
Three Rivers Southeast Arkansas Study

Appendix H: Correspondence

THREE RIVERS SOUTHEAST ARKANSAS

Introduction

The Three Rivers Southeast Arkansas Feasibility Study (Three Rivers Study) is being conducted by the U. S. Army Corps of Engineers (USACE) to recommend modifications to the McClellan-Kerr Arkansas River Navigation System (MKARNS) that would provide long-term sustainable navigation and promote the continued safe and reliable economic use of the MKARNS.

Study Authority

Section 216, Flood Control Act of 1970 (Public Law 91-611) authorizes a feasibility study due to examine significantly changed physical and economic conditions in the Three Rivers study area. The study will evaluate and recommend modifications for long-term sustainable navigation on the MKARNS.

Study Purpose

There is a risk of a breach of the existing Soil Cement Structure near the entrance channel to the MKARNS on the White River. During high water events, Mississippi backwater can create significant head differentials between the Arkansas and White rivers. The existing Soil Cement Structure in the isthmus between the Arkansas and White rivers is subject to damaging overtopping, flanking and seepage flows that could result in a catastrophic breach and failure of the system. The uninhibited development of a breach, or cutoff, has the potential to create navigation hazards, increase the need for dredging, and adversely impact an estimated 200 acres of bottomland hardwood forest in the isthmus.

Based on the Section 216 authority, the study is investigating alternatives that would minimize the risk of cut off development, including reducing the cost of maintenance associated with preventing cutoff development, while minimizing impacts to the surrounding ecosystem.

Non-Federal Sponsor

The Arkansas Waterways Commission is the non-federal sponsor for the Three Rivers Southeast Arkansas Study. An amended feasibility cost-sharing agreement was executed in June 2015.

Recommended Plan

The recommended plan consists of a newly constructed 2.5-mile long containment structure at an elevation of 157 feet above mean sea level (ft msl) that would begin on natural high ground just south and west of the existing Melinda Structure located on the south side of Owens Lake. It would continue east and cross the Melinda head cut south of the existing Melinda Structure. From there, it would head northeast and connect to the existing Soil Cement Structure north of Jim Smith Lake. It continues to follow the existing Soil Cement Structure alignment terminating at the existing Historic Closure Structure. The recommended plan also includes a relief opening at the Historic Cutoff to an elevation 145 ft msl regardless of the width. In addition, the existing Melinda Structure would be demolished in place and the debris would be pushed into the deep scour hole at the top of the head cut. Finally, adding an opening in the existing Owens Lake Structure between Owens Lake and the White River would prevent water from backing up into Owens Lake, which would impact the bottomland hardwood forest. The opening would be designed to allow fish passage into Owens Lake.

Congress of the United States
Washington, DC 20515

September 10, 2014

The Honorable Shaun Donovan
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

The Honorable Jo Ellen Darcy
Asst. Secretary of the Army for Civil Works
United States Army
441 G Street, NW
Washington, DC 20314

Dear Director Donovan & Secretary Darcy:

We write to express our strong support for the Three Rivers Study and to urge its inclusion in the FY16 budget of the U.S. Army Corps of Engineers. The study area is located at the confluence of the Mississippi, Arkansas, and White Rivers and is the starting point of the McClellan-Kerr Arkansas River Navigation System (MKARNS), which serves shippers in Arkansas, Oklahoma, Kansas, and beyond. We note that non-federal partners have indicated their readiness to cost-share this study.

The Three Rivers Study would investigate ongoing threats to regional navigation and a bottomland hardwood ecosystem at the confluence of these rivers. The MKARNS is under threat of a breach between navigation miles 3 and 8 on the White River. A failure to prevent the looming threat of a breach would likely cut-off navigation on the MKARNS for at least 100 days. The economic impact of such a disruption could easily reach into the hundreds of millions of dollars, including the loss of thousands of acres of wetlands.

The Three Rivers Study should investigate and address the serious hydrologic and hydraulic problems that threaten navigation, the ecosystem, flood risk reduction, and protection of the watershed to help ensure the continued viability of the MKARNS. Also, the nearby White River National Wildlife Refuge contains more than 100,000 acres of bottomland hardwood, which is the largest stand of bottomland hardwoods on any tributary to the Mississippi River. It provides a home for numerous threatened and endangered species. The health of this ecosystem will likely depend on the type of engineering solution that is identified for the Three Rivers problem.

With these concerns in mind, we write in support of the Three Rivers Study and ask that the Administration's FY2016 budget proposal include robust resources to provide for this important study as quickly as possible. Thank you, and we look forward to receiving your response.

Sincerely,



MARK PRYOR
U.S. Senator



JOHN BOOZMAN
U.S. Senator



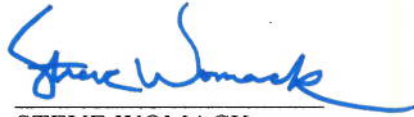
JAMES INHOFE
U.S. Senator



RICK CRAWFORD
Member of Congress



TIM GRIFFIN
Member of Congress



STEVE WOMACK
Member of Congress



TOM COTTON
Member of Congress



JIM BRIDENSTINE
Member of Congress



MARKWAYNE MULLIN
Member of Congress



FRANK LUCAS
Member of Congress



TOM COLE
Member of Congress



JAMES LANKFORD
Member of Congress



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

(501) 324-5751 □ FAX: 501-324-5605 □ <http://www.swl.usace.army.mil>

July 30, 2015

Planning and Environmental Division
Environmental Branch

Mr. Michael Sullivan
U.S. Department of Agriculture
700 West Capitol Ave., Room 3416, Federal Building
Little Rock, AR 72201

Dear Mr. Sullivan,

The Army Corps of Engineers, Little Rock District, along with the Arkansas Waterways Commission is initiating the Three Rivers Study on the lower McClellan-Kerr Arkansas River Navigation System near the convergence of the Arkansas, White and Mississippi Rivers. The study is needed to investigate significant hydrologic and hydraulic problems that are threatening the Corps' mission areas of Navigation, Recreation, Flood Risk Management, as well as aquatic ecosystem habitat and existing infrastructure. This multipurpose study will evaluate impacts to navigation and all project purposes identified, develop alternatives for a long-term sustainable solution, and investigate opportunities for ecosystem restoration in the lower Arkansas-White River area.

The 2009 Draft Ark-White Cutoff General Re-evaluation Report documented that a full breach between the Arkansas and White rivers has a seven to 10 percent annual chance of occurrence. A breach would result in a significant cutoff channel that would affect navigation for more than 100 days, resulting in approximately \$300 million in lost navigation benefits commerce, as well as potential impacts to wetlands and pristine bottomland hardwood forest.

Your agency is invited to attend an Agency Kickoff Meeting on August 11, 2015 at the Arkansas Central Library, 100 River Market Avenue, Little Rock, AR., from 9:30 a.m. to noon, to learn more about the Three Rivers Study.

At this time, we are also requesting information and comments that would assist in the preparation of the study and accompanying environmental documentation required by the National Environmental Policy Act of 1969 and the Corps' Engineer Regulation ER 200-2-2 "Procedures for Implementing NEPA". Please submit any information your agency may have by September 1, 2015. If comments are not received by this date, we will assume your agency has no comments at this point on the study. If there are any questions or concerns, our environmental POC for this study is Mr. Craig Hilburn at (501) 324-5735 or email at David.C.Hilburn@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Dana O. Coburn".

Dana O. Coburn
Chief, Environmental Branch

The preceding letter dated July 30, 2015 was sent to the following recipients:

Mr. Michael Jansky, U.S. Environmental Protection Agency, Region 6

Ms. Jeanene Peckman, U.S. Environmental Protection Agency, Region 6

Mr. Tony Robinson, FEMA, Region VI

Ms. Cindy Dohner, U.S. Fish and Wildlife Service, Atlanta, Georgia

Mr. Melvin Tobin, U.S. Fish and Wildlife Service, Conway, Arkansas

Mr. Jason Phillips, U.S. Fish and Wildlife Service, Augusta, Arkansas

Mr. Keith Weaver, U.S. Fish and Wildlife Service, Augusta, Arkansas

Mr. Bo Sloan, U.S. Fish and Wildlife Service, St. Charles, Arkansas

Mr. Reed Green, U.S. Geological Survey

Mr. David Friewald, U.S. Geological Survey

Mr. Steven Spencer, U.S. Department of the Interior

Ms. Loretta Sutton, U.S. Department of the Interior

Environmental Coordinator, National Park Service, Midwest Region

Mr. Cam Sholly, National Park Service, Midwest Region

Mr. Everett Bandy, The Quapaw Tribe of Indians

Ms. Becky Keogh, Arkansas Department of Environmental Quality

Mr. Tracy Copeland, Arkansas Department of Finance and Administration

Mr. Doug Akin, Arkansas Forestry Commission

Mr. Mike Knoedl, Arkansas Game and Fish Commission

Ms. Jennifer Sheehan, Arkansas Game and Fish Commission

Ms. Bekki White, Arkansas Geological Survey

D,r. Nathaniel Smith, Arkansas Department of Health

Mr. Jeff Stone, Arkansas Department of Health

Mr. Chris Colclasure, Arkansas Natural Heritage Commission

Mr. Scott Bennett, Arkansas Highway and Transportation Department

Mr. Richard Davies, Arkansas Department of Parks and Tourism

Mr. Matt McNair, Arkansas Department of Parks and Tourism

Ms., Francis Mc Swain, Arkansas Historic Preservation Program

Mr. Randy Young, Arkansas Natural Resources Commission

Mr. Edward Swain, Arkansas Natural Resources Commission

Mr. Scott Simon, The Nature Conservancy, Arkansas Field Office



Arkansas

THE NATURAL STATE

#2871

RECEIVED

August 26, 2015

SEP 10 2015

INTERGOVERNMENTAL
SERVICES
STATE CLEARINGHOUSE

RE: United States Army Corps of Engineers
Three Rivers Study (AR-White-MS)
McClellan-Kerr Navigation System

Mr. Randy Young
Chairman, Technical Review Committee
101 East Capitol, Suite 350
Little Rock, Arkansas 72203

Mr. Young:

We appreciate the opportunity to comment on the USACE's Three Rivers Study. As the USACE prepares to conduct research on the navigation and flooding problems facing the confluence of the Arkansas, White, and Mississippi Rivers, the Arkansas Department of Parks & Tourism (ADPT) hopes the following comments and suggestions will be taken under consideration, and ultimately prove useful.

