

## APPENDIX B: Tribal Coordination



## Osage Nation Historic Preservation Office

WA[A]E KOSY KY]EA

Date: May 5, 2022

File: 2122-6032KS-4

RE: KDOT, KA-6535-01 and KA-6535-02 FHWA NHPP-A653(502), US-54/East Kellogg Expansion, Sedgwick and Butler Counties, Kansas

Kansas Department of Transportation  
T.D. Blackwell  
700 SW Harrison Street  
Topeka, KS 66603-3745

### *Sent Via Email*

Dear Mr. Blackwell,

The Osage Nation Historic Preservation Office has great concerns for the proposed project listed as KDOT, KA-6535-01 and KA-6535-02 FHWA NHPP-A653(502), US-54/East Kellogg Expansion, Sedgwick and Butler Counties, Kansas.

**The Osage Nation was not notified of the project by KDOT's Environmental Division or the Kansas Division of FHWA only being made aware of the project through a meeting invitation sent via email to Dr. Andrea Hunter and later forwarded onto Colleen Bell, from Ms. Shari Cannon-Mackey, Environmental Lead for IKE Transportation Partners. KDOT is well aware that the Osage Nation only accepts hardcopy notifications and seeing as this did not occur, relevant participants involved in the project/meeting were excluded from the discussion. Ms. Deseray Helton, the reviewing archaeologist of KDOT projects, was only made aware of the project/meeting after being forwarded the invitation sent by Ms. Cannon-Mackey.**

**The Osage Nation was not provided adequate time to fully prepare for the agency scoping meeting held on April 28<sup>th</sup>, 2022 due to the above missteps by KDOT. The Osage Nation is extremely concerned with how the project has been handled to date and feels as though cultural and tribal resources are being treated as an afterthought. The Osage Nation requests to know when the Section 106 process will be started, including formal Tribal Consultation, and takes this opportunity to remind KDOT that NEPA does not replace the Section 106 process.**

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).



The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. **The Osage Nation anticipates reviewing and commenting on the planned Phase I cultural resources survey report for the proposed KDOT, KA-6535-01 and KA-6535-02 FHWA NHPP-A653(502), US-54/East Kellogg Expansion, Sedgwick and Butler Counties, Kansas.**

The Osage Nation Historic Preservation Office S106 Procedures and Survey Standards can be accessed at the web address listed in the footnote of this letter. Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

Andrea A. Hunter, Ph.D.  
Director, Tribal Historic Preservation Officer

Deseray Helton, MA  
Archaeologist

CC: Javier Ahumada, Environmental, Freight and Innovation Coordinator, Kansas Division Office  
Cliff A. Ehrlich, Environmental Services Lead, KDOT  
Shari Cannon-Mackey, Environmental Lead, IKE Transportation Partners  
Raja Govindaswamy, Bureau Chief – Alternative Delivery & Project Director, US-54 East Kellogg  
Brian Kidwell, PE, Program Manager, IKE Transportation Partners  
Meghan Jansen, Public Involvement Lead, IKE Transportation Partners  
Colleen A. Bell, Deputy Tribal Historic Preservation Officer, Osage Nation

Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary  
Raja Govindaswamy, P.E., Bureau Chief



Phone: 316-841-2277  
kdot#publicinfo@ks.gov  
<http://www.ksdot.org>  
Laura Kelly, Governor

July 14, 2022

Dr. Andrea Hunter, Director  
Tribal Historic Preservation Officer  
Osage Nation of Oklahoma  
627 Grandview Avenue  
Pawhuska, OK 74056

Subject: KA-6535-02  
NHPP-A653(502)  
Sedgwick and Butler Counties  
Osage Nation Historic Preservation Office File: 2122-6032KS-4

Dear Dr. Hunter:

In accordance with the National Historic Preservation Act we are contacting your tribe to identify any potential impacts the referenced project may have on properties that have religious and cultural significance. This project will also be reviewed by professional archeologists and by the Kansas State Historic Preservation Office. You will be notified if any sites of potential interest are identified during their review.

Tech Location - US 54: from east of I-35/K-96/127th Street east to 0.5 mile east of S. Prairie Creek Road. A general description of the project is as follows: Kansas Department of Transportation (KDOT), in cooperation with the Federal Highway Administration (FHWA), will prepare an Environmental Assessment (EA) for a proposal to expand a portion of the US 54/US 400/East Kellogg Corridor in Sedgwick and Butler Counties, Kansas to a controlled-access freeway.

If you have any questions, I can be reached by phone at 316-744-1271 Ext. 229, or by email at [raja.govindaswamy@ks.gov](mailto:raja.govindaswamy@ks.gov).

Please send any comment on this project to me using either the address shown above or my email address, if preferred, within 60 days of the date of this letter.

