

**APPENDIX E**  
**SECTION 4(F) EVALUATION**

U.S. Department of Transportation  
Federal Aviation Administration

**DRAFT**  
**DOT Section 303(c)(Section 4(f))**  
**Evaluation**

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**Very High Frequency Omni-Directional Radio Range Tactical Air  
Navigation Aid Project**

**Little Rock, Arkansas**

**This Department of Transportation Section 303 (c) (Section  
4(f) Evaluation) is submitted for review pursuant to the  
following public law requirements: Section 102(2)(c) of the  
National Environmental Policy act of 1969; 23 U.S.C. § 138, 49  
U.S.C. § 303 and Section 106 of the National Historic  
Preservation Act of 1966**

**May 2022**

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**Date of Approval**

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**FAA**

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**Title**

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## **1.0 Introduction**

This Draft DOT Section 303(c)(Section 4(f)) Evaluation was prepared as an appendix to the Environmental Assessment (EA) and includes the regulatory context, descriptions of the proposed project and its purpose and need, determination of Section 4(f) applicability, Section 4(f) property and use, measures taken to minimize harm, alternatives analysis, mitigation of impacts, and coordination with Officials with jurisdiction of DOT Section 4(f) lands regarding potential effects of the proposed project.

### **1.1 Background**

An existing Very High Frequency Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC) is located in Pulaski County, near Little Rock, Arkansas (see **Figure 1**). The existing VORTAC was established in 1946 and is located on approximately 52.6 acres on land owned by the Federal Aviation Administration (FAA) and surrounded by Little Rock Port Authority (LRPA) development property. The VORTAC is a conventional VOR (CVOR) and is a part of the Minimum Operating Network (MON). The MON provides a conventional navigational backup system coverage to the contiguous United States in the event of the loss of Global Positioning System (GPS) signal to aircraft. The FAA Central Service Area Flight Procedures Team indicated that this VORTAC supports flight procedures to approximately fifty-five airports including the Little Rock Air Force Base (LRAFB).

The Clinton National Airport (LIT), located in Little Rock, Arkansas, averaged 2.2 million commercial flight passengers in 2019. There are dozens of daily departures with nonstop service to 14 destinations. Currently, the airport is being serviced by six commercial carriers. Various private and commercial service aircraft also use the airport. The current LIT VORTAC is a radio aid to navigation that provides in-flight heading and bearing information via Very High Frequency (VHF) transmission. The FAA is retaining this limited network of VORs to provide basic conventional radio navigation services for aircraft not having GPS equipment or for use as a backup navigation system to aircraft in case the GPS system were to become unavailable. The FAA Central Service Area Flight Procedures Team indicated that removal and relocation of the LIT VORTAC will require amendment of terminal and enroute Instrument Flight Procedures, impacting approximately 55 airports in the region including LIT.

The Tactical Air Navigation Aid (TACAN) part of the VORTAC is collocated at the site and provides Ultra-High Frequency (UHF) navigation support for military aircraft in the surrounding airspace. LRAFB directly utilizes this facility, and it is needed to support their operations within the airspace. The low altitude conventional airway structure provided by the LIT VORTAC assists in routing aircraft around Special Use Airspace in central Arkansas including the Shirley Military Operating Area (MOA) complex north of Little Rock and Restricted Areas 2403A and 2403B near the LRAFB. This structure would have to be amended or replaced if the LIT VORTAC is replaced and or relocated.

The FAA received a formal request from the LRPA to initiate the process of removing the VORTAC from the FAA owned land that is surrounded by land that the port has identified as a prime location for multiple large industries or a supersite. The definition of a “super site” varies but is generally considered a site with more than 500 contiguous developable acres with readily accessible infrastructure such as major roads, rail, and port facilities, as well as necessary utilities to support a large industrial development. There are currently no planned developments for this site.

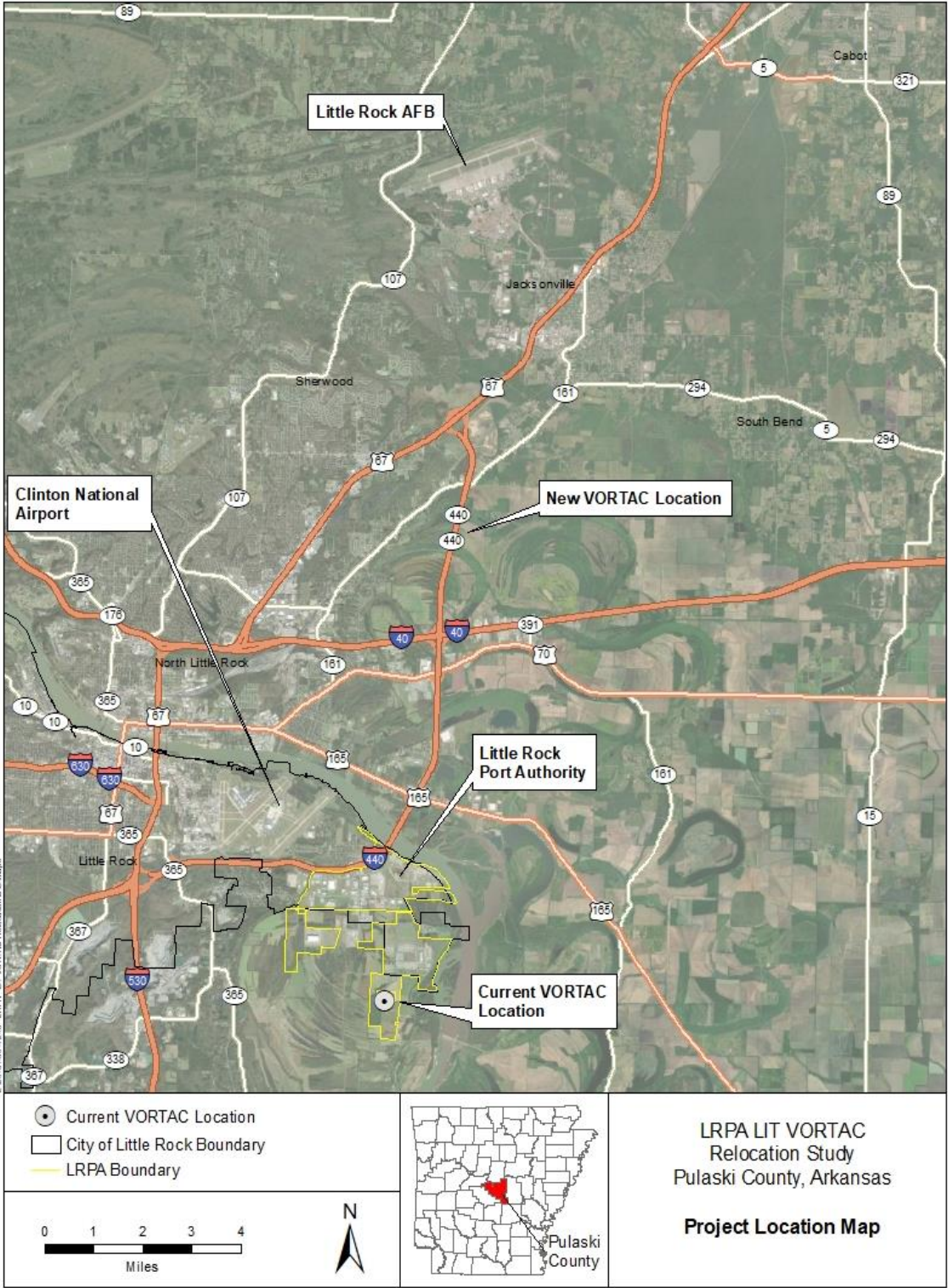


Figure 1: Project Location Map

## **1.2 Regulatory Context**

Section 4(f) established under the Department of Transportation Act of 1966 (49 USC 303, 23 USC 138) is part of a law that was passed to protect public parks, recreation areas, wildlife/waterfowl refuges, and important historic sites from being harmfully affected by federally funded transportation projects.