Of immediate concern to the Arkansas Department of Parks & Tourism is that the USACE appreciate the ADPT as a landholding stakeholder in the study. Arkansas State Parks, a division of the ADPT, currently owns a considerable amount of property in the study area. This property, which is part of the Delta Heritage Trail State Park, is located along the abandoned Missouri-Pacific railroad line that originates ~6 miles south of Lexa, Arkansas (milepost 326.58) and terminates just southeast of Arkansas City, Arkansas (milepost 399.8). The property held by Arkansas State Parks includes the MO-PAC rail bed and its 100-ft. right-of-way, and totals more than 960 acres. The draft study does currently acknowledge this property; however, the ADPT would like to take this opportunity to stress that the property is not only an abandoned rail line, but a State Park as well. Future development plans for this property include extension of an improved walking and biking trail, as well as additional trail heads, interpretive kiosks, and other amenities designed to appeal to residents and out-of-state visitors.

Most relevant to the Three Rivers Study is the section of Delta Heritage Trail State Park that begins roughly three (3) miles southeast of Snow Lake, Arkansas, and terminates approximately 2.5 miles northeast of Watson, Arkansas. This stretch runs diagonally (NE-SW) through the study area and includes several water crossings, most notably the Benzal Bridge, which spans the White River, and the Yancopin Bridge, which spans the Arkansas. Please find, enclosed, illustrations of these sections.

It is also worth noting that, beginning immediately downstream of USACE Dam #2 and extending to the Arkansas's confluence with the Mississippi River, the Arkansas River is designated by the State of Arkansas as an Extraordinary Resource Water. Although this stretch of the river is not a part of the McClellan-Kerr Arkansas River Navigation System, it nevertheless flows through the study area. As the draft study acknowledges, any change caused by the USACE's proposed future project in this stretch of the

DEPARTMENT OF
PARKS & TOURISM

1 Capitol Mall
Little Rock, AR 72201
501-682-7777

Great River Road Division
501-682-1120
Arkansas.com

History Commission
501-682-6900 (TDD)
Ark-ives.com

Human Resources Section
501-682-7742 (TDD)

Keep Arkansas
Beautiful Division
501-682-3507 (TDD)
ArkansasBeautiful.com

State Parks Division
501-682-1191 (TDD)
ArkansasStateParks.com

Tourism Division
501-682-7777 (TDD)
Arkansas.com

Asa Hutchinson
GOVERNOR

Richard W. Davies
EXECUTIVE DIRECTOR

DIVISION DIRECTORS

Cynthia Dunlap
ADMINISTRATION

Greg Butts
STATE PARKS

Joe David Rice
TOURISM

Ron Maxwell
GREAT RIVER ROAD

Dr. Lisa Speer
HISTORY COMMISSION

Robert Phelps
KEEP ARKANSAS
BEAUTIFUL

AN EQUAL
OPPORTUNITY/
AFFIRMATIVE ACTION/
AMERICANS WITH
DISABILITIES ACT
EMPLOYER

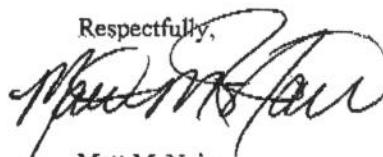
Page 2
Mr. Randy Young
August 26, 2015

river will endanger its designation as an Extraordinary Resource Water. The ADPT urges the USACE to consider the importance of such a resource to Arkansas's tourism industry when conducting the Three Rivers Study, and to take all necessary measures to protect this stretch of the Arkansas River when executing any eventual management plan.

Finally, the ADPT would point out that the study is primarily concerned with the future of navigation along the waterways under consideration, and only in the immediate vicinity of the potential future project(s). This agency has no objection to the responsible conduct of commerce and business along these waterways, but would also note that any major alteration of these waterways has the potential to greatly affect the ecological health and natural character of the rivers upstream of the project. The White River is especially vital to Arkansas's tourism industry upstream of the study area, with the White River National Wildlife Refuge among the many features popular with residents and visitors alike, and of great importance to the state's economic well-being. Any deleterious effects to the White River in or near the study area could have the potential to likewise cause harm upstream, and all caution should be taken to avoid such an outcome; it seems more prudent to extend the scope of the study to include an analysis of potential ecosystem damage (as suggested by, e.g., the United States Fish & Wildlife Service) than to maintain a narrow focus and attempt to undo any such damage at a later date.

Again, the Arkansas Department of Parks & Tourism appreciates the opportunity to comment on the Three Rivers Study, and wishes to remain apprised of all developments concerning same. If you have any questions or require additional assistance, please feel free to contact us at 501-682-1227 or via email at matt.mcnair@arkansas.gov.

Respectfully,



Matt McNair
Environmental Review Coordinator
Outdoor Recreation Grants Program

Enclosures



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 417
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

September 2, 2015

Mr. Dana O. Coburn
Chief, Environmental Branch
Little Rock District Corps of Engineers
P.O. Box 867
North Little Rock, Arkansas 72203-0867

RE: "FOR YOUR INFORMATION"

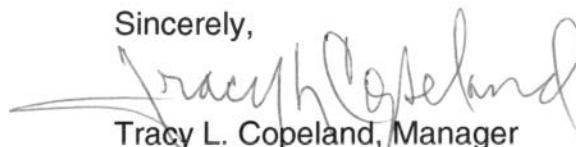
Dear Mr. Coburn:

The State Clearinghouse has received the above document pursuant to the Arkansas Project Notification and Review System.

To carry out the review and comment process, this document was forwarded to members of the Arkansas Technical Review Committee. Resulting comments received from the Technical Review Committee which represents the position of the State of Arkansas are attached.

The State Clearinghouse wishes to thank you for your cooperation with the Arkansas Project Notification and Review System.

Sincerely,


Tracy L. Copeland, Manager
State Clearinghouse

TLC/cc
Enclosure
CC: Randy Young, ANRC



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 417
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

September 15, 2015

Mr. Dana O. Coburn
Chief, Environmental Branch
Little Rock District Corps of Engineers
P.O. Box 867
North Little Rock, Arkansas 72203-0867

RE: "FOR YOUR INFORMATION" (Additional Comments)

Dear Mr. Coburn:

The State Clearinghouse has received the above document pursuant to the Arkansas Project Notification and Review System.

To carry out the review and comment process, this document was forwarded to members of the Arkansas Technical Review Committee. Resulting comments received from the Technical Review Committee which represents the position of the State of Arkansas are attached.

The State Clearinghouse wishes to thank you for your cooperation with the Arkansas Project Notification and Review System.

Sincerely,

A handwritten signature in cursive script that reads "Tracy L. Copeland".

Tracy L. Copeland, Manager
State Clearinghouse

TLC/cc
Enclosure
CC: Randy Young, ANRC



Arkansas Natural Resources Commission



J. Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
<http://www.anrc.arkansas.gov/>

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: anrc@arkansas.gov

Asa Hutchinson
Governor

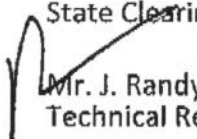
MEMORANDUM

RECEIVED

SEP 02 2015

INTERGOVERNMENTAL
SERVICES
STATE CLEARINGHOUSE

TO: Mr. Tracy Copeland, Manager
State Clearinghouse

FROM:  Mr. J. Randy Young, P.E., and Chairman
Technical Review Committee

SUBJECT: "FOR YOUR INFORMATION"

Members of the Technical Review Committee have reviewed the above referenced project: The Army Corps of Engineers, Little Rock District, along with the Arkansas Waterways Commission is initiating the Three Rivers Study on the lower McClellan-Kerr Arkansas River Navigation System near the convergence of the Arkansas, White and Mississippi Rivers.

The study is needed to investigate significant hydrologic and hydraulic problems that are threatening the Corps' mission areas of Navigation, Recreation, Flood Risk Management, as well as aquatic ecosystem habitat and existing infrastructure.

This multipurpose study will evaluate impacts to navigation and all project purposes identified, develop alternatives for a long-term sustainable solution, and investigate opportunities for ecosystem restoration I the lower Arkansas-White River area.

The Committee supports this project.

Agency comments are included for your review.

The opportunity to comment is appreciated.

JRY/ddavis



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance and Administration

1515 West Seventh Street, Suite 412
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5208
http://www.state.ar.us/dfa

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, Manager - State Clearinghouse
DATE: August 4, 2015
SUBJECT: "FOR YOUR INFORMATION"

#2871

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by (None Requested) to Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

NOTE: It is Imperative that your response be in to the ANRC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of ANRC at (501) 682-3830 or the State Clearinghouse Office.

- Support Do Not Support (Comments Attached)
Comments Attached Support with Following Conditions
No Comments Non-Degradation Certification Issues (Applies to ADEQ Only)

Name(print) John Turner Agency ADEQ Date 8-12-15
Telephone Number 501 682 1608



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance and Administration

1515 West Seventh Street, Suite 412
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.state.ar.us/dfa

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, Manager - State Clearinghouse
DATE: August 4, 2015
SUBJECT: "FOR YOUR INFORMATION"

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by (None Requested) to Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

NOTE: It is Imperative that your response be in to the ANRC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of ANRC at (501) 682-3830 or the State Clearinghouse Office.

- Support Do Not Support (Comments Attached)
Comments Attached Support with Following Conditions
No Comments Non-Degradation Certification Issues (Applies to ADEQ Only)

Name(print) BILL BAILEY Agency ANRD Date 8/5/15
Telephone Number 501-569-2617



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

October 15, 2015

Mr. Craig Hilburn, Biologist
Army Corps of Engineers
Planning and Environmental Division, Environmental Branch
P. O. Box 867
Little Rock, AR 72203-0867

Subject: Detailed Scoping Comments for the Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) and Integrated Draft Feasibility Report for the Hydrologic and Hydraulic Problems Threatening Navigation, Aquatic Ecosystem Habitat, Recreation, Flood Damage Reduction and Existing Infrastructure at the Three Rivers Study Site in Desha, Arkansas.

Dear Mr. Hilburn:

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the September 11, 2015, Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and Integrated Draft Feasibility Report for the Three Rivers Study in Arkansas. The Three Rivers Study would involve developments on the Arkansas River for navigation, flood control, hydropower, water supply, recreation, and fish and wildlife purposes. Also, the study would be held in convergence of the Mississippi, White, and Arkansas Rivers in Desha, Arkansas, downstream of Lock No. 1 of the McClellan-Kerr Arkansas River Navigation System (MKARNS) and upstream of the Montgomery Point Lock & Dam.

To assist in the scoping process for this project, EPA has identified several issues for your attention in the preparation of the EIS and has enclosed detailed scoping comments for your consideration. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

We appreciate the opportunity to review this NOI and are available to discuss our comments. Please send one hard copy of the Draft EIS and four CD ROM copies to this office when completed and submitted for public comment. If you have any questions, please contact Magda Dallemagne of my staff at (214) 665-7396 or by e-mail at dallemagne.magdeleine@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimeka Price".

