

APPENDIX G

Section 106 Consultation

APPENDIX E

Section 106 Consultation

Page

Table of Contents

State Historic Preservation Officer (SHPO) Correspondence	E-1
Section 106 Consultation Efforts Summary	E-61
Initial Tribal Consultation	E-67

State Historic Preservation Officer (SHPO) Correspondence



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

DIVISION OF PARKS AND OUTDOOR RECREATION
Office of History and Archaeology

550 West 7th Avenue, Suite 1310
Anchorage, Alaska 99501-3565
Web: <http://dnr.alaska.gov/parks/oha>
Phone: 907.269.8721
Fax: 907.269.8908

August 28, 2014

File No.: 3130-1R FHWA

SUBJECT: Haines Highway Improvements Milepost 3.5-25.3, SHAK-0956(028)/68606

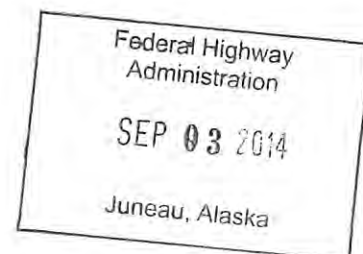
Alex Viteri Jr.
U.S. Department of Transportation
P.O. Box 21648
Juneau, AK 99802-1648

Dear Mr. Viteri,

The Alaska State Historic Preservation Office (AK SHPO) received your letter (dated August 6, 2014) on August 8, 2014 and attached report titled *Ground Penetrating Radar Survey for the Haines Highway Improvement Project, No. 68606, In the Vicinity of Yendistucky Village*. We reviewed the subject undertaking for conflicts with cultural resources pursuant to Section 106 of the National Historic Preservation Act. Following our review of the supplemental finding letter and report, our office concurs with your recent findings of No Adverse Effect for Yendistucky Village (SKG-054) and Smokehouse Village (SKG-044). Also, we have no objections to the revised boundary of Yendistucky Village, which is based on the 1916 plat of US Survey No. 908. The revised boundary has already been updated in the Alaska Heritage Resources Survey (AHRs).

For future projects that utilize ground penetrating radar (GPR) equipment, we recommend that the AK SHPO be involved in consultation prior to the survey. Although GPR survey has been limited in Alaska, our office has had experience with projects around the State that have implemented this methodology. The GPR report that you submitted would have benefited from a test over previously identified grave sites. This technique would allow for a comparative sample to help identify anomalies and provide justification for the results.

Please note that as stipulated in *36 CFR 800.3*, other consulting parties such as the local government and Tribes are required to be notified of the undertaking. Additional information provided by the local government, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations. Please note that our comment letter does not end the 30-day review period provided to other consulting parties.



Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR 60.4) in consultation with our office.

We look forward to future consultation on the overall project's finding of Adverse Effect for historic properties. It is our understanding that there will still be an adverse effect to the Chilkat River Bridge (SKG-247). As such, mitigation measures will be developed through a memorandum of agreement. Please contact Mark Rollins at 269-8722 or mark.rollins@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Judith E. Bittner". The signature is written in a cursive style with a large, looping initial "J".

Judith E. Bittner
Chief, OHA

JEB:mwr



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

August 06, 2014

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-0956(028)/68606

Ms. Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, AK 99501-3565

Dear Ms. Bittner:

The Alaska Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and 25.3 (see attached Area of Potential Effect Figure Set 1 thru 18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

Pursuant to 36 CFR 800.4(d)(2) and 800.5(d)(2), implementing regulations of Section 106 of the National Historic Preservation Act, the FHWA continues to find an adverse effect on one historic property by the proposed project, the Chilkat River Bridge (SKG-247). Furthermore, FHWA finds No Adverse Effects to Yendistucky (SKG-054), Smokehouse Village (SKG-044), and the Haines-Fairbanks Pipeline’s Gate Valve 4 (SKG-206). This submission provides documentation in support of a No Adverse Effect Finding to Yendistucky and Smokehouse Village subsequent to road alignment changes in the proposed action, as required at 36 CFR 800.11(e).

