

ANNUAL REPORT

**IMPLEMENTATION OF THE PROGRAMMATIC AGREEMENT REGARDING
ALASKA'S HIGHWAY SYSTEM ROADS AFFECTED BY THE FEDERAL-AID
HIGHWAY PROGRAM IN ALASKA.**

October 1, 2011 to September 30, 2012

**Alaska Department of Transportation and Public Facilities
Statewide Design and Engineering Services
Environmental Office**

November 2012

Table of Contents

	Page
I. Background	1
II. Reporting Requirements	1
III. Interim Guidance	2
IV. Summary Results	4
a. By Region	4
b. Effect Findings	5
V. Effectiveness of the Alaska Road PA	5
a. Efficiencies	5
b. Accomplishments	6
1) Interim Guidance	6
2) Interim Guidance Training	6
3) Historic Road Context Study and Final Guidance	6
4) Historical Societies and Museums Consultation Letters for the Historic Road Context Study	7
c. Interagency Partnership	7
VI. Challenges and Issues	7
a. Administration	7
b. Interim Guidance	8
VII. Conclusion	8

Appendix: Project Reporting under Alaska Road PA Interim Guidance

ANNUAL REPORT
Implementation of the Programmatic Agreement Regarding Alaska's Highway System
Roads Affected by the Federal-Aid Highway Program in Alaska

October 1, 2011 to September 30, 2012

I. Background

The *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Alaska State Historic Preservation Officer, and the Alaska Department of Transportation and Public Facilities Regarding Alaska's Highway System Roads Affected by the Federal-Aid Highway Program in Alaska* (Alaska Road PA) went into effect on February 23, 2010. The Alaska Road PA provides for an efficient, systematic approach for evaluating the National Register of Historic Places (National Register) eligibility of roads through the development of historic context and guidance tools. The Alaska Road PA also directs DOT&PF to prepare Interim Guidance that would address historic road eligibility and project effects during the period before the historic road context and final guidance are completed.

DOT&PF developed this Interim Guidance in consultation with National Park Service (NPS), Federal Highway Administration (FHWA), State Historic Preservation Officer (SHPO), and Advisory Council on Historic Preservation (ACHP). The guidance was completed on May 2, 2012, and formally implemented through the Second Amendment to the Alaska Road PA, effective June 8, 2012. The Second Amendment establishes the Interim Guidance as a replacement for the original PA Appendix A (*Undertaking Thresholds for the Programmatic Agreement Regarding Alaska's Highway System Roads*). In addition, the amendment addresses and updates the status of various stipulations, including stipulations regarding reporting requirements. This report is submitted to meet the current reporting requirements under the amended Alaska Road PA.

II. Reporting Requirements

This report documents the *Alaska Road PA Stipulation 4 Annual Reporting Requirements*. The Second Amendment amended Stipulation 4 to read as follows:

“In accordance with the Interim Guidance, by November 15th for each year the Interim Guidance is in effect, DOT&PF shall submit a report summarizing the following information to SHPO and FHWA for each project determined by the [Professionally Qualified Individual] PQI to be subject to the Interim Guidance under Stipulation 5.B of this Agreement: federal number, project name, indication of whether DOT&PF has been assigned federal agency responsibility under SAFETEA-LU 6004(a), type of undertaking, and basis for determination under Interim Guidance Section 5.1.”

The Interim Guidance furthers those Section 5.1 reporting requirements, directing DOT&PF to record the basis for findings made under Section 5.1 and that:

“...DOT&PF Statewide Environmental Office will provide FHWA and SHPO with a list of projects and activities pursuant to Section 5.1 undertaken during the federal fiscal year that has just concluded. The list will include the following information: federal number,

project name, indication of whether DOT&PF has been assigned federal agency responsibility under SAFETEA-LU 6004(a), definition of the APE and the identification and evaluation efforts undertaken, and the basis for determination under Section 5.1.”

The Second Amendment also amended Stipulation 3.B to read as follows:

1. In accordance to Stipulation 5.B, the Interim Guidance is incorporated into this PA as Appendix A, replacing the original PA Appendix A exemption thresholds.
2. When the DOT&PF PQI determines that the effects of the undertaking on roads in the State that are to be treated as eligible (TE List Roads) for the National Register are being addressed through procedures established under the Interim Guidance, FHWA and DOT&PF will be in compliance with Section 106. FHWA and DOT&PF will still need to comply with Section 106 for the undertaking, as applicable, with regard to effects on other properties.
3. The PQI will conduct project reviews and make the applicability determinations in accordance with the Appendix A, Interim Guidance. The PQI may consult with the SHPO regarding such a determination at any time, either formally or informally.
4. The PQI will document such determinations with enough information to produce the annual report under Stipulation 4 of this Agreement and the Interim Guidance Section 5.1 reporting requirements.

