eligible. The 1950s-60s usually have an identifiable angle on one end or curves (photos right).
 - Research mobile home parks for eligibility due to the evolution of planned developments. The oldest planned mobile home parks in Arkansas could be eligible. The earliest mobile home parks in Florida and California date to the early to mid-1950s.



Field Data

- Take photographs of as many sides of the building as you are able to see from a safe distance. Always capture as much of the front façade as possible. Take detail pictures of modifications, if needed.
 - Bridges: at a minimum, take photos of each approach and each profile, for four photos total (if safe to do so). If you are able to get beneath the bridge, take photos of the substructure and any connection types visible. Always take photos of any plaques, stamps, or markers on the bridge.
- Materials and additions should be noted in the handheld unit.
- GIS Section has guidelines for collecting structure data out in the field and office processing procedures (see Appendix A, “Environmental GIS Section ARS Procedures”).

Research

- Additional research can be conducted by following Appendix B “Resources and Instructions for Structure Research”, which includes additional maps and sources to aid in the process.

Architectural Resources Survey (ARS) Standards

Structure numbering:

- Generally, property numbers are in order from south to north, or from west to east.
 - As a rule of thumb, numbering should follow log mile direction.
 - AHPP resource numbers should be added behind the property numbers. For example: Property 1/SA0456.
 - Always verify the property numbers with the maps produced by GIS.
 - If an addendum ARS is needed, continue numbering from the previous ARS submitted to AHPP.
- Ancillary buildings should be numbered as lowercase a, b, c, etc, to a main building.
 - 1 is the main building, 1a is the first ancillary.
 - 1 is the district or site encompassing a grouping of structures, such as, historic Highway Department District 2 site, with each structure assigned a letter, 1a, 1b, etc.
- Stripmalls (20th Century) /Main Street Commercial Row Buildings (19th Century):
 - Each separate roofline is a different property number.
 - Due to the ability to change and alter each façade separately, they should be evaluated separately.
 - Each can be a separately owned building with a common/shared wall.
- Sculptures:
 - They can be as part of a sign or stand-alone sculpture, and they should be an ancillary structure associated with a specific business (property).
 - They can be considered historic as part of the business or associated with a past entity as part of local history.
 - Check for AHPP number on all sculptures
 - Signs can be historic. For example:
 - In the mid-19th Century, signs are very important as car culture took over the nation; the faster patrons could pass by, the larger and brighter the signs need to be.
 - A barber shop pole and sign could be historic with its associated historic barber shop building.
- Shopping Malls:
 - One building; therefore, it should have one number assigned, much like an apartment building.

Architectural Resources Survey (ARS) Standards

Information to include in the ARS description:

1. Format of ARS property description (see Appendix B “ARS Format Guide”):
 - a. **First sentence** should include year built, type of building, and who built it (and for bridges: feature intersected and road carrying bridge). Include address if available. If an ARS includes addresses on most properties, but can't be found for some, include this sentence for those property descriptions without addresses: “No address for this property was found.” If all of the properties in the ARS do not have addresses (Assessor data) found online, you do not need to add the sentence.
 - b. Any **Criterion A and Criterion B** associations are listed after descriptive sentence
 - Any research conducted for historic context, even if not found to be associated;
 - Cite Sanborn maps when applicable;
 - Some examples:
 - Research shows a structure was/was not found to be associated with Justin Matthews;
 - John Doe resided in the house in 1940 (City Directory). No association under Criterion B was found;
 - AHPP identified it as the Joseph Callaway House. Callaway was an attorney and prominent citizen in Arkadelphia at that time the house was built. It is eligible under Criterion B.
 - c. For **Criterion C** section: describe building materials and any other design information, such as windows, roof, door, siding;
 - Window written description
 - #/# should be used for ARS to conserve space, for example 2/2
 - #-over-# should be used in reports, for example 2-over-2
 - You do not need to list all of the materials or design that can plainly be seen in the photographs with intact integrity.
 - Explain what integrity (location, setting, materials, design, workmanship, feeling, and association) issues exist for Criterion C eligibility. For example:
 - The house has a side and rear addition. The windows are vinyl replacements. The integrity of design, materials, and feeling has been compromised.
 - Additional statement to justify eligibility, if applicable, includes “This structure is a common example of this style that has no distinctive characteristics or features”.
 - d. The **last paragraph** for the structure should read:

Property # is recommended as eligible/not eligible for inclusion in the National Register of Historic Places (NRHP).