Specific purposes of this letter are:

- to formally acknowledge the correct boundary of Yendistucky Village (SKG-054)
- to provide details of the changes in the proposed project in the vicinity of Smokehouse Village (SKG-044) and Yendistucky Village (SKG-054),
- to provide a revised Area of Potential Effects (APE) resulting from the amended boundary of SKG-054 and the proposed project changes

- to supplement information about features and attributes of Yendistucky based on a ground penetrating radar field survey, and
- to document a No Adverse Effect on Yendistucky (SKG-054) and Smokehouse Village (SKG-044 from the proposed action).

FHWA asks for your review and comments regarding the information presented in this letter including whether or not you agree with the FHWA finding of No Adverse Effect for Yendistucky and Smokehouse Village.

Summary of the Section 106 process from 2005 to the present.

The following Section 106 consulting parties are involved with the consultation for this project:

- State Historic Preservation Officer
- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska Corporation
- Klukwan, Incorporated
- Sealaska Heritage Institute
- Bureau of Indian Affairs

Consulting parties were sent initiation of Section 106 consultation letters including the original APE for the proposed action on December 2, 2005. Consulting parties were sent information about a proposed geotechnical survey on January 31, 2006. On July 6, 2010, FHWA provided a project update after a two-year project delay and an expanded APE that included potential visual effects to adjacent historic properties.

On November 28, 2011 FHWA sent letters to the consulting parties with Determinations of Eligibility (DoEs) for 25 properties within the APE of which 11 properties were determined eligible for the National Register (see Table 2 of the enclosed DoE letter). The FHWA determined that Smokehouse Village (SKG-044) and Yendistucky Village (SKG-054) were eligible under National Register Criteria A and D.

On January 15, 2013, an overall project finding of Adverse Effect for historic properties (SKG-247—the Chilkat River Bridge and SKG-206—the Haines-Fairbanks Pipeline District, Gate Valve #4) was issued. In that letter, FHWA’s findings of effect included No Effect on Yendistucky Village and No Adverse Effect on Smokehouse Village. The SHPO concurred with FHWA’s findings and requested results of a field survey for a revised highway intersection near the village of Klukwan (January 28, 2013). No other response was received from consulting parties.

The FHWA submitted the additional field survey results that included an expanded APE for additional rock cut areas on June 24, 2013. The survey did not identify any additional properties in the APE. However, due to design changes, FHWA found that Gate Valve 4 of the Haines Fairbanks Pipeline (SKG-206) would not be adversely affected. After receiving additional

requested information (September 3, 2013), SHPO concurred with the finding of No Adverse Effect on Gate Valve 4 on September 19, 2013.

Follow up consultations during 2013 and into 2014 with Chilkat Indian Village (CIV) and Chilkoot Indian Association (CIA), resulted in a need to:

1. Correct the site boundaries of Yendistucky Village and re-assess the finding of effect for this site,
2. Expand the APE to include all of Yendistucky and Smokehouse Village sites as well as a small piece of Haines Airport property located at MP 4, and
3. Re-assess the potential effects to Yendistucky and Smokehouse Village.

Revised Project Description

As a result of public and agency comments received on the Environmental Assessment (EA) (July 2013), revisions to the proposed project alignment are being made to lessen impacts to: historic properties; the Chilkat River, streams, wetlands; and the Alaska Chilkat Bald Eagle Preserve. The revised alignment is shown in the enclosed Haines APE 2014 Figure Set 1 thru 18. An appropriately Revised EA is in preparation. The realignment proposed to lessen impacts to historic properties is in the vicinity of MP 4.

As a result of tribal consultations with the CIA and the CIV, the highway curve proposed near MP 4 in the EA was realigned further south and west toward the airport and Chilkat River to avoid impacts to the Yendistucky bluff, an area now known to be of cultural and spiritual significance to the Tribes (see Figure 2. Revised Proposed Action in Vicinity of Smokehouse Village (SKG-044) . This realignment would relocate a small anadromous fish stream inside a dike that protects Haines Airport from the Chilkat River. The APE shown on Sheet 2 in the Haines APE 2014 Figure Set 1 thru 18 enclosure encompasses the area that would be directly affected by highway realignment at MP4 and stream relocation plus a 25-foot buffer to account for possible construction impacts.