Under the Interim Guidance, reporting focuses on projects that may affect the TE List Roads. Although the Interim Guidance was not formally accepted until June 8, 2012, FHWA and SHPO agreed to allow Federal-Aid projects to move forward using the TE Road List, already accepted by the Alaska Road PA Signatories, and the activities lists of the draft Interim Guidance Appendices 3 and 4.

III. Interim Guidance

According to Interim Guidance Applicability Section 2.0, the Interim Guidance will be in effect until the statewide Historic Roads Context and Final Guidance stipulated in the Alaska Road PA are completed.

Interim Guidance key points:

1. TE List Roads Appendix 1: Fifteen roads within Alaska are being treated as National Register eligible through an up-front agreement among the Alaska Road PA Signatories. While the Interim Guidance is in effect, other roads in Alaska will not be considered Section 106 historic properties except roads that are listed or previously determined eligible for listing in the National Register and portions of roads located in historic districts or National Historic Landmarks.
2. The Interim Guidance provides two lists of project activities for internal DOT&PF screening and documentation that do not require further Section 106 consultation with SHPO on effects to the TE List Road. Potential effects to other types of properties are addressed pursuant to 36 CFR 800.
 - Appendix 3 is for *Activities Determined to Have Limited or No Potential to Cause Effects to Roads Treated as Eligible for Listing on the National Register of Historic Places*.

- The DOT&PF PQIs are to ensure that all project and activity reviews and processing documentation meet Interim Guidance requirements according to Section 4.0 protocol.
 - The PQI makes all applicability determinations, which are documented to project files.
 - Appendix 4 is for *Activities That Will Have No Adverse Effect on Roads Treated as Eligible for Listing on the National Register of Historic Places*.
 - The DOT&PF PQIs are to ensure that all project and activity reviews and processing documentation meet Interim Guidance requirements according to Section 5.0 protocol.
 - For 6004 projects, the Region PQI does the review and the Statewide PQI makes the finding of effect. For FHWA projects, the Region and Statewide PQIs' review will precede FHWA's finding. The determinations are documented to project files.
 - Protocol provides for 15-day processing reviews if the project does not affect other historic properties.
3. Projects that include other activities not covered by Appendices 3 and 4 follow Interim Guidance Section 6.0 for *Projects that may have an Adverse Effect on Roads Treated as National Register Eligible*.
- These projects require consultation with SHPO and other interested consulting parties to identify if an action would have an adverse effect on TE List Roads. The consultation will result in a finding of no adverse effect or in a finding of adverse effect.
 - Programmatic mitigation options in Section 6.1 are available to allow for findings of no adverse effect, which would not trigger the need for project related Memorandums of Agreement or Section 4(f) Evaluations.
 - *Cultural Resource Management Record* establishes design details to record projects as they are developed.
 - A commitment to develop a *Historic Road Management Plan* that would not happen until after the Statewide Historic Road Context study has been completed and Alaska roads are evaluated for their National Register eligibility. If the TE List Road involved by the project is later determined to not be eligible, no management plan is required for that road.
 - *Preserve In-Place Road Segment*, the management of which would be determined by FHWA and DOT&PF in consultation with SHPO and other interested consulting parties.
 - Results of the consultation are documented in the findings letter. Protocol provides for a streamlined 15-day SHPO review if the project would not affect other historic properties.
4. *Project Reevaluations:*
- If the previous Section 106 consultation was completed before the TE Road List was established (September 30, 2010) and the only change is the TE Listing, the project is documented to the file.

- If there is a project scope change and the new scope does not exceed the Appendices 3 or 4 activities lists, the project is documented to the file as processed in the Interim Guidance Sections 4.0 or 5.0. If the scope exceeds those lists, it triggers SHPO consultation and processing according to Section 6.0.

IV. Summary Results

The full Interim Guidance was formally implemented on June 8, 2012. While the Interim Guidance was being developed, the Federal-Aid projects were moving forward using the TE Road List, which was already accepted by the Alaska Road PA Signatories. Until the draft Interim Guidance Appendices 3 and 4 activities lists were prepared, projects determined by a DOT&PF PQI to involve a TE List Road continued with formal Section 106 consultation to assess project affects on the roads.

In total, eight projects involving Interim Guidance TE List Roads were processed during the current Alaska Road PA reporting period. DOT&PF processed six projects prior to the formal Interim Guidance implementation date; two projects were processed after the Interim Guidance was implemented. Of the total number of projects, three were assigned to DOT&PF in accordance with SAFETEA-LU 6004(a).