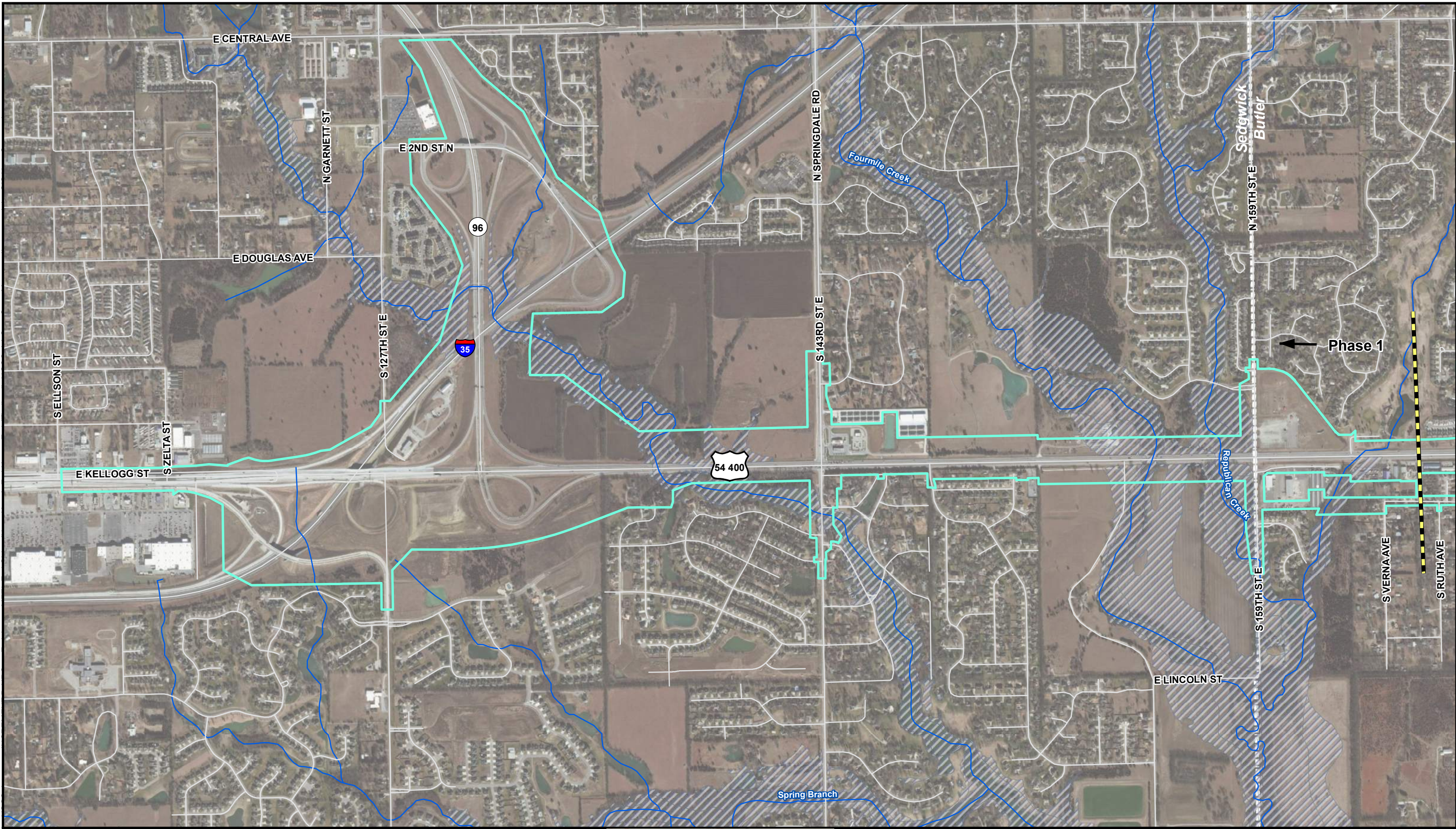
Sincerely,

A handwritten signature in black ink that reads "Raja Govindaswamy". The signature is written in a cursive style.

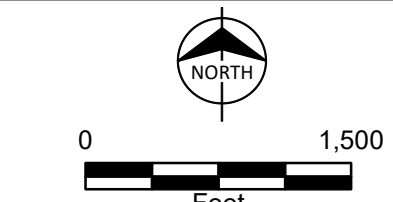
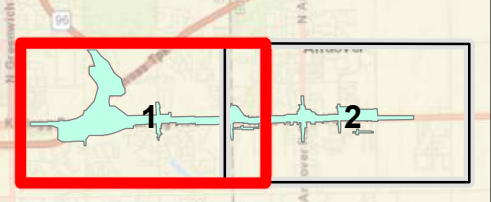
Raja Govindaswamy, PE  
Bureau Chief - Alternative Delivery and KDOT PM US 54/East Kellogg Expansion Project

CC: Terry Blackwell, KDOT Environmental Services  
Cliff Ehrlich, KDOT Environmental Services  
Steven Cross, KDOT Roadway Design  
Javier Ahumada, FHWA Kansas Division  
Shari Cannon-Mackey, IKE Transportation Partners