Revised Area of Potential Effects

The APE as described in the most recent finding letter (June 24, 2013) has been expanded to include:

1. All of the corrected Yendistucky site depicted in the 1916 plat of U.S. Survey No. 908 See Figure 1. Correct Boundary of Yendistucky (SKG-054)(see below for discussion), and
2. A small piece of airport property located just south of the highway at MP 4 (Sheet 2, Haines APE 2014 Figure Set 1 of 18).

The AHRS data base was reviewed in May 2014 to determine if any additional historic properties have been reported within the revised APE. No additional historic properties were identified.

Identification Efforts

The boundaries of Yendistucky used in the determination of eligibility and findings of effect have been found to be in error and need to be corrected. Additional features and attributes of Yendistucky (SKG-054) and Smokehouse Village (SKG-044) have also been identified.

Yendistucky Village (SKG-054).

The boundary of Yendistucky Village (see enclosed Figure 1 Correct Boundary of Yendistucky (SKG-054)) is different than previously shown in our DoE letter dated November 28, 2011, and information contained in a supporting report by Cultural Resource Consultants LLC (CRC) (*Archaeological Field Survey of Proposed Alternatives for the Improvements of the Haines Highway from Milepost 3.5 to 25.3*, October 2011). The boundary previously recommended by CRC was based on a hand sketch of the Yendistucky Village boundary that was part of a Sealaska Corporation 1975 document (*Native Cemetery and Historic Sites of Southeast Alaska*). That sketch did not show the correct boundary.

The 1916 plat of U.S. Survey No. 908 village reservation boundaries, which is supported by CIA and CIV, extend further west across the highway to the former meander line of the Chilkat River and includes Smokehouse Village. It also extends further south onto the Haines Airport property and further east toward the mountains.

Consultations with the CIA during the fall of 2013 confirmed the boundary of Yendistucky as well as the importance of this area to the Tlingit people. The original proposed action described in the 2012 DoE letter and January 2013 finding letter included realigning the Haines Highway by cutting into the Yendistucky bluff incorrectly assuming that the bluff was outside of the boundary of Yendistucky. CIA commented on the July 2013 Environmental Assessment that the proposed action of cutting into the bluff would be considered an adverse effect. This resulted in DOT&PF's decision to realign the road away from the Yendistucky bluff.

In support of a request from the CIA; Sealaska Corporation Inc. and Sealaska Heritage Institute to avoid the Yendistucky bluff, Dr. Chuck Smythe prepared a white paper dated January 28, 2014 regarding the importance of shamanistic landscapes (enclosed). In it Dr. Smythe states that Yendistucky Village has a shamanistic landscape that should be protected.

DOT&PF brought the Yendistucky boundary error to the attention of SHPO staff and the Alaska Heritage Resource Survey (AHRS) data base has been updated. FHWA is formally presenting this information in support of the revised APE and finding of affect to both Yendistucky and Smokehouse Village presented in this consultation letter.

Additional investigations in the vicinity of MP 4 of the highway were also requested by CIA to resolve uncertainty about past highway construction impacts on burials in this area.

Between October 16 and 21, 2013, CRC archaeologists Dr. Linda Finn Yarborough and Sarah Meitl completed a Ground Penetrating Radar (GPR) survey in the vicinity of Yendistucky Village (CRC, January 2014, enclosed). The areas surveyed (see Figure 3 in the January 2014 report) were selected by representatives of the CIA Tribal Council and included:

1. A 361-foot long segment of the Haines Highway immediately south of the main Yendistucky Village site and north of the western end of the Haines Airport
2. The bluff west of Yendistucky Village and adjacent to the Haines Highway, between the bluff edge and the power and communications line to the east.

A third site, in the turnout area across from the bluff, was also identified for the GPR survey if there was adequate time. There was not adequate time to survey this site.

