

The Department of Arkansas Heritage

March 1, 2010

Ms. Kim Fuller

Arkansas Dept. of Environmental Quality

5301 Northshore Drive

North Little Rock, Arkansas 72118-5317

Mike Beebe Governor

Cathie Matthews Director RE: Pulaski County - North Little Rock

Section 106 Review - EPA

NPDES Permit No. AR0051454; Caterpillar, Inc., North American

Motor Grader Facility

AHPP Tracking No: 71086

Arkansas Arts Council

Arkansas Natural Heritage Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars Cultural Center

Old State House Museum



Arkansas Historic Preservation Program

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Dear Ms. Fuller:

My staff has reviewed a management summary of a field visit to archeological site 3PU28 by investigators from URS Corporation in connection with the above-referenced undertaking. Their work at the site clearly documents that 3PU28 has been effectively destroyed and, therefore, not eligible for inclusion in the National Register of Historic Places (NRHP). Whether that destruction resulted from recent construction conducted by Caterpillar, Inc. or is the culmination of a series of construction episodes cannot be known at this point.

While the issuance of a permit prior to completion of the Section 106 Process may constitute a foreclosure on the opportunity of the Advisory Council on Historic Preservation (ACHP) to comment (36 CFR Part 800.9(b)), there is no indication that Caterpillar was aware of this. Nor does this event constitute anticipatory demolition (36 CFR Part 800.9(c)), given Caterpillar's quick action to halt construction once they were notified of the need to investigate the site.

Therefore, we have no objection to this undertaking and find that this work should be allowed to proceed. A draft report of the fieldwork that meets current guidelines for archeological fieldwork and report writing in Arkansas should be submitted for review within six months.

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

Sincerely,

Frances McSwain

Deputy State Historic Preservation Officer

Jeorge M: Chasy

cc: Dr. Ann M. Early, Arkansas Archeological Survey

Ms. Christa Haag, URS Corporation

Ms. Katina L. Stephens, Caterpillar, Inc.

Ms. Carrie V. Wilson, Quapaw Tribe of Oklahoma

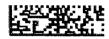


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