Two projects, the Southeast Region Avalanche Cameras project and the Northern Region McCarthy Road Maintenance project, fall within the reporting requirements of Interim Guidance Section 5.1. Both are noted below and the information reporting details are appended to this report.

a. By Region

Northern Region (NR) has eight TE List Roads. Six Federal-Aid projects were processed within NR that involved TE List Roads; two were 6004 assigned projects.

1. Dalton Highway MP 362-414: DP-065-7(3)/61366; finding of *no adverse effect*
2. Phelan Creek Bridge: BR-0714(22)/63519; finding of *no adverse effect*
3. Lakina River Bridge Replacement: BR-0850(26)/63905; initiation of consultation
4. Ruby Creek Bridge Replacement: BR-0714(23)/60262; initiation of consultation
5. Nome Emergency Repairs: Federal Number Pending/61696; assigned project; finding of *no adverse effect*
6. McCarthy Road Maintenance: IM-000S(586)/62900; assigned project; re-evaluation of *no historic properties affected* finding

Central Region (CR) has four TE List Roads. No Federal-Aid projects were processed within CR that involved TE List Roads.

Southeast Region (SER) has three TE List Roads. Two Federal-Aid projects were processed within SER that involved TE List Roads; one was a 6004 assigned project.

1. Juneau-Thane Road Curve at Sheep Creek Safety Improvement: HHE-0963(3)/69331; finding of *no adverse effect*

2. Southeast Avalanche Cameras: Federal Number Pending/80826; assigned project; re-evaluation of *no adverse effect* finding

b. Effect Findings

Of the eight projects that were processed during this reporting period, two projects were at the initiation of consultation step with no comments received from the Section 106 consulting parties. Consultation on four projects resulted in no adverse effect findings, all receiving SHPO concurrence.

The remaining projects re-evaluated a finding of *no historic properties affected* (Northern Region) and a finding of a *no adverse effect* (Southeast Region) in accordance with Interim Guidance Re-evaluation Section 9.0. It was determined by the Statewide PQIs that project scope changes were covered in the Appendices 3 and 4 activity lists, and the projects were documented to the files.

V. Effectiveness of the Alaska Road PA

a. Efficiencies

Although actual dollars and hours saved were not estimated, the ability for these projects to move forward without determinations of eligibility for the affected roads allowed these projects to proceed with time and cost savings, while also reducing the development and review workload of each agency (i.e., SHPO, FHWA, and DOT&PF).

No other historic properties were identified within the area of potential effect (APE) for the three FHWA projects. The three 6004 assigned projects were evaluated in-house by DOT&PF PQI; two of those projects included findings of effect on other historic properties within the APE, of which one was a re-evaluation documented to the project files.

The streamlined approach of the Interim Guidance has shortened the project delivery time frames by (1) eliminating the amount of time that it would take for the consultant to assess the road and produce an evaluation report, and (2) for the consultation amongst the consulting parties to make the determination of NRHP eligibility to reach a finding of effect of the affected road, including SHPO compliance review.

As indicated earlier, Alaska roads are not being evaluated for National Register eligibility while the streamlined Interim Guidance is in effect. Only the fifteen TE List Roads are being considered as historic properties under Section 106. Other roads within the State will not be considered historic properties except roads that are listed or previously determined eligible for listing in the National Register and portions of roads located in historic districts or National Historic Landmarks.

In addition, the Interim Guidance provides two lists of project activities (contained in Appendices 3 and 4) for internal DOT&PF screening and documentation that do not require further Section 106 consultation with SHPO on effects to the TE List Road. Consultation with SHPO for activities not contained within the Interim Guidance Appendices 3 and 4 has been expedient.

b. Accomplishments

1) Interim Guidance

The second task of the Alaska Road PA Stipulation 5.B.1 directs DOT&PF to develop Interim Guidance which will be used until the Historic Roads Context (Stipulation 5.C.1) and the Final Guidance methodology for assessing National Register eligibility of roads (Stipulation 5.B.2) are completed. The preliminary draft Interim Guidance was developed by the SRI Foundation (who was engaged under a contract ending August 31, 2011) for the Alaska Historic Roads Study Group Workshop (to meet Stipulation 5.A.1) and the Interim Guidance.

The DOT&PF finalized the Interim Guidance in consultation with the NPS, FHWA, SHPO, and ACHP on May 2, 2012. The Interim Guidance was implemented through the Second Amendment to the Alaska Road PA, which was effective June 8, 2012.