Programs or projects requiring the use of Section 4(f) lands will not be approved by the FAA unless:

- There are no prudent and feasible alternatives to the property's use and
- The project includes all possible planning to minimize harm; or
- After avoidance, minimization, and mitigation will result in a *de minimis* impact to the property.

A "use" of a Section 4(f) property occurs when:

- Land is permanently incorporated into a transportation project.
- There is temporary occupancy of land that is adverse in terms of the statute's preservation purpose.
- There is a constructive use of the property.
- The attributes of the property are substantially impaired.

When historic properties are involved, the FAA determines Section 4(f) compliance and whether a use will occur and whether a *de minimis* determination can be made for historic properties. A *de minimis* finding can only be made for impacts to a historic property when the following criteria is met:

- The Section 106 process results in a "no adverse effect" or "no historic properties affected" from the State Historic Preservation Officer (SHPO).
- The SHPO is informed of the *de minimis* impact determination by FAA based on Section 106 concurrence.
- FAA has considered views of consulting parties.

For more significant impacts to historic properties that are not considered *de minimis*, avoidance alternatives are required to be evaluated to provide justification and prove there are no feasible and prudent alternatives to use the Section 4(f) property. Avoidance and minimization are required before the use of the property is approved and the project must address all possible planning to minimize harm to the resource.

DOT Section 4(f) lands are defined as "any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or land from an historic site of national, state, or local significance." No public parks, recreation areas, wildlife, or waterfowl refuges were identified within the project area. Due to the nature of this project, the primary focus was upon historic site.

## **1.3 Section 4(f) Applicability to the Proposed Action**

This evaluation addresses one historic site that was identified as a Section 4(f) property:

- The current VORTAC building is eligible for listing in the National Register of Historic Places (NRHP).

An Architectural Resource Survey (ARS) was completed for the current VORTAC site in April 2020. That report recommended the Little Rock VORTAC building eligible for listing in the NRHP per the integrity aspects and criteria found in 36 CFR § 60.4 under **Criterion A** for its strong association with the advent of civilian aircraft navigation system in Arkansas. The SHPO concurred with this recommendation and that correspondence, and the ARS can be found in **Appendix A**. No other historic or archaeological sites are located within the project area.

**Criterion A:** Properties that are associated with events that have made a significant contribution to the broad patterns of our history.

## 2.0 Purpose and Need

Council on Environmental Quality (CEQ) Regulations implementing the National Environmental Policy Act (NEPA) require that a NEPA document specify the underlying purpose and need to which an agency is responding in proposing alternatives (40 C.F.R. 1502.13).

### 2.1 Need

The LRPA plans to redevelop the current VORTAC site as well as the adjacent properties. This proposed redevelopment by LRPA would be incompatible with the current VORTAC location due to FAA operating requirements.

### 2.2 Purpose

The purpose of the proposed action is to remove the existing VORTAC facility, relocate it to a site that is operationally compatible with FAA siting criteria and construct a new VORTAC facility. The LRPA has formally requested assistance from the FAA to initiate the planning process to remove and relocate the existing VOR.

## 3.0 Description of Section 4(f) Property

The ARS identified one historical property:

- The VORTAC building (**Figures 2 and 3**) is eligible for listing on the NRHP as per the integrity aspects and criteria found in 36 CFR 60.4 under Criterion A for its strong association with the advent of civilian aircraft navigation system in Arkansas. Moreover, the building reflects usage of the navigation system in the state.



Figure 2: Current VORTAC Location Map





Figure 3: VORTAC Building

#### 4.0 Proposed Project Use of Section 4(f) Property

The project proposes to permanently remove the NRHP-eligible structure to accommodate future economic development by the LRPA. This action has an “adverse effect” to the historic structure as described in 36 CFR 800.5(a)(2)(i) of the regulations implementing Section 106 of the National Historic Preservation Act due to the change in character of the property’s use and the transfer of the Little Rock VORTAC building out of Federal ownership. This adverse effect constitutes a “use” of the Section 4(f) property, beyond the *de minimis* use as described above.

#### 5.0 Alternatives Analysis

##### 5.1 Alternatives

This section describes the methodology used for determining impacts to Section 4(f) resources and provides details on the alternatives considered including potential impacts.

The purpose of the project is to relocate the VORTAC so that the property can be developed by the LRPA. The property the VORTAC is located on is not eligible for listing on the NRHP, just the structure.

The alternatives identified in this section include the Proposed Action and those that avoid the use of all Section 4(f) properties. These alternatives, which are listed in **Table 1**, were evaluated to determine if they would meet feasible and prudent guidelines.

- Feasibility refers to whether or not the alternative can be built as a matter of sound engineering judgement.
- An alternative would not be considered prudent if it:
  - Compromises the project to a degree that it is unreasonable if it does not meet the purpose and need for the project.
  - Results in unacceptable safety or operational problems.
  - After reasonable mitigation is considered, severe social, economic, or environmental impacts; or severe impacts to environmental resources protected under other Federal Statutes.
  - Results in additional construction, maintenance, or operational costs of extraordinary magnitude.
  - Causes other unique problems or unusual factors; or
  - Involves multiple factors as outlined above that, while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

**Alternative 1** – Leave the VORTAC building in place after decommissioning and property transfer.

This alternative consists of removing sensitive materials from the interior and exterior of the site including the antennas. The access to the building would be closed with fencing to address potential security concerns created by this alternative. The site lies approximately three-tenths of a mile from the closest public roadway (Frazier Road) and access to the VORTAC building would not be provided due to security concerns.

The FAA would convey the property to the LRPA. As a historic site, the building would need to be maintained in perpetuity and not allowed to deteriorate. The LRPA would be responsible to ensure that the site is not neglected and for the cost of maintenance and security of the facility in perpetuity.

This alternative is not considered prudent and feasible for the following reasons:

1. This Alternative would be prohibitive and inconsistent with the mission of the LRPA to develop the site. The VORTAC building would be located in the middle of lands that the LRPA plan to develop for industrial use due to the prime location with nearby railroad, highway, and port facilities. Preserving the VORTAC building in place would impact the ability to develop the property surrounding the VORTAC building and therefor have a negative economic impact by limiting development.

2. The VORTAC building was determined eligible for listing under Criterion A because of its association with events that have made a significant contribution to the broad patterns of history. It was not eligible under **Criterion C** which would indicate that the building itself is significant for its architecture or design. Consequently, preserving the VORTAC building in place does not contribute to historic context. The documentation of the site and its history is the most important historical resource the prudent solution to preserving the history and contribution of the VORTAC to Arkansas's aviation history.

**Criterion C:** Properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Therefore, Alternative 1 would not meet the purpose and need of the project.

**Alternative 2** – No Action Alternative

Selection of the No Action Alternative would avoid impacts to this resource by continuing to utilize the current VORTAC site for aviation and not requiring it to be demolished and not relocating the VORTAC to another site. Siting criteria associated with the performance of the VORTAC restricts most development within the vicinity due to potential clear zone violations, this is the primary need for the request to relocate the VORTAC.

