

APPENDIX B

Programmatic Allowances

This list of Programmatic Allowances (Allowances) contains types of undertakings (projects) that have been determined to have low potential to affect historic properties if implemented as specified in this Appendix pursuant to Stipulation V.A *Streamlined Project Review*. These projects will not require further Section 106 review or consultation. The Allowances consist of two tiers – Tier 1 and Tier 2. Review and processing of the undertakings will be performed by a DOT&PF Professionally Qualified Individual (PQI).

If the PQI determines that any portion of a project’s scope of work does not conform to either the Tier 1 or Tier 2 lists, the DOT&PF shall conduct delegated Section 106 review for the entire undertaking in accordance with 36 CFR 800.3-800.6, pursuant to Appendix D *Delegated Section 106 Process*.

When referenced in the Allowances:

- “previously disturbed” refers to soils where previous work or activities have reduced the likelihood of possessing historic properties within their original depositional contexts. Intact subsurface soils may exist below and adjacent to the disturbed soils and any proposed work or activities must consider the depth at which the intact soils could be encountered.
- “ground disturbance” refers to any work or activity that results in a disturbance of the soil (including planting, excavating, digging, trenching, plowing, drilling, tunneling, auguring, backfilling, blasting, topsoil stripping, land leveling, peat removing, quarrying, and clearing and grading).
- “new ground disturbance” refers to any ground disturbance in previously undisturbed soils.

Review and Processing Documentation:

The DOT&PF PQI shall verify:

- that the project activities are listed as Tier 1 Allowances or Tier 2 Allowances; and
- if the project is subject to and meets conditions noted specifically for
 - any allowances; and
 - if applicable, all Tier 2 General Conditions.

Tier 1 reviews can be conducted by any PQI. When the PQI responsible for the review of a Tier 2 undertaking requires cultural resource expertise outside of his/her area of specialty, the PQI will consult with another PQI having that area of expertise, and/or request the assistance of the SHPO cultural resources liaison, to identify the appropriate SHPO staff having that area of expertise.

1. **Tier 1 Allowances (Low Potential Projects):** When a project is determined by a PQI to qualify as a Tier 1 Allowance (Table 1), the project is documented to the project file using the *Streamlined Project Review form* (Appendix C).
2. **Tier 2 Allowances (Projects Requiring Additional PQI Screening):**
 - a. These projects will result in limited changes to existing conditions.
 - b. These projects have agreed upon criteria that must be met to qualify, including General Conditions and conditions for specific allowances.
 - c. When a project is determined by a PQI to qualify as a Tier 2 Allowance (Table 2), the determination is documented to the project file using the *Streamlined Project Review form*.
 - d. Projects must consist entirely of allowances found on the Tier 2 list, or a combination of the Tier 1 and Tier 2 lists, to qualify for this review process.

For projects where the lead environmental processing role occurs in a DOT&PF Regional Office, the PQI will provide a copy of the *Streamlined Project Review form* to the Regional Environmental Manager (REM) and the Statewide Environmental Office (SEO) PQI. For projects where environmental processing occurs in the DOT&PF Statewide Environmental Office, the SEO PQI will document review of the project in the applicable project file.

The SHPO and the FHWA staff may review project files or request records from project files to determine if the appropriate review and processing procedures were applied in making decisions and determinations, and that project review and compliance documentation is complete (Stipulation IX.C.1 *Review and Evaluation of this Agreement*).

Table 1

| Tier 1 Allowances | | |
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| Tier # | Project Activities | Conditions |
| 1.a | Maintenance or rehabilitation of pavement and other roadway and parking lot surfaces, bicycle, and pedestrian facility surfaces, including crack-sealing, pavement edge safety improvements such as ‘safety edge’ technology, pothole repair, overlaying, milling, resurfacing, grooving, application and reapplication of pavement markings on roads with existing pavement markings, and installation of rumble strips. | <i>No new ground disturbance would occur. The maintenance or rehabilitation is limited to existing surfaced areas with no surface expansion other than that needed to provide pavement edge safety improvements, and re-surfacing does not include gravel to chip seal or asphalt upgrades.</i> |
| 1.b | Shoulder treatments, placement of fill material, and landscaping on fore slopes. | <i>Work is limited to within the existing toe of foreslope embankment.</i> |
| 1.c | Replacement of riprap. | <i>No new ground disturbance would occur; work is limited to the previous footprint of the riprap being replaced.</i> |