Enclosure

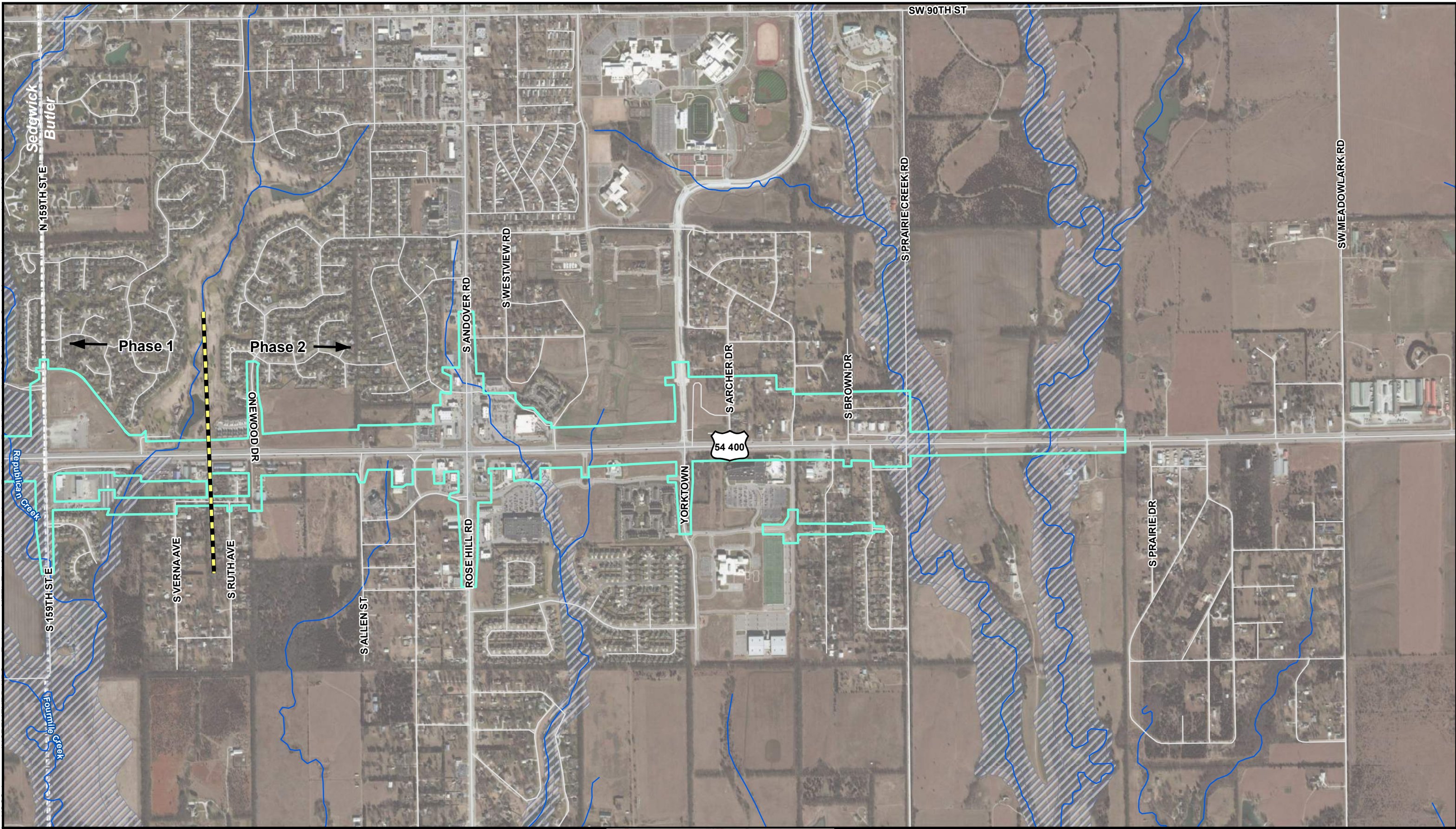


- NEPA Clearance Boundary
- 100-year Floodplain (FEMA)
- Project Construction Phases
- Roads
- Streams (NHD)

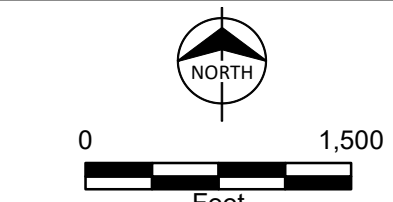
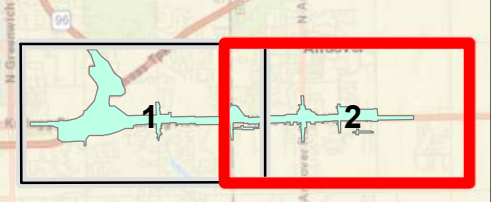


US 54/East Kellogg Expansion  
KA-6535-02 Sedgwick  
& Butler Counties KS  
NEPA Clearance Boundary  
Map 1 of 2

Path: C:\Users\spurgeon\OneDrive - Burns & McDonnell\Desktop\Projects\KDOT\IKEIDataFiles\ArcDocs\Kellogg\_Prelim\_NEPA\_Boundary.mxd sspurgeon 7/7/2022  
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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US 54/East Kellogg Expansion  
KA-6535-02 Sedgwick  
& Butler Counties KS  
NEPA Clearance Boundary  
Map 2 of 2



# Osage Nation Historic Preservation Office

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**Date:** July 20, 2022

**File:** 2122-6032KS-4

**RE:** KDOT, KA-6535-01 and KA-6535-02 FHWA NHPP-A653(502), US-54/East Kellogg Expansion, Sedgwick and Butler Counties, Kansas

Kansas Department of Transportation  
Raja Govindaswamy  
700 SW Harrison Street  
Topeka, KS 66603-3745

Dear Mr. Govindaswamy,

The Osage Nation has received notification and accompanying information for the proposed project listed as KDOT, KA-6535-01 and KA-6535-02 FHWA NHPP-A653 (502), US-54/East Kellogg Expansion, Sedgwick and Butler Counties, Kansas.