The No Action Alternative is not considered feasible because clear zone violations would limit surrounding development and not prudent because it would severely limit the economic opportunities important to the LRPA, the City of Little Rock, and Pulaski County.

Therefore, Alternative 2 would not meet the purpose and need of the project.

**Proposed Action** – This Alternative requires the removal of the VORTAC building.

The Proposed Action is the Preferred Alternative identified through the Environmental Assessment process. The Preferred Alternative includes the removal of the original VORTAC equipment and the demolition of the existing VORTAC building at the current site and the installation of new VORTAC equipment and facilities at the Davidson Site. The current and proposed VORTAC sites are shown in **Figure 1**. The current VORTAC will remain in place until the new VORTAC is fully operational.

The Proposed Action has an adverse effect on the historic resource but does meet the purpose and need for the project. A Memorandum of Agreement (MOA) has been developed with a work plan to document the building and its full history and contribution to aviation in Arkansas to mitigate the adverse effect (See **Appendix B**).

Table 1 – Section 4(f) Alternatives Analysis Summary

Section 4(f) Alternatives Considered			
Criteria	Alternative 1	No-Action Alternative	Proposed Action
Alternative constructed with sound engineering practice?	Yes	No	Yes
Satisfies purpose and need?	No	No	Yes
Results in impacts of extraordinary magnitude?	No	No	Yes
Prudent and feasible?	No – Does not meet the Purpose and Need	No – Does not meet the Purpose and Need	Yes

## 6.0 Mitigation

As previously described, several alternatives were evaluated that considered avoidance and minimization of effects for the current VORTAC building. Complete avoidance would not achieve the purpose and need for the project; therefore, mitigation measures for impacts to the VORTAC building have been developed during the Section 106 consultation process and included in the MOA prepared for this project. Proposed mitigation as outlined in the MOA is included below. The approved MOA will be transmitted to FAA to be executed prior to the Section 4(f) being approved, and all the signatories except FAA have signed. The following is the mitigation measures as described in the referenced MOA:

***An Architectural Resources Survey, paid for by LRPA, shall be conducted at the Little Rock VORTAC building that includes both physical descriptions and photographs, and a history of the structure including the structure’s significance to the City of Little Rock and aviation. The report will be submitted to SHPO to mitigate the adverse effects on the historic property. Additionally, a webpage will be maintained by the LRPA with the written history of the VORTAC building and description of the structure’s significance.***

## 7.0 Consultation and Coordination

FAA has led coordination with SHPO and LRPA and is the lead federal agency responsible for decision making regarding Section 4(f) designation and uses. The FAA is providing the Department of Interior (DOI) opportunity to review. The Draft 4(f) will be made available to the public during the public involvement process associated with the EA.

FAA notified federally recognized Tribes of the project. The Choctaw Nation of Oklahoma was the only Tribe to respond and requested a copy of the cultural resource report, the federal determination of effect, and topographic maps of the project area. No further comments have been received from the Choctaw Nation.

The Draft Section 4(f) Evaluation was made available for review and comment for 45 days on the xx website starting on XX, 2022 as part of the joint EA and 4(f) public outreach. Additionally, a hard copy of EA and 4(f) Evaluation were made available at the LRPA office and the Bill and Hillary Clinton National Airport. Comments received included .....and a synopsis of the public hearing is provided in Appendix C of the EA.

## **8.0 Conclusion**

After careful and thorough consideration, the FAA determined that there are no feasible and prudent alternatives to the use of Section 4(f) resources. As described above, other alternatives considered would fail to meet the purpose and need for the project.

Alternative 1 would be prohibitive and inconsistent with the mission of the LRPA to develop the site. The protected VORTAC building could impact the ability to develop the property surrounding the VORTAC building and therefor have a negative economic impact by limiting development as well as create financial and administrative hardships on the LRPA for maintenance and security of the historic site.

The No Action Alternative would be prohibitive and inconsistent with the mission of the LRPA to develop the site. Leaving the current VORTAC operating in the same location would prevent the LRPA from developing the lands surrounding the current VORTAC site. The economic opportunities important to the LRPA, the City of Little Rock, and Pulaski County would not be possible in this prime intermodal location and have a negative economic impact on the region.

The proposed action was found to have an adverse effect under Section 106 on the Little Rock VORTAC building due to the direct effects of removing the property from Federal ownership and the removal/demolition of the building, therefore using a historic site under Section 4(f).

Based on the information evaluated in this document, it has been determined that there are no feasible and prudent alternatives to the use of the VORTAC building. A Section 106 MOA has been developed, where FAA, SHPO, and LRPA have consulted regarding mitigation measures to the historic site. The MOA has been executed and signed. All possible planning to minimize harm are being incorporated into the project in accordance with Section 4(f) requirements.

**APPENDIX A**  
**SHPO COORDINATION**



Asa Hutchinson  
Governor  
Stacy Hurst  
Secretary

September 11, 2020

Mr. Bill McAbee  
Environmental Project Manager  
Garver  
4701 Northshore Drive  
North Little Rock, AR 72118

Re: Pulaski County – North Little Rock  
Section 106 Review – FAA  
Cultural Resources Report – *An Architectural Resource Survey of the Little Rock VORTAC Building in Pulaski County, Arkansas*  
An Addendum to – *A Cultural Resources Survey for the LRPA VORTAC Relocation Study Project in Pulaski County, Arkansas* (F.E.A. Project Report 2019-121)  
Proposed Undertaking – Little Rock Port Authority (LRPA) Very High Frequency Omni-Directional Range Tactical Air Navigation System (VORTAC) Relocation Study  
F.E.A. Project Report 2020-25  
AHPP Tracking Number 104775.03

Dear Mr. McAbee:

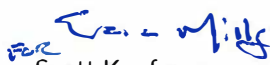
The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the above-referenced cultural resources report by Flat Earth Archeology, LLC regarding the National Register of Historic Places (NRHP) evaluation of the Very High Frequency Omnidirectional Range/Tactical Aircraft Control (VORTAC) building in Section 34 of Township 1 North, Range 11 West in Pulaski County, Arkansas.

Based on the provided information, the AHPP concurs that the Little Rock VORTAC building is eligible for inclusion in the NRHP under Criterion A for its association with the advent of civilian aircraft navigation in Arkansas. We recommend completion of an Arkansas Architectural Resources Form and submission to the AHPP for assignment of a resource number and entry into the statewide database. If the proposed federal undertaking will adversely affect the VORTAC Building, the FAA should develop a plan for mitigating the effects. The AHPP is available to assist in that effort.

Tribes that have expressed an interest in the area include the Caddo Nation, the Cherokee Nation, the Choctaw Nation of Oklahoma, the Jena Band of Choctaw Indians, the Muscogee (Creek) Nation, the Osage Nation, the Quapaw Nation, and the Shawnee Tribe. We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this undertaking and cultural resources report. If you have any questions, please contact Eric Mills at (501) 324-9784 or [eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov). Please refer to the AHPP Tracking Number above in any correspondence.

Sincerely,

  
Scott Kaufman  
Director, AHPP

cc: Dr. George Sabo III, Arkansas Archeological Survey

**From:** [Martino, Alec \(FAA\)](#)  
**To:** [McAbee, William C.](#)  
**Subject:** 4f 106 FAA correspondence  
**Date:** Tuesday, April 26, 2022 3:02:07 PM  
**Attachments:** [image001.png](#)

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Hi Bill,

Please include this email between myself and the SHPO in the 4f appendices.