2) Interim Guidance Training

The DOT&PF, FHWA, and SHPO staff are required to receive training on the implementation of the Interim Guidance, in accordance to Section 11.0. The DOT&PF, with the assistance of FHWA and SHPO, was to develop the training and identify the required staff within three (3) months of the amendment of the Alaska Road PA to include this Interim Guidance. The training was to be conducted within six (6) months of the amendment of the Alaska Road PA to include this Interim Guidance.

The Interim Guidance Training was developed and five workshop sessions were held. The DOT&PF and FHWA conducted the following sessions, in which SHPO or SHPO staff assisted:

1. Anchorage, August 27th “test run”, attended by SHPO staff and DOT&PF Statewide Environmental Office staff.
2. Juneau, October 3rd, attended by FHWA Division Administrator, Assistant Division Administrator, and Engineering Operations Team; SHPO; and DOT&PF Deputy Commissioner, Chief Engineer, and Statewide Environmental Office staff.
3. Anchorage, October 9th, attended by DOT&PF Central Region Preliminary Design and Environmental (PD&E) staff and Statewide Environmental Office staff.
4. Juneau, October 15th, attended by DOT&PF Southeast Region PD&E staff and Statewide Environmental Office staff.
5. November 1st, attended by DOT&PF Northern Region PD&E staff, PreConstruction Engineer, Engineering Design Managers, and Statewide Environmental Office staff; and FHWA Assistant Division Administrator

Workshop Training materials and handouts included a power point presentation of key Interim Guidance points, development of a re-evaluation flowchart, and case studies with exercises.

3) Historic Roads Context Study and Final Guidance

According to Alaska Road PA Stipulations 5.C.1 and 5.B.2, DOT&PF is to develop a Historic Roads Context Study and the Final Guidance methodology for assessing National Register eligibility of roads.

The scope of the study was developed from the recommendations of the Alaska Historic Roads Study Group Workshop. The primary goal of the applied historic context is to address National Register eligibility of State and regionally significant roads. A secondary goal is to propose

general recommendations to guide future eligibility determinations for locally significant roads. The tasks of this study are to prepare: (1) Historic Overview, (2) Methodology for Assessing Eligibility, and (3) Application of Methodology to Specific Roads.

The Request for Proposals (RFP) for this study was prepared by the Statewide Environmental Office. Supplemental funding for the Alaska Road PA was received through 2010-2013 Alaska Statewide Transportation Improvement Program Revision 27 Funding. The RFP was advertised on March 13, 2012, and the contract was awarded to the team of Mead & Hunt and Cultural Resources Consultants, LLC. The Contract duration is May 21, 2012 through December 31, 2014.

The first task of the Contract was a kick off meeting on June 5th between the Mead & Hunt/CRC Team and the Historic Context Review Team (FHWA, DOT&PF, SHPO, and NPS). The kick-off meeting developed the overall Applied Historic Context final work plan. The plan includes consultation and review times for the project task deliverables, project development or progress meetings with the Review Team, and proposed travel plans. The Historic Context Review Team reviewed and commented on a draft narrative outline in September 2012. According to the work plan schedule, the Historic Context Review Team will receive the preliminary draft Historic Context narrative on January 21, 2013, for review and comment.

4) Historic Societies and Museums Consultation Letters for the Historic Road Context Study

Consultation letters for the Historic Road Context Study were sent by DOT&PF to Alaska Historic Societies and Museums on August 27, 2012. The purpose of these letters was to inform the entities that FHWA, DOT&PF, and SHPO were initiating a program to identify State and locally significant roads that could be considered as historic properties under Section 106 of the National Historic Preservation Act. The letters also asked for their interest to participate in the larger Historic Roads Context study. A limited number of entities responded to DOT&PF indicating their interest in participation in the project. The DOT&PF Statewide Environmental Office contacted the respondents and coordinated them with the Mead & Hunt/CRC Team; those entities will be involved further as the study progresses.

c. Interagency Partnership

The continued development and processing of the Alaska Road PA deliverables, most notably the development and implementation of the Interim Guidance, has strengthened the working relationship amongst FHWA, SHPO, and DOT&PF. This interagency partnership will strive to foster good faith efforts to resolve historic road eligibility issues, provide guidance and assistance to assess project effects on historic properties, and promote the successful and expedited delivery of the State's transportation projects.