Kimeka Price, Acting Chief
Office of Planning and Coordination

Enclosure

**DETAILED SCOPING COMMENTS
ON THE
NOTICE OF INTENT (NOI)
FOR THE DEPARTMENT OF THE ARMY CORPS OF ENGINEERS
TO PREPARE AN
ENVIRONMENTAL IMPACT STATEMENT (EIS)
FOR THE PROPOSED
THREE RIVERS STUDY
IN
DESHA, ARKANSAS**

Based on the Notice of Intent filed on September 11, 2015, the following recommendations are provided for consideration by the Department of the Army, Corps of Engineers in preparation of the EIS:

DETAILED COMMENTS

Statement of Purpose and Need

We recommend the EIS clearly identify the underlying purpose and need to which the Department of the Army, Corps of Engineers is responding in proposing the alternatives (40 CFR 1502.13). The purpose of the proposed action is typically the specific objectives of the activity, while the need for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity.

Recommendation:

The purpose and need should be a clear, objective statement of the rationale for the proposed project. We recommend the EIS discuss the proposed project in the context of the natural gas supply and the need for an additional export capabilities.

Alternatives Analysis

The National Environmental Policy Act (NEPA) requires evaluation of reasonable alternatives, including those that may not be within the jurisdiction of the lead agency (40 CFR Section 1502.14(c)). A robust range of alternatives will include options for avoiding significant environmental impacts. We recommend the EIS provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

The environmental impacts of the proposal and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g., acres of bay bottom impacted, tons per year of emissions produced).

Recommendations:

We recommend the EIS describe how each alternative was developed, how it addresses each project objective, and how it will be implemented. The alternatives analysis should include a discussion of alternatives. We recommend the EIS clearly describe the rationale used to determine whether impacts of an alternative are significant or not. We recommend the EIS describe the methodology and criteria used for determining project siting. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27).

Water Supply and Water Quality

Public drinking water supplies and/or their source areas often exist in many watersheds. Source water is water from streams, rivers, lakes, springs, and aquifers that is used as a supply of drinking water. Source water areas are delineated and mapped by the state for each federally-regulated public water system. The 1996 amendments to the Safe Drinking Water Act require federal agencies to protect sources of drinking water for communities. We recommend the EIS address the potential effects of project discharges, if any, on surface water quality. Specific discharges should be identified and potential effects of discharges on designated beneficial uses of affected waters should be analyzed.

Recommendations:

EPA recommends the EIS address the potential effects of project discharges, if any, on surface water quality. Specific discharges should be identified and potential effects of discharges on designated beneficial uses of affected waters should be analyzed.

We recommend the EIS describe water reliability for the proposed project and clarify how existing and/or proposed sources may be affected by climate change. At a minimum, the EPA expects a qualitative discussion of impacts to water supply and the adaptability of the project to these changes.

Groundwater

EPA recommends the EIS address potential adverse impacts to groundwater. For each alternative under consideration, we request that the EIS satisfy the recommendations below to ensure groundwater resources are protected and any unavoidable impacts are fully assessed in the EIS.

Recommendations:

EPA recommends the EIS describe current groundwater conditions in the project area and fully assess any impacts to groundwater quality and quantity associated with the proposed project construction and operational activities.

We also recommend the EIS identify mitigation measures to prevent or reduce adverse impacts to groundwater quality and discuss their effectiveness. EPA asks that the lead agency work closely with state and local agencies which regulate the protection of groundwater resources (i.e., state health departments and water pollution control agencies.)

Stormwater Considerations

EPA recommends the EIS describe the original (natural) drainage patterns in the project locale, as well as the drainage patterns of the area during project operations. Also, we recommend the EIS identify whether any components of the proposed project are within a 50 or 100-year floodplain. We also recommend noting that, under the Federal Clean Water Act, any construction project disturbing a land area of one or more acres requires a construction stormwater discharge permit.

Recommendations:

EPA recommends the EIS document the project's consistency with applicable stormwater permitting requirements. Requirements of a stormwater pollution prevention plan should be reflected as appropriate in the EIS.

We also recommend the EIS discuss specific mitigation measures that may be necessary or beneficial in reducing adverse impacts to water quality and aquatic resources.

Geographic Extent of Waters of the United States

Section 404 permit under the Clean Water Act (CWA) regulates the discharge of dredged or fill material into waters of the United States (WUS), including wetlands and other *special aquatic sites*.

EPA recommends that the COE include a jurisdictional delineation for all WUS, including ephemeral drainages, in accordance with the 1987 *Corps of Engineers Wetlands Delineation Manual* and the December 2006 *Atlantic and Gulf Coast Region Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: A jurisdictional delineation will confirm the presence or absence of WUS in the project area and help determine whether or not the proposed project would require a Section 404 permit.

EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA. Pursuant to 40 CFR 230, any permitted discharge into WUS must be the *least environmentally damaging practicable alternative* available to achieve the project purpose. We recommend the EIS include an evaluation of the project alternatives in this context in order to demonstrate the project's compliance with the 404 (b)(1) Guidelines. If, under the proposed project, dredged or fill material would be discharged into WUS, We recommend the EIS discuss alternatives to avoid those discharges.

Recommendation:

EPA asks that the USACE to determine if there are jurisdictional waters of the U.S. present at the project site. If jurisdictional WUS are determined to be on the project site, we recommend the EIS include a final determination of the extent of WUS at the project site and address any other relevant requirements, pursuant to the CWA Section 404 (b)(1).

Clean Water Act (CWA) Section 303(d)

The CWA requires States to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans, called Total Maximum Daily Loads (TMDL), to improve water quality. We recommend the EIS provide information on CWA Section 303(d) impaired waters in the project area, if any, and efforts to develop and revise TMDLs. EPA further recommends the EIS describe existing restoration and enhancement efforts for those waters, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Recommendation:

EPA recommends the EIS provide information on CWA Section 303(d) impaired waters in the project area, if any, and efforts to develop and revise TMDLs. We recommend the EIS describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Biological Resources, Habitat and Wildlife

EPA asks that the EIS identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area, including any areas. We further recommend the EIS identify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative and describe possible mitigation for each of the species. EPA asks that the COE consult with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act. We also recommend that the COE coordinate across field offices and with USFWS, NMFS, and the Arkansas Department of Wildlife and Fisheries (ADWF) to ensure that current and consistent surveying, monitoring, and reporting protocols are applied in protection and mitigation efforts.

Recommendations:

EPA recommends that COE coordinate across field offices and with the USFWS, NMFS and ADWF to ensure that current and consistent surveying, monitoring, and reporting protocols are applied in protection and mitigation efforts.

Analysis of impacts and mitigation on covered species should include:

- Baseline conditions of habitats and populations of the covered species.
- A clear description of how avoidance, mitigation and conservation measures will protect and encourage the recovery of the covered species and their habitats in the project area.
- Monitoring, reporting and adaptive management efforts to ensure species and habitat conservation effectiveness.
- A discussion of how the projects potential impacts such as air emissions and/or wastewater discharges may impact species.

If the applicant is to acquire compensation lands, the location(s) and management plans for these lands should be discussed in the EIS.

Recommendations:

EPA recommends incorporating information on the compensatory mitigation proposals (including quantification of acreages, estimates of species protected, costs to acquire compensatory lands, etc.) for unavoidable impacts to WUS and biological resources in the EIS.

We recommend identifying compensatory mitigation lands or quantify available lands for compensatory habitat mitigation for this project, as well as reasonably foreseeable projects in the area. Specify provisions that will ensure habitat selected for compensatory mitigation will be protected in perpetuity in the EIS.

EPA recommends incorporating mitigation, monitoring, and reporting measures that result from consultation with the USFWS or NMFS that incorporate recently released guidance to avoid and minimize adverse effects to sensitive biological resources in the EIS.

We further request that the EIS describe the potential for habitat fragmentation and obstructions for wildlife movement from the construction of this project and other projects in the area.

The EIS should discuss the need for monitoring, mitigation, and if applicable, translocation management plans for the sensitive biological resources, approved by the USFWS, NMFS and the biological resource management agencies.

EPA is also concerned about the potential impact of construction, installation, and maintenance activities (deep trenching, grading, filling, and fencing) on habitat. We recommend the EIS describe the extent of these activities and the associated impacts on habitat and threatened and endangered species, including all interrelated and interdependent facilities. We encourage habitat conservation alternatives that avoid and protect high value habitat and create or preserve linkages between habitat areas to better conserve the covered species.

Recommendations:

We recommend the EIS describe the extent of potential impacts from construction, installation, and maintenance activities, including all interrelated and interdependent facilities.

We recommend the EIS describe the ROW vegetation management techniques to be used and their potential associated environmental impacts, especially if mechanical methods or

herbicides are to be used.

We recommend the EIS indicate the location of important marine and wildlife habitat areas. We recommend the EIS describe what measures will be taken to protect important wildlife habitat areas and to preserve linkages between them.

We recommend the EIS provide detailed information on any proposed fencing design and placement, and its potential effects on drainage systems on the project site. Fencing proposed for this project should meet appropriate hydrologic, wildlife protection and movement, and security performance standards.

Air Quality

EPA recommends the EIS provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS) and non-NAAQS pollutants, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed project (including cumulative and indirect impacts). Such an evaluation is necessary to understand the potential impacts from temporary, long-term, or cumulative degradation of air quality.

We further recommends the EIS describe and estimate air emissions from potential construction and maintenance activities, as well as proposed mitigation measures to minimize those emissions. EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics).

Recommendations:

- *Existing Conditions* – We recommend the EIS provide a detailed discussion of ambient air conditions, National Ambient Air Quality Standards, and criteria pollutant nonattainment areas in the vicinity of the project.
- *Quantify Emissions* – We recommend the EIS estimate emissions of criteria and hazardous air pollutants (air toxics) from the proposed project and discuss the timeframe for release of these emissions over the lifespan of the project. We recommend the EIS describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions.
- *Specify Emission Sources* – We recommend the EIS specify all emission sources by pollutant from mobile sources (on and off-road), stationary sources (including

portable and temporary emission units), fugitive emission sources, area sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

- *Construction Emissions Mitigation Plan* – We recommend the EIS include a draft Construction Emissions Mitigation Plan and ultimately adopt this plan in the Record of Decision. In addition to all applicable local, state, or federal requirements, we recommend the following control measures (Fugitive Dust, Mobile and Stationary Source and Administrative) be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other toxics from construction-related activities. (See Attachment 1)

Hazardous Materials, Hazardous Waste and Solid Waste

EPA recommends the EIS address potential direct, indirect and cumulative impacts of hazardous waste from construction, maintenance, and operation of the proposed pipeline and other facilities. The document should identify projected solid and hazardous waste types, volumes, and expected storage, disposal, and management plans.

Recommendations:

We recommend the EIS address the applicability of state and federal hazardous waste requirements. Appropriate mitigation should be evaluated, including measures to minimize the generation of hazardous waste (i.e., hazardous waste minimization). Alternate industrial processes using less toxic materials should be evaluated as mitigation since such processes could reduce the volume or toxicity of hazardous materials requiring management and disposal as hazardous waste.