*Alec L. Martino*

Alec L. Martino EIT  
Environmental Engineer  
AJW-2C15H Infrastructure EOSH  
2300 East Devon Ave. Des Plaines, IL  
847-294-8037 – Work  
224-325-9421 - Cell

---

**From:** e106 <[e106@achp.gov](mailto:e106@achp.gov)>  
**Sent:** Friday, April 23, 2021 8:38 AM  
**To:** Martino, Alec (FAA) <[Alec.Martino@faa.gov](mailto:Alec.Martino@faa.gov)>  
**Subject:** RE: [External] FW: Question about the VORTAC structure in Little Rock (airport)

The ACHP has received your submission to [e106@achp.gov](mailto:e106@achp.gov). If your submission is to:

- notify the ACHP of a finding that an undertaking may adversely affect historic properties, and/or
- invite the ACHP to participate in a section 106 consultation, and/or
- propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings,

and you are enclosing the completed e106 form, this is your official dated receipt of your submission (in accordance with 36 CFR Part 800.6(1)). The ACHP has 15 working days to determine if it will participate in consultation to resolve adverse effects to historic properties.

If the ACHP does not participate in consultation, the agency will still need to file the final agreement document and related documentation with the ACHP at the conclusion of the consultation process. This filing is required in order for the agency to complete its compliance responsibilities under Section 106 of the National Historic Preservation Act.

Please note that the [e106@achp.gov](mailto:e106@achp.gov) address is intended solely for the submission of documentation and official notifications to the ACHP regarding new/ongoing consultations and existing agreement



documents. This address is not intended for case specific communication, correspondence, or scheduling. Such communications should be directed to the assigned ACHP staff member using their ACHP email address.

---

**From:** Martino, Alec (FAA) [<mailto:Alec.Martino@faa.gov>]  
**Sent:** Wednesday, April 21, 2021 3:20 PM  
**To:** [Eric.mills@arkansas.gov](mailto:Eric.mills@arkansas.gov); e106  
**Cc:** McAbee, William C.; Price, Laura E (FAA); Butler, Gail (FAA); [chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com); Hightower, Grant (FAA)  
**Subject:** [External] FW: Question about the VORTAC structure in Little Rock (airport)

Good Morning Eric,

I am working with Chris on the VORTAC project and would like to formally submit this application for the FAA. I have attached the e106 form as well as the MOA, and the architectural study for the mitigation plan for the removal of the VORTAC facility. Please let me know if this is the proper means of submittal or if you need anything else from my end.

Thank you,

*Alec L. Martino*

Alec L. Martino EIT  
Environmental Engineer  
AJW-2C15H Infrastructure EOSH  
2300 East Devon Ave. Des Plaines, IL  
847-294-8037 – Work  
224-325-9421 - Cell

---

**From:** McAbee, William C. <[WCMcAbee@GarverUSA.com](mailto:WCMcAbee@GarverUSA.com)>  
**Sent:** Tuesday, April 20, 2021 4:16 PM  
**To:** Martino, Alec (FAA) <[Alec.Martino@faa.gov](mailto:Alec.Martino@faa.gov)>  
**Subject:** FW: Question about the VORTAC structure in Little Rock (airport)

FYI – email with SHPO

**Bill McAbee**  
Garver  
501-537-3259

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**From:** Chris Branam <[chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com)>  
**Sent:** Tuesday, April 20, 2021 3:43 PM  
**To:** McAbee, William C. <[WCMcAbee@GarverUSA.com](mailto:WCMcAbee@GarverUSA.com)>  
**Subject:** Fwd: Question about the VORTAC structure in Little Rock (airport)

**Chris M. Branam, RPA**  
Flat Earth Archeology, LLC  
117 Financial Drive  
Cabot, AR 72023  
(501) 286-7124 - office  
(501) 593-0609 - cell

----- Forwarded message -----

From: **Eric Mills** <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>  
Date: Thu, Nov 12, 2020 at 11:02 AM  
Subject: RE: Question about the VORTAC structure in Little Rock (airport)  
To: Chris Branam <[chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com)>

Hey Chris:

The FAA will need to draft an MOA and notify the ACHP of the adverse effect. I will have to look at this again. I can't recall if we had an adverse effect finding yet. If not, Garver can submit a letter to the AHPP noting the intent to demolish and the adverse effect. We will concur and recommend an MOA and a conference to discuss mitigation options. You are correct, the AARF and photographic documentation will be a recommended part of the mitigation. I am a fan of online documentation these days. For example, we are in consultation with a USACE district to add a page to their website regarding an eligible flood wall that is slated for demolition. Perhaps the airport would consider adding a history page. There are other options of course, but I like the longevity, flexibility, access, and low cost of online/web mitigation.

As you know, the ACHP has an MOA template and e106 portal for submission of the adverse effect notification and MOA. The ACHP will likely decline to participate and then all the proponent has to do is provide the Council with a fully executed copy.

I am heading into the office in a few minutes. Give me a call this afternoon if you want to discuss anything else.

Eric

**ERIC R. MILLS**

Archeologist/Section 106 Manager

Division of Arkansas Heritage  
1100 North Street  
Little Rock, AR 72201  
[eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov)  
p: 501.324.9784 | f: 501.324.9184

[ArkansasHeritage.com](http://ArkansasHeritage.com)



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**From:** Chris Branam <[chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com)>  
**Sent:** Wednesday, November 11, 2020 11:10 AM  
**To:** Eric Mills <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>  
**Subject:** Question about the VORTAC structure in Little Rock (airport)

Eric,

A few months ago Devin completed an architectural survey for this old VORTAC structure for Garver and the LR Airport. We recommended it as eligible for the NRHP.

They want to move forward with demolishing it, so they want a SOW for mitigation measures. I'm assuming completing an ARF is the minimum mitigation. Is there anything else they would need to do in your opinion? Also, would they need an MOU or MOA before beginning the work?

Thanks,

**Chris M. Branam, RPA**  
Flat Earth Archeology, LLC  
117 Financial Drive  
Cabot, AR 72023  
(501) 286-7124 - office  
(501) 593-0609 - cell

**From:** [McAbee, William C.](#)  
**To:** [McAbee, William C.](#)  
**Subject:** FW: 4f 106 correspondance  
**Date:** Tuesday, April 26, 2022 3:16:04 PM  
**Attachments:** [image002.png](#)  
[106.pdf](#)

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**From:** Eric Mills <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>  
**Sent:** Wednesday, April 21, 2021 2:36 PM  
**To:** Martino, Alec (FAA) <[Alec.Martino@faa.gov](mailto:Alec.Martino@faa.gov)>  
**Cc:** McAbee, William C. <[WCMcAbee@GarverUSA.com](mailto:WCMcAbee@GarverUSA.com)>; Price, Laura E (FAA) <[Laura.E.Price@faa.gov](mailto:Laura.E.Price@faa.gov)>; Butler, Gail (FAA) <[gail.butler@faa.gov](mailto:gail.butler@faa.gov)>; [chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com); Hightower, Grant (FAA) <[Grant.Hightower@faa.gov](mailto:Grant.Hightower@faa.gov)>  
**Subject:** RE: Question about the VORTAC structure in Little Rock (airport)

Hello Mr. Martino:

Thank you for the submission. One thing I noticed is that you have me on the signature page for the Arkansas State Historic Preservation Officer. That will need to change. Please amend to: **Secretary Stacy Hurst, Arkansas State Historic Preservation Officer**. Also, I recommend formatting so that the signatories are on one page. Otherwise, I don't see any other issues after a quick review of the MOA. Looks good.

