



Osage Nation Historic Preservation Office

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Date: November 27, 2023

File: 2324-871AR-10

RE: Paradise Valley Subdivision and WWTP, Roland Cutoff Road, Pulaski County, Arkansas

The Osage Nation respectfully requests Pulaski County Planning Board deny any legal pursuance for Paradise Valley subdivision, including associated infrastructure. The entire undertaking has denuded the natural landscape down to subsoil, creating prolonged episodic flooding within an ancient Osage cairn cemetery downstream from the project. Approval by Pulaski County Planning Board would facilitate increased water discharge and adverse effects on the sacred burials downstream at Arkansas State Archaeological Site 3PU1102. Further development upstream should be denied to adhere to Arkansas State and federal laws protecting burials and archaeological sites.

Despite local witness accounts of increased flooding resulting from subdivision construction, the NPDES permit for Paradise Valley Wastewater Treatment Plant was approved by ADEQ without consideration for adverse effects to the burials downstream. The current landowner of the cemetery is a lifelong steward of the property, witnessing many seasonal cycles with episodic rain and floods. However, no flooding was noted at the Osage cemetery prior to construction of the subdivision upstream. Lack of consideration for adverse effects to these burials must be stopped, and Pulaski County Planning Board has the opportunity during this hearing.

Prior to the modern discovery of 3PU1102, with 45 burials, no recorded Osage cairn site had more than 25 graves. The significance has been confirmed by The Osage Nation, Arkansas Archaeological Survey, and Arkansas Historic Preservation Program, resulting in a cooperative nomination of the cemetery for the National Register of Historic Places, NRHP. Pulaski County Planning Board has the opportunity to recognize this imminent flooding issue and stop further consequences to a sacred site, preserving the unique history of Pulaski County before European colonization.

To avoid violating the Arkansas State Unmarked Burial Act (Act 753 of 1991, as amended) any affects to burials must be avoided. Anyone knowingly desecrating or permitting the desecration of a burial ground commits a Class D felony on the first offense and a Class C felony for subsequent offenses. It should also be noted that the Osage site in question, 3PU1102, is also afforded protection under Arkansas' archaeological site protection laws (Arkansas Code 13-6-308), that specifies, "no person, natural or corporate, shall knowingly...deface, mutilate, destroy, or otherwise injure any artifact or archaeological site." Any action, permitted or otherwise, that would desecrate, disturb, or destroy such an Osage site must be avoided. This project will directly increase water discharges that erode, destabilize, and ultimately destroy Osage protected sites. Paradise Valley subdivision and all infrastructure must be denied any further pursuance.



Thank you for hearing Osage Nation on this matter. The Osage Nation Historic Preservation Office is grateful for the opportunity to comment to Pulaski County Planning Board.

Dr. Andrea A. Hunter
Director/Tribal Historic Preservation Officer

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Archaeologist