

APPENDIX J

Historic Roads Consideration for Standard Consultation Projects

Appendix J establishes procedures for considering historic roads during the standard consultation process (as outlined in Appendix D). Unless otherwise stated in this appendix, it applies to all Federal-Aid Highway Program (FAHP) projects covered by the Section 106 PA. This appendix addresses consideration of roads as properties which may be individually eligible for or listed on the National Register of Historic Places (NRHP). Appendix J does not apply to consideration of roads as contributing elements to historic districts.

Appendix J builds upon work conducted under the 2010 *Programmatic Agreement ... Regarding Alaska's Highway System Roads Affected by the Federal-Aid Highway Program in Alaska* (Alaska Roads PA). The Alaska Roads PA provided for an alternative method of Section 106 compliance for historic roads through Interim Guidance while the FHWA, DOT&PF, and SHPO cooperated to establish a systematic framework for determining the National Register eligibility of Alaska roads as an individual property type. The result is the *Alaska Roads Methodology for Assessing National Register of Historic Places Eligibility*, Mead & Hunt, December 2014 (*Alaska Roads DOE Methodology*). The *Alaska Roads DOE Methodology* is posted on the DOT&PF Historic Properties webpage. As evidenced by the written concurrences authorized by Section IX.F.2.b of the Section 106 PA, the FHWA, SHPO, and DOT&PF hereby agree to adopt the Methodology for use on FAHP projects covered by the Section 106 PA

The *Alaska Roads DOE Methodology* includes a screening process to identify roads with low potential for individual significance which are not considered to qualify for listing in the NRHP (Category 1). Through adoption of the *Alaska Roads DOE Methodology*, SHPO concurs that when this process is adequately applied and documented, Category 1 roads are not individually eligible for the NRHP. Note that the *Alaska Roads DOE Methodology* does not need to be applied to roads constructed within the past 45 years unless the road is a candidate for exceptional importance (as per NRHP *Criteria Consideration G*).

The signatories may propose adjustments to the *Alaska Roads DOE Methodology* at the Section 106 PA Annual Meeting, and at other times as needed. The DOT&PF Statewide Environmental Manager and the SHPO must agree to the change(s) in writing. The current version of the *Alaska Roads DOE Methodology*, with its effective date and version number, will be posted on the DOT&PF Historic Properties webpage and referenced in the Section 106 PA's amendment log. A list of changes will also be included in the Section 106 PA Annual Report.

I. Standard Consultation Situations Requiring No Further Identification of Historic Roads

This process of eliminating a road from further review may apply to all or only some of the roads in a project APE. If any of the below provisions are used, the PQI must document the exclusion in the findings letter or via another appropriate method in the project file.

- A. Roads are excluded from further Section 106 review by an Advisory Council on Historic Preservation approved programmatic agreement, program comment, or Federal Register published exemption.
- B. Roads have previously been determined not eligible for the NRHP (this includes those previously submitted to SHPO as Category 1 roads under the *Alaska Roads DOE Methodology*).
- C. Roads are less than 45 years of age, and unlikely to have exceptional importance under NRHP *Criteria Consideration G*.
- D. All activities involving the road(s) are listed as a Tier 1 or Tier 2 allowance (Appendix B). The PQI must confirm in the findings letter that all applicable conditions are met.
- E. The PQI may consult informally with SHPO to enable additional case-specific coordination on projects which contain other elements with limited potential to affect historic roads. If SHPO agrees that no further historic road identification or evaluation is warranted for the road(s) in question based on the limited nature of the activities, the PQI will confirm such agreement in an email to SHPO, with a copy for the project file, and will reference this coordination in the Findings Letter.

If any of the roads in the APE cannot be addressed through one of the considerations above, proceed to Section II below to address such roads.

II. Identification and Evaluation of Historic Roads:

If a project has unevaluated roads in the APE and cannot be fully processed under Section I, employ the *Alaska Roads DOE Methodology*. The *Alaska Roads DOE Methodology* provides a sequential process for assessing National Register eligibility of individual roads. If a road does not pass Step 1, it would not proceed to the next and would no longer be a candidate for individual eligibility. The steps are summarized here; see the *Alaska Roads DOE Methodology* for more complete details.

- A. Step 1: Initial screening: If screening indicates the road has low potential for individual significance, then the road is considered a Category 1 road and historic roads consideration is complete. Provide Category 1 screening results to SHPO and consulting parties, as applicable, and to the project file.

AHRS numbers and screening are not required for roads which are less than 45 years old unless the road is a candidate for exceptional importance (as per NRHP *Criteria Consideration G*).

If the screening results in the classification of a road as Category 2, proceed to evaluating significance.

- B. Step 2: Evaluating significance under NRHP Criteria: If research and analysis indicate a road does not have significance according to the *Alaska Roads DOE Methodology*, this is considered a negative result determination of eligibility (DOE),

to be submitted with a determination of Not Eligible, and no further consideration is required pending SHPO concurrence. If a road is determined to have historical significance, proceed to assess integrity.

- C. Step 3: Assessing historic integrity: Field survey occurs at this step, following guidelines in the *Alaska Roads DOE Methodology*. The resulting DOE is submitted to SHPO and consulting parties. The *Alaska Roads DOE Methodology* allows for integrity to be assessed on the portion of the road within the APE, rather than assessing the entire road.

An alternative historic road identification method may only be substituted in special cases, with advance agreement of the DOT&PF Regional PQI, SEO PQI, and SHPO, prior to conducting the identification and evaluation of a road.