Please amend and submit to [section106@arkansas.gov](mailto:section106@arkansas.gov) for entry into our system. You will receive an automated response confirming receipt.

Thanks again, we will turn this around quickly.

Eric

**ERIC R. MILLS**

Archeologist / Section 106 Manager

Arkansas Historic Preservation Program

1100 North Street

Little Rock, AR 72201

[eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov)

p: 501.324.9784 | f: 501.324.9184

[ArkansasPreservation.com](http://ArkansasPreservation.com)



**From:** Martino, Alec (FAA) <[Alec.Martino@faa.gov](mailto:Alec.Martino@faa.gov)>  
**Sent:** Wednesday, April 21, 2021 2:20 PM  
**To:** Eric Mills <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>; [e106@achp.gov](mailto:e106@achp.gov)  
**Cc:** McAbee, William C. <[WCMcAbee@GarverUSA.com](mailto:WCMcAbee@GarverUSA.com)>; Price, Laura E (FAA) <[Laura.E.Price@faa.gov](mailto:Laura.E.Price@faa.gov)>; Butler, Gail (FAA) <[gail.butler@faa.gov](mailto:gail.butler@faa.gov)>; [chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com);  
Hightower, Grant (FAA) <[Grant.Hightower@faa.gov](mailto:Grant.Hightower@faa.gov)>  
**Subject:** FW: Question about the VORTAC structure in Little Rock (airport)

Good Morning Eric,

I am working with Chris on the VORTAC project and would like to formally submit this application for the FAA. I have attached the e106 form as well as the MOA, and the architectural study for the mitigation plan for the removal of the VORTAC facility. Please let me know if this is the proper means of submittal or if you need anything else from my end.

Thank you,

*Alec L. Martino*

Alec L. Martino EIT  
Environmental Engineer  
AJW-2C15H Infrastructure EOSH  
2300 East Devon Ave. Des Plaines, IL  
847-294-8037 – Work  
224-325-9421 - Cell

---

**From:** McAbee, William C. <[WCMcAbee@GarverUSA.com](mailto:WCMcAbee@GarverUSA.com)>  
**Sent:** Tuesday, April 20, 2021 4:16 PM  
**To:** Martino, Alec (FAA) <[Alec.Martino@faa.gov](mailto:Alec.Martino@faa.gov)>  
**Subject:** FW: Question about the VORTAC structure in Little Rock (airport)

FYI – email with SHPO

**Bill McAbee**  
Garver  
501-537-3259

---

**From:** Chris Branam <[chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com)>  
**Sent:** Tuesday, April 20, 2021 3:43 PM  
**To:** McAbee, William C. <[WCMcAbee@GarverUSA.com](mailto:WCMcAbee@GarverUSA.com)>  
**Subject:** Fwd: Question about the VORTAC structure in Little Rock (airport)

**Chris M. Branam, RPA**  
Flat Earth Archeology, LLC  
117 Financial Drive

Cabot, AR 72023  
(501) 286-7124 - office  
(501) 593-0609 - cell

----- Forwarded message -----

From: **Eric Mills** <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>

Date: Thu, Nov 12, 2020 at 11:02 AM

Subject: RE: Question about the VORTAC structure in Little Rock (airport)

To: Chris Branam <[chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com)>

Hey Chris:

The FAA will need to draft an MOA and notify the ACHP of the adverse effect. I will have to look at this again. I can't recall if we had an adverse effect finding yet. If not, Garver can submit a letter to the AHPP noting the intent to demolish and the adverse effect. We will concur and recommend an MOA and a conference to discuss mitigation options. You are correct, the AARF and photographic documentation will be a recommended part of the mitigation. I am a fan of online documentation these days. For example, we are in consultation with a USACE district to add a page to their website regarding an eligible flood wall that is slated for demolition. Perhaps the airport would consider adding a history page. There are other options of course, but I like the longevity, flexibility, access, and low cost of online/web mitigation.

As you know, the ACHP has an MOA template and e106 portal for submission of the adverse effect notification and MOA. The ACHP will likely decline to participate and then all the proponent has to do is provide the Council with a fully executed copy.

I am heading into the office in a few minutes. Give me a call this afternoon if you want to discuss anything else.

Eric

**ERIC R. MILLS**

Archeologist/Section 106 Manager

Division of Arkansas Heritage

1100 North Street

Little Rock, AR 72201

[eric.mills@arkansas.gov](mailto:eric.mills@arkansas.gov)

p: 501.324.9784 | f: 501.324.9184

[ArkansasHeritage.com](http://ArkansasHeritage.com)



---

**From:** Chris Branam <[chrisb@flateartharcheology.com](mailto:chrisb@flateartharcheology.com)>  
**Sent:** Wednesday, November 11, 2020 11:10 AM  
**To:** Eric Mills <[Eric.Mills@arkansas.gov](mailto:Eric.Mills@arkansas.gov)>  
**Subject:** Question about the VORTAC structure in Little Rock (airport)

Eric,

A few months ago Devin completed an architectural survey for this old VORTAC structure for Garver and the LR Airport. We recommended it as eligible for the NRHP.

They want to move forward with demolishing it, so they want a SOW for mitigation measures. I'm assuming completing an ARF is the minimum mitigation. Is there anything else they would need to do in your opinion? Also, would they need an MOU or MOA before beginning the work?

Thanks,

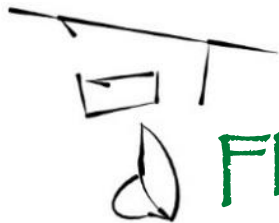
**Chris M. Branam, RPA**  
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117 Financial Drive  
Cabot, AR 72023  
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(501) 593-0609 - cell

ADDENDUM REPORT - NOT FOR PUBLIC RELEASE

**AN ARCHITECTURAL RESOURCE SURVEY OF  
THE LITTLE ROCK VORTAC BUILDING  
IN PULASKI COUNTY, ARKANSAS**

**AN ADDENDUM TO:**

**A CULTURAL RESOURCES SURVEY FOR THE  
LRPA VORTAC RELOCATION STUDY PROJECT  
IN PULASKI COUNTY, ARKANSAS  
(FEA Project Report 2019-121)**



**Flat Earth Archeology, LLC**

**F.E.A. PROJECT REPORT 2020-25**



NOT FOR PUBLIC RELEASE

**AN ARCHITECTURAL RESOURCE SURVEY OF  
THE LITTLE ROCK VORTAC BUILDING  
IN PULASKI COUNTY, ARKANSAS**

**AN ADDENDUM TO:**

**A CULTURAL RESOURCES SURVEY FOR THE  
LRPA VORTAC RELOCATION STUDY PROJECT  
IN PULASKI COUNTY, ARKANSAS  
(FEA Project Report 2019-121)**

April 2020

**Prepared by:**

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Cabot, AR 72023  
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**Authored by:**

Chris M. Branam, RPA, and Devin Sorrows, MA



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Chris Branam, RPA - Principal Investigator

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For:

Garver  
4701 Northshore Drive  
North Little Rock, AR 72118

F.E.A. PROJECT REPORT 2020-25 (ADDENDUM TO 2019-121)

## **ABSTRACT**

At the request of Garver, Flat Earth Archeology, LLC conducted an architectural resources survey of the Little Rock VORTAC building in Little Rock, Arkansas (Figures 1 through 3). The Universal Transverse Mercator (UTM) coordinate for the building is Zone 15S, 575071 meters (m)E, 3837605mN. The building is situated in the northwest quarter of Section 34 in Township 1 North, Range 11 West.