VI. Challenges and Issues

a. Administration

The DOT&PF continued to be reluctant to accept the Alaska Road PA and the Interim Guidance due to perceived processing issues with regard to Section 106 and Section 4(f) that could complicate and increase project delivery time and costs. The FHWA and the DOT&PF Statewide Office have been consulting with DOT&PF during this period to inform the regions and Administration of the merits and benefits of the Alaska Road PA, and the 23 CFR 774.13(a)

exceptions to the requirement for Section 4(f) approvals to address their concerns. The FHWA, DOT&PF Statewide Environmental Office, and SHPO believe that through their intensive collective efforts that were put forth in the development of the Interim Guidance training materials and the multiple workshop sessions that the DOT&PF Administration and the regional staff will realize the benefits of this program. The Statewide Environmental Office is confident that as the regions use and become familiar with the Interim Guidance protocol, they will recognize the ease of its application and streamlined approach.

b. Interim Guidance

Tasks associated with the Interim Guidance still need to be accomplished. The Statewide Environmental Office will work with the DOT&PF Cultural Resources Team (CRT) and consult with FHWA and SHPO to establish the project file documentation requirements for Interim Guidance Sections 4.0 through 6.0. Language for TE List Roads also needs to be created for Categorical Exclusions (CEs).

VII. Conclusion

The Alaska Road PA has been in effect since the end of February of 2010. To date, the objectives, benefits, and efficiencies of the Agreement and the Interim Guidance have not been realized. However, now that the Interim Guidance is fully in effect and training workshops have been provided in each DOT&PF region and at the FHWA Division Office, it is hoped that DOT&PF staff will begin to understand the program's merits and realize the streamlining opportunities that have been built into the program. The DOT&PF Statewide Environmental Office anticipates success for this fiscal year's Alaska Road PA program.

Appendix: Project Reporting under Alaska Road PA Interim Guidance
November 15, 2012

Projects processed under Interim Guidance Section 5.1:

None.

Projects processed under Interim Guidance Section 9.0 c, re-evaluations with changes in project elements:

Project Name	Federal/State Numbers	6004 Assignable	Previously Reviewed Undertaking	Previous Finding* and Date	Project Change	Historic Properties in APE	Basis for Determination of Effect on TE List Road	Date of PQI review
Southeast Avalanche Cameras	80826	Yes	Installation of sensors and camera at locations along Thane Road to monitor avalanche zone. Equipment at each station consists of a 30' pole supporting sensors and camera, with low profile (4') remote processing unit near base of pole, and subsurface conduits buried less than 1' deep connecting to a power source. No historic properties were present in the APE for 3 of the 4 sensor stations. Portions of the AK Juneau Gold Mining Co. Historic District (JUN-0079) are within the APE for one of the sensor stations, Site 1- specifically, the South Tailings Flume (JUN-0661) which is a contributing property to the District.	NAE, 9/21/10	Addition of pavement sensors at Site 1.	Thane Rd and Historic District (JUN-0079)	Activity #4 of Appendix 4 covers the proposed project activities, with a finding of no adverse effect to the TE List Road. (Note: The previous No Adverse Effect finding took into consideration possible effects on the District (JUN-0079), and the South Tailings Flume (JUN-0661), a District contributing property. The minor addition of the pavement sensors at Site 1 does not alter the previous finding regarding those properties, which received SHPO concurrence.) Documentation in project file, email from L. Mulcahy to D. Broglino and K. Price, 9/11/12.	9/11/2012
McCarthy Rd upgrades- re-evaluation	IM-000S(586) 62900/77129	Yes	Between MP 3-59, raise road grade an average of 1.1 feet, and widen the base an average of 2.6 feet, for a consistent 24-foot width, except between MP 47-59, where width would remain 20-22 feet. Ditch work would occur at limited locations. Two culverts on tributaries of the Chokosna River near MP 27.2 would be replaced with fish passage culverts. No historic properties were identified in the project APE at the time of consultation.	NHPA, 6/23/10	Addition of one culvert to previously reviewed project, near MP 25.9.	McCarthy Rd	One culvert replacement is proposed to be added to the previously reviewed project. In an informal telephone consultation on July 13, 2012, S. Duvall of OHA agreed with L. Mulcahy and K. Price of DOT&PF that the minor nature of this proposed change would fall within the intent of the Interim Guidance (Section 9), and that no further consultation was needed on the project's effects to the road. The proposed culvert work was discussed and it was agreed that based on the information provided, the previous finding continued to be appropriate for the project. Documentation in project file, email from K. Price to J. Woodcock, 8/8/12.	7/13/2012

***Finding Codes** NHPA = No Historic Properties Affected NAE = No Adverse Effect

Note: TE Road projects processed via project-level consultation are not included on this spreadsheet.
This includes projects that proceed to consultation under Section 6.0 of the Interim Guidance, and projects that require consultation under 36 CFR 800, per Interim Guidance Section 2.4.