OR

ARDOT agrees/disagrees that Property 1/SA0456 should remain eligible/not

Architectural Resources Survey (ARS) Standards

eligible for inclusion in the NRHP.

- e. If the structure is less than 50 years old but considered eligible, the **last paragraph** for the structure should read:

As long as its integrity does not diminish and remains intact, the property is recommended as eligible upon reaching 50 years of age.

2. Eligible or Listed National Register property boundaries shall be included in the ARS.
 - a. These boundaries will be determined by the Architectural Historians according to NR guidelines (*National Register Bulletin 21: Defining Boundaries for National Register Properties.*).
 - b. A sentence should be added to the ARS to justify how the boundary was determined, and an image added to the left side of said boundary. Request an “aerial insert” from GIS (5.31” wide). Examples:
 - The boundary is established by the fence line encompassing the house and its immediate setting.
 - The boundary is established by the tree line south of the house (adjacent to the ditch and roadway), and it includes the three ancillary structures to the east, the large trees to the rear, and the land extending to the western tree line as these are natural barriers/limits.
 - The boundary includes the house, barn, two depressions, and the land surrounding them to include all associated structures and known historical property.
 - The boundary contains the parking pad in front of the store, pavement along both sides, and the grassy area in the rear of the building back to the parcel’s edge as all of the property utilized by the building activities.
3. Extra Page (at the end of the document before the maps)
 - a. If you have several buildings with an appearance that might be 45 years or older but were built more recently:
 - Add a page and include in a table or list the structure address (or UTM if address is unavailable) and the year built.
 - It is unnecessary to assign property numbers or add photos for these buildings.
 - b. If there are historic properties shown in the AHPP structure databases that have been destroyed or delisted, add a page and list the AHPP resource property(ies) number with the appropriate heading.
 - c. If there are historic properties shown in the AHPP structure databases that are in the wrong location, add a page and list the AHPP resource property(ies) number with the appropriate heading.

Architectural Resources Survey (ARS) Standards

Appendix A:

Environmental GIS Section ARS Procedures

Environmental GIS Section

Architectural Resources Survey (ARS) Procedures

Property Data Collection

→ A Cultural Resources staff member makes a visit to the project area during constraints gathering. Each property >45 years of age or having unique features along the project corridor is photographed with a camera and locational data is collected with a GPS unit. Instructions for field work are as follows:

- Create a file on the GPS unit with the job number. Select the ARS data dictionary.
- The data dictionary contains a point feature class for properties, and has drop-down menus that allow for descriptions of the property: type, siding, windows, roof, and additions. There are additional fields for entry of multiple descriptions, but the primary description should be the first entry.
- There is a drop-down field for associated/ancillary properties, containing values a, b, c, d, and e. For properties with associated/ancillary properties, label the primary property as 1, and then each associated property can be labeled with the remaining values (a,b,c, etc.) in descending order. Each associated/ancillary property needs its own GPS feature, photos, and attributes collected.
- There is a text field named “Comments” if any notes need to be added to the data.
- If using the range finder for photo collection, before taking photographs of the property, collect the offset for the GPS point. Ideally, the front of the property will be used as the target for the offset collected by the laser range finder module. If the front of the property is not easily visible, use one of the other sides of the property. Make sure there are no obstructions (tree limbs, chain link fences, etc.) in front of the offset target.
- Once the data and the offset have been collected, photographs of the property can be taken. There are 10 fields allowing for photos from various points of view to be taken of each property. Once the camera application has been opened TerraSync stops collecting positions and the user can move from the data collection location to allow for the best positions to take photos.
- For historic roads or any other linear features, there is a line feature class that will allow for the property to be collected, with a road type drop-down menu, comment field, and photo fields. If the road segment cannot be collected as a linear feature, there is a place for road type in the point feature class for properties.

Environmental GIS Section Architectural Resources Survey (ARS) Procedures

- Upon return to the office, the GPS information and photographs are delivered to, uploaded, and added to the Property Management System by a GIS staff member.
- The CR staff member checks the property locations against the SHPO structure database, the historic roads database, the historic bridge database, the historic district database, and the ARDOT database layers in a GeoMedia platform (temporarily...a new and better platform is in the testing phase) created by the GIS staff (training will be provided when requested). This analysis requires evaluation of the property and location to see if they match.
- Sometimes the databases are incorrect and/or missing data. Upon completion of analysis, notify GIS lead of any changes. Property designations will be assigned/reorganized (if needed) by GIS staff (1, 2, 3, etc.) progressing south to north or west to east and/or assigned the designated site number or bridge number (if one exists). GIS will make changes in the database and then create standard figures for use in the ARS document.

ARS Document Process

Cultural Resource staff will follow CR ARS standard operating procedures.

Receipt of SHPO response letter

- After a SHPO response letter has been received, the CR staff member then requests the GIS Section to update the Property Management database to reflect the eligibility/non-eligibility of any properties.
- At that time any properties listed on the NRHP will have their boundaries digitized, if available, by the GIS Section.
 - Once the eligible properties are included on the draft plans the CR staff member works to avoid any impacts to the properties or associated/ancillary properties with the Roadway Division.

Architectural Resources Survey (ARS) Standards

Appendix B:

Resources for Structure Research

Resources for Structure Research

Structure Information Sources

Prior to using the below stated resources, the Arkansas Historic Preservation Program structure database should be examined, which is available through GISsection (they are currently working on a better system for us to use) as well as Google Earth imagery and/or Street View. Use the following resources, as applicable to the structure location:

1. Encyclopedia of Arkansas entries for the city and/or county – you can use the sources listed at the bottom as reference for other possible sources or reasons for development in an area.
2. Sanborn maps, when available
3. County Assessor data for build date, (if reasonable).
4. City directories – use your Arkansas State Library card to access online (<https://www.ancestryheritagequest.com/HQA/CityDirectories>) or visit the Butler Center/Arkansas Studies Institute in downtown Little Rock.
5. Historic Maps Collection at the (<http://ahc.digital-ar.org/cdm/landingpage/collection/p16790coll5>) for additional map sources.
6. Aerial photography at <https://earthexplorer.usgs.gov/> and/or our Photogrammetry Section down the hall.
7. Newspaper research:
 - a. NewspaperArchive (<https://access-newspaperarchive-com.ezproxy.library.arkansas.gov/> that can be accessed free through the Arkansas State Library with your card).
 - b. Newspapers.com – ask Nikki or Shelby to use so that we don't have multiple users at a time. We only have one subscription.
8. Owner information (when easily accessible).
9. If a building has unusual elements that mirror other buildings in the area, contact local officials for information on the builder/architect/workmanship. For small towns or rural areas, the Post Office, Chamber of Commerce, County Clerk's Office, or ARDOT maintenance personnel might be sources of information.

Structure Information Maps

Instructions for the listed resources and better descriptions of the maps can be found further below.

1. Lucas Jr., Fielding, *1817 Arkansa Ter. B.T. 1822 Edition*. B.T. Welch & Co., Baltimore, Maryland.
<https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~36038~1201240:Arkansa-Ter->
2. BLM GLO plat maps (1816 and 1819 for eastern AR; 1830-1840s for most of the state: resurveys and map corrections in the 1850s)
(<https://gloreCORDS.blm.gov/search/default.aspx?searchTabIndex=0&searchByTypeIndex=1>)
3. Perry-Castaneda Library Map collection: <https://legacy.lib.utexas.edu/maps/topo/arkansas/>, <https://ngmdb.usgs.gov/topoview/>, and <http://historicalmaps.arcgis.com/usgs/>
4. 1930s–1940s USGS/War Department 1:62,500 (15 minute) scale topographic maps:
<https://legacy.lib.utexas.edu/maps/topo/arkansas/>, <https://ngmdb.usgs.gov/topoview/>, and <http://historicalmaps.arcgis.com/usgs/>.
5. 1940s State of Arkansas-Contributed USGS 1:31,680 scale topographic maps:
<https://legacy.lib.utexas.edu/maps/topo/arkansas/>, <https://ngmdb.usgs.gov/topoview/>, and <http://historicalmaps.arcgis.com/usgs/>.
6. 1936 Arkansas County Highway Maps: https://www.arkansashighways.com/maps/historical_mapst.aspx

Resources for Structure Research

7. Historic/Modern USGS 1:24,000 (7.5' minute) scale USGS topographic maps:
https://www.geology.arkansas.gov/geologic_maps/quad24k_map.htm (CURRENTLYDOWN),
\\San1\gis\Environmental\USGS_Quads (In-House access to TIFs),
<https://ngmdb.usgs.gov/topoview/> (Can download the most recent topo from this service to determine Section, Township and Range quickly),
<http://historicalmaps.arcgis.com/usgs/> (Has a really cool fade tool you can use, but doesn't always have all the maps you might want; can verify that in TopoView), and
<https://viewer.nationalmap.gov/advanced-viewer/> (the modern topographic map).

Architectural Resources Survey (ARS) Standards

Appendix C:

ARS Format Guide

Property 1

In the opinion of the FHWA/ARDOT the structure is not eligible.



Property 1, North Side



Property 1, North and west Sides

This property at 123 Where Lane is a one-story Ranch style house built in 1961 by an unknown builder (Assessor). No association under Criterion A was found. Ms. Grace May lived in the house in 1961 (City Directory). No association was identified for eligibility under Criterion B.

The house is clad in gray brick and contains replacement vinyl windows. The doors are also not original. The garage enclosure appears to be an addition, which is visible in the roofline and includes another addition on the west side at the back. Based on the modifications, the integrity of design and materials has been compromised; therefore, the property is not eligible under Criterion C.

This property is recommended as not eligible for inclusion in the National Register of Historic Place (NRHP).

Commented [NS1]: The title should only be Property # or Property #/AHPP Resource Number. Bridge numbers shall be added in text below.

Commented [NS2]: Style or influence and building use (i.e. residence, commercial building, farm building, etc.). If it is located in an area with a city directory, try to find who lived in the house at that time.

Commented [NS3]: The RTA must address the NR criteria: A, B, and C.

Commented [NS4]: Review Criterion A (trend/event), and Criterion B (person) as they apply to the property. Add historic association if research reveals one. If no context for either, combine into a single sentence.

Commented [NS5]: If found, please list who may have been associated with the house.

Commented [NS9]: The formula is Property #, direction side. Ensure that the property number matches title above, state the direction of the side of the building/structure, not which direction you are facing.

Commented [NS6]: List materials of siding, windows, and doors (if applicable) to determine if they are original to that style/time period. Include modifications of replacement windows/doors, and additions. Add aerial photo if addition to the rear is large or if it is hard to see from the street view. If the information does not add to style or time period, it does not belong.

Commented [NS7]: From the information above reviewing Criterion C (for architecture), discuss any elements of integrity affected. 1) Location, 2) Setting, 3) Design, 4) Materials, 5) Workmanship, 6) Feeling, and 7) Association.

Commented [NS8]: Separate eligibility paragraph with one line. State eligibility recommendation or if ARDOT agrees/disagrees with an AHPP determination. Once acronym is identified, NRHP can be used in the remaining properties in the ARS.

Commented [NS10]: Cite source if images are used other than taken by ARDOT CR staff, such as Google Earth Aerial, Google Maps Street View, other aerials or maps, along with the year of the image.

Property 26

In the opinion of the FHWA/ARDOT the property is eligible



Property 26, North Side



Property 26, North and West Sides

This property is the Peake Elementary School (26a–26f), which is located along Pine Street. This school is associated with three important events: Rosenwald Schools, early twentieth century education in Arkadelphia and Clark County, and the group of buildings, as a whole, is a good example of how public education buildings have transformed over time as a response to the rising number of students.

Therefore, the school property as a whole is associated with the cultural trend of public education efforts, and this school in particular has a history of more than one hundred years of continual use; thus, it is eligible under Criterion A.

No association with an important person was identified for Criterion B. In addition, the buildings (excluding Property 26a) had a significant amount of alterations and are no longer eligible under Criterion C.

Property 26 is recommended eligible for inclusion in the NRHP under Criterion A.

Property 26a

In the opinion of the FHWA/ARDOT the structure is a contributing element.



Property 26a, North Side

Property 26a is the newest portion of Peak Elementary School. It was likely built in the 1970s to replace the Peake Rosenwald School (Property 26d\CL0673), to the southeast, as the primary educational building. This structure shows the development of public education buildings from the early twentieth century to the mid-century; therefore, it is eligible under Criterion A.

The structure has metal doors and windows. It is clad in brick and stucco. The attached gym on the western side of the structure matches the style of the other properties. Minimal to no modifications have been made to this building. It is a good example of Modern school design; therefore, it is eligible under Criterion C.

Therefore, Property 26a is considered eligible for inclusion in the NRHP as a contributing element to the site.



Property 26a, North Side (Entrance)

Property 26b

In the opinion of the FHWA/ARDOT the structure is a contributing element.



Property 26b, East Side



Property 26b, Aerial

Property 26b is the old Peake School gymnasium. The structure was built between 1928 and 1958; it appears on the 1959 Arkadelphia 7.5' topographic map. This property shows the changing needs of public education institutions from the early twentieth century to the mid-twentieth century; therefore, it is eligible under Criterion A.

The gym is clad in brick and has a metal roof, windows and doors. A number of windows have been filled in with plywood. Due to modifications, the integrity of materials and design has been compromised. It is not eligible under Criterion C.

Property 26b is considered eligible for inclusion in the NRHP as a contributing element to the site.

Property 26c

In the opinion of the FHWA/ARDOT the structure is a non-contributing element.



Property 26c, East Side



Property 26c, North Side

Property 26c is the Arkadelphia Community Safe Room. This building is modern and is located at the former location of the Peake School Dressing Room (CL0669 surveyed by AHPP in 1984).

Using Google Earth Aerial images, the original structure in this location was removed between 1995 and 2001. The current building was constructed between 2001 and 2006, and is smaller than the original structure at the site. Based on this, the Property 26c is not eligible for inclusion in the NRHP, for it is not more than 20 years old. In addition, the original building (CL0669) is not eligible for inclusion as it has been destroyed.

Therefore, Property 26c is considered not eligible for inclusion in the NRHP and is considered a non-contributing element to the site.

Property 26d\CL0947

In the opinion of the FHWA/ARDOT the structure is eligible and a contributing element.



Property 26d\CL0947, East and North Sides



Property 26d\CL0947, East Side

Property 26d is the Peake High School Shop likely built in the 1930s as it is not on the 1928 Sanborn Maps. AHPP surveyed CL0947 in 2003 and determined it as eligible. This structure is associated with public education in Arkadelphia and Clark County and early twentieth century African American education. It is eligible under Criterion A.

The structure is clad in brick and originally had an overhead door that has been bricked-in. The windows are 9/9 double hung wood sash and vertical windows composed of six panes. A majority of these are heavily damaged. A plywood board has been fixed into one of the windows on the front of the structure. Due to the modifications, the integrity of materials and design has been compromised; therefore, it is not eligible under Criterion C.

FHWA/ARDOT agrees that Property 26d/CL0947 is considered individually eligible for inclusion in the NRHP and should be considered a contributing element to the site.

Property 26e/CL0673

In the opinion of the FHWA/ARDOT the structure is listed on the NRHP and a contributing element.



Property 26e/CL0673, East Side

Property 26e is the Peake High School building, which is located at 1600 Caddo Street. In 2005, CL0673 was listed in the NRHP under Criterion A for its association with education in Arkadelphia and Clark County. Additionally, it is associated with Julius Rosenwald's legacy of a benefactor of African-American education in the South. This is the only surviving Rosenwald School in the county (NRHP Nomination Form 2004).



Property 26e/CL0673, South Side

The structure is described by its NRHP nomination form as a "one-story, brick-veneered building" that sits on a cast-concrete foundation. Banks of windows provide light to the classrooms.

FHWA/ARDOT agrees that Property 26e/CL0673 should remain listed on NRHP and should be considered a contributing element to the site.

Property 26f

In the opinion of the FHWA/ARDOT the structure is a contributing element.



Property 26f, South Side



Property 26f, East and South Sides

Property 26f is the Arkadelphia Alternative Classroom Environment building. This property is associated with early public education efforts in Arkadelphia and Clark County and early African American public education; therefore, it is eligible under Criterion A.

The structure is a brick-clad building with Art Deco accents on the front entryway and windows. Map research indicated that this structure was built sometime between 1928 and 1959, as it first appears in its modern footprint on the 1959 Arkadelphia 7.5' topographic map.

Multiple rear additions have been added at an unknown date and have compromised its integrity of design; therefore, it is not eligible for inclusion in the NRHP under Criterion C.

Property 26f is considered eligible for inclusion in the NRHP as a contributing element to the site.

Property 44/CL0068

In the opinion of the FHWA/ARDOT the structure is not eligible.



Property 44/CL0068, East and North Sides

This property at 1061 Pine Street is a cross-gable roof Craftsman style residence likely built between 1918 and 1928 by an unknown builder. No association was identified for Criterion A. AHPP identified the structure as the Joseph Callaway House. Callaway was an attorney and prominent citizen in Arkadelphia at that time the house was built. It is not eligible under Criterion B because it does not retain enough of its historic integrity under Criterion C to be eligible for the NRHP.



Property 44/CL0068, Stepping Stone Near Curb

The structure is clad in its original wood siding and still has its original partial width porch supported by tapered wood columns on brick piers. However, it has had alterations that include: a new deck on the east side, replacement 1/1 vinyl windows, a replacement front door, and a carport addition attached to the south side of the structure.

Property 44/CL0068, Continued



Property 44/CL0068, North and West Sides

Modifications to the windows, door, and floorplan have compromised the integrity of design, materials, workmanship, and feeling; therefore, this structure is not eligible under Criterion C.

Property 44/CL0068 is recommended as not eligible for inclusion in the NRHP.

Commented [NS11]: "9-Unknown" in AHPP database, no determination to agree/disagree with.

Property 4/JO0055

In the opinion of the FHWA/ARDOT the structure is NRHP listed.



Property 4/JO0055, East Approach

This property, ARDOT Bridge 01597 over Big Pney Creek, was erected in 1931 by Fred Lutjohann of Topeka Kansas. The bridge is a good example of a State Highway Department bridge built during the Arkansas Highway and Transportation Era: 1923-1939 with limited funds; therefore, it is eligible under Criterion A. No association was found for Criterion B.

The Big Pney Creek bridge is a one-lane, steel Warren truss with a total length of 461 feet. Its Warren truss design is unusual in that it uses verticals and diagonals and vertical sub-struts. Metal guardrail is attached at the bottom of the truss and turns into concrete railing on the approaches. No modifications have occurred to the bridge since its NRHP listing; therefore, it is still eligible under Criterion C.

ARDOT agrees that Property 4/JO0055 should remain listed in the NRHP.



Property 4/JO0055, South Profile