The GPR survey documented a modern culvert in the eastern part of the highway segment, but no anomalies were encountered that suggested the presence of burials either under the highway or on the bluff. A linear anomaly at a depth of about 7 to 10.5 feet in highway survey grid #1 may indicate the presence of compacted soil caused by a former road or trail. Small round anomalies at depths of about 5.8 to 10.3 feet in highway grid #6 might be pilings, posts, or post holes related to a structure or structures associated with Yendistucky. Both of these anomalies are within the APE. It is not possible to say with certainty what these anomalies represent without excavations.

The DOT&PF Southeast Regional archaeologist Michael Kell recently reviewed the findings of a cultural resource investigation conducted by J.D. McMahan and C.E. Holmes of Department of Natural Resource's Office of History and Archaeology (OHA) (April 1989). McMahan and Holmes found that, while the 1916 platted Yendistucky Reservation included the Chilkat River shoreline where the airport was built, the main features of the village of Yendistucky (houses and burials) were located entirely to the north of the existing highway. This detailed survey report was also used by CRC in support of their archaeological field survey and their recommendations for the proposed Haines Highway MP 3.5 to 25.3 project (CRC, 2011).

Smokehouse Village (SKG-044).

To further understand the potential to effect features and attributes of Smokehouse Village from the revised highway alignment at MP 4, Michael Yarborough (CRC) reviewed the field notes taken during CRC's field work done between 2005 and 2009 within the Smokehouse Village boundaries. The DOT&PF Southeast Regional archaeologist also visited the site on May 7, 2014 to verify the location of features identified by CRC in earlier field surveys. Both CRC and Michael Kell used Global Positioning System (GPS) technology to clarify the location of identified fish pits associated with traditional use of Smokehouse Village relative to our proposed project (see Figure 2. Revised Proposed Action in Vicinity of Smokehouse Village (SKG-044)) but the technology used by Kell allowed for a more accurate location of the feature closest to the proposed action (Fish Pit at waypoint #87).

Revised Finding of Effect for Yendistucky Village (SKG-054)

The FHWA is formally requesting SHPO's concurrence on revisions to the Yendistucky boundary and a finding of No Adverse Effect for the village of Yendistucky (SKG-054). The boundary of the Yendistucky Village has been expanded further west and south based on the 1916 plat of US Survey No. 908 (see Figure 1. Correct Boundary of Yendistucky (SKG-054)

and Sheet 2 of Haines APE 2014 Figure Set 1 thru 18.). Except for the boundary expansion, there are no changes to the Yendistucky Village DOE for the National Register under Criteria A and D. To more accurately represent the area of potential effects, the entire expanded boundary of Yendistucky Village is now within the project's APE.

The proposed realignment would result in an expansion of the Haines Highway footprint within Yendistucky (SKG-054) but the footprint would be less than the alignment proposed in the July 2013 EA. Figure 2. Revised Proposed Action in Vicinity of Smokehouse Village (SKG-044) shows the areas of Yendistucky where ground disturbing actions would occur during construction. All proposed ground disturbing actions within SKG-054 would be within areas that have been previously disturbed to some degree.

Based on the CRC and McMahn work, there are no archaeological features remaining in the vicinity of the road and below the road and the features and attributes that make this site eligible under Criteria A and D are associated with the village and burials located above the highway. According to Smythe (January 2014), the bluff is also an important feature in the eligibility of SKG-054. The bluff and the main village site located to the north and upgradient of the Haines Highway would not be directly affected. The results of the GPR survey found anomalies within the project footprint under the existing road. However, an analysis of the depth of the anomalies compared with the proposed cross sections show the anomalies are deeper than proposed groundwork at this location and so these anomalies would not be affected by project construction.

Based recent research and fieldwork conducted by CRC and with the realignment of the highway away from the Yendistucky bluff, there would be no direct adverse effects to features and attributes that make Yendistucky (SKG-054) eligible for the National Register.

The potential for indirect visual effects was also evaluated. With the change in alignment away from the Yendistucky bluff, the existing dense vegetation would visually shield the portion of Yendistucky located above the highway from project activities. Therefore, there would be no indirect adverse effects.