**The Osage Nation requests copies of the 2010 cultural resources report by Waggoner, Survey 4616, and Survey 4610 for review and comment.**

**The Osage Nation requests avoidance of previously identified Sites 14SG315, 14SG316, and 14SG317. If avoidance is not possible then further work to determine NRHP eligibility is required.**

**The Osage Nation requests a Phase II CRS with shovel testing occurring in all areas regardless of high surface visibility for the remaining portions of the APE. The Osage Nation requests a shovel test log and shovel test map be included in the cultural resources survey along with clear and legible figures throughout the report.**

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. **The Osage Nation anticipates receiving copies of previous surveys (Waggoner 2010, 4616, and 4610) for review and comment, confirmation of avoidance of Sites 14SG315, 14SG316, and 14SG317, and reviewing the requested Phase II CRS with shovel testing for the remaining portions of the APE for the proposed KDOT, KA-6535-01 and KA-6535-02 FHWA NHPP-A653(502), US-54/East Kellogg Expansion, Sedgwick and Butler Counties, Kansas.**



Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

Deseray Helton  
Deseray Helton  
Archaeologist

cc: Terry Blackwell, KDOT Environmental Services-Historic Preservation, Native American Consultation



Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary  
Raja Govindaswamy, P.E., Bureau Chief



Phone: 316-841-2277  
kdot#publicinfo@ks.gov  
<http://www.ksdot.org>  
Laura Kelly, Governor

July 14, 2022

Ms. Terri Parton, President  
Wichita and Affiliated Tribes  
PO Box 729  
Anadarko, OK 73005

Subject: KA-6535-02  
NHPP-A653(502)  
Sedgwick and Butler Counties

Dear Ms. Parton:

In accordance with the National Historic Preservation Act we are contacting your tribe to identify any potential impacts the referenced project may have on properties that have religious and cultural significance. This project will also be reviewed by professional archeologists and by the Kansas State Historic Preservation Office. You will be notified if any sites of potential interest are identified during their review.

Tech Location - US 54: from east of I-35/K-96/127th Street east to 0.5 mile east of S. Prairie Creek Road. A general description of the project is as follows: Kansas Department of Transportation (KDOT), in cooperation with the Federal Highway Administration (FHWA), will prepare an Environmental Assessment (EA) for a proposal to expand a portion of the US 54/US 400/East Kellogg Corridor in Sedgwick and Butler Counties, Kansas to a controlled-access freeway.

If you have any questions, I can be reached by phone at 316-744-1271 Ext. 229, or by email at [raja.govindaswamy@ks.gov](mailto:raja.govindaswamy@ks.gov).

Please send any comment on this project to me using either the address shown above or my email address, if preferred, within 60 days of the date of this letter.

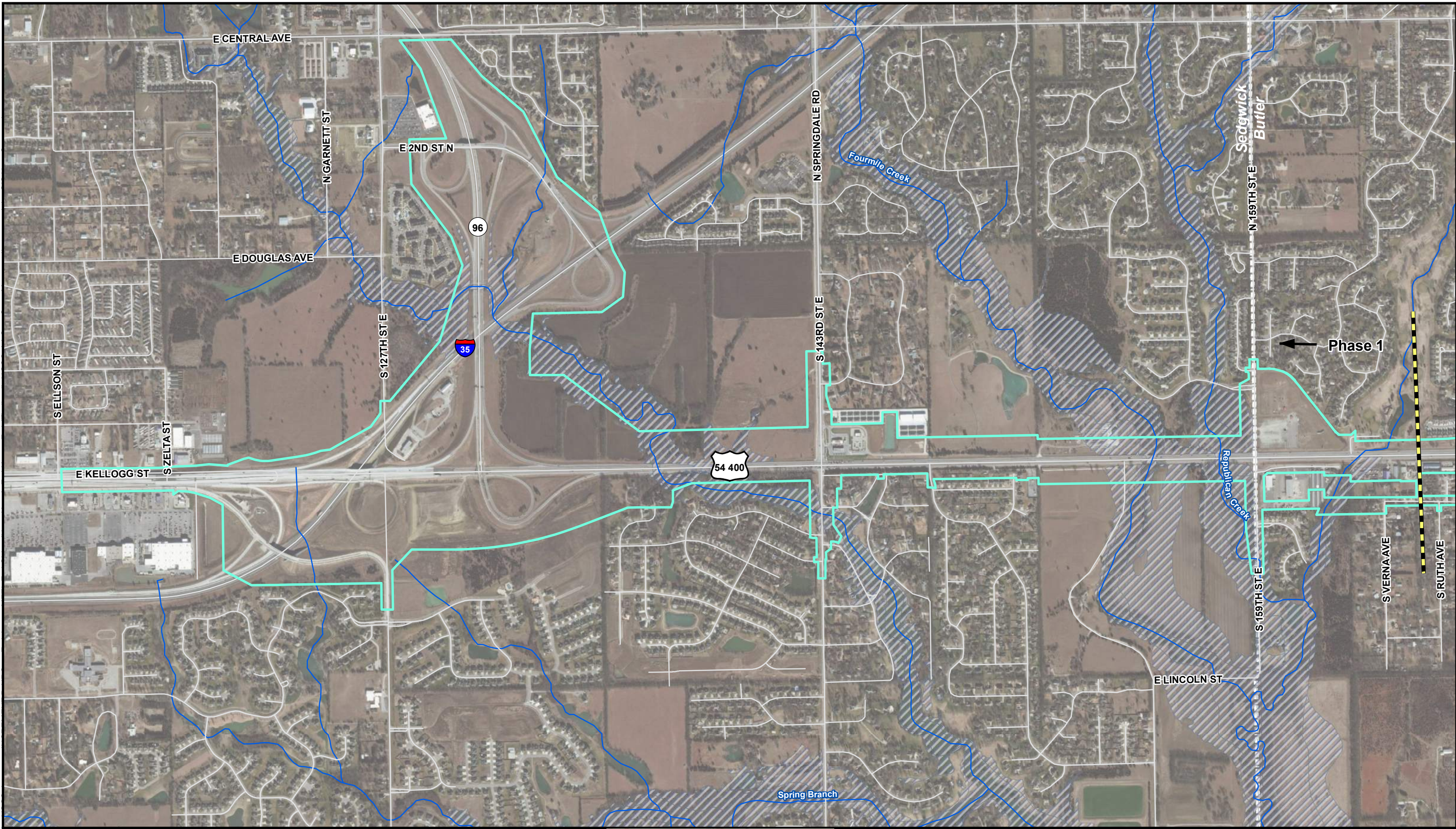
Sincerely,

A handwritten signature in black ink that reads "Raja Govindaswamy". The signature is written in a cursive style.