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| 1.d | Cleaning and reconditioning of ditches and catch basins, street sweeping, cleaning, repair, maintenance of culverts and drainage structures, culvert extensions, and replacement of similar diameter culverts. | <i>No new ground disturbance would occur, and culvert replacement would take place in the same general location(s) as existing.</i> |
| 1.e | Removal, repair or replacement of signs, signals, lighting, and railroad warning devices. | <i>The repair or replacement is limited to similar materials on existing devices and no new ground disturbance would occur.</i> |
| 1.f | Repair or replacement of guardrails, barriers, curb, gutter, and sidewalks. | <i>The repair or replacement is limited to the use of similar materials to existing features and no new ground disturbance would occur.</i> |
| 1.g | Purchase of marine vessels for the Alaska Marine Highway System. | |
| 1.h | Brush cutting and removal of new growth within previously cleared areas with <u>handheld tools</u> . | <i>No new ground disturbance would occur from clearing methods or brush disposal activities.</i> |
| 1.i | Removal, repair, upgrades, replacement, or installation of monitoring equipment. | <i>Proposed equipment is consistent with existing setting and no new ground disturbance would occur.</i> |
| 1.j | Installation, repair, or replacement of plug-in outlets in existing parking lots. | <i>No new ground disturbance would occur.</i> |
| 1.k | Repair and maintenance of ferry terminal facilities, including docks, floats, trestles, dolphins, offshore piles, and buildings. | <i>The repair or maintenance is limited to the use of similar materials to existing features.</i> |
| 1.l | Rehabilitation of existing pavement or wearing surface on bridge decks, and/or application of new pavement/wearing surface of a bridge consistent with existing type. | |
| 1.m | Bridge cleaning and washing. | |
| 1.n | Debris removal around piers and abutments of a bridge. | |
| 1.o | Repairs and replacement of bridge deck joints, expansion joints, and failed grout. | <i>Limited to similar materials and design.</i> |
| 1.p | Bridge spall repairs. | <i>Work must be consistent with the current appearance of the bridge.</i> |
| 1.q | Bridge repainting and similar surface treatments. | |
| 1.r | Rehabilitation, repair, removal, or replacement of existing non-original bridge components. | |

Table 2

Tier 2 Allowances

General Conditions (*All General Conditions must be met.*)

1. The project is a transportation project or activity on an existing transportation facility (including associated features).
2. The Area of Potential Effects (APE) is not within a National Historic Landmark.
3. The PQI has given careful consideration to the project’s possible effects on Historic and/or Archaeological Districts.
4. No standing buildings or structures (including bridges) within the APE are more than 45 years of age, or if such properties are present, they were:
 - a. previously determined not eligible for listing on the National Register of Historic Places (NRHP), or
 - b. excluded from further Section 106 review by an Advisory Council on Historic Preservation approved programmatic agreement or program comment.
5. If the project includes ground disturbance:
 - a. ground disturbance is limited to areas that are documented as previously disturbed; or
 - b. a professional who meets the Secretary of the Interior’s qualification standards in archaeology has reviewed the proposed ground disturbing activities and has determined that: no archaeological resources are present, or the project is in a low probability area for archaeological resources, or all such resources were previously determined not eligible for the NRHP with State Historic Preservation Officer concurrence.
6. The project has no known tribal concerns or public controversy related to historic preservation.
7. If the APE includes a road treated as eligible under the May 2, 2012 *Interim Guidance for Addressing Alaska Historic Roads* (TE road), the project does not include any activities requiring consultation on effects to the TE road.

| Tier # | Project Activities | Additional Conditions |
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| 2.a | Maintenance, rehabilitation, and repairs to roadway, parking lots, bicycle, and pedestrian facility surfaces and prism that modifies existing conditions. This allows the following surface material treatments: <ul style="list-style-type: none"> • chip seal applications to asphalt; • dust palliative applications that are not asphalt emulsion based to unpaved roads; • application of pavement markings on roads without existing pavement markings; and • paving roadway shoulders and access road/driveway approach aprons. | |