Based on the fact that DOT&PF would be working within the boundaries of Yendistucky (SKG-054) as described in the 1916 plat and enclosed APE, a finding of No Historic Properties Affected is not valid. For the aforementioned reasons, DOT&PF recommends and FHWA finds that the project would have No Adverse Effect on the characteristics that qualify Yendistucky for listing in the National Register.

Finding of Effect for Smokehouse Village (SKG-044)

The 1916 plat of Yendistucky Reservation includes the village area with houses, graves, and a demarcated fishing ground. Based on historic research and field surveys, the fishing ground has been determined to be a separate eligible historic site known as Smokehouse Village. The SHPO has concurred with this determination and Smokehouse Village is identified as SKG-044.

Smokehouse Village (SKG-044) is located next to the Chilkat River and within the southwestern area of Yendistucky (SKG-054) and is entirely within the project's APE.

As originally designed, the alignment upon which the January 2013 finding of No Adverse Effect for Smokehouse Village was based, avoided construction activities within SKG-044's boundary. That alignment would have resulted in cutting into the Yendistucky bluff. Through the summer of 2013 and into 2014, FHWA continued consultations with the CIA, CIV, Sealaska Heritage, and Sealaska Corporation due to concerns about the Proposed Action's impacts to Yendistucky resulting from excavation of a portion of the bluff. In addition, Tribal members confirmed that Smokehouse Village is still a traditional use area for eulachon rendering and salmon fishing and that highway access to the Smokehouse Village site is very important.

Following those consultations, DOT&PF developed a proposed highway alignment that would avoid Yendistucky bluff and meet the project's purpose and need. The newly developed alignment moves the road onto a small portion of airport property and into the Chilkat River but also would require some embankment fill in Smokehouse Village. Both CIA and CIV favor the newly developed alignment. See Figure 2. Revised Proposed Action in Vicinity of Smokehouse Village (SKG-044).

The new alignment tapers the embankment of the proposed road 1 to 12 feet into the boundaries of Smokehouse Village (5,275 square feet or 0.12 acre)(see Figure 2. Revised Proposed Action in Vicinity of Smokehouse Village (SKG-044)). The access point off Haines Highway used by Chilkat and Chilkoot tribal members during their fishing activities would be improved to meet standards. Although the traditional and current use of rendering pits, the existing sheds, and most vegetation would not be affected, an area of Smokehouse Village adjacent to the existing roadway would be impacted.

The fill avoids the site's identified fish pit features and further examination by CRC of the shovel test data collected in support of their October 2011 report indicates that the areas proposed for fill are likely comprised of a layer of forest duff over sandy/silty soil that have lower potential to contain cultural materials. According to M. Yarborough, it is unlikely that archaeological resources would be affected by the proposed fill. Based on consultations with CIA and CIV, this proposed action would not adversely affect activities associated with traditional use. Placing additional fill within the site would likely not affect or diminish the characteristics that qualify Smokehouse Village for listing on the National Register.

Therefore, DOT&PF recommends and FHWA finds that the Revised Proposed Action would not adversely affect the features and attributes that make Smokehouse Village eligible for the National Register under either Criteria A or D.

Consultation Efforts

Recent consultation during 2013 and 2014 with the CIV Tribal Council; the CIA Tribal Council; Sealaska Corporation, Inc.; and Sealaska Heritage Institute have indicated that Yendistucky is spiritually important to them because of ancestors who lived there and are buried close to the residential portion of the village. Miraglia's 2009 documentation (*Yindastuki and Chilkoot Village: The Fates of Two Chilkat Tlingit Villages Claimed Under ANCSA Section 14(h)(1)*) also supports the interpretation that the site is culturally significant to the Tribes. DOT&PF has responded to these comments by realigning the Haines Highway to avoid direct impacts to the Yendistucky bluff near MP 4.


In conclusion, we respectfully seek your review and comments with our:

- revised property boundary for Yendistucky (SKG-054), and
- findings of No Adverse Effect for Yendistucky and Smokehouse Village.

We have asked the consulting parties, including the Advisory Council on Historic Preservation, of their interest in participating in the resolution of the adverse effects with the development of a Memorandum of Agreement. In addition to your Tribe, the SHPO, Chilkoot Indian Association, Sealaska Corporation, and Sealaska Heritage Institute have all requested to participate. The Advisory Council has declined to participate. A draft MOA is being developed and will be made available to you when this finding of effect consultation is complete.