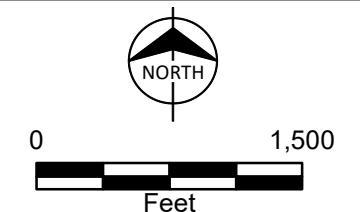
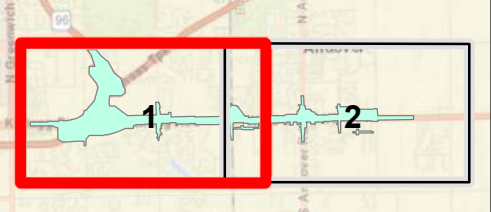
Raja Govindaswamy, PE  
Bureau Chief – Alternative Delivery and KDOT PM US 54/East Kellogg Expansion Project

CC: Terry Blackwell, KDOT Environmental Services  
Cliff Ehrlich, KDOT Environmental Services  
Steven Cross, KDOT Roadway Design  
Javier Ahumada, FHWA Kansas Division  
Shari Cannon-Mackey, IKE Transportation Partners

Enclosure

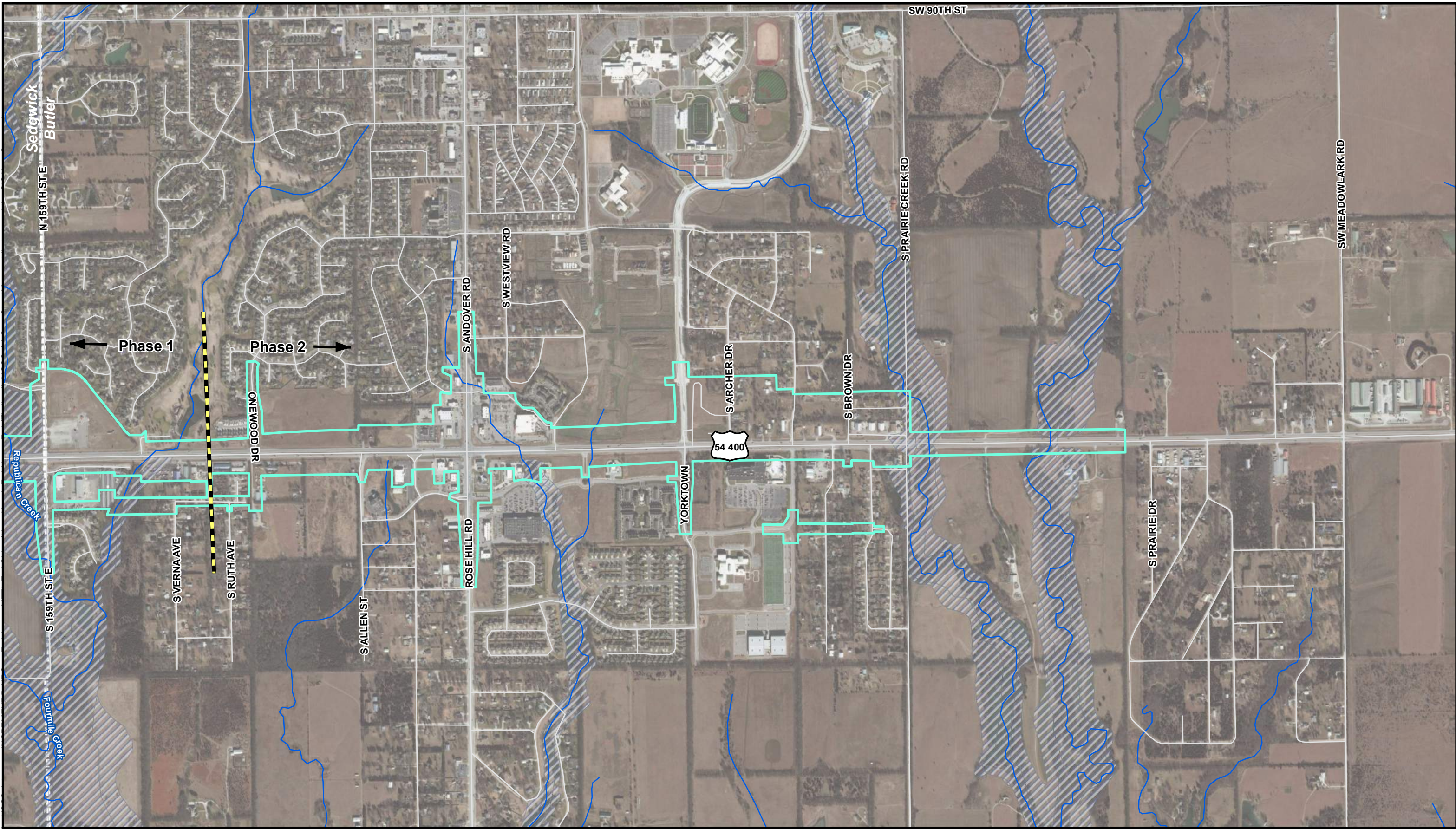


- NEPA Clearance Boundary
- 100-year Floodplain (FEMA)
- Project Construction Phases
- Roads
- Streams (NHD)

