



Benton County
Judge Barry Moehring
215 E. Central Avenue
Bentonville, AR. 72712
www.BentonCountyAr.gov

August 27, 2019

Dear Members of the Benton County Planning Board:

I'm writing this letter in response to one of the stipulations by you related to the consideration of the permit application for the proposed limestone quarry operation in the Cross Hollows area along North Old Wire Road. The stipulation I am referencing is a requirement of a roadway agreement between Benton County and Covington Trust and Anchor Stone Company.

In consideration of such an agreement, two key questions need to be addressed:

- 1) Should the current unpaved section of North Old Wire Road be paved in order to accommodate the additional truck traffic that will be generated by the proposed limestone quarry?
- 2) If the determination is that the road should not be paved, then what types of modifications to the existing road would be necessary to accommodate the additional truck traffic that will be generated by the proposed limestone quarry?

In reference to question one, I do not support paving North Old Wire Road.

Benton County has established three objective criteria for paving new sections of road:

- **Increased vehicular traffic:** With the recent improvement and opening of HWY 265 (1st Street, Rogers), the Arkansas Department of Transportation projects declining vehicular traffic from approximately 650 per day down to 500 per day over the next several years.
- **School bus usage:** Only one school bus uses that section of road for a total of two trips per day.
- **First responder access:** First responder access is sufficient on the current roadway, and with the HWY 265 improvement, this access is enhanced in the area without the need to pave North Old Wire Road.

Based on these criteria, North Old Wire Road would not be considered for paving by Benton County.

Second, if the road is not to be paved, what modifications would be required to accommodate the additional truck traffic generated by the limestone quarry?

Accommodating the additional truck traffic generated by the limestone quarry operation would require additional base and the building up of the road in several areas, major improvements to three water crossings, modifications to the intersection of North Old Wire Road and Frisco Cemetery Road and a very robust plan for continued grading, maintenance and dust control as well as the monitoring of those measures.

These modifications would have significant up-front and on-going costs associated with their implementation.

Additionally, we believe the road would need to be widened in some areas to accommodate the additional truck trips generated by the limestone quarry operation. Since the County does not have reason to improve the road otherwise, any additional right-of-way would be obtained solely for the applicant. It is our view that it would not be proper for the County to acquire the additional right-of-way through its eminent domain (condemnation) powers. Accordingly, the applicant would have to acquire any required right-of-way on its own before the County could work with the applicant on any improvements.

Based on the modifications that would be required, the additional right-of-way that would need to be obtained and the on-going maintenance and monitoring that would be needed, we do not believe it would be practical or cost-efficient to implement these modifications to North Old Wire Road to accommodate the limestone quarry operation.

I would also add that in addition to the questions of whether or not the road should be paved or modified, the other major consideration is the historic nature of North Old Wire Road and the surrounding Cross Hollows area.

The unpaved segment of North Old Wire Road is both on the National Register of Historic Places (NRHP) and is an identified segment of the of the Northern Route of the Trail of Tears through Arkansas. The Cherokee Nation has declared its opposition to paving the road for historical reasons as articulated in the attached June 28, 2019 letter on the subject that was addressed to Bill Watkins, the attorney for the applicant. In that letter, the Nation states, "the Nation opposes the Applicant's plan to develop this unpaved road section because it would cause irreparable adverse effects to the Trail of Tears segment." The letter also states that paving the road "endangers the cultural resource and risks its delisting in the National Register of Historic Places (NRHP)."

Additionally, on November 29th, 2018, Rachel Patton, the Executive Director of Preserve Arkansas wrote the Benton County Planning Board a letter (attached) in opposition to the quarry application that stated:

"While historic and archeological resources may not be disturbed within the boundaries of the proposed quarry site, an increased number of dump trucks carrying heavier loads would significantly diminish the integrity of the Springfield to Fayetteville Road – Cross Hollow Segment, which consists of about two miles of Old Wire Road from Stoney Point Road to Frisco

Cemetery Road. This road segment is the longest and best-preserved section of the Northern Route of the Trail of Tears in Arkansas. It was listed in the National Register of Historic Places on January 19th, 2005, with national significance as an outstanding example of an intact historic roadbed with documentation proving its use in the Cherokee Removals of the late 1830s as well as its later association with the Butterfield Overland Mail Route and the Civil War Battle of Pea Ridge. It is also part of the Trail of Tears National Historic Trail, which commemorates the tragic experience of the Cherokee people as they were forcibly removed from their homeland.”

Finally, more than 100 residents attended a Town Hall Meeting that was held in Lowell on July 18th. A total of 17 people spoke against paving or modifying North Old Wire Road to accommodate the additional truck traffic that would be generated by the proposed limestone quarry operation. Residents raised a number of concerns including safety, dust, increased truck traffic through residential neighborhoods, proximity to Beaver Lake and the impact on the historical nature of the area.

I appreciate your time and consideration on this matter.

Sincerely,



Barry Moehring

Enclosures: (2) Letters from Cherokee Nation & Preserve Arkansas

CC: Benton County Quorum Court
David Covington
Anchor Stone Company (Tom Snyder)
Sandcreek Engineering (Ken Booth)
Elizabeth Toombs, Tribal Historic Preservation Officer
Rachel Patton, Executive Director Preserve Arkansas
Representative Jana Della Rosa
Representative Grant Hodges
Senator Cecile Bledsoe
Mayor Chris Moore