III. Assessing Effects to Eligible Roads

The PQI will follow the process described in Appendix D, Section D, Assessments of Effect on Historic Properties, with the following additional considerations:

- A. **Management Plans:** If a historic road management plan exists for the road, follow its guidance.
- B. **Activities with No Effect to Eligible Roads:** Activities listed as programmatic allowances (Appendix B) which meet all applicable conditions will have no effect on the road in question. The PQI must confirm in the findings letter that all applicable conditions are met.
- C. **Activities Normally Having No Adverse Effect on NRHP-Eligible Roads:** Activities in Table J-1 (Activities Normally Having No Adverse Effect on NRHP-Eligible Roads) will not, in normal circumstances, adversely affect eligible roads when all conditions are met. The PQI must consult with SHPO, referencing the activity in the findings letter, for concurrence with the No Adverse Effect finding.

Table J-1: Activities Normally Having No Adverse Effect on NRHP-Eligible Roads

	Activity	Conditions
J1.a	Installation, repair, or replacement of interpretive signage and waysides	
J1.b	Junction work on a non-eligible road where it connects with an eligible road.	<ul style="list-style-type: none"> • <i>The portion of the eligible road within the work area is not contributing to engineering significance under Criterion C.</i>
J1.c	Realignment to stabilize portions of roadway (e.g. problematic sub-base conditions such as permafrost, or response to erosion)	<ul style="list-style-type: none"> • <i>Existing alignment is threatened by natural forces.</i> • <i>Realignment is within existing ROW</i> • <i>Work is limited to segments of a longer road</i>

Table J-1 is not an exhaustive list of activities that normally do not adversely affect eligible roads. If an activity is not listed in Table J-1, the project may still be found to have No Adverse Effect on the eligible road(s), as applicable. The signatories may agree, at the annual meeting, to revise Table J-1 via amendment.

D. Other Situations: If there is no management plan for the affected eligible historic road, and not all the project activities are covered in Table J-1, then DOT&PF will review the road's DOE to understand the road's essential physical features (EPFs) and what aspects of integrity it retains. (Road features which were not identified as EPFs would not be addressed in the effects assessment.) The assessment of effect will consider the criteria under which the road has been determined significant—Criterion A, Criterion C, or both. Whether an undertaking's effect on the historic road is adverse will be linked to the road's significance as it relates to its EPFs. The assessment of effect would consider the scope and scale of the work in relation to the road's significance and extent of EPFs. It is the intent of the signatories that the potential diminishment of qualities that make a road (or road segment) NRHP-eligible be understood as a flexible concept when the scope and scale of work, to be considered in project consultation, is modest.

IV. Resolving Adverse Effects

If DOT&PF determines that a project will have an adverse effect on an eligible historic road after applying the procedures established in J.III, the PQI will follow the process described in Appendix D, Section E, for resolving the adverse effect.

V. Effective Dates and Transitional Processes

A. Appendix J Implementation

1. The FHWA, SHPO, and DOT&PF hereby agree to amend the PA appendices to include Appendix J, effective upon the date of the last concurrence signature on the accompanying interagency agreement letter.
2. To allow time for implementation training in the various DOT&PF regions, protocols J.I – J. IV will not activate until February 23, 2019.
3. The FHWA, SHPO, and DOT&PF also hereby agree to adopt the *Alaska Roads DOE Methodology* for use on FAHP projects covered by the Section 106 PA, effective February 23, 2019.
4. On February 23, 2019, Appendix J protocols will supersede the provisions in the Alaska Roads PA, including the Interim Guidance, except as noted below in Sections V.B and V.C.

B. Projects Which Have Not Completed Section 106

In order to accommodate projects which have already begun the project development process, but have not completed Section 106 review as of February 23, 2019, a transitional allowance is established.

A transitional allowance shall apply to projects for which:

1. Section 106 initiation letters were sent prior to February 23, 2019, with findings of effect not yet completed, and/or
2. An active cultural resources survey contract was issued for the project prior to February 23, 2019 or within 90 days following that date.

For these projects, the project manager, in coordination with the PQI and REM, may opt whether to follow the process outlined in the June 8, 2012 Interim Guidance or the procedures outlined in this Appendix. If they opt to follow the Interim Guidance process, they must also obtain written approval from the Statewide Environmental Manager.

Projects operating under a transitional allowance must complete Section 106 by February 23, 2022.

C. Updates and Re-evaluations

1. Projects which completed Section 106 review prior to February 23, 2019 do not require additional historic roads review during a project update or re-evaluation, provided that the previously reviewed project description remains substantially the same, and that no other changes in conditions warrant an updated Section 106 review (such as the passage of five years for historic property identification). The Regional PQI will add an email to the project file that includes the following statement:

“Section 106 review was completed for this project on **[Date]**, prior to inclusion of Appendix J in the Section 106 PA. Prior to February 23, 2019, projects were covered by the terms of the Alaska Road PA’s Interim Guidance. This project was previously reviewed under the Interim Guidance and falls within the parameters of an agreement among SHPO, FHWA, and DOT&PF, which states that such projects do not require additional Section 106 review on effects to roads in the APE if no changes in project description have occurred since that review.”

The email will be sent to the REM and copied to the Statewide Cultural Resources Manager and the NEPA Program Manager assigned to the project.

2. For projects which completed Section 106 review prior to February 23, 2019, which have a subsequent change in project description or APE, the PQI will review the prior Section 106 documentation and follow the processes in this Appendix. Additionally, if five or more years have passed since the most recent historic property identification was conducted for the project, the PQI will include roads among the resources to be re-considered. A road previously excluded due to recent age typically does not need to be re-considered unless it has subsequently become 45-50 or more years of age.