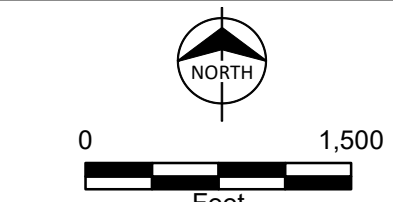
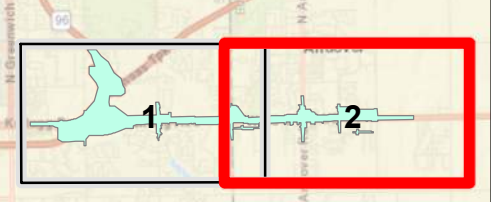


US 54/East Kellogg Expansion  
 KA-6535-02 Sedgwick  
 & Butler Counties KS  
 NEPA Clearance Boundary  
 Map 1 of 2

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Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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US 54/East Kellogg Expansion  
KA-6535-02 Sedgwick  
& Butler Counties KS  
NEPA Clearance Boundary  
Map 2 of 2

## Cannon-Mackey, Shari

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**From:** Raja Govindaswamy [KDOT] <Raja.Govindaswamy@ks.gov>  
**Sent:** Monday, August 1, 2022 12:07 PM  
**To:** Cannon-Mackey, Shari  
**Cc:** Kidwell, Brian N.; Smith, Griffin T.  
**Subject:** FW: US 54\East Kellogg Expansion Project  
**Attachments:** KDOT - KA-6535-02 US 54-East Kellogg Expansion Project in Sedwick & Butler Counties, KS.docx

*Raja*

### Raja Govindaswamy, PE

Bureau Chief – Alternative Delivery & KDOT Project Director, US-54 East Kellogg

Kansas Department of Transportation

3200 East 45<sup>th</sup> Street North

Wichita, KS 67220

[Raja.Govindaswamy@ks.gov](mailto:Raja.Govindaswamy@ks.gov)

316-841-2277 (M)

316-744-1271 Ext.229 (O)

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**From:** Mary Botone <mary.botone@wichitatribe.com>  
**Sent:** Monday, August 1, 2022 11:54 AM  
**To:** Raja Govindaswamy [KDOT] <Raja.Govindaswamy@ks.gov>  
**Subject:** US 54\East Kellogg Expansion Project

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Mr. Govindaswamy:

At this time you will find attached our clearance letter, should you have any questions, please feel free to contact Mr. Gary McAdams, THPO at 405.247.2425 Extension 169 or via email at [gary.mcadams@wichitatribe.com](mailto:gary.mcadams@wichitatribe.com) and/or Mr. Gerald Collins III, EPA Director at 405.247.2425 Ext. 141 or via email at [gerald.collins3@wichitatribe.com](mailto:gerald.collins3@wichitatribe.com). Thank you for time and attention, have a blessed day.

Sincerely,

*Mary M Botone*

Mary M BoTone

THPO Administrative Assistant

-AUG



## Wichita and Affiliated Tribes

### Wichita Waco Keechi Tawakoni

*Terri Parton President*  
*Jarod Prince Vice President*  
*Myles Stephenson Jr Secretary*  
*Claudia Spybuck Treasurer*

*Committee Members*  
*Shirley Davila*  
*Gage Broadingham*  
*Tiffany Lonewolf*

1 August 2022 – Monday

Raja Govindaswamy, PE\Bureau Chief  
Kansas Department of Transportation  
Dwight D Eisenhower State Office Building  
700 Southwest Harrison Street  
Topeka, Kansas 66603-3745

Dear Mr. Govindaswamy:

The Wichita and Affiliated Tribes is requesting consulting party status on any proposed projects that the **US Department of Transportation - Federal Highway Administration** undertakes in the states of Oklahoma, Kansas, Texas, Missouri, Arkansas, Colorado and New Mexico.

Please accept the digital communication regarding **US 54\Kellogg Expansion – KA-6535-02** Project, we understand the Kansas Department of Transportation is preparing an Environmental Assessment for a proposal to expand a portion of the US54\US 400\East Kellogg Corridor in located from Wichita, Sedgwick County & Andover, Butler County, Kansas. We also, understand that professional archaeologist and the Kansas State Historic Preservation Office will review said project upon their completion of review the Wichita and Affiliated Tribes request a copy of report.

In accordance with the National Historic Preservation Act, (NHPA) [16 U.S.C. 470 §§ 470-470w-6] 1966, undertakings subject to the review process are referred to in Section 101 (d) (6) (A), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

Upon our review, we know of no known properties of cultural or sacred significance to the Wichita and Affiliated Tribes in this immediate area, therefore, is not likely to have a No Effect on HPs in the DE\VE-APE. However, as the project moves forward, the following conditions must be followed:

- **Inadvertent Discoveries:** In the event that human remains, burials, funerary items, sacred objects of cultural patrimony are found during project implementation, the proponent or his\her authorized agent shall cease work immediately. They shall take steps to protect the find from further damage or disruption. They shall contact the THPO, Gary McAdams at (405) 247-2425 Extension 200 to report the find. No further work shall be allowed on the project until the THPO has approved a plan for managing or preserving the remains or items.
- **Post Review Discoveries:** In the event that pre-contact artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, pottery or flakes from the manufacture of tools, fire pits, culturally modified trees, etc.) or historic period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or his\her authorized agent shall cease work immediately. They then shall contact the THPO, Gary McAdams at (405) 247-2425 Extension 200 to report the find. No further work shall be allowed on the project until the THPO has approved a work plan in the new area has been completed.
- **Activities that have the potential to disturb cultural resources outside the areas specified in the accompanying document(s) are not approved and will not proceed until cultural resources review of potential adverse effects in the new area has been completed.**

**Please note**, these comments were based on the information provide to us, therefore, we also reserve the right to revise our comments as updates pertaining to this project is made available. Should you have any inquiries, please contact Ms. Gary McAdams, THPO at 405.247.2425 Ext. 169 or via email at [gary.mcadams@wichitatribe.com](mailto:gary.mcadams@wichitatribe.com) and/or Mr. Gerald Collins III, EPA Director at 405.247.2425 Ext. 141 or via email at [gerald.collins3@wichitatribe.com](mailto:gerald.collins3@wichitatribe.com).