Cumulative Effects

The EIS should assess the cumulative environmental impacts of a national, regional, and local scale. EPA would like to see air quality, water quality, and areas of ecological and environmental impacts in the cumulative analysis.

Coordination with Tribal Governments

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes. If applicable, we recommend the EIS describe the process and outcome of government-to-government consultation between the COE and with any and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

Recommendation:

We recommend the EIS describe the process and outcome of government-to-government consultation between the COE and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

Permits and Other Associated Activities

The EIS should include a discussion of relevant permits and other activities associated with the construction, maintenance, and operation of proposed projects.

National Historic Preservation Act and Executive Order 13007(NRHA)

Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act. Historic properties under the NHPA are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO), Indian tribes, or any other interested party. Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed and mitigated. Section 106 of the NHPA requires that Federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.

Recommendation:

We recommend the EIS address the existence of cultural and historic resources, including

Indian sacred sites, in the project areas, and address compliance with Section 106 of the NHPA. It should also address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how the applicant will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. We recommend the EIS provide a summary of all coordination with Tribes, the SHPO/THPO, or any other party; and identify all NRHP listed or eligible sites, and the development of a Cultural Resource Management Plan.

Environmental Justice and Impacted Communities

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994) and the Interagency Memorandum of Understanding on Environmental Justice (August 4, 2011) direct federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process. Guidance¹ by CEQ clarifies the terms low-income and minority population (which includes Native Americans) and describes the factors to consider when evaluating disproportionately high and adverse human health effects. We recommend the EIS include an evaluation of environmental justice populations within the geographic scope of the projects. Assessment of the projects impact on minority and low-income populations should reflect coordination with those affected populations. We recommend the EIS also describe outreach conducted to all other communities that could be affected by the project, since rural communities may be among the most vulnerable to health risks associated with the project.

Recommendations:

EPA recommends the EIS include an evaluation of environmental justice populations within the geographic scope of the projects. If such populations exist, EPA recommends the EIS address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. Assessment of the projects impact on minority and low-income populations should reflect coordination with those affected populations.

We recommend the EIS describe outreach conducted to all other communities that could be affected by the project, since rural communities may be among the most vulnerable to

¹ Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.

health risks associated with the project.

Coordination with Land Use Planning Activities

We recommend the EIS discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the project areas. The term “land use plans” includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b).

Agricultural

EPA recommends the EIS describes any direct, indirect, or cumulative impacts to agricultural areas within the proposed project study area

ATTACHMENT I

Control Measures

(Fugitive Dust, Mobile and Stationary Source and Administrative)

- Fugitive Dust Source Controls: We recommend the EIS identify the need for a Fugitive Dust Control Plan to reduce Particulate Matter 10 and Fine Particulate Matter 2.5 emissions during construction and operations. We recommend that the plan include these general commitments:
 - Stabilize heavily used unpaved construction roads with a non-toxic soil stabilizer or soil weighting agent that will not result in loss of vegetation, or increase other environmental impacts.
 - During grading, use water, as necessary, on disturbed areas in construction sites to control visible plumes.
 - Vehicle Speed
 - Limit speeds to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
 - Limit speeds to 10 miles per hour or less on unpaved areas within construction sites on un-stabilized (and unpaved) roads.
 - Post visible speed limit signs at construction site entrances.
 - Inspect and wash construction equipment vehicle tires, as necessary, so they are free of dirt before entering paved roadways, if applicable.
 - Provide gravel ramps of at least 20 feet in length at tire washing/cleaning stations, and ensure construction vehicles exit construction sites through treated entrance roadways, unless an alternative route has been approved by appropriate lead agencies, if applicable.
 - Use sandbags or equivalent effective measures to prevent run-off to roadways in construction areas adjacent to paved roadways. Ensure consistency with the project's Storm Water Pollution Prevention Plan, if such a plan is required for the project
 - Sweep the first 500 feet of paved roads exiting construction sites, other unpaved roads en route from the construction site, or construction staging areas whenever dirt or runoff from construction activity is visible on paved roads, or at least twice daily (less during periods of precipitation).
 - Stabilize disturbed soils (after active construction activities are completed) with a non-toxic soil stabilizer, soil weighting agent, or other approved soil stabilizing method.
 - Cover or treat soil storage piles with appropriate dust suppressant compounds and disturbed areas that remain inactive for longer than 10 days. Provide vehicles (used to transport solid bulk material on public roadways and that have potential to cause visible emissions) with covers. Alternatively, sufficiently wet and load materials onto the trucks in a manner to provide at least one foot of freeboard.
 - Use wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) where soils are disturbed in construction, access and

maintenance routes, and materials stock pile areas. Keep related windbreaks in place until the soil is stabilized or permanently covered with vegetation.

o Mobile and Stationary Source Controls:

- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal² or State Standards³. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible⁴.
- Where Tier 4 engines are not available, use construction diesel engines with a rating of 50 hp or higher that meet, at a minimum, the Tier 3 California Emission Standards for Off-Road Compression-Ignition Engines⁵, unless such engines are not available.
- Where Tier 3 engine is not available for off-road equipment larger than 100 hp, use a Tier 2 engine, or an engine equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides and diesel particulate matter to no more than Tier 2 levels.
- Consider using electric vehicles, natural gas, biodiesel, or other alternative fuels during construction and operation phases to reduce the project's criteria and greenhouse gas emissions.
- Plan construction scheduling to minimize vehicle trips.
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections.
- Maintain and tune engines per manufacturer's specifications to perform at CARB and/or EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed.

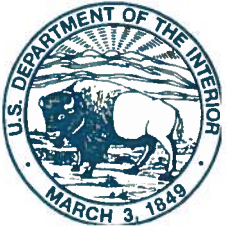
o Administrative controls:

- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips.
- Identify any sensitive receptors in the project area, such as children, elderly, and the infirm, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).
- Include provisions for monitoring fugitive dust in the fugitive dust control plan and initiate increased mitigation measures to abate any visible dust plumes.

² EPA's website for nonroad mobile sources is <http://www.epa.gov/nonroad/>.

³ For California, see ARB emissions standards, see: <http://www.arb.ca.gov/msprog/offroad/offroad.htm>.

⁴ Diesel engines < 25 hp rated power started phasing in Tier 4 Model Years in 2008. Larger Tier 4 diesel engines will be phased in depending on the rated power (e.g., 25 hp - <75 hp: 2013; 75 hp - < 175 hp: 2012-2013; 175 hp - < 750 hp: 2011 - 2013; and \geq 750 hp 2011- 2015).



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



August 26, 2015

Dana O. Coburn
Chief, Environmental Branch
Little Rock District Corps of Engineers
P.O. Box 867
Little Rock, AR 72203-0867

Dear Ms. Coburn:

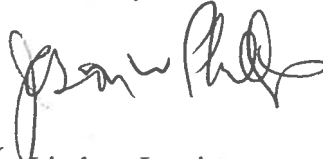
This letter is in response to your request for information and comments to assist in the development of NEPA documents associated with the Three Rivers Study on the lower McClellan-Kerr Arkansas River Navigation System. The U.S. Fish and Wildlife Service (Service) has already begun coordination with your staff on this study and participated in a recent field trip and Agency Kickoff Meeting. We appreciate the opportunity to provide input during the development of this study.

The Service previously provided comments on a similar study that resulted in the 2009 Draft Ark-White Cutoff General Re-evaluation Report. On July 22, 2009, we submitted a Draft Fish and Wildlife Coordination Act Report (DFWCAR) detailing our assessment of potential impacts to fish and wildlife resources and their habitats. Based on information provided to date, it appears the current Three Rivers Study will encompass the same study area, address the same identified problem, and examine many of the same alternatives as the previous Ark-White Cutoff study. Many of the comments provided in the DFWCAR may be applicable to this new study as well.

The current Three Rivers Study is not the same comprehensive study requested by the Service and other planning participants at the conclusion of the Ark-White Cutoff study. The Service envisioned a landscape level study that would incorporate a geomorphological analysis to determine the stable form of the natural system. This study would also investigate how modern changes for flood control and navigation have impacted channel stability and recommend measures that would return the channel to a more stable form and inform the development of a long-term solution to issues identified in the Three Rivers region. The currently proposed study is quite limited in terms of time and funding. However, this new study will investigate opportunities for ecosystem restoration, consider environmental in addition to economic justifications, and may consider alternatives not evaluated previously.

The Service will attend the upcoming planning charrette scheduled in September. We look forward to helping the Corps formulate alternatives that address their navigation mandate while addressing long-term channel stability in the region. We envision an alternative that works with the dynamic hydrology and hydraulics present within the area to safeguard navigation in a manner compatible with refuge purposes. If you have questions regarding our comments please contact Jason Phillips at jason_phillips@fws.gov or 870-503-1101.

Sincerely,



for Lindsey Lewis
Acting Field Supervisor

cc:

Bo Sloan, Project Leader, Dale Bumpers White River National Wildlife Refuge
Jennifer Sheehan, Federal Regulatory Program Chief, AGFC
Cindy Osborne, Data Manager/Environmental Review Coordinator, ANHC
Lazendra Hairston, Biologist, ADEQ
John Turner, Program Coordinator, ANRC
Matt McNair, Environmental Review Coordinator, ADPT
Gene Higginbotham, Executive Director, AWC
Jason Milks, Delta Projects Manager, TNC



Bekki White
Director
State Geologist

ARKANSAS GEOLOGICAL SURVEY
VARDELLE PARHAM GEOLOGY CENTER
3815 WEST ROOSEVELT ROAD
LITTLE ROCK, AR 72204-6369



Asa Hutchinson
Governor

September 30, 2015

Mr. Craig Hilburn
Biologist, Environmental Branch
Planning and Environmental Division
U.S. Army Corps of Engineers, Little Rock District
P. O. Box 867
Little Rock, AR 72203-0867

Re: Three Rivers Feasibility Study

Dear Mr. Wilburn,

In response to the request for the Arkansas Geological Survey to participate as a cooperating agency on the Three Rivers Feasibility Study Environmental Impact Statement, we are happy to participate.

The Arkansas Geological Survey staff, and particularly Mr. Bill Prior, Geologist Supervisor, is available to assist with identifying issues and alternatives, and to provide resources in our area of expertise.

If anything more is needed from the Arkansas Geological Survey in this endeavor, please let me know.

Kind Regards,

A handwritten signature in blue ink that reads "Bekki White".

Bekki White
Director and State Geologist

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



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

October 8, 2015

Mr. Craig Hilburn
Biologist
Environmental Branch
Planning and Environmental Division
U.S. Army Corps of Engineers
Little Rock District
P.O. Box 867
Little Rock, AR 72203-0867

RE: Three Rivers Feasibility Study

Dear Mr. Hilburn:

The Department appreciates the opportunity to participate in the Three Rivers Feasibility Study described in your letter dated September 17, 2015. We are willing to help in the identification of issues and alternatives and participate in meetings or reviews in support of the Environmental Impact Study being prepared for this project. However, we do not feel that our involvement will rise to the level of a cooperating agency and respectfully decline the invitation to participate in that capacity.