Based on the results of the survey, Flat Earth Archeology recommends the Little Rock VORTAC building eligible for nomination to the NRHP as per the integrity aspects and criteria found in 36 CFR 60.4 under Criterion A for its strong association with the advent of a civilian aircraft navigation system in Arkansas. Moreover, the building reflects an early technological usage of the navigation system in the state. The building does not appear to meet Criterion B or C as promulgated in 36 CFR 60.4.

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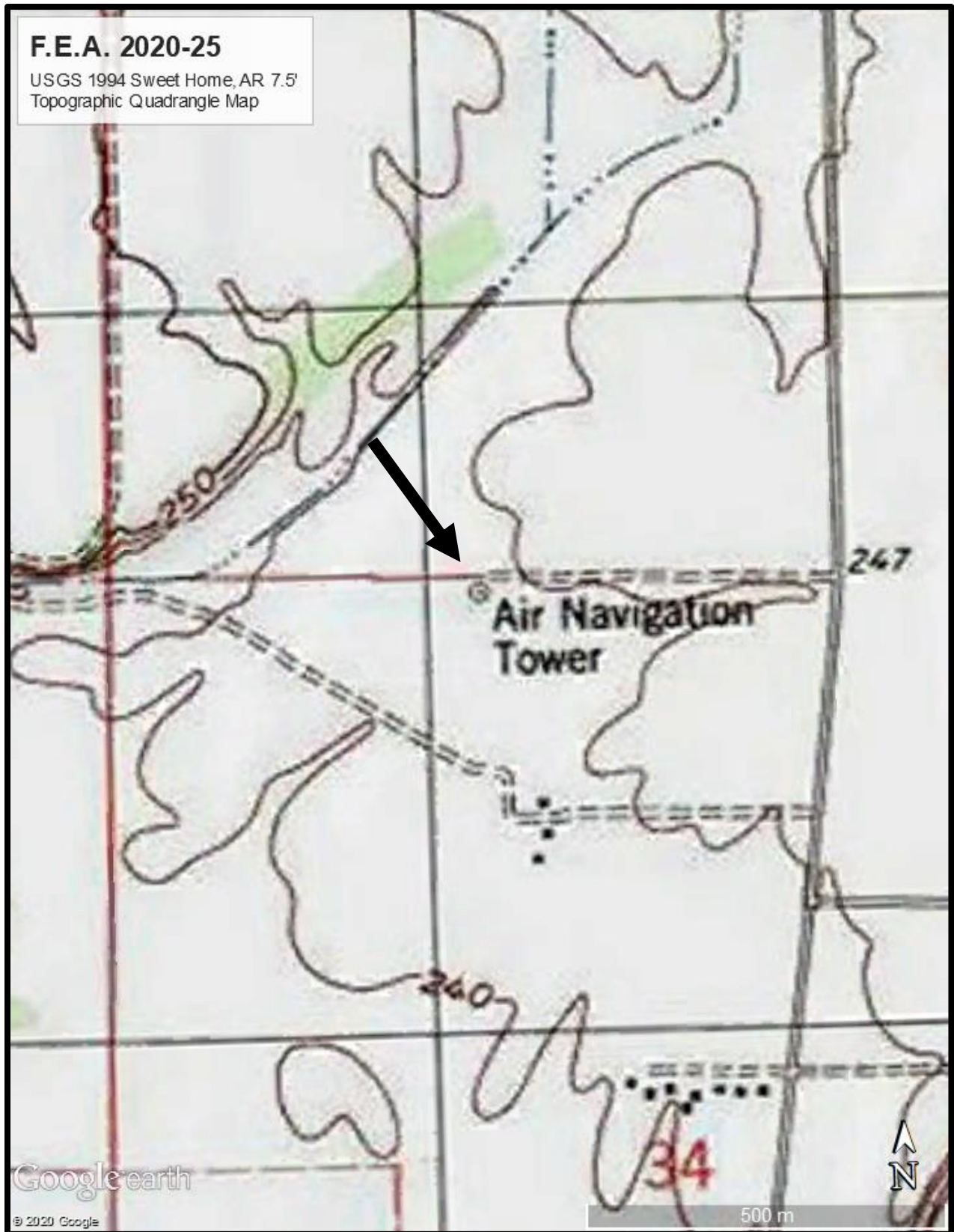


Figure 1. Little Rock VORTAC building detailed on 1994 United States Geological Survey (USGS) Sweet Home, AR 7.5' Quadrangle Map (500 m scale)



Figure 2. Little Rock VORTAC building detailed on 2018 Aerial Imagery (500 m scale)

F.E.A. 2020-25

2018 Aerial Imagery Map



Figure 3. Large-scale view of the Little Rock VORTAC building detailed on 2018 Aerial Imagery (500 m scale)

## ARCHITECTURAL DESCRIPTION

The Little Rock VORTAC building is located about 3.58 miles (mi) (5.77 kilometers [km]) to the southeast of the Bill and Hillary Clinton National Airport in Little Rock, Arkansas. The Little Rock VORTAC building consists of a single building with an antenna array situated within a level plain. The surrounding environment is characterized by agriculturally-dominated alluvial plains. The building is accessed from Frazier Pike via a gravel road. The access road approaches from the east then encircles the building, located on a square gravel covered site plot, extending roughly 90 feet (ft) x 90 ft (27.4 m x 27.4 m).

The Little Rock VORTAC is housed in a one-story square building, measuring roughly 37.9 ft x 37.9 ft (11.6 m x 11.6 m). The building rests on a concrete foundation and features an approximately 50 ft. diameter flat, round roof covered with eaves overhanging the façades of the building. The underside of the roof is covered in vinyl siding. The edge of the roof is covered with metal flashing. Rising from the center of the roof is an approximately white metal cone housing the VOR antenna. Attached around the perimeter of the roof are 16 monitor antennas spaced at even intervals. Each monitor antenna consists of a short, narrow pole supporting an arched box. The roof also serves as a counterpoise deck for grounding the radio and antenna equipment. Four narrow pipes extend under the roof and extend into the building on each façade.

The exterior of the building is clad in vinyl siding. The western façade exhibits two openings for single-leaf metal doors. Four large metal vent hoods and one small metal vent hood are situated on the western façade. A metal electrical box and proximal metal pipe are attached to the western façade, south of the single-leaf metal doors. A metal pipe extends from the western façade, proximal to two metal vent hoods and metal electrical box. Three large metal vent hoods and two electrical boxes are affixed to the southern façade. Two concrete block walls abut the southern façade. Metal cautionary signs adorn the southern and eastern exteriors of the concrete block walls. Enclosed within the concrete walls is a propane gas tank. The eastern façade exhibits one opening for a single-leaf metal door proximal to the building's southeastern corner. The northern half of the eastern façade exhibits a narrow metal pipe extending from the ground to the roof. One air conditioning unit is situated near the northeastern corner of the building. A rectangular vestige is situated on the eastern façade immediately below the roof. This vestige likely indicates a removed vent hood. The northern façade is predominantly plain. An air conditioning unit is situated near the northwestern corner of the building. An electrical fixture and metal vent are affixed to the northern façade proximal to the air conditioning unit.