Sincerely,

*Mary M Bolone*

PO Box 729  
Anadarko, OK 73005

Phone: 405.247.8667  
Fax: 405.247.2430

Mary M BoTone  
THPO Administrative Assistant

PO Box 729  
Anadarko, OK 73005

Phone: 405.247.8667  
Fax: 405.247.2430

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Phone: 316-841-2277  
kdot#publicinfo@ks.gov  
<http://www.ksdot.org>  
Laura Kelly, Governor

July 14, 2022

Ms. Lynn Williams, Chair  
Kaw Nation of Oklahoma  
PO Box 50  
Kaw City, OK 74641

Subject: KA-6535-02  
NHPP-A653(502)  
Sedgwick and Butler Counties

Dear Ms. Williams:

In accordance with the National Historic Preservation Act we are contacting your tribe to identify any potential impacts the referenced project may have on properties that have religious and cultural significance. This project will also be reviewed by professional archeologists and by the Kansas State Historic Preservation Office. You will be notified if any sites of potential interest are identified during their review.

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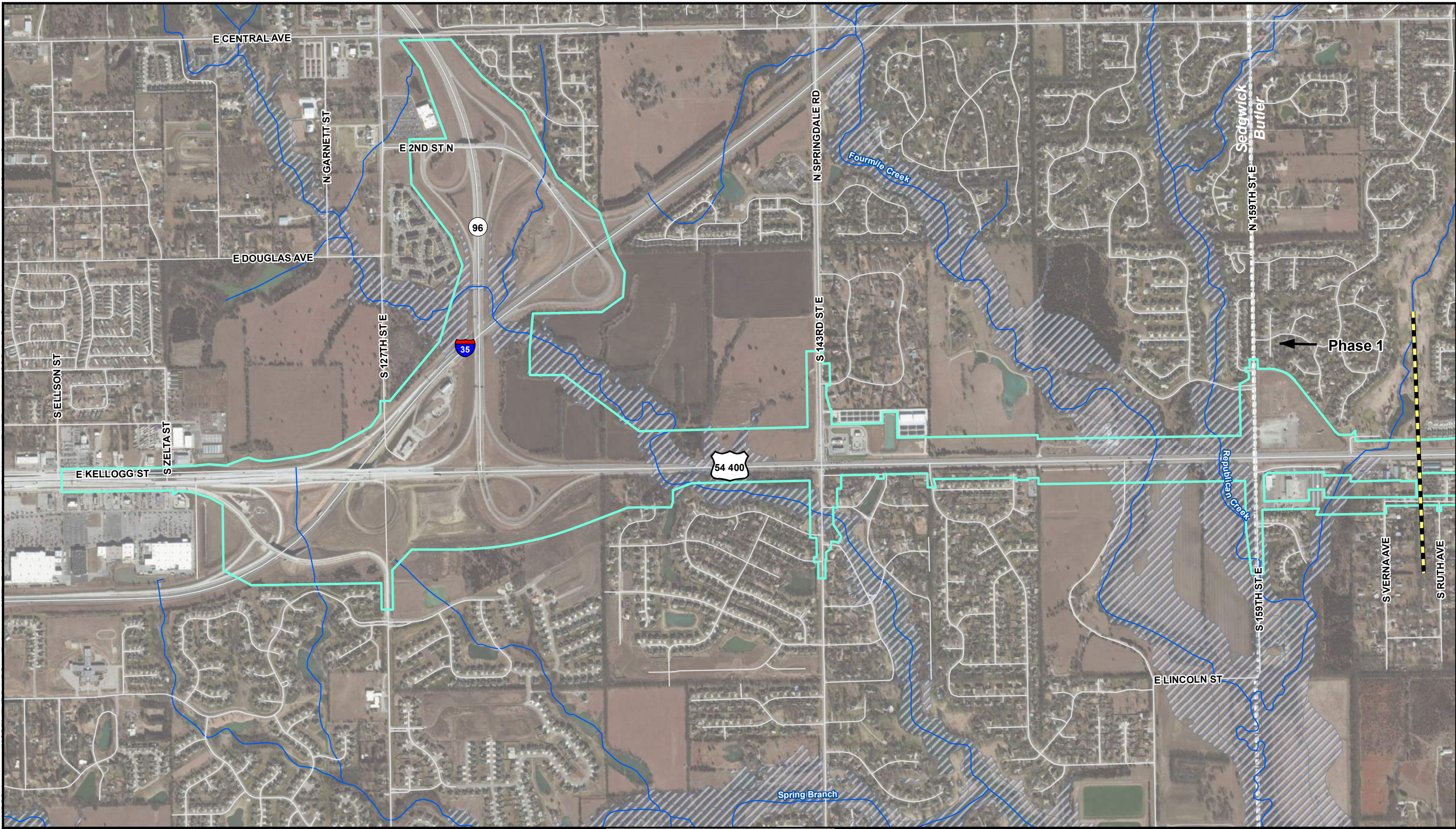
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Raja Govindaswamy, PE  
Bureau Chief - Alternative Delivery and KDOT PM US 54/East Kellogg Expansion Project