We look forward to working with the U.S. Corps of Engineers on this project. Please coordinate with Josh Seagraves (Josh.Seagraves@ahtd.ar.gov) at 501-569-2281 with any questions or requests for information.

Sincerely,

A handwritten signature in blue ink that reads "John Fleming".

John Fleming
Division Head
Environmental Division

JF:DN:fc

c: Director
Deputy Director and Chief Operating Officer
Deputy Director and Chief Engineer
Assistant Chief Engineer-Planning



Arkansas Natural Resources Commission



J. Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
<http://www.anrc.arkansas.gov/>

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: anrc@arkansas.gov

Asa Hutchinson
Governor

September 29, 2015

Mr. Craig Hilburn
Biologist, Environmental Branch
Planning and Environmental Division
U.S. Army Corps of Engineers
Little Rock, District, P. O. Box 867
Little Rock, Arkansas 72203-0867

Dear Mr. Hilburn:

We will participate as a cooperating agency with the U.S. Army Corps of Engineers, Little Rock District, in the Three Rivers Feasibility Study Environmental Impact Statement (EIS) in southeast Arkansas.

My contact information:

Edward Swaim
101 East Capitol, Suite 350
Little Rock, Arkansas 72201
Edward.Swaim@Arkansas.Gov

Let us know if we may be of further assistance to you.

Sincerely,

A handwritten signature in blue ink that reads "Edward C. Swaim".

Edward C. Swaim
Chief, Water Resources Management Division

ECS/lab

Enclosure



United States Department of the Interior

National Park Service
Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



OCT 08 2015

10.A(MWR-PC)

Mr. Craig Hilburn, Biologist
Environmental Branch, Planning and Environmental Division
U.S. Army Corps of Engineers, Little Rock District
P.O. Box 867
Little Rock, Arkansas 72203-0867

Dear Mr. Hilburn:

Thank you for the invitation to become a cooperating agency for the Three Rivers Feasibility Study in southeastern Arkansas. The study area includes the Arkansas Post National Monument (Monument) near Gillette, Arkansas. The study intends to address problems currently affecting the Corps' mission areas of navigation, recreation, and flood risk management, as well as the aquatic ecosystem of the three rivers area.

As the authorized official, I accept your invitation to become a cooperating agency under the National Environmental Policy Act (NEPA). In addition, I would suggest a memorandum of understanding be developed between our agencies to further define the role you see the National Park Service fulfilling in this effort (43 CFR 46.225(d)). The National Park Service (NPS) recognizes that the Corps of Engineers would be the lead Federal agency for the purposes of this agreement.

The NPS also believes the Corps to be the lead federal agency under the National Historic Preservation Act (NHPA), as amended, and that a member of the staff of the Monument is currently acting as a consulting party for the NPS. Ms. Kirby McCallie, Natural/Cultural Resource Manager for the Monument, has been designated the point-of-contact for purposes of addressing comments and issues related to the process and documentation under the NEPA and NHPA. Any comments or questions may be directed to Ms. McCallie at 870-548-2210 or via email kirby_mccallie@nps.gov.

The NPS appreciates the opportunity to work with you on these issues.

Sincerely,

Cameron H. Sholly
Regional Director





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



October 8, 2015

Craig Hilburn
Biologist, Environmental Branch, Planning and Environmental Division
U. S. Army Corps of Engineers
Little Rock District
P.O. Box 867
Little Rock, AR 72203-0867

Dear Mr. Hilburn:

The U.S. Fish and Wildlife Service (Service) formally accept the U.S. Army Corps of Engineers (Corps), Little Rock District's request for participation as a cooperating agency on the Environmental Impact Statement (EIS) for the Three Rivers Feasibility Study. As a cooperator, we will review preliminary drafts of the EIS before it goes out for public review, participate in scoping meetings, and assist with alternative development. Other project participation is covered under the authority of the Fish and Wildlife Coordination Act (FWCA). Jason Phillips of my staff has been assigned to this project and has already participated in early coordination and planning meetings.

As specified in the Scope of Work for Service activities under the FWCA, the Service will prepare a planning aid letter (PAL) for the Little Rock District. The PAL will provide information on known fish and wildlife resources in the area, identify information needs, and articulate resource concerns that should be addressed in the study. As the study progresses, we will also provide a draft and final Coordination Act Report.

We appreciate the opportunity to work with the Corps and others to investigate sustainable and environmentally responsible solutions to the problems identified in the Three Rivers area. If you have questions regarding our comments, please contact Jason Phillips at (870) 503-1101 or jason_phillips@fws.gov.

Sincerely,

Melvin Tobin
Field Supervisor

cc:

Bo Sloan, Project Leader, Dale Bumpers White River National Wildlife Refuge
Jennifer Sheehan, Federal Regulatory Program Chief, AGFC
Cindy Osborne, Data Manager/Environmental Review Coordinator, ANHC
Lazendra Hairston, Biologist, ADEQ
John Turner, Program Coordinator, ANRC
Matt McNair, Environmental Review Coordinator, ADPT



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

Date: October 15, 2015
Subject: Three Rivers Feasibility Study
Cooperating Agency
ANHC No.: F-COEL-15-048

Arkansas Arts Council
*
Arkansas Historic
Preservation Program
*

Delta Cultural Center
*

Historic Arkansas Museum
*

Mosaic Templars
Cultural Center
*

Old State House Museum

Mr. Craig Hilburn
Environmental Branch
Planning and Environmental Division
Corps of Engineers, Little Rock District
P.O. Box 867
Little Rock, AR 72203-0867

Dear Mr. Hilburn:

This letter is written to accept the invitation from the Little Rock District Corps of Engineers to participate as a cooperating agency in the development of the Environmental Impact Statement (EIS) for the Three Rivers Feasibility Study in southeast Arkansas. The purpose of the EIS will be to present alternatives and assess the impacts associated with the implementation of environmentally sustainable solutions to address significant hydrologic and hydraulic issues in the Lower Arkansas/White River study area. As a cooperator we will contribute our technical expertise and resources by attending meetings, reviewing documents, providing data, identifying issues, and offering alternatives. We look forward to participating in this study.

Sincerely,

Chris Colclasure
Director



323 Center Street, Suite 1500
Little Rock, AR 72201

(501) 324-9619
fax: (501) 324-9618
tdd: 711

e-mail:

info@naturalheritage.com

website:

www.naturalheritage.com

An Equal Opportunity Employer



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT CORPS OF ENGINEERS - PE
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
OFFICE: (501) 324-5751 FAX: 501-324-5605 <http://www.swl.usace.army.mil>

September 18, 2015

The Honorable Gary Batton
Chief
The Choctaw Nation of Oklahoma
P.O. Drawer 1210
Durant, OK 74702

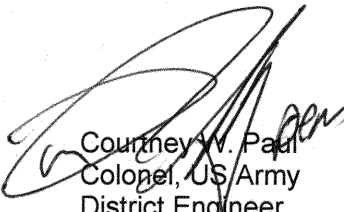
Dear Mr. Batton:

The Little Rock District, U.S. Army Corps of Engineers (USACE), in partnership with the Arkansas Waterways Commission recently initiated a three year study to investigate hydrologic problems threatening navigation, aquatic ecosystem habitat, recreation, flood damage reduction and existing infrastructure at the convergence of the White, Arkansas, and Mississippi Rivers in Arkansas and Desha Counties, Arkansas. This study, known as the Three Rivers Study, will result in an integrated draft Project Feasibility Report and Environmental Impact Statement (EIS); anticipated to be available for public review in the spring of 2017.

Studies in the area, starting since mid-1960, showed that the hydrology of the White and Arkansas Rivers are strongly influenced by high water in the Mississippi River. Structures were placed along the White River between the White and Arkansas River to regulate water flow between the two systems starting in the 1960's and into the late 1980's. Nevertheless, significant hydrological and hydraulic problems continue to threaten the USACE mission areas of navigation, recreation, flood risk management, as well as aquatic ecosystem habitat and existing infrastructure. Proposed possible solutions to these problems may include increased water detention upstream, raising the height of the water containment structure, removal of the water control structure, or construction of a passive or active weir to restore a more natural hydrology between the Arkansas and White Rivers. These proposed improvements may impact (positively or negatively) navigation, agriculture, silviculture, hydropower, recreation, flood risk management, cultural resources, and fish and wildlife.

The USACE invites the tribal government to provide formal comments pursuant to the National Environmental Policy Act. Please direct all comments to Mr. Craig Hilburn at (501) 324-5735 or via e-mail at David.C.Hilburn@usace.army.mil no later than October 18, 2015. If you or representatives of your government would like to participate on interagency conference calls during the course of this study to discuss alternatives, modeling results, and project schedules, please provide appropriate contact information in your reply to this invitation.

Sincerely,



Courtney W. Paul
Colonel, US Army
District Engineer

The preceding letter dated September 18, 2015 was sent to the following recipients:

The Honorable Geoffrey Standingbear, Principal Chief, The Osage Nation

The Honorable John Berrey, Chairman, The Quapaw Tribe of Indians

The Honorable Ron Sparkman, Chief, Shawnee Tribe

The Honorable Joey Barbry, Chairman, Tunica-Biloxi Indian Tribe

The Honorable Bill Anoatubby, Governor, The Chickasaw Nation

The Honorable George Wickliffe, Chief, The Keetoowah Band of Cherokee Indians in Oklahoma

The Honorable Tamara Michele Francis, Chairperson, Caddo Nation of Oklahoma



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

REPLY TO
ATTENTION OF: CESWL-PE

October 13, 2015

SUBJECT: Three Rivers Study, Arkansas and Desha Counties, Arkansas

Lisa C. LaRue-Baker
Acting Tribal Historic Preservation Officer
The United Keetoowah Band of Cherokee Indians in Oklahoma
P.O. Box 746
Tahequah, OK 74465

Dear Ms. LaRue-Baker:

The Little Rock District of the US Army Corps of Engineers (USACE) in partnership with the Arkansas Waterways Commission recently initiated a three year study to investigate the hydrologic problems threatening navigation, aquatic ecosystem habitat, recreation, flood damage reduction and existing infrastructure at the convergence of the White, Arkansas, and Mississippi Rivers in Arkansas and Desha Counties, Arkansas. As described in the September 18, 2015 letter addressed to your Tribal Government this study known as the Three Rivers Study will result in an integrated draft Project Feasibility Report and Environmental Impact Statement (EIS); anticipated to be available for public review in the spring of 2017. This action has been determined by the USACE to be an undertaking that has the potential to cause adverse effects on historic properties per 36 CFR Part 800.3(a).