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| 2.b | Routine roadside maintenance activities, including slope stabilization; berm stabilization; landscaping; removal of accumulated debris. | |
| 2.c | Landscaping, brush cutting, and removal of new growth within previously cleared areas. | <i>Does not apply to Sterling Hwy between MP 47.8-58. The PQI shall give special consideration to the project's possible effects to cultural resources along:</i> <ul style="list-style-type: none"> • <i>McCarthy Road MP 0-59.3,</i> • <i>Kalifornsky Beach Road MP 0-22.2, and</i> • <i>Sterling Hwy between MP 37-47.8 and between MP 58 and 179.3.</i> |
| 2.d | Culvert and drainage structure replacement, upgrades, extensions, or new installation. | <i>Construction access is considered when applying the conditions to this type of activity.</i> |
| 2.e | Placement of new riprap. | |
| 2.f | Stream restoration and bank stabilization activities within the existing active channel banks. | |
| 2.g | Removal, replacement, technological upgrade, rehabilitation, or installation of new roadway components (including, but not limited to: curbing, guardrail, end terminals, crash cushions, barriers, delineators, lighting, fencing, poles, retaining walls, signs, traffic signals and direction control devices, cameras, weather and roadway condition sensors/devices [and associated electrical components], and bicycle and pedestrian facilities). | <i>For purposes of 2.g, roundabouts are not considered roadway components. Apply 2.r to roundabouts and similar structures.</i> |
| 2.h | Improvements to existing pedestrian facilities to meet requirements of the Americans with Disabilities Act. | |
| 2.i | Construction of turning and auxiliary lanes, shoulder treatments, and driveways. | <i>Does not apply to the addition of through lanes.</i> |
| 2.j | Rehabilitation of existing at-grade railroad crossings. | <i>Does not require modification to the railroad alignment or grade.</i> |
| 2.k | Upgrades and rehabilitation of existing safety rest areas, park and ride lots, parking lots, and truck weigh stations. Conversion of existing parking lots to park and ride lots. | <i>Does not expand the existing lot footprint.</i> |

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| 2.l | Utility replacement, upgrades, or repairs. | <i>Does not apply to stand-alone utility installation. Give careful consideration for archaeological resources with any below ground construction.</i> |
| 2.m | Herbicide and pesticide application. | <i>The APE must incorporate any adjacent potentially historic rock art (pictograph/petroglyph) areas to account for potential indirect effects. This allowance cannot be used when potentially historic rock art is present in an APE.</i> |
| 2.n | Upgrades and rehabilitation of ferry terminal facilities, including docks, floats, trestles, dolphins, offshore piles, and buildings. | |
| 2.o | Rehabilitation, repair, or replacement of bridge components and associated approaches. | <i>The APE does not include any bridges excluded under General Condition #4. The APE also does not include any bridges identified for potential consideration of exceptional significance via the 2012 Program Comment for Common Post-1945 Concrete and Steel Bridges consultation or during historic bridge inventory consultations with OHA. These include: 0271 Yukon River, 0740 Gastineau Channel, 0245 Sitka Harbor, 1304 Captain Wlm Moore Creek, 0381 Eyak River Bridge, and 0688 Canyon Creek.</i> |
| 2.p | Bridge replacement. | |

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| <p>2.q</p> | <p>Geotechnical investigation.</p> <p>Note: Because geotechnical investigations can take place at various times in project development (sometimes before the full extent of other project elements are known); they may be reviewed independently of the larger undertaking.</p> | <p><i>If there is activity occurring off existing road prism, bridge structures, or previously disturbed areas of a material site:</i></p> <ul style="list-style-type: none"> • <i>Streamlined review documentation must specify the means of access to the investigation site(s), e.g., helicopter, tracked vehicle, etc.</i> • <i>APE must include access and maneuver areas, including any proposed areas of land clearing.</i> <p><i>The PQI may consult informally with the SHPO to clarify and resolve situations where geotechnical activities have low or no potential to adversely affect historic properties. In such cases, the PQI must attach documentation of the resolution to the streamlined review form.</i></p> |
| <p>2.r</p> | <p>Construction of new roundabouts, or removal, replacement, upgrade, or rehabilitation of existing ones.</p> | <p><i>The APE must include properties subject to</i></p> <ul style="list-style-type: none"> • <i>Right of Way (ROW) acquisition</i> • <i>change in access</i> • <i>potential visual effects, e.g., adjacent first tier properties from which a new roundabout may be visible</i> |
| <p>2.s</p> | <p>Land disposal (i.e. excess ROW), in cases requiring FHWA approval.</p> | <p><i>The PQI must also confirm that General Condition 5 is met, whether or not ground disturbance is identified as part of the disposal action.</i></p> |