Please direct your concurrence or comments on the content of this letter to me at the address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov .

Sincerely,


Alex Viteri Jr., P.E.
Southeast Area Engineer

Cited:

CRC. 2011. Archaeological Field Survey of Proposed Alternative for the Improvement of the Haines Highway from MP 3.5 to 25.3, DOT&PF Project Number 68606, Haines, Alaska. October 2011.

McMahan, J.D. and C.E. Holmes. 1989. *A Cultural Resource Investigation at Haines Airport, Haines, Alaska (Project No. 69523)*. Office of History and Archaeology Report Number 16. Office of History and Archaeology, Division of Parks and Outdoor Recreation, Alaska Department of Natural Resources. Anchorage, Alaska.

Miraglia, R.A. 2009. Yindastuki and Chilkoot Village: The Fates of Two Chilkat Tlingit Villages Claimed Under ANCSA Section 14(h)(1). In K.L. Pratt (ed.). *Chasing the Dark, Perspectives on Place, History, and Alaska Native Land Claims. Shadowlands, Volume 1*. U.S. Department of Interior, Bureau of Indian Affairs, Alaska Region, Division of Environmental and Cultural Resources Management, ANSCA Office. Anchorage, Alaska.

Sealaska Corporation. 1975. *Native Cemetery & Historic Sites of Southeast Alaska*. Submitted to Sealaska Corporation by Wilsey & Ham, Seattle.

Enclosures:

Table 1 – Project Location by Township and Range

Copy of the letter from FHWA to SHPO dated November 28, 2011

Haines APE 2014 Figure Set 1 thru 18

Figure 1. Correct Boundary of Yendistucky (SKG-054)

Figure 2. Revised Proposed Action in Vicinity of Smokehouse Village (SKG-044)

Yandeistakye Spiritual and Shamanic Landscape, CW Smythe PhD, January 28, 2014

Office of History and Archaeology Report:

Ground Penetrating Radar Survey for the Haines Highway Improvement Project, No. 68606, In the vicinity of Yendistucky Village. Prepared by Dr. Linda Finn Yarborough, Cultural Resource Consultants LLC. Prepared for DOWL HKM. January, 2014.

Electronic cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional, Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional, Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Manager

Jim Scholl, DOT&PF, Southeast Region, Project Environmental Coordinator



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

DIVISION OF PARKS AND OUTDOOR RECREATION
Office of History and Archaeology

550 West 7th Avenue, Suite 1310
Anchorage, Alaska 99501-3565
Web: <http://dnr.alaska.gov/parks/oha>
Phone: 907.269.8721
Fax: 907.269.8908

September 19, 2013

File No.: 3130-1R FHWA

Alex Viteri Jr., P.E.
Federal Highway Administration
Southeast Region Area Engineer
P.O. Box 21648
Juneau, AK 99802-1648

Subject: Haines Highway Improvements between Milepost (MP) 3.5 and 25.3 near Haines, Alaska

Dear Mr. Viteri:

The Alaska State Historic Preservation Office (AK SHPO) received your correspondence (dated September 3, 2013) on September 5, 2013.

Following our review of the documentation provided, we concur that the planned activities at the Gate Valve (GV) #4 of the Haines-Fairbanks Pipeline (SKG-206) will not affect the eligibility of GV#4 and will result in **no adverse effect** to SKG-206. We look forward to receiving before and after photographs of GV#4.

Please note that as additional information provided by the local government, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations.

Thank you for the opportunity to comment. Please contact Shina duVall at 269-8720 or shina.duvall@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Judith E. Bittner".

