

106

SUCCESS STORY

Consultation Provides Model for Future Native American Sacred Site Preservation Mississippi County, Arkansas



“The Sherman Mound is a sacred place to the Quapaw Nation. When we visited the site we were amazed by the powerful feeling there and we prayed for this place and our ancestors, and we thanked the Creator for allowing us to be there. Although the mound was damaged, the Arkansas SHPO, FCC, ACHP, and Quapaw Nation worked with BNSF to mitigate this damage. Through this we learned so much more about the site, and we have made great progress in learning how to better preserve this sacred place, and this situation has come to be a model for handling damage that has happened to other sites in Arkansas.”

—HON. JOHN BERREY
Chairman, Quapaw Nation of Oklahoma

THE STORY

The Sherman Mound and Village Site is part of the Mississippian Native American mound building culture that flourished across what is now the inland Eastern, Southeastern, and Midwestern United States from approximately 800 CE to 1500 CE. The Sherman Mound, which is the most prominent element of the site, is considered to be one of the best-preserved Middle Mississippian period earthworks in northeastern Arkansas and possesses religious and cultural significance to the Quapaw Nation of Oklahoma. The site has witnessed a lengthy, but sporadic, history of archaeological investigations beginning in the late 19th century, but much of the past work at the site has been largely superficial. Recent investigations revealed the Sherman Mound and Village was protected by a palisade wall enclosing 44 acres with at least two additional mounds and 59 possible structures. Information gleaned from two features on the southwestern flank of the Sherman Mound revealed a wealth of knowledge regarding subsistence patterns. The site was occupied at two different times, 1300 CE and 1650 CE.

The Sherman Mound and Village Site was acknowledged as eligible for the National Register of Historic Places as early as 2007 and was formally determined eligible in 2016 as a result of the investigations. It was listed in the National Register in 2018.

THE PROJECT

In 1899, the Deckerville, Osceola, & Northern Railroad was built along the western flank of the Sherman Mound and is now owned by the Burlington Northern Santa Fe (BNSF) Railway. In 2008, Congress passed legislation requiring railroads to install Positive Train Control (PTC), a communications system designed to prevent accidents. The installations involve telecommunications poles and associated equipment along railroad rights-of-way and are being installed by all railroad companies throughout the United States.

Photos: Above, representative of PTC equipment along a railroad (courtesy BNSF); Right, Sherman Mound (courtesy Quapaw Nation of Oklahoma)

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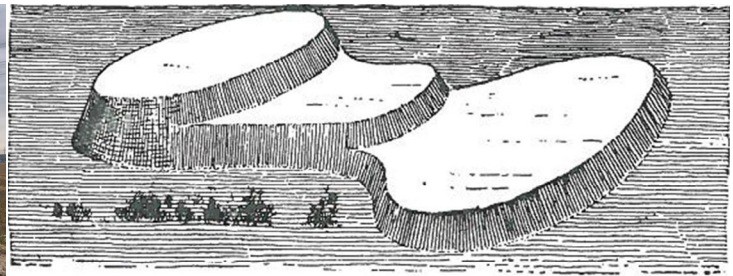


FIG. 132.—The Sherman mound, Mississippi county, Arkansas.

Photos: From left, a natural stone barrier runs along the edge of the intact mound to protect it from work related to the adjacent railroad; 1881 illustration of the mound (courtesy Quapaw Nation of Oklahoma)

In early 2016, BNSF installed PTC along the line that runs through the Sherman Mound and Village Site. The Federal Communications Commission (FCC), the lead agency for this undertaking, determined that the PTC deployment had an adverse effect on the site, and the Arkansas State Historic Preservation Officer (SHPO) concurred that the Sherman Mound was adversely affected from a contractor parking heavy equipment on top of the mound and the excavation of a trench for a PTC tower.

THE 106 PROCESS

FCC was responsible for conducting the Section 106 process under the National Historic Preservation Act. Section 106 requires that federal agencies identify historic properties and assess the effects on those properties of the projects they carry out, fund, or permit. Federal agencies also are required to consult with parties that have an interest in historic properties when adverse effects are likely to occur. FCC consulted with the SHPO, BNSF, and the Quapaw Nation of Oklahoma to address the preservation issues.

Recognizing the ongoing nature of technological changes and regular maintenance of a major railroad line, the Section 106 process focused on minimizing impacts to the historic properties and providing a tailored, creative, and collaborative approach to mitigation, which was codified in a Memorandum of Agreement (MOA). The MOA also included stipulations for protections from adverse effects resulting from future undertakings. This included the development of a subsequent Programmatic Agreement (PA) establishing provisions and protections required for any future construction, installation, or other ground disturbance work by BNSF proposed in the defined Sherman Site. A physical barrier was also installed to separate selected sections of the Sherman Site from rail activities such as routine maintenance. Intended to be unobtrusive, this barrier consists of natural boulders. The final stipulation of the MOA required the Sherman Mound and Village Site to be officially nominated to the National Register.

Consulting Parties:

Federal Communications Commission

Arkansas State Historic Preservation Officer

Burlington Northern Santa Fe Railway

Quapaw Nation of Oklahoma

THE SUCCESS

Although the impacts to Sherman Mound were unfortunate, initiation of the Section 106 process launched a proactive and consistent dialogue that led the consulting parties to approve a set of wide-ranging mitigation measures. The consulting parties successfully worked through the Section 106 process in a manner that not only mitigated the adverse effects from the current undertaking and greatly improved knowledge of the site but also provided for protection from future adverse effects.

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