The interior of the building is divided into three rooms, an equipment room housing the electronics equipment, storage room, and an engine generator room. The walls throughout the interior of the building are painted Masonite, plywood, or sheetrock. There are four styles of floor tile: ~ 635 sq' 12"x 12" white tile, ~25 sq' of green tile beneath the equipment racks, ~25 sq' of 9"x 9" green in the storage room, and ~20 sq' of 9"x 9" brown in the storage room. The engine generator room floor and ~255 sq' of the storage room is bare concrete. There are two styles of ceiling tiles in the equipment room: 2'x 4' white ceiling tile; one with large fissures, the other with rounded fissures. Sheet rock comprises the ceiling of the storage room. Steel I-beams and fixtures are situated under the wooden plank ceiling of the engine generator room.



## SIGNIFICANCE

### Criterion A - Recommended Eligible

The Little Rock VORTAC building is associated with the advent of a civilian aircraft navigation system in Arkansas and reflects an early technological usage of the system in the state. Opened in 1917, the Bill and Hillary Clinton National Airport was originally operated by the U.S. Army Signal Corps as the Little Rock Intermediate Air Depot. In 1926 the Federal Government acquired property to provide support and landing facilities for the 154th Observation Squadron of the Arkansas National Guard at the site. Years later, the city of Little Rock purchased the airfield in 1931. The following year commercial air service by American Airways was implemented. During World War II, the War Department assumed control of the airport. After the war, Little Rock regained responsibility of the airport and re-established daily commercial air service. In the early 1950s, the airport received major runway improvements including the installation of the first Instrument Landing System (ILS) (Bill & Hillary Clinton National Airport 2020; Sherwood 2018).

One of the instruments that allowed pilots to “see” through clouds and bad weather was the Little Rock VORTAC. A VOR is a type of ground-based electronic navigational aid or beacon for aircraft replacing the earliest generation of low-frequency radio range air navigational aids. After being deemed practical in late 1943, VOR technology was constructed by the CAA for Federal Airways system routes nationwide as part of a nationwide network of civilian aircraft navigational aids. The creation of the VOR greatly facilitated multi-course VHF navigation, creating an unlimited number of possible courses for pilots. After the VOR’s creation, the old four-course radio range was made obsolete. Widespread installation of the VOR system in the U.S. began after World War II and continued into the 1950s. When the first VOR airway was established in 1951, over 271 VOR units had been installed and commissioned. By June 1, 1952 over 45,000 miles of airways utilizing the VOR were in operation (Federal Aviation Administration [FAA] 2020; Thompson 2008).

Shortly thereafter, Distance Measuring Equipment (DME) was developed to enhance navigation by providing range information with the VOR signal. By 1950 the Civil Aeronautics Administration (CAA) combined DMEs with VOR transmitters to create VOR/DMEs. During this period, the United States military developed the Tactical Air Navigation system (TACAN). This navigational aid provided both azimuth and range information to military aircraft. In 1957 a presidential commission mandated the dual installation of VORs and TACANs, creating VORTACs. The TACAN transmitters provided the DME signal for civil aircraft used throughout the United States ((Federal Aviation Administration 2020; Thompson 2008). VOR technology is still employed worldwide with antennae and buildings similar to the Little Rock VORTAC building.

The Little Rock VORTAC building was constructed using standardized plans developed by the CAA (Figure 3). As-built drawings specific to the Little Rock VORTAC equipment building, site plot, and roof plan date to April 15, 1948. Site plans detail the building was modernized on April 10, 1951. The site plans detail the building as-built again on June 7, 1951. The building was revised for VORTAC on February 20, 1958 (Figures 1 through 2).

The Little Rock VORTAC building retains integrity of location, design, setting, feeling, and association integrity aspects. **Flat Earth Archeology recommends the Little Rock VORTAC building eligible for inclusion in the NRHP under Criterion A for association with events that have made a significant contribution to the broad patterns of our history as promulgated in 36 CFR 60.4.**

### **Criterion B**

Flat Earth Archeology found no persons significant in our past associated with the Little Rock VORTAC building. Therefore, the Little Rock VORTAC building does not meet Criterion B as promulgated in 36 CFR 60.4. **Flat Earth Archeology recommends the Little Rock VORTAC building does not meet requirements for the NRHP eligibility under Criterion B.**

### **Criterion C**

The footprint and interior configuration of the Little Rock VORTAC building have remained unchanged since its construction. Alterations at the building include the addition of exterior vinyl siding, the replacement of a transformer and addition of a propane gas tank contained by a concrete block wall, and the addition of two air conditioning units on the building's eastern and northern facades. Additionally, the DME antenna was not identified during the architectural survey of the building. As the TACAN AZIMUTH & DME were determined unusable, the DME antenna was likely removed in the past (FAA 2020a). Improvements adversely affected the integrity of materials and workmanship of the Little Rock VORTAC building. The building no longer contains sufficient physical integrity to meet Criterion C as promulgated in 36 CFR 60.4. **Flat Earth Archeology recommends the Little Rock VORTAC building does not meet requirements for the NRHP eligibility under Criterion C.**



Figure 4. View of Western and Southern façades of Little Rock VORTAC building (facing northeast)



Figure 5. View of Southern and Eastern façades of Little Rock VORTAC building (facing northwest)



Figure 6. View of Eastern and Northern façades of Little Rock VORTAC building (facing southwest)



Figure 7. View of Western façade of Little Rock VORTAC building (facing south-southeast)



Figure 8. View of Western façade of Little Rock VORTAC building (facing south-southeast)



Figure 9. View of Monitor Antenna on Western façade of Little Rock VORTAC building (facing south-southeast)



Figure 10. View of entryway leading to Equipment Room of Little Rock VORTAC building



Figure 11. View of Storage Room entrance and Equipment Room of Little Rock VORTAC building



Figure 12. View of Equipment Room ceiling and wall of Little Rock VORTAC building



Figure 13. View of Generator Room of Little Rock VORTAC building



Figure 14. View of Generator Room ceiling of Little Rock VORTAC building

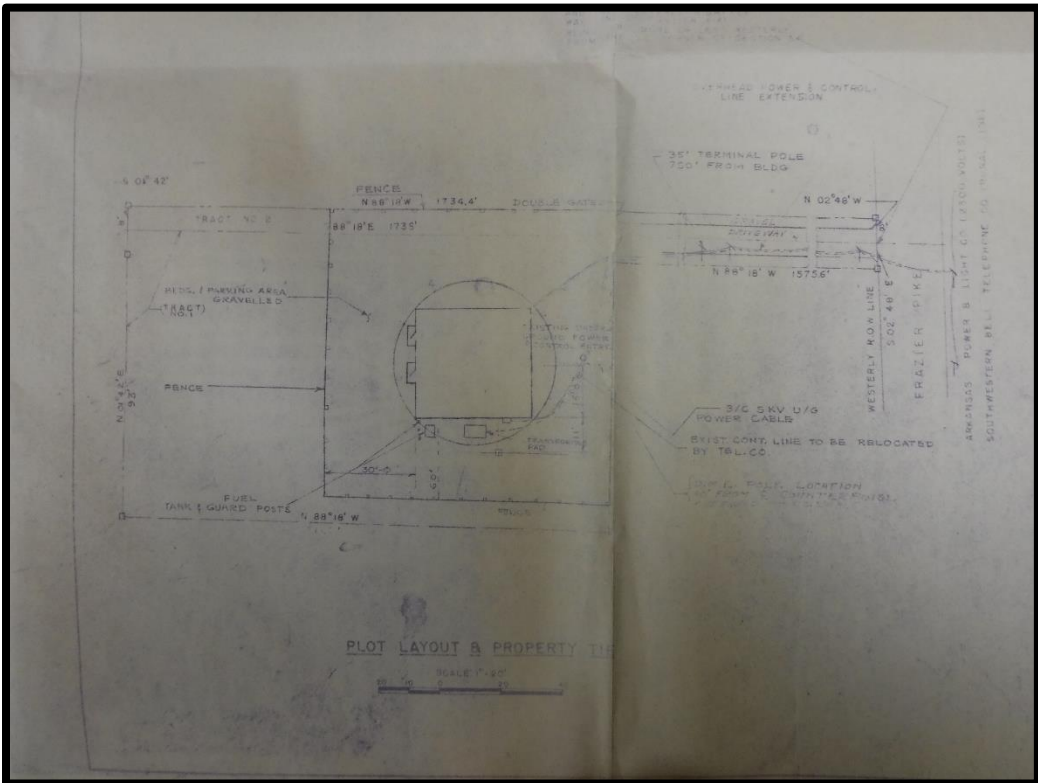


Figure 15. View of Plot Layout and Property Tie (acquired from Little Rock VORTAC Equipment Room)



