



United States
Department of
Agriculture

June 13, 2013

Farm and
Foreign
Agricultural
Services

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Farm
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Little Rock, Arkansas
72201-3225

Subject: USDA Farm Service Agency Loan for C & H Hog Farms, Inc. Project
Near Mount Judea in Newton County, Arkansas
File No. 1213-1162AR-4

Thank you for your letter of May 30, 2013, regarding C & H Hog Farms, Inc. which is located near Mount Judea, Newton County, Arkansas.

First of all, let me apologize to you and the Osage Nation for not having previously consulted with you regarding the project. The Osage Nation has no tribal land in Newton County, Arkansas, and FSA was unaware that it had legal interest in the area of construction. I can assure you that both myself and the Agency share in your interest in protecting the historical, cultural and religious properties of the Osage Nation.

This letter is written in order to advise you as to the procedural history of the C & H Hog Farms Project and to consult with you regarding whether or not the project actually affects ancestral lands or properties of religious or cultural significance to the Osage Nation. Toward that end, FSA is providing you with the following items: (1) Procedural History on C & H Hog Farms, Inc. and the FSA Class II Environmental Assessment; (2) Site Location Maps 1 — 3; (3) C & H Hog Farms, Inc. Class II Environmental Assessment and Supporting Documentation (Tabs A — R), which includes the Application and Nutrient Management Plan (Tab B), ADEQ CAFO Permit (Tab D), FONSI (Tab Q), and Environment Assessment "Executive Summary" (Tab R).

The Arkansas State Historic Preservation Officer was first contacted with regard to the C & H Hog Farms project on July 10, 2012 and responded on July 17, 2012 stating, "*No known historic properties will be affected by this undertaking.*" SHPO reaffirmed that finding on April 11, 2013. (Attachments 1 and 2).



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On May 8, 2013, the SHPO wrote to FSA inquiring as to the nature, scope and size of the proposed C & H Hog Farms, Inc. project as it pertained to not only construction, but also with regard to the spreading area encompassed. FSA responded to the SHPO by letter dated May 16, 2013 advising SHPO again that the construction area only encompassed twenty-three (23) acres and the facilities and holding ponds were constructed on 8.2 acres of land with the 23 acres and spreading would have no effect on historic properties. (Attachments 3 and 4).

On May 22, 2013, Arkansas SHPO issued an administrative determination that the manure spreading area of 622.5 acres is part of the Area of Potential Effect (APE") for the project and noted that two (2) prehistoric Native American sites had been identified on the State Historical Preservation office (Sites 3NW231 and 3NW232) that might be affected as part of the spreading area and requested that FSA concur in its recommendation for protection of these sites. The issue with regard to these two site was resolved in subsequent discussions with Mr. George McCluskey of the SHPO Office when it was determined by SHPO that the two sites were actually further South of the application fields and completely outside the area of potential effects ("APE"). The two sites are, thus, avoided and protected from application and will not be impacted by the C & H Hog Farm operation. FSA advised SHPO of this by letter dated June 5, 2013 and concurred with SHPO's recommendations or comments for protection of identified sites. (Attachments 5 and 6).

A cultural assessment or "*cultural reconnaissance survey*" is required if there is a known site either within or near the Area of Potential Effect ("APE") of the project, the 23 acres, or if the APE has a high potential to contain a historic property, i.e., "*archeology site.*" In the instance of C & H Hog Farms, Inc., no Native American archeological sites have been identified by SHPO as existing within the project site or the 622.5 acre spreading area. SHPO has advised FSA on three different occasions that no known historical properties will be affected by the undertaking. Therefore, no cultural reconnaissance survey is required or will be performed.

Although not raised as an issue in your letter, I have also enclosed herewith a copy of my March 29, 2012 letter to Superintendent, Kevin G. Cheri, National Park

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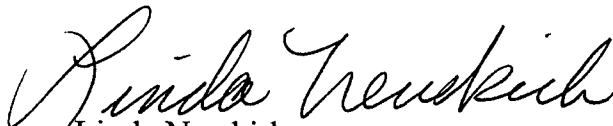
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Service, U.S. Department of Interior, which addresses many of the issues previously raised with regard to this project. I think it will answer many of your questions, as well.

Please review this information and notify us of any constraints or concerns that you may have regarding this undertaking. We would greatly appreciate your input regarding not only this project, but also sites or properties in the immediate area that might be of cultural or religious significance to the Tribe. If you have any questions or need additional information, please contact me at (501) 301-3000.

Sincerely yours,



Linda Newkirk

State Executive Director

Arkansas State Farm Service Agency

cc: Greg Diephouse, Deputy Administrator
For Field Operations, Farm Service Agency, USDA
Bennett Horter, Federal Preservation Officer
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Virginia Laverty, County Executive Director
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Michael Reynolds, Regional Director
National Park Service
Martha Miller, Arkansas State Historic Preservation Officer
~~Teresa Marks, Director, ADEQ~~
Dan Benton, Farm Credit Services of Western Arkansas
Kevin G. Cheri, Superintendent, Buffalo National River
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