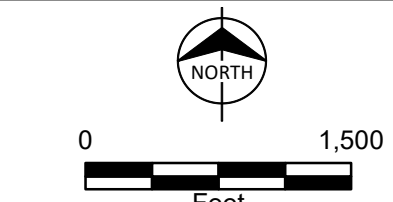
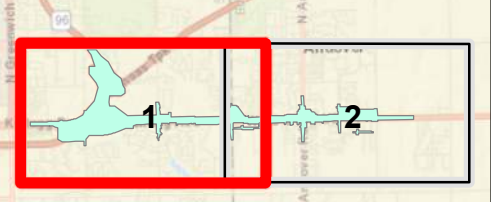
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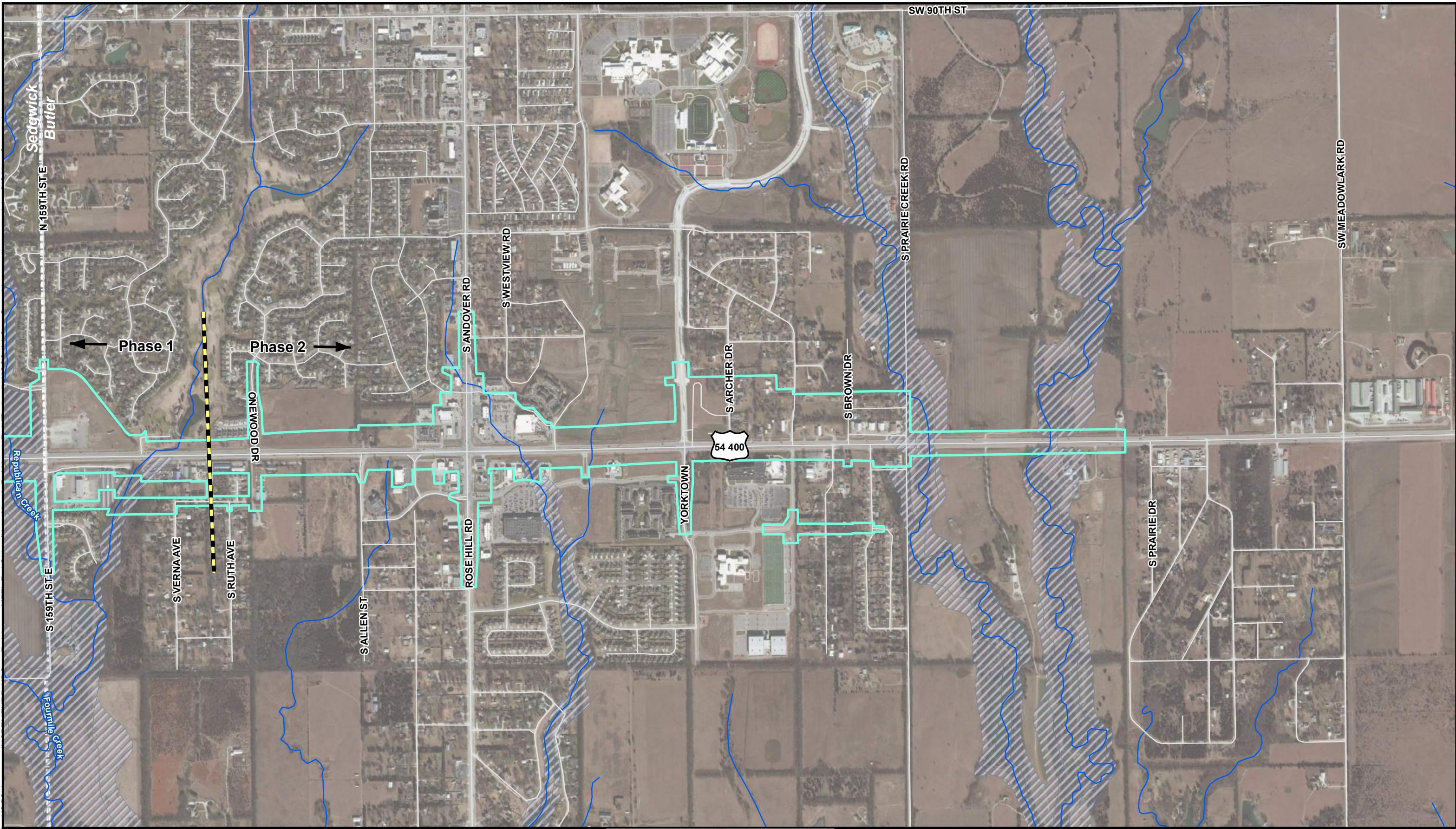
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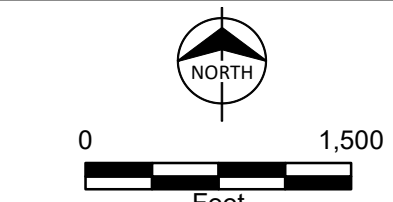
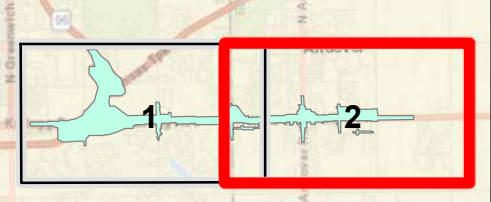
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