Judith E. Bittner
State Historic Preservation Officer

JEB:sad

Tuttell, Maryellen

Subject: FW: 68606 HNS: MP 3.5 to 25.3 / Enclosures to the findings letters

From: Duvall, Shina A (DNR)
Sent: Thursday, June 27, 2013 1:51 PM
To: Gendron, Jane D (DOT); Alex.Viteri@dot.gov
Cc: Scholl, James W (DOT)
Subject: RE: 68606 HNS: MP 3.5 to 25.3 / Enclosures to the findings letters

Hi Jane,

We have received the materials and will be sending back our concurrence letter in response to the revised finding of effect. In the meantime, we understand that there were no additional historic properties identified as a result of the most recent cultural resource inventory conducted within the APE. Thank you for letting us know. We believe we have sufficient information to provide our formal response to the findings letter, which will be forthcoming shortly.

Please let me know if you need anything else.

Best regards,
Shina

Shina duVall, RPA
Archaeologist, Review and Compliance Coordinator
Alaska State Historic Preservation Office / Office of History and Archaeology
550 W. 7th Ave., Suite 1310
907-269-8720 (phone) 907-269-8908 (fax)
shina.duvall@alaska.gov

From: Gendron, Jane D (DOT)
Sent: Wednesday, June 26, 2013 11:26 AM
To: Duvall, Shina A (DNR)
Cc: Scholl, James W (DOT)
Subject: RE: 68606 HNS: MP 3.5 to 25.3 / Enclosures to the findings letters

Hi Shina,
FHWA signed and mailed the attached letter yesterday. I asked Jim to provide the referenced enclosures which he just sent you.

As we discussed, in order for us to issue the EA to the public, FHWA requires that you concur with the determination that no additional historic resources are present within the expanded APE.

We are hoping to public notice this week (tomorrow). I know this is an "above and beyond" request and appreciate your honest at when we might hear back from you.

Thank you for all your help.

Jane Gendron

Environmental Manager
Alaska Department of Transportation and Public Facilities
Southeast Region
P.O. Box 112506
Juneau, AK 998011-2506
907-465-4499
Fax 907-465-3506

From: Scholl, James W (DOT)
Sent: Wednesday, June 26, 2013 11:20 AM
To: Duvall, Shina A (DNR)
Cc: Gendron, Jane D (DOT)
Subject: 68606 HNS: MP 3.5 to 25.3 / Enclosures to the findings letters

Shina, Attached are the enclosures to the FHWA findings letter. The total file size is about 16 MB so if this e-mail is returned I will resend in two parts. If you wish I can have the enclosures printed in Anchorage and delivered to your office, today. Please let me know and I will gladly have that done.

Jim Scholl

Environmental Analyst
ADOT&PF SE Region
6860 Glacier Highway
POB 112506
Juneau Alaska 99811-2506

jim.scholl@alaska.gov

(907) 465 4498
(907) 465 2016 FAX



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Ms. Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, AK 99501

Dear Ms. Bittner:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and MP 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulations of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter supplements the findings letter submitted on January 15, 2013 with an expanded APE.

Project Description

The broad proposed project description provided in January 2013, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section at GV#4 and a proposed extension of the concrete vault to match the embankment surface have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expanded APE. The additional survey in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska Corporation
- Klukwan, Incorporated
- Sealaska Heritage Institute
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)


Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the State Historic Preservation Officer (SHPO) response letter of January 28, 2013, you indicated your interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

Please direct your concurrence regarding this supplemental determination and revised finding of effect or comments to me at the address above, by telephone at (907)586-7544, or by e-mail at alex.viteri@dot.gov.

Sincerely,


Alex Viteri Jr., P.E.
Southeast Area Engineer

Enclosures:

Area of Potential Effect Figures 1-18
Office of History and Archaeology Coversheet
DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*
FHWA letter to J. Bittner/SHPO dated January 15, 2013
LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager
Jane Gendron, DOT&PF, Southeast Regional, Environmental Manager
Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist
Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist
Jim Scholl, DOT&PF, Southeast Region, Project Environmental Coordinator



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Ms. Harriet Brouillette
President
Chilkoot Indian Association of Haines
P.O. Box 490
Haines, AK 99827

Dear Ms. Brouillette:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and MP 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulation of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter supplements the findings letter submitted on January 15, 2013 with an expanded APE.

Project Description

The broad proposed project description, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section and a proposed extension of the concrete vault to match the embankment surface at GV#4 have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expansion areas of the APE. The additional testