

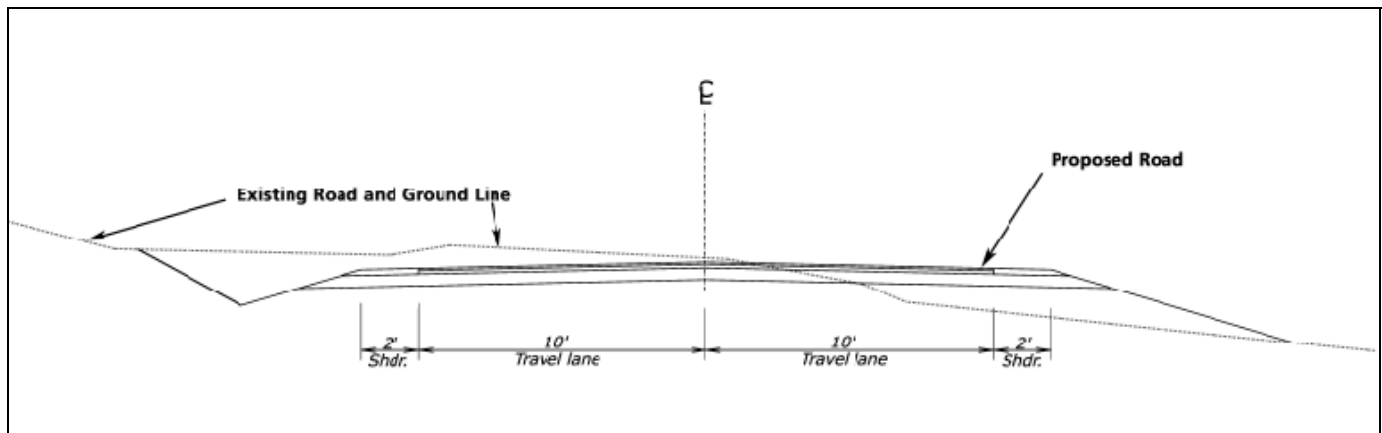
APPENDIX B: AGENCY AND PUBLIC CORRESPONDENCE

Environmental Assessment for the Construction of a New Entrance Road to the Shady Lake Recreation Area

Ouachita National Forest
Polk and Howard Counties, Arkansas

The Federal Highway Administration, in cooperation with the USDA Forest Service, proposes to construct a new entrance road to the Shady Lake Recreation Area. The existing Shady Lake Recreation Area entrance road (Caddo Road/FS Road 38) was constructed by the Civilian Conservation Corps in the 1930's. Caddo Road is accessed from State Highway 246, and travels through several private properties before entering Forest Service land. Seasonal high use of the Recreation Area and the associated higher volume of traffic through this residential area cause a potential for conflicts with property owners. The proposed project is consistent with the Ouachita National Forest's desired conditions for a "transportation system of roads and trails [that] is safe, affordable, and environmentally sound, responds to public needs, and is efficient to manage" and recreational facilities that "are high quality, well maintained, safe, accessible, and consistent with visitors' expectations" as stated in the Revised Forest Plan dated September 2005.

The new entrance road would follow an existing gravel service road for approximately 1.2 miles. The entrance road would then follow new alignment for approximately 0.4 miles, and would tie into Caddo Road approximately 0.7 miles south of the Shady Lake Recreation Area. The new paved road would have two ten-foot lanes and two foot shoulders. The new roadway would meet the design criteria stated in the Revised Forest Plan.



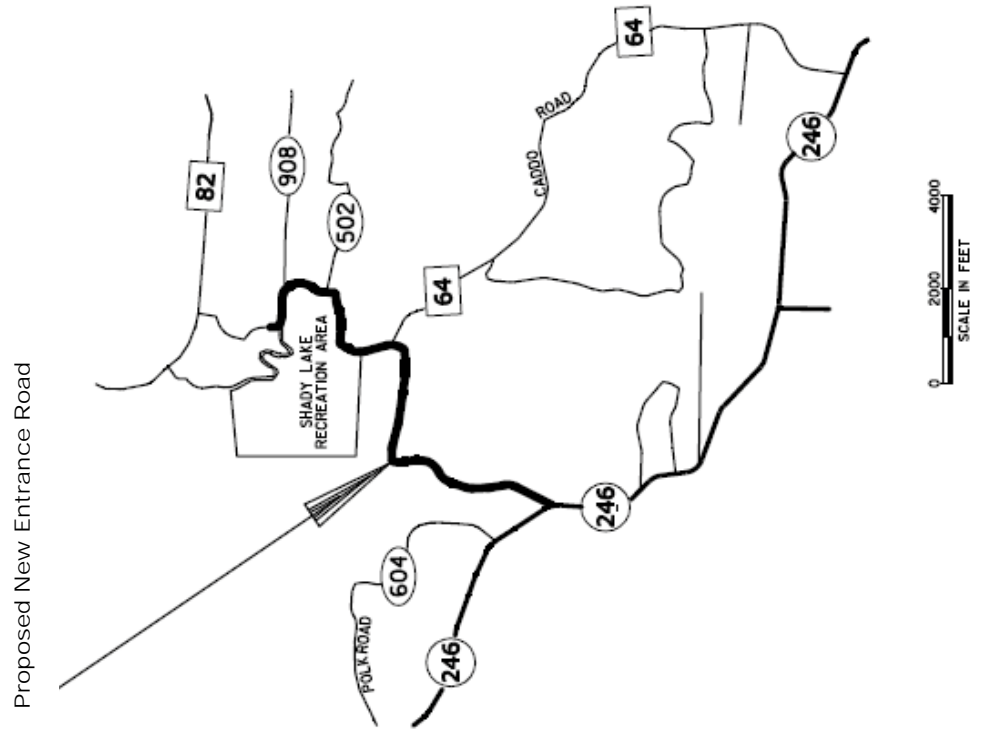
The National Environmental Policy Act (NEPA) is a procedural law that provides a process for agencies to make an analytical study of the impacts of a proposed action. The initial step in the NEPA process is data gathering and issue identification. This step includes public scoping to gather input from the public on the proposed action and its potential impacts. We are currently at this step in the process. You are invited to comment on the proposed project and its potential impacts, and any issues that you feel should be considered. To ensure that your comments are included in the process, all comments must be submitted or postmarked by **April 7, 2009**.

The next step in the NEPA process is the development of an Environmental Assessment (EA). The EA will include discussion of the proposed project's potential for social, economic, and/or environmental impacts. Once completed, the EA will be released for a 30-day public comment period.

Federal Highway Administration
Eastern Federal Lands Highway Division
21400 Ridgetop Circle
Sterling, VA 20166

Public Scoping Comment Period - Comments Accepted until
April 7, 2009. Comments may be submitted via email, phone, or
mail to:

Lisa Landers
Federal Highway Administration
Eastern Federal Lands Highway Division
Sterling, VA 20166
(817) 978-0571
Lisa.Landers@fhwa.dot.gov



Brian Abbott
P.O. Box 670
Mena, AR 71953

Ronald Alston
157 Polk 185
Mena, AR 71953

Don Ashcraft
131 Kennel Lane
Cove, AR 71937

Bill Ballard
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Watson, OK 74963

Perry Barrett
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Cove, AR 71937

John Beaudet
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Mena, AR 71953

Kent Bonar
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Deer, AR 72628

Al Brooks
9734 Penny Lane
Waldron, AR 72958

Mary Brown
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Mt. Ida, AR 71957

Jimmy Bryan
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Greenwood, AR 71936

Carol Burnet
645 Polk 61
Mena, AR 71953

Glen Busch
709 Finks
Mena, AR 71953

Seth Buys
P.O. Box 1705
Waldron, AR 72958

John Carnathan
409 Prairie Creek Road
Mena, AR 71953

Bob Carver
1000 Hwy 71 N.
Mena, AR 71953

J.D. Church
248 Greenbrier Road
Story, AR 71970

William Cogburn
P.O. Box 7
Mena, AR 71953

Cynthia Compton
217 Cedarwood Drive
Mabank, TX 75156

Kathy Cook
136 Waters Lane
Mena, AR 71953

Don Cost
157 Polk 714
Mena, AR 71953

James R. Crouch
2901 Camelot Drive
Russellville, AR 72801

Ernal Cunningham
488 Polk 117
Mena, AR 71953

L.D. Cunningham
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Mena, AR 71953

Frankie Davis
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Mena, AR 71953

Harold D. Davis
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Fort Smith, AR 72902

Frances Dobbs
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Pencil Bluff, AR 71965

Winford L. Edge
94 Pucket Circle
Mt. Ida, AR 71957

Tims Edwards
32 Edwards Ridge
Oden, AR 71961

Edianne Erickson
49719 Fish Hatchery Road
Hodgens, OK 74939

Tim Ernst
HC 33 Box 50-A
Pettigrew, AR 72752

Bruce Ewing
138 Bird land
Mena, AR 71953

Pam Ferguson
186 Polk 624
Mena, AR 71953

Robert Ferguson
190 Polk 624
Mena, AR 71953

Vickie Ferry
150 Polk 298
Mena, AR 71953

Bob Fryar
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153 Redbird Lane
Mena, AR 71953

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13697 Levert Lane
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Robert Gee
3802 Jeffcoat Road
Pine Bluff, AR 71603

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Fort Worth, TX 76116

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1413 Port Arthur Ave.
Mena, AR 71953

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129 Double A Road
Glenwood, AR 71943

Hoyt Graves
311 Polk 647
Mena, AR 71953

Steve Graves
191 Polk 402
Mena, AR 71953

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Dallas, TX 75252

Phillip C. Gregory
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Irving, TX 75062

Charley Grosse
195 Shalom Lane
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Linda Haas
128 Hwy. 298 East
Story, AR 71970

George A. Haddad, Jr.
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Shreveport, LA 71137

Vince Hair
310 Dogwood Drive
Mena, AR 71953

C.T. Hanchey
2410 Hwy. 80
Shoudrant, LA 71227

Calvin Harrison
167 Woodland Lande
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Bob Hatton
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Mount Ida, AR 71957

Ed Hawkins
7600 Greenridge Road
Waldron, AR 72958

Leigh Haynie
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Carencro, LA 70520

Dale Henry
P.O. Box 87
Sims, AR 71969

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135 Polk 80
Mena, AR 71953

Bill Hiaument
114 Copperhead Lane
Mena, AR 71953

Audrey Hollington
214 Hwy 375 E.
Mena, AR 71953

Jim Holub
2212 Ozark
N. Little Rock, AR 72116

Johnny Howell
196 Polk 56
Mena, AR 71953

Mark Hutson
P.O. Box 111
Vandervoort, AR 71952

Boyce Johnson
21 Wade Trail
Texarkana, AR 71854

Maxie Johnson
108 W.G. Sorsby Road
Texarkana, AR 75501

Prentiss Johnson
28 Big Rock Circle
Texarkana, AR 71854

Marthene Johnson Barber
3523 Hickory Street
Texarkana, AR 71854

Tom Jones
3201 Carisbrooke Ct.
Colleyville, TX 76034

William L. Jones
11076 Plantation
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Bluffton, AR 72827

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Ted Koch
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172 Holly Ridge
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Harvey, AR 72841

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Hawkins, TX 75765

Russell Lockhart
1810 Himes St
Mena, AR 71953

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Mena, AR 71953

Terry Lunsford
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Mena, AR 71953

Lori Margraff
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Mena, AR 71953

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10914 North Timberline
Norman, OK 73026

Edward F. Mazur
786 Polk 70
Mena, AR 71953

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Bill McKinney
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Little Rock, AR 72223

Bob McLane, J.P.
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Rick Reed
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Mena, AR 71953

Rick Revia
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Mena, AR 71953

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216 Polk 219
Mena, AR 71953

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Mount Ida, AR 71957

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106 Polk 81
Mena, AR 71953

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Mena, AR 71953

Tim Williamson
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Mena, AR 71953

Les Willis
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Mena, AR 71953

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Mena, AR 71953

Allegiance Communications
6125 Paluxy Drive
Tyler, TX 75703

ALLTEL Mobile Communications
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AR Dept. of Environment Quality,
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Little Rock, AR 72209

AR Dept. of Parks & Tourism
One Capitol Mall, 6th Floor
Little Rock, AR 72201

AR Dept. of Parks & Tourism,
Carolyn Dover
One Capitol Mall, 6th Floor
Little Rock, AR 72116

AR Game & Fish Commission,
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Mena, AR 71953

ARK Dirt Riders, Jimmy Russell
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North Little Rock, AR 72118

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Little Rock, AR 72205

Arkansas State Forestry Comm.
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Little Rock, AR 72204

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Little Rock, AR 72201

Arkansas State Polic
1 State Police Plaza Dr.
Little Rock, AR 72215

Arkansas Trail Blazers
Chris Nichols
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Lavaca, AR 72941

Broadcast Technical Services, Inc.,
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Hope, AR 71802

C&W Communications, Inc.
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Chickasaw Nation
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Ada, OK 74821

Chief Jim Gray
Chief Osage Nation
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Pawhuska, OK 74056

Choctaw Nation of Oklahom
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Cossatot River State Park
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Wickes, AR 71973

Country Music Comm. Inc.
Max Pierson
P.O. Box 6610
Branson, MO 65615

Crystal Heaven Mining Co.
Stuart Zone
39 Sunrise Hills Dr.
Mt. Ida, AR 71915

Diversified Lifting Systems
Billy D. Crowe
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Mena Hospital Commission
Mena Medical Center
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Mena, AR 71953

Montgomery County Advisory
Board, David Spurling, Chairman
P.O. Box 92
Pencil Bluff, AR 71965

Office of Sec. Of Environment
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3800 North Classen
Oklahoma City, OK 73118

Ouachita ATV Club, Tim Kiser
P.O. Box 190
Mena, AR 71953

Ouachita Cycling Club
Kenny Davis
1100 College Drive
Mena, AR 71953

Ouachita Mtn. Hikers
Ben Glazer
P.O. Box 371
Hot Springs, AR 71902

Ouachita Watch League
Vernon Bates
820 Beech Bend Drive
Nashville, TN 37221

Pacific Legal Foundation
Emma T. Suarez, Esq.
3900 Lennane Drive, Suite 200
Sacramento, CA 95834

Polk Co. Chamber of Commerce
Lynn Oglesby
524 Sherwood Ave.
Mena, AR 71953

Polk Co. Courthouse
Ray B. Stanley
507 Church St.
Mena, AR 71953

Polk Co. Sheriff's Office
Mike Oglesby
507 Church St.
Mena, AR 71953

Public Awareness Comm
Richard A. Gordon, Jr.
1145 N. 57th Place
Fort Smith, AR 72904

Quapaw Tribe
John Berrey
P.O. Box 765
Quapaw, OK 74363

RACE/Hartwood
Mark Donham
RR #1, Box 308
Brookport, IL 62910

Rich Mt. Electic Cooperative
Leon Philpot
515 Janssen
Mena, AR 71953

Sells Land & Timber
Kenny Sells
P.O. Box 64
Norman, AR 71960

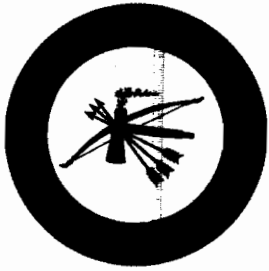
Sugar Creek Lodge, Inc.
Roger Morphew
135 Polk 602
Mena, AR 71953

The Nature Conservancy
Doug Zollner
601 North University
Little Rock, AR 72205

Travis Lumber Co.
John Nettles
P.O. Box 39
Mansfield, AR 72944

U.S. Fish & Wildlife Service
Mark Sattleberg
110 S. Amity Road, Ste 300
Conway, AR 72032

Wolf Pen Campground
Jeff Cunningham
711 Petros
Mena, AR 71953



Choctaw Nation of Oklahoma

P.O. Box 1210 • Durant, OK 74702-1210 • (580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

July 23, 2009

Kevin S. Rose
US Dept of Transportation
21400 Ridgetop Circle
Sterling, VA 20166-6511

Dear Kevin Rose:

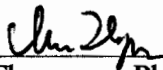
We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Project Description: Project AR PFH 159-1(2), Shady Lake Entrance Road Relocation

Comments: After review of the above-mentioned project(s), The Choctaw Nation of Oklahoma concurs with the findings of report 3 that PL342, 3PL355, and 3PL576 should be avoided. Please let us know what the decision is regarding these. Please contact our office at 1-800-522-6170 ext. 2137 with any questions.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: 
Ian Thompson PhD, RPA
NAGPRA Specialist/Tribal Archaeologist
Choctaw Nation of Oklahoma

IAT:vr

RECEIVED
2009 JUL 30 PM 12:10
CUSTOMER SERVICE CENTER
PROPERTY DIVISION
STERLING, VA

Landers, Lisa (FHWA)

From: Robert Cast [rcast@caddonation.org]
Sent: Friday, April 23, 2010 3:16 PM
To: Landers, Lisa (FHWA)
Cc: 'Bobby Gonzalez'; 'Brenda Edwards'; 'Gina Sage'; 'Mary Botone'
Subject: MOA and Data Recovery Plan for Project AR PFH 159-1(2), Shady Lake Entrance Road Relocation Ouachita National Forest

Dear Ms. Landers:

I have had the opportunity to review the MOA and stipulations within the MOA and have a few comments (and questions) related to it.

As you are aware, Polk and Howard Counties are important areas of the Caddo homelands. On page two, of the MOA, lines 66, 67, and 68 it is stated that "a Data Recovery Plan for the recovery of information by means of historic documentation/recording and archeological excavation *will be developed in consultation with the parties of this agreement*" yet, we received a Data Recovery Plan from January 2010 (revised March 2010) within the packet of our mail from you stamped "March 22"

I have not had time to review the Data Recovery Plan and don't think that we can do so while also reviewing the MOA in the time given. I say this to ask that you allow us more time to review the Data Recovery Plan and make comments concerning points of interest to the Caddo within the plan. Is this feasible?

Pg. 3, lines 101 &102 "Construction Monitoring" why can't a representative of the Caddo Nation be involved in the monitoring? The Caddo have a unique expertise when it comes to historic properties of religious and cultural significance.

Ibid, lines, 136, and 139, 140. Why aren't the THPOs part of this consultation since it is dealing with "archeological properties?"

Pg. 4, lines 166-171, Is the contractor aware of what Caddo graves may look like? There are certain types of funerary objects that may be left in graves that are also indicative of burials when there may not be any human remains encountered. Will we be consulted in the case where there are no human remains left in the burial?

Pg. 6, line 262, Any agreements will be signed by our Chairwoman, Brenda Sheymayme Edwards.

Again, thank you for the opportunity to comment, and I hope that I will be given enough time to review the Data Recovery Plan. I will be out of the office most of the week next week and doubt I will be able to review it during this time. Is it possible to get an extra two weeks to review the DRP?

Robert Cast

Tribal Historical Preservation Officer

Caddo Nation

P.O. Box 487
Binger, OK 73009
Ph: (405) 656-2344 / 2345
Fx: (405) 656-2892
rcast@caddonation.org



The Department of
**Arkansas
Heritage**

Mike Beebe
Governor

Cathie Matthews
Director

Arkansas Arts Council

*

Arkansas Natural Heritage
Commission

*

Delta Cultural Center

*

Historic Arkansas Museum

*

Mosaic Templars
Cultural Center

*

Old State House Museum



for

Arkansas Historic
Preservation Program

1500 Tower Building
323 Center Street
Little Rock, AR 72201
(501) 324-9880
fax: (501) 324-9184
tdd: (501) 324-9811

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

An Equal Opportunity Employer



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2010 AUG -5 PM 1:50

EASTERN FEDERAL LANDS
HIGHWAY DIVISION
STERLING, VA

July 28, 2010

Mr. Kevin S. Rose
Federal Highway Administration
Eastern Federal Lands Highway Division
21400 Ridgetop Circle
Sterling, Virginia 20166-6511

RE: Multi County - General
Section 106 Review - FHWA
AR PFH 159-1(2), Relocation of Shady Lake Entrance Road
AHPP Tracking No: 69957

Dear Mr. Rose:

Thank you for your response to our comments of June 1, 2010. We find the revised Memorandum of Agreement (MOA) and Archaeological Data Recovery Plan to be acceptable. We agree that a 20% sample will constitute adequate mitigation of the adverse effect imposed by this undertaking. However, we question the need for an on-site conference after the recovery of a 10% sample. While small samples are adequate for a purely descriptive report, it is our experience that problem oriented research normally requires large amounts of data.

Thank you for the opportunity to comment on this undertaking. If you have any questions, please contact Steve Imhoff of my staff at (501) 324-9880.

Sincerely,

Frances McSwain
Deputy State Historic Preservation Officer

cc: Mr. C. Andrew Buchner, Panamerican Consultants, Inc.
Mr. Robert Cast, Caddo Nation
Dr. Ann M. Early, Arkansas Archeological Survey
Mr. Meeks Etchieson, Ouachita National Forest
Dr. Andrea A. Hunter, Osage Nation
Mr. Norman Wagoner, Ouachita National Forest
Ms. Carrie V. Wilson, Quapaw Tribe of Oklahoma



The Department of
**Arkansas
Heritage**

Mike Beebe
Governor

Cathie Matthews
Director

Arkansas Arts Council

Arkansas Natural Heritage
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum



Arkansas Historic
Preservation Program

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fax: (501) 324-9184
tdd: (501) 324-9811
e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

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September 11, 2009

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

RE: Multi County – General
Section 106 Review – FHWA
Report Entitled “Phase I Archeological Investigation
For the Proposed Shady Lake Recreation Area Entrance
Road, Ouachita National Forest, Mena Ranger District,
Polk and Howard Counties, Arkansas”
AHPP Project Number 69957

Dear Mr. Rose:

My staff has reviewed the referenced cultural resources survey report. It is thorough, comprehensive, and well written. Based on this information, we have determined that archeological sites 3PL342, 3PL355, and 3PL576 are eligible for inclusion in the National Register of Historic Places, while site 3PL1322 is ineligible. Therefore, the three eligible sites should be avoided and protected or mitigated by archeological data recovery. No further work or protection is needed for site 3PL1322.

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

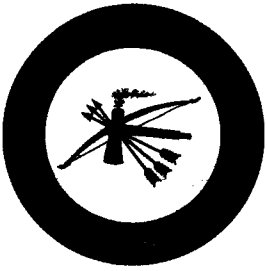
Sincerely,

Frances McSwain
Deputy State Historic Preservation Officer

cc: Ouachita National Forest
Caddo Nation
Arkansas Archeological Survey

2009 SEP 17 PM 1:10

Preservation



Choctaw Nation of Oklahoma

P.O. Box 1210 • Durant, OK 74702-1210 • (580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

December 16, 2009

Kevin S. Rose
US Dept of Transportation
Eastern Federal Lands
Hwy Division
21400 Ridgetop Circle
Sterling, VA 20166-6511

Dear Kevin Rose:

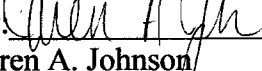
We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Project Description: HFPP-15 Shady Lake Entrance Road Relocation

Comments: After further review of the above-mentioned project (s), it has come to our attention that the project is out of our area of interest. The Choctaw Nation of Oklahoma Tribal Historic Preservation Office defers opinion on the above historic components regarding their potential eligibility to the Caddo Nation of Oklahoma Tribal Historic Preservation Office.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: 
Caren A. Johnson
Administrative Assistant

CAJ:vr

2009 DEC 28 AM 8:58

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IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
110 South Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

RECEIVED

2008 OCT -7 AM 7:53

EASTERN FEDERAL LANDS
HIGHWAY DIVISION
STERLING, VA

October 1, 2008

Mr. Kevin S. Rose
Environmental Team Leader
Federal Highway Administration
21400 Ridgetop Circle
Sterling, VA 20166-6511

Dear Mr. Rose:

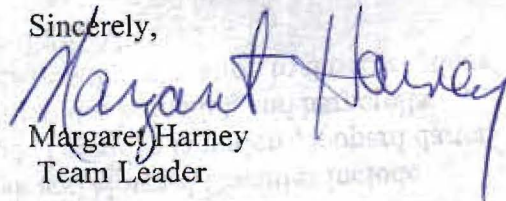
The Fish and Wildlife Service has reviewed your letter dated August 6, 2008 concerning the proposed relocation of Shady Lake Recreational Area entrance road in the Ouachita National Forest, Polk and Howard Counties, Arkansas. Our comments are submitted in accordance with the Fish and Wildlife Coordination Act (FWCA; 16 U.S.C. 661-667e) and the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

Endangered or threatened species found within Polk and Howard Counties include Arkansas fatmucket (*Lampsilis powellii*), scaleshell (*Leptodea leptodon*), leopard darter (*Percina pantherina*), Red-cockaded woodpecker (*Picoides borealis*), and harperella (*Ptilium nodosum*). The Service recommends that the relocation to the recreational area follow the existing gravel road as much as possible (Alternative 1), and that best management practices to control sediment be implemented. The use of the right-of-way on the existing gravel road would reduce the amount of habitat that would need to be disturbed.

The Red-cockaded Woodpecker (RCW) is known to occur in Polk County. This federally listed species is associated with old growth pine forests. Therefore, if mature pines (over 30 years old) are scheduled for removal as part of this project, the area will need to be checked for RCW and their nesting cavities prior to any land clearing. Should a RCW be located in the project area, the Arkansas Field Office will need to be contacted.

We appreciate the opportunity to provide these comments.

Sincerely,


Margaret Harney
Team Leader



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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February 23, 2010

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

Re: Environmental Assessment (BA) for FHWA Job Number AR PFH 159-1(2), Shady Lake Entrance Road, Ouachita National Forest, Polk County, Arkansas; Request for Concurrence

Dear Mr. Rose,

This letter provides U.S. Fish and Wildlife Service (Service) comments concerning the above referenced project and is in response to your letter dated February 12, 2010. Our comments are submitted in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act of 1973 (87 stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The BA describes a proposed Federal Highway Administration (FHWA) project that would provide additional access to Shady Lake Recreation Area in the Ouachita National Forest. The project consists of widening the existing Rocky Hunting Club Road (gravel) for 1.2 miles and then proposed construction on new alignment for 0.4 mile of road to tie back into County Road 64 after crossing the Saline River just downstream of Shady Lake Dam. In addition to the Saline River crossing on new alignment, one unnamed tributary and South Fork Saline River will also be impacted at existing crossings. The BA does not confirm that the new road surface will remain as gravel or if asphalt or other hard surfacing will be applied. No drainage plan or culvert/bridge plans were available at the time the BA was presented to the Service.

The BA analyses four endangered (E), two threatened (T), and one delisted/monitored species. The FHWA concluded that the project would have “no effect” on the Bald Eagle (*Haliaeetus leucocephalus*; delisted), Red-cockaded Woodpecker (*Picoides borealis*; E) or harperella (*Ptilimnium nodosum*; E). A determination of “may affect, not likely to adversely affect” was concluded for scaleshell mussel (*Leptodea leptodon*; E), Arkansas fatmucket (*Lampsilis powelli*; T), and leopard darter (*Percina pantherina*; T). The Florida panther (*Felis concolor coryi*; E) is presumed extirpated. These determinations were based on historical records and recent habitat surveys which led FHWA to conclude that the chance of any of these species occurring in the action area was unlikely. The Service concurs with the aforementioned determinations and agrees that no further consultation for endangered species is required for this project unless new information becomes available prior to completion of the project.

The lack of bridge design and drainage and final surface preparation plans makes it difficult to adequately address potential sedimentation impacts to aquatic resources at this time. The BA states that FHWA stormwater BMPs for construction will be in place during project construction. However, these BMPs are often inadequate to address long term sedimentation effects from unpaved roads to aquatic resources especially on steep gradients such as those present in the project area. If the road surface is to remain as gravel for a significant amount of time, other BMPs (e.g. well placed cross drains, turnouts, broad based dips) should be installed to ensure that sediment is directed into proper vegetated buffers rather than into the streams. Another cost effective alternative to asphalt application is use of a newly developed aggregate known as driving surface aggregate (DSA) which can be mixed at most quarries. DSA is a precise mixture of aggregate sizes that can be applied with a paver and vibratory roller. The material packs like concrete and provides a wearable driving surface that reduces sediment by as much as 93% compared to traditional aggregates. The surface is much less expensive than paving with asphalt or concrete and requires far less maintenance than traditional gravel roads with a much improved driving surface.

Bridge and culvert design should also be carefully considered prior to project construction. The BA states that no bridge piers will be in the main channel of the Saline River but final designs have not been drafted at this time and such designs are often altered due to funding or other issues. Bridges and culverts should be designed in such a way that maintains appropriate aquatic passage. Bottomless culverts are recommended where appropriate and could potentially be a source of mitigation credits depending on concurrence from U.S. Army Corps of Engineers.

Section IV. (A.) of the BA addresses potential mitigation measures for the proposed project. Neither this nor any other section includes provisions to provide compensatory stream mitigation which will likely be required by the U.S. Army Corps of Engineers for impacts to regulated streams under section 404 of the Clean Water Act. Further efforts should be made to identify potential restoration projects within the watershed that would compensate for adverse impacts from the proposed project.

Additionally, numerous species of migratory birds protected under the Migratory Bird Treaty Act occur in the area and may be nesting on culverts or other structures to be upgraded or replaced. Visual surveys should be conducted prior to initiation of construction and special consideration given to the times and dates of construction to avoid impacts to these species which typically nest in Arkansas from March to September.

Thank you for allowing our agency the opportunity to comment on the proposed project. For future correspondence on this matter, please contact Mitch Wine of this office at 501-513-4488.

Sincerely,



Margaret Harney
Team Leader

cc:

Lisa Landers, FHWA

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