DEPARTMENT OF COMMERCE  
CIVIL AERONAUTICS ADMINISTRATION  
AIR NAVIGATION FACILITIES

VOETAC FACILITY

LITTLE ROCK, ARKANSAS

APPROVED: <i>[Signature]</i>	SUBMITTED: <i>[Signature]</i>
SUPT PLANT & STRUCTURES BRANCH	CHIEF P&S ENGINEERING DIV.
CHECKED: <i>[Signature]</i>	DATE 3-26-48
DRAWN BY J.E.B.	DR 4 E-2134

Figure 16. View of Plot Layout and Property Tie script, view 1  
(acquired from Little Rock VORTAC Equipment Room)

10	MODERNIZED	4-10-51	<i>[Signature]</i>
9	LOCATION POWER CONTROL/J.E.B.	7-8-49	W.C.P.
8	RECORDED AS BUILT	4-15-48	J.C.S.
7	ENTRANCE DRIVE RE-CATED	4-15-48	J.C.S.
6	FENCED AREA REDUCED FROM 55' x 160' TO 65' x 85'	2/2/48	<i>[Signature]</i>
5	RELOCATED 0°-180° M.A.Z.	4-27-47	<i>[Signature]</i>
4	NOTE NO. 9	4-11-47	<i>[Signature]</i>
3	TABLES 10 IN ERROR (IND 750)	4-7-46	<i>[Signature]</i>
2	MOVED 6 FT. NORTH	4-16-46	
1	CHANGED TYPE OF CABLE TO MONITORS	4-16-46	
	CHANNEL POWER & CONTROL ENTRANCE		
	UNDERGROUND TO OVERHEAD		
	REVISION	DATE	CHK

Figure 17. View of Plot Layout and Property Tie script, view 2  
(acquired from Little Rock VORTAC Equipment Room)

				10
				9
				8
				7
				6
				5
				4
12	REVISED TO DATE	RDA	6-03/11/16	3
13	REVISED FOR VORTAC	L.S.S	2/20/58 11/1/16	2
12	ADDED NOTE		2-2-5	1
11	RECORD AS BUILT	J.W. LEWIS	6-751	

Figure 18. View of Plot Layout and Property Tie script, view 3  
 (acquired from Little Rock VORTAC Equipment Room)

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accessed April 14, 2020.

**APPENDIX B**  
**MEMORANDUM OF AGREEMENT**

**MEMORANDUM OF AGREEMENT  
AMONG THE  
FEDERAL AVIATION ADMINISTRATION, THE  
ARKANSAS STATE HISTORIC PRESERVATION OFFICE, AND THE LITTLE  
ROCK PORT AUTHORITY  
REGARDING THE TRANSFER OF OWNERSHIP OF THE FAA LITTLE ROCK  
VORTAC BUILDING**

WHEREAS, the Federal Aviation Administration (FAA) plans to transfer ownership of the Little Rock Very High Frequency Omni-directional Range/Tactical Air Navigation (VORTAC) building (the undertaking) from the FAA to the Little Rock Port Authority (LRPA) pursuant to the 36 C.F.R. 800.3(c)(iii); 36 C.F.R. 800.4(d)(ii); and 36 C.F.R. 800.6(b)(iv); and

WHEREAS, the undertaking consists of the decommissioning and transfer of ownership of the Little Rock VORTAC building at the request of the LRPA; and

WHEREAS, the LRPA intends to redevelop the property currently occupied by the Little Rock VORTAC building, which may include the eventual demolition of the Little Rock VORTAC building; and

WHEREAS, the FAA has determined that this undertaking is subject to the National Environmental Policy Act (NEPA) as well as the National Historic Preservation Act (NHPA) as amended (16 U.S.C. 470(f)), and the regulations implementing Section 106 of the NHPA (36 CFR Part 800); and

WHEREAS, the FAA has defined the undertaking's area of potential effects (APE), as defined at 36 CFR Part 800.16(d), to correspond to as shown in Attachment A; and

WHEREAS, the FAA has determined that the undertaking may have an adverse effect due to the change in the character of the property's use and the transfer of the Little Rock VORTAC building out of Federal ownership, which is eligible for listing in the National Register of Historic Places under Criterion A; and

WHEREAS, the FAA has consulted with the Arkansas State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *not to* participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FAA, the SHPO, and the LRPA agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

**STIPULATIONS**

The FAA, in coordination with the SHPO and LRPA shall ensure that the following measures are carried out:

## **I. Mitigation Plan**

An Architectural Resources Survey, paid for by LRPA, shall be conducted at the Little Rock VORTAC building that includes both physical descriptions and photographs, and a history of the structure including the structure's significance to the City of Little Rock and aviation. The report will be submitted to SHPO to mitigate the adverse effects on the historic property. Additionally, a webpage will be maintained by the LRPA with the written history of the VORTAC building and description of the structure's significance.

## **II. DURATION**

This MOA will expire if its terms are not carried out within two (2) years from the date of its execution. Prior to such time, FAA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V below.

## **III. MONITORING AND REPORTING**

The LRPA will notify the FAA when it completes the Architectural Resources Survey and submits it to the SHPO. In addition, the LRPA will notify the FAA when the webpage is up and running. Upon confirmation, the FAA will notify the SHPO.

## **IV. DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FAA shall consult with such party to resolve the objection. If FAA determines that such objection cannot be resolved, FAA will:

- A. Forward all documentation relevant to the dispute, including the FAA's proposed resolution, to the ACHP. The ACHP shall provide FAA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FAA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FAA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, FAA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FAA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. FAA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

## **V. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

## **VI. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FAA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FAA shall notify the signatories as to the course of action it will pursue.

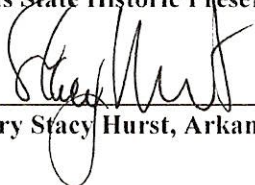
Execution of this MOA by the FAA, LRPA, and SHPO and implementation of its terms evidence that FAA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

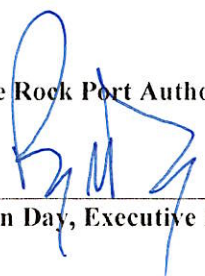
**Federal Aviation Administration**

Bradley K. Logan Date 5/4/22  
[Bradley K. Logan Reimbursable Contracting Officer]

**Arkansas State Historic Preservation Officer**

 Date  
[Secretary Stacy Hurst, Arkansas State Historic Preservation Officer]

**[Little Rock Port Authority]**

 Date  
[Bryan Day, Executive Director ]