The USACE would like to initiate Section 106 consultation according to the National Historic Preservation Act, as amended, and implementing regulation 36 CFR Part 800 as amended. A map of the proposed Area of Potential Effect (APE) is enclosed for your review and comment. At this time we are seeking your Tribal Government's recommendations or concurrence on the boundaries of the proposed APE and for information pertaining to properties within the area as defined, which have religious or cultural significance. Please respond to this letter via electronic mail or regular mail by November 15, 2015 in accordance with 36 CFR 800.3(c)(4). If there are any concerns or questions, contact Ms. Cindy Thomas at (501) 324-5752 or email at Cynthia.G.Thomas@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Dana E. Coburn".

Dana Coburn
Branch Chief, Environmental

Enclosure

The preceding letter dated October 13, 2015 was sent to the following Tribal Historic Preservation Officers (THPOs):

Ms. Lisa LaRue-Baker, Acting United Keetoowah Band of Cherokee Indians of Oklahoma

Ms. Amber Hood, The Chickasaw Nation

Mr. Ian Thompson, The Choctaw Nation of Oklahoma

Dr. Andrea Hunter, The Osage Nation

Mr. Everett Bandy, The Quapaw Tribe of Indians

Ms. Kim Jumper, Shawnee Tribe of Oklahoma

Mr. Earl Barbry, Tunica-Biloxi Tribe of Louisiana

Ms. Tamera Francis Fourkiller, Caddo Nation of Oklahoma

-----Original Message-----

From: Lindsey Bilyeu [mailto:lbilyeu@choctawnation.com]

Sent: Tuesday, October 27, 2015 12:48 PM

To: Hilburn, David C SWL

Subject: [EXTERNAL] RE: Three Year Study Investigating Hydrologic Problems, White, Arkansas, and Mississippi Rivers; Arkansas and Desha Co.'s, AR

Mr. Hilburn,

The Choctaw Nation of Oklahoma thanks the USACE, Little Rock District, for the correspondence regarding the above referenced project. Portions of Arkansas and Desha Co.'s contain the Choctaw Nation's Trail of Tears Removal Routes. The Choctaw Nation Historic Preservation Department requests to be a consulting party on this project.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu

NHPA Senior Section 106 Reviewer

Historic Preservation Department

Choctaw Nation of Oklahoma

P.O. Box 1210

Durant, OK 74701

580-924-8280 ext. 2631

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.

Classification: UNCLASSIFIED

Caveats: NONE

From: [Everett Bandy](#)
To: [Lynch, Amanda L SWL](#); [Thomas, Cynthia G SWL](#)
Subject: [EXTERNAL] Proposed Three Rivers Feasibility Study
Date: Friday, November 13, 2015 3:47:19 PM

Ms. Lynch and Ms. Thomas,

The Quapaw Tribe Historic Preservation Office has received and reviewed the information you have provided for the Proposed Three Rivers Feasibility Study.

This office would first like to thank Ms. Thomas for taking the time to speak about the project and go over some questions.. This was very helpful and has increased our understanding about what the project may entail. As we understand it, this project is not in the stage where it can be submitted for a formal Section 106 review; however the Little Rock USACE has taken the opportunity to include the Quapaw Tribe in early planning for this project. We would like to thank the Corps for providing the Quapaw Tribe with this opportunity which is very much in line with the spirit of good faith consultation described in 36 CFR Part 800.

This office is not able to give very much specific information to the Little Rock USACE that would be helpful at this stage of planning. We can express to the Little USACE however that this area is of paramount significance to the Quapaw Tribe as we occupied this area for a long period of time. Numerous sites of religious, cultural, and historic significance that are both rooted in the history of the Quapaw Tribe and are still important in maintaining the continuing cultural identity of our people are located in the area. As a result the Quapaw Tribe Historic Preservation is very interested in this project and can express that we will be engaging the Little Rock USACE in formal consultation regarding this project and we will need additional information as it becomes available in order to effectively review this project.

Some of the information that will be needed for an efficient review of this project includes:

- * Maps depicting
 - o The final NEPA Study area
 - o The APE for potential impacts to historic properties
- * this should include any area where ground disturbing work will take place including dredging, collection of fill material etc.
- * depending on the final nature and APE of the project visual impacts may need to be assessed as well
- * This can/may be a final map of the proposed project, or may be maps depicting the top project designs and alternatives
 - o Known cultural site locations in relation to the project
 - o LIDAR Data for at least the APE when it is determined (the Study Area would be preferable).
- * This information will be extremely helpful in reviewing the project. The comparison of this data set with known

sites and cultural information known to this office with the possible features that may be identified while reviewing this project will enable this office to effectively and efficiently recommend areas of concern where additional archeological work may be needed

- * Information regarding the ownership status of any proposed new structures that may result from this project
- o What long term mechanisms will be in place to deal with potential sediment build-up associated with these structures

Depending upon the nature of the final APE for the project and what potential effects may be anticipated an agreement document may need to be negotiated as well. This will need to be examined at a later date; however it may be prudent to consider that this is a possibility while the planning and scheduling for this project is underway.

This office understand that it will take some time to meet these requests; especially given the early stages of this project. We look forward to being able to review the information when it is received and examine the information we have for the area in order to make recommendations that are well thought out and informed. This will enable the Little Rock USACE to effectively plan and potentially execute this project in a fashion that will meet the preservation interests of the Quapaw Tribe and be in compliance with the applicable acts and laws that govern federal undertakings such as the NHPA.

Thank you for the working with the Quapaw Tribe on this matter.

Please contact me with any questions,

-Everett Bandy

Tribal Historic Preservation Officer, Quapaw Tribe

CONFIDENTIALITY / PRIVACY NOTICE: This message and any attachments transmitted with it, is for the designated recipient only and may contain privileged or confidential information. If you have received it in error please notify the sender, via return e-mail, immediately and permanently delete the original. Any unauthorized review, disclosure, dissemination, distribution or copying of this e-mail is strictly prohibited. Thank you.



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

August 8, 2017

Mr. Seth Sampson
Archaeologist
Little Rock District Corps of Engineers
700 West Capitol Avenue
P.O. Box 867
Little Rock, AR 72203-0867

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

RE: Arkansas and Desha County – General
Section 106 Review – COE
Draft Programmatic Agreement: *Programmatic Agreement Regarding Compliance with Section 106 of the National Historic Preservation Act for The Three Rivers Feasibility Study and Environmental Assessment in Arkansas and Desha Counties, Arkansas among The U.S. Army Corps of Engineers, Little Rock District, The Arkansas State Historic Preservation Officer, and the Advisory Council on Historic Preservation*
AHPP Tracking Number: 98392.02

Dear Mr. Sampson:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the above-referenced draft Programmatic Agreement (PA) and Integrated Feasibility Report and Environmental Assessment (IFR-EA).

Based on the information presented in these documents, the AHPP is requesting that the following comments and recommendations be addressed before signing.

- Explain that “Alternative 1” can be subject to slight changes and redesigns and that the final plan has to be approved by all the consulting parties and signatories
- (IV-B)-Reference the State Burial Law, specifically the notification procedure for inadvertent discoveries. An approved Inadvertent Discovery Plan should be developed that highlights the procedure and lists all the proper contacts.
- (Page 3 of IFR-EA)-Reference the results of the records search that was performed using the AHPP Structure Database.

The AHPP would also like to suggest that a stipulation be added requiring the U.S. Army Corps of Engineers (USACE) to provide all consulting parties and signatories with bimonthly project status reports.

Tribes that have expressed an interest in the area include the Cherokee Nation (Ms. Elizabeth Toombs), the Chickasaw Nation (Ms. Karen Brunso), the Choctaw Nation of Oklahoma (Dr. Ian Thompson), the Jena Band of Choctaw Indians (Alina J. Shively), the Osage Nation (Dr. Andrea Hunter), the Quapaw Tribe of Oklahoma (Mr. Everett Bandy), and the Shawnee Tribe of Oklahoma



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

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

e-mail:
info@arkansaspreservation.org
website:
www.arkansaspreservation.com

An Equal Opportunity Employer

(Ms. Kim Jumper). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

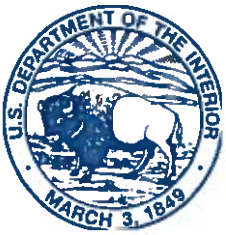
Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Tim Dodson of my staff at 501-324-9784.

Sincerely,



Stacy Hurst
State Historic Preservation Officer

cc: Mr. Douglas Sims, COE
Mr. Chris Daniel, Advisory Council on Historic Preservation
Dr. Ann Early, Arkansas Archeological Survey



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



April 25, 2017

Colonel Robert G. Dixon
District Engineer
Little Rock District, U.S. Army Corps of Engineers
P.O. Box 867
Little Rock, AR 72203-0867

Dear Colonel Dixon:

The U.S. Fish and Wildlife Service (Service) has reviewed the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Little Rock District's Three Rivers Feasibility Study. On March 2, 2017, we submitted a draft Fish and Wildlife Coordination Act Report in accordance with the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661-667e.). On March 17, 2017, we submitted a letter concurring with your effects determinations for federally listed species in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Both of these correspondences are attached as appendixes to the EA.

The information in the EA is consistent with previous descriptions of the project provided to the Service in written reports and other coordination over the last two years. We have no additional comments regarding the project at this time. We look forward to working with your staff and other partners during the Pre-Construction Engineering and Design Phase (PED) to provide input on the detailed design of the opening in the Historical Closure Structure and the modification of the structure on the north end of Owen's Lake to ensure minimal changes to hydrology and fish passage. Specific questions regarding refuge compatibility (National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee)) should be addressed to the Project Leader for the Dale Bumpers White River National Wildlife Refuge. If you have any questions about these or previous comments, please contact Jason Phillips at (870) 503-1101 or jason_phillips@fws.gov.

Sincerely,

Melvin L. Tobin
Field Supervisor

cc: Bo Sloan, Dale Bumpers White River National Wildlife Refuge, St. Charles, AR
Kirbie McCallie, National Park Service, Gillett, AR
Jennifer Sheehan, Arkansas Game and Fish Commission, Little Rock, AR

Cindy Osborne, Arkansas Natural Heritage Commission, Little Rock, AR
Lazendra Hairston, Arkansas Department of Environmental Quality, Little Rock, AR
Bentley Reynolds, Arkansas Natural Resources Commission, Little Rock, AR
Matt McNair, Arkansas Department of Parks and Tourism, Little Rock, AR
Gene Higginbotham, Arkansas Waterways Commission, Little Rock, AR
Jason Milks, The Nature Conservancy, Little Rock, AR

From: [Hilburn, David C CIV USARMY CESWL \(US\)](#)
To: [Coburn, Dana O CIV USARMY CESWL \(US\)](#)
Cc: [Parrish, Nancy A CIV USARMY USACE \(US\)](#); [Fisher, Melinda CIV USARMY CESWF \(US\)](#)
Subject: FW: Three Rivers Draft Report
Date: Wednesday, May 10, 2017 9:21:18 AM

THREE RIVERS PUBLIC COMMENT

-----Original Message-----

From: Dallemagne, Magdeleine [<mailto:Dallemagne.Magdeleine@epa.gov>]
Sent: Monday, May 01, 2017 3:07 PM
To: Hilburn, David C CIV USARMY CESWL (US) <David.C.Hilburn@usace.army.mil>
Cc: Houston, Robert <Houston.Robert@epa.gov>; Boyd, Wanda <Boyd.Wanda@epa.gov>
Subject: [Non-DoD Source] Three Rivers Draft Report

Craig,

As per my voicemail on April 28, 2017, the EPA has no comments on the Three Rivers Draft report. A formal letter will be forthcoming.

Magda Dallemagne

U.S. Environmental Protection Agency Region 6

Compliance Assurance and Enforcement Division

Water Enforcement Branch

Special Projects Section (6EN-WS)

dallemagne.magdeleine@epa.gov <<mailto:dallemagne.magdeleine@epa.gov>>

(214) 665-7396

From: [Hilburn, David C CIV USARMY CESWL \(US\)](#)
To: [Coburn, Dana O CIV USARMY CESWL \(US\)](#)
Cc: [Parrish, Nancy A CIV USARMY USACE \(US\)](#); [Fisher, Melinda CIV USARMY CESWF \(US\)](#)
Subject: FW: Three Rivers Study - Comment (UNCLASSIFIED)
Date: Wednesday, May 10, 2017 9:21:55 AM

THREE RIVERS PUBLIC COMMENT 2 OF 3

-----Original Message-----

From: Coburn, Dana O CIV USARMY CESWL (US)
Sent: Friday, April 28, 2017 2:39 PM
To: Hilburn, David C CIV USARMY CESWL (US) <David.C.Hilburn@usace.army.mil>
Cc: Parrish, Nancy A CIV USARMY USACE (US) <Nancy.A.Parrish@usace.army.mil>
Subject: FW: Three Rivers Study - Comment (UNCLASSIFIED)

FYI

-----Original Message-----

From: Shannon, Harland Dennis CIV USARMY CESWL (US)
Sent: Friday, April 28, 2017 2:30 PM
To: Coburn, Dana O CIV USARMY CESWL (US) <Dana.O.Coburn@usace.army.mil>; Funkhouser, Catherine S CIV USARMY CESWL (US) <Catherine.S.Funkhouser@usace.army.mil>
Cc: Mitchell, Carsno N CIV USARMY CESWL (US) <Carsno.N.Mitchell@usace.army.mil>; Edmondson, Amanda B CIV USARMY CESWL (US) <Amanda.B.Edmondson@usace.army.mil>
Subject: Three Rivers Study - Comment (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Dana and Cathy,

I was able to meet each of you and spend a short amount of time at the public meeting in Pine Bluff on Monday, 17 April. Thanks for all of the work you have put into this important study.

After seeing the displays and thinking a little bit about the situation, I'd offer one comment:

The recommended alternative has a Relief Channel at EL 145 FT. The public display showed this Relief Channel being constructed with Rip Rap. It is believed that it would be prudent and engineering wise to construct this Relief Channel with materials that will not erode. It is not believed that Rip Rap will withstand the currents and velocities that will be produced during large flows. It's my understanding that large Rip Rap was previously placed at the location of the Melinda Weir and the Rip Rap washed away (that's evidence that use of Rip Rap is questionable, even if the Relief Channel is wider than the Melinda Structure). The materials need to be designed so that they will not wash away and produce excessive maintenance costs. Though initial costs for a thick concrete (cast-in-place) slab would be more costly, concrete is recommended along with adequate thickness (once equipment and crew is mobilized, the cost to place a thick slab of concrete shouldn't be too excessive).

Thanks,

Dennis Shannon, P.E.
Operations Project Manager
McClellan-Kerr Project Office
Little Rock District
501-340-1758

CLASSIFICATION: UNCLASSIFIED



ᑭᑦᑭᑦ ᑤᑭᑦ
CHEROKEE NATION®
P.O. Box 948 • Tahlequah, OK 74465-0948 • 918-453-5000 • cherokee.org

Office of the Chief

Bill John Baker
Principal Chief
ᑭᑦ ᑭᑦ ᑭᑦᑭᑦᑭᑦ
ᑭᑦᑭᑦᑭᑦ

S. Joe Crittenden
Deputy Principal Chief
ᑭᑦ ᑭᑦ ᑭᑦᑭᑦᑭᑦ
ᑭᑦᑭᑦ ᑤᑭᑦᑭᑦ ᑭᑦᑭᑦᑭᑦ

July 31, 2017

Seth Sampson
Department of the Army
Little Rock District, Corps of Engineers
P.O. Box 867
Little Rock, AR 72203-0867

Re: Three Rivers Study, Integrated Feasibility Report and Environmental Assessment, Arkansas and Desha Counties, Arkansas

Mr. Seth Sampson:

The Cherokee Nation (CN) is in receipt of your correspondence about **Three Rivers Study, Integrated Feasibility Report and Environmental Assessment, Arkansas and Desha Counties, Arkansas**, and appreciates the opportunity to provide comment upon this project. The CN maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office reviewed this project, cross referenced the project's legal description against our information, and found instances where this project intersects or adjoins such resources.

In accordance with the National Historic Preservation Act (NHPA) [16 U.S.C. 470 §§ 470-470w6] 1966, undertakings subject to the review process are referred to in S101(d)(6)(A), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires federal agencies to consider the effects of their action on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

Please allow this letter to serve as the CN's interest in acting as a consulting party for this project. Further, the CN concurs with the United States Army Corps of Engineers (USACE) that a cultural resources survey should be conducted for this project, and is requesting a copy of the survey along with any comments from the State Historic Preservation Office upon completion.

Additionally, we would request that the USACE conduct appropriate inquiries with other pertinent Tribal and Historic Preservation Offices regarding historic and prehistoric resources not included

Three Rivers Study, Integrated Feasibility Report and Environmental Assessment, Arkansas and Desha Counties, Arkansas

July 31, 2017

Page 2 of 3

in the CN databases or records. If you require additional information or have any questions, please contact me at your convenience.

Thank you for your time and attention to this matter.

Wado,

A handwritten signature in blue ink that reads "Elizabeth Toombs". The signature is written in a cursive style with a light blue background behind it.

Elizabeth Toombs, Special Projects Officer
Cherokee Nation Tribal Historic Preservation Office
elizabeth-toombs@cherokee.org
918.453.5389

Milford Wayne Donaldson, FAIA
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

June 23, 2017

Lieutenant General Todd T. Semonite
Commanding General and Chief of Engineers
Headquarters
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Ref: *Proposed Programmatic Agreement for Three Rivers Integrated Feasibility Study
Little Rock District, Arkansas*

Dear General Semonite:

In response to a notification by the U.S. Army Corps of Engineers (USACE), the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop a Programmatic Agreement (PA) for the Three Rivers Integrated Feasibility Study within the Little Rock District. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because it has the potential for procedural problems and presents issues of concern to Indian tribes.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Colonel Robert G. Dixon, District Engineer, of this decision.

Our participation in this consultation will be handled by Mr. Christopher Daniel, who can be reached at 202.517.0223 or via e-mail at cdaniel@achp.gov. We look forward to working with your agency and other consulting parties to reach agreement on appropriate measures to avoid, minimize, or mitigate potential adverse effects on historic properties.

Sincerely,

John M. Fowler
Executive Director

-----Original Message-----

From: Lindsey Bilyeu [mailto:lbilyeu@choctawnation.com]

Sent: Tuesday, October 27, 2015 12:48 PM

To: Hilburn, David C SWL

Subject: [EXTERNAL] RE: Three Year Study Investigating Hydrologic Problems, White, Arkansas, and Mississippi Rivers; Arkansas and Desha Co.'s, AR

Mr. Hilburn,

The Choctaw Nation of Oklahoma thanks the USACE, Little Rock District, for the correspondence regarding the above referenced project. Portions of Arkansas and Desha Co.'s contain the Choctaw Nation's Trail of Tears Removal Routes. The Choctaw Nation Historic Preservation Department requests to be a consulting party on this project.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu

NHPA Senior Section 106 Reviewer

Historic Preservation Department

Choctaw Nation of Oklahoma

P.O. Box 1210

Durant, OK 74701

580-924-8280 ext. 2631

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.

Classification: UNCLASSIFIED

Caveats: NONE



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

May 25, 2017

SUBJECT: Three Rivers Study, Integrated Feasibility Report and Environmental Assessment,
Arkansas and Desha Counties, Arkansas

Mr. Everett Bandy
Tribal Historic Preservation Officer
The Quapaw Tribe of Indians
P.O. Box 765
Quapaw, OK 74363

Dear Mr. Bandy:

The U.S. Army Corps of Engineers, Little Rock District, (USACE) would like to thank you for your response letter (from November 13, 2015) to our request for information to assist in the preparation of an Integrated Draft Feasibility Report and Environmental Impact Statement. As the study has moved forward, the USACE has determined that the appropriate National Environmental Policy Act (NEPA) document for this study is an Environmental Assessment (EA). The USACE has also determined the area of potential effect (APE) for this proposed project will be confined to Alternative 1. The Integrated Draft Feasibility Report and EA are enclosed for your review.

As part of this Feasibility Report and EA, the USACE recommends cultural resources investigations to identify and evaluate any historic properties within the APE of Alternative 1. USACE will execute a Programmatic Agreement with the Arkansas State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), and the appropriate federal recognized Indian Tribes to ensure compliance with Section 106 prior to construction. In accordance with 36 CFR Part 800.6 (b), should adverse impacts to any cultural or historic resources throughout the project corridor be unavoidable, an appropriate mitigation plan will be sought in consultation with the Arkansas SHPO and other interested parties and agencies, and fully implemented prior to project construction.

At this time, under Section 106 of the National Historic Preservation Act of 1966, as amended and implementing regulations 36 CFR Part 800, as amended, and in coordination with the National Environmental Policy Act, we are seeking recommendations or concurrence on the enclosed draft report and EA, including the boundaries of the APE. Please send your response letter by email to Seth Sampson at Seth.Sampson@usace.army.mil within 30 calendar days once received. If you have any questions or require further information, Mr. Sampson can be reached by telephone at (501) 340-1049.

Sincerely,


Douglas C. Sims, RPA
Director, Regional Planning
and Environmental Center

Enclosures



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

May 25, 2017

SUBJECT: Three Rivers Study, Integrated Feasibility Report and Environmental Assessment,
Arkansas and Desha Counties, Arkansas

Mr. Tim Dodson
Section 106 Staff Archeologist
Arkansas Historic Preservation Program
1100 North Street
Little Rock, AR 72201

Dear Mr. Dodson:

The U.S. Army Corps of Engineers, Little Rock District, (USACE) has recently completed an Integrated Draft Feasibility Report and Environmental Assessment (EA) as part of a three year study to investigate the hydrologic problems threatening navigation, aquatic ecosystem habitat, recreation, flood damage reduction and existing infrastructure at the convergence of the White, Arkansas, and Mississippi Rivers in Arkansas and Desha Counties, Arkansas. The USACE has also determined the area of potential effect (APE) for this proposed project will be confined to Alternative 1. The Integrated Draft Feasibility Report and EA are enclosed for your review.

As part of this Feasibility Report and EA, the USACE recommends cultural resources investigations to identify and evaluate any historic properties within the APE of Alternative 1. USACE will execute a Programmatic Agreement with the Arkansas State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), and the appropriate federal recognized Indian Tribes to ensure compliance with Section 106 prior to construction. In accordance with 36 CFR Part 800.6 (b), should adverse impacts to any cultural or historic resources throughout the project corridor be unavoidable, an appropriate mitigation plan will be sought in consultation with the Arkansas SHPO and other interested parties and agencies, and fully implemented prior to project construction.

At this time, under Section 106 of the National Historic Preservation Act of 1966, as amended and implementing regulations 36 CFR Part 800, as amended, and in coordination with the National Environmental Policy Act, we are seeking recommendations or concurrence on the enclosed draft report and EA, including the boundaries of the APE. Please send your response letter by email to Seth Sampson at Seth.Sampson@usace.army.mil within 30 calendar days once received. If you have any questions or require further information, Mr. Sampson can be reached by telephone at (501) 340-1049.

Sincerely,


Douglas C. Sims, RPA
Director, Regional Planning
and Environmental Center

Enclosures



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

May 25, 2017

SUBJECT: Three Rivers Study, Integrated Feasibility Report and Environmental Assessment,
Arkansas and Desha Counties, Arkansas

Ms. Lindsey Bilyeu
Historic Preservation Department
The Choctaw Nation of Oklahoma
P.O. Box 1210
Durant, OK 74701

Dear Ms. Bilyeu:

The U.S. Army Corps of Engineers, Little Rock District, (USACE) would like to thank you for your response letter (from October 27, 2015) to our request for information to assist in the preparation of an Integrated Draft Feasibility Report and Environmental Impact Statement. As the study has moved forward, the USACE has determined that the appropriate National Environmental Policy Act (NEPA) document for this study is an Environmental Assessment (EA). The USACE has also determined the area of potential effect (APE) for this proposed project will be confined to Alternative 1. The Integrated Draft Feasibility Report and EA are enclosed for your review.

As part of this Feasibility Report and EA, the USACE recommends cultural resources investigations to identify and evaluate any historic properties within the APE of Alternative 1. USACE will execute a Programmatic Agreement with the Arkansas State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), and the appropriate federal recognized Indian Tribes to ensure compliance with Section 106 prior to construction. In accordance with 36 CFR Part 800.6 (b), should adverse impacts to any cultural or historic resources throughout the project corridor be unavoidable, an appropriate mitigation plan will be sought in consultation with the Arkansas SHPO and other interested parties and agencies, and fully implemented prior to project construction.

At this time, under Section 106 of the National Historic Preservation Act of 1966, as amended and implementing regulations 36 CFR Part 800, as amended, and in coordination with the National Environmental Policy Act, we are seeking recommendations or concurrence on the enclosed draft report and EA, including the boundaries of the APE. Please send your response letter by email to Seth Sampson at Seth.Sampson@usace.army.mil within 30 calendar days once received. If you have any questions or require further information, Mr. Sampson can be reached by telephone at (501) 340-1049.

Sincerely,


Douglas C. Sims, RPA
Director, Regional Planning
and Environmental Center

Enclosures



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

July 21, 2017

SUBJECT: Three Rivers Study, Integrated Feasibility Report and Environmental Assessment, Arkansas and Desha Counties, Arkansas

Mr. Eric Oosahwee-Voss
Acting Tribal Historic Preservation Officer
The United Keetowah Band of Cherokee Indians in Oklahoma
2392 S. Muskogee Ave.
Tahlequah, OK 74464

Dear Mr. Oosahwee-Voss:

The Little Rock District of the US Army Corps of Engineers (USACE) in partnership with the Arkansas Waterways Commission initiated a three year study in 2015 to investigate the hydrologic problems threatening navigation, aquatic ecosystem habitat, recreation, flood damage reduction and existing infrastructure at the convergence of the White, Arkansas, and Mississippi Rivers in Arkansas and Desha Counties, Arkansas. As this study (referred to as "Three Rivers") has moved forward, the USACE has created an Integrated Draft Feasibility Report and Environmental Assessment (EA) to develop and analyze alternatives that would lead to long-term environmentally sustainable navigation. The Integrated Draft Feasibility Report and EA were made available for public comment on March 31, 2017.

As part of this Feasibility Report and EA, the USACE has determined the Area of Potential Effect (APE) for this proposed project will be confined to Alternative 1 (See Enclosure). USACE recommends cultural resource investigations to identify and evaluate any historic properties within the APE of Alternative 1. USACE will execute a Programmatic Agreement with the Arkansas State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), and the appropriate federally recognized Indian Tribes to ensure compliance with Section 106 prior to construction. The Draft Programmatic Agreement (PA) is enclosed for your review.

The USACE is seeking confirmation of your Tribal Government's interest in this project. If interested, USACE is seeking comments on the enclosed Draft PA and confirmation on if your Tribal Government would request to be a consulting party on this project. Please respond by email to Seth.Sampson@usace.army.mil within 30 calendar days, once received. If no response is received within 30 calendar days, USACE will assume your Tribal Government has no interest in this project. If you have any questions or require further information, Mr. Sampson can be reached by telephone at (501) 340-1049.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Sims".

Douglas C. Sims, RPA
Chief, Environmental Compliance Branch
Regional Planning and Environmental Center

Enclosures

The preceding letter dated July 21, 2017 was sent to the following Tribal Historic Preservation Officers (THPOs):

Mr. Eric Oosahwee-Voss, The United Keetoowah Band of Cherokee Indians in Oklahoma

Ms. Molly Franks, Alabama-Quassarte Tribal Town

Mr. Earl Barbry, Tunica-Biloxi Tribe of Louisiana

Ms. Corain Lowe-Zepada, Muscogee Creek Nation

Ms. Kim Jumper, Shawnee Tribe of Oklahoma

Dr. Andrea Hunter, The Osage Nation

Ms. Phillis Anderson, Mississippi Band of Choctaw Indians

Ms. Alina Shively, Jena Band of Choctaw Indians

Ms. Linda Langley, Caushatta Tribe of Louisiana

Mr. Bill John Baker, Cherokee Nation

Mr. Phil Cross, Caddo Nation of Oklahoma

Mr. Bob Komardley, Apache Tribe of Oklahoma

Mr. Kirk Perry, The Chickasaw Nation

AGENCY CORRESPONDENCE LETTERS - RESPONSES

PROJECT: THREE RIVERS FEASIBILITY STUDY

AGENCY	CONTACT	DATE COMMENT RECEIVED	COMMENT FORMAT	COMMENTS	USACE RESPONSE
USFWS	Jason Phillips	25-Apr-17	letter	Supportive of Draft Report and FONSI; No additional comments at this time.	NONE
USFWS	Jason Phillips	14-Nov-17	letter	CAR: The Service supports the Corps' Three Rivers Feasibility Study Recommended Plan. The Service acknowledges the Corps' mission and objective to maintain navigation on the McClellan-Kerr Arkansas River Navigation System (MKARNS) and we believe that working together we can accomplish both of our agency's missions.	No Official Response. USACE continues to coordinate with USFWS on this study.
EPA	Magdeleine Dallemagne	2-May-17	email	No comments on Draft Report	NONE
USACE	Dennis Shannon, MKARNS Operations Manager	28-Apr-17	email	Construct relief channel with materials that will not erode	Thanked him for comment- forwarded to Design Engineering
TRIBES					
Mississippi Band of Choctaw Indians	Kenneth Carleton, THPO	13-Oct-17	email	no comment until archaeological survey completed; Wishes to be consulted at that time.	Email response advising USACE will contact them if anything is found.
Shawnee Tribe	Tonya Tipton, THPO	12-Oct-17	email	Concurs no known historic properties impacted; Would like notification if archaeological materials are discovered.	Email response advising USACE will consult after survey/report is completed.
Jena Band of Choctaw Indians	Alina Shively, THPO	24-Aug-17	email	Defer to the Quapaw Tribe of Oklahoma for consultation.	NONE
Coushatta Tribe	Linda Langley, PhD, THPO	10-Oct-17	email	Reviewed Draft Report, does not wish to consult further on project.	NONE
Caddo Nation	Phil Cross; THPO	22-Aug-17	email	Outside area of interest. Does not wish to participate.	NONE
United Keetoowah Band of Cherokee Indians in Oklahoma	Eric Oosahwee-Voss	22-Aug-17	email	Wish to be consulting party on PA	Consulted with Tribe on PA
Choctaw Nation of Oklahoma	Lindsey Bilyeu, Senior Compliance Officer	7-Aug-17	email	Requests cultural surveys be performed; stop work and contact them if Native American artifacts or human remains are encountered.	Cultural Resources Survey included as task agreed to in PA
Cherokee Nation	Elizabeth Toombs, THPO	31-Jul-17	email	Cherokee Nation concurs with the United States Army Corps of Engineers (USACE) that a cultural resources survey should be conducted for this project, and is requesting a copy of the survey along with any comments from the State Historic Preservation Office upon completion.	Cultural Resources Survey included as task agreed to in PA
Quapaw Tribe of Oklahoma	Evertt Bandy, THPO	11-Jul-17	email	The Proposed Three Rivers Project will occur in the heart of the Quapaw Tribe's traditional territory. The area is highly significant to the Quapaw Tribe. The general area is known to contain numerous archeological sites, many of which have been affiliated with the Quapaw Tribe through archeological research and/or affiliation through NAGPRA repatriation. The area in question was also ceded in treaty to the United States by the Quapaw Tribe, and the historical connection of the Quapaw Tribe is well established in written documents, historical accounts, and published research. The Quapaw Tribe requests that the USACE incorporate the strongly established information regarding the Quapaw Tribe's connection to this area into all CRS reports and relevant documents for this project as we continue to consult on this project and move forward together.	Quapaw Tribe included as signatory to PA; will continue to consult as study progresses.
PUBLIC					
Jim Moldovan	Jim Moldovan, Director of Business Development	5-May-17	email	Questioned when project might advertise; interested in bidding.	Email response: still in feasibility phase - can let him know when it will advertise if he would like. No further response from individual.
Pine Bluff Sand and Gravel	Phyllis Harden	5-May-17	email	Requested Cost Analysis for Three Rivers Study	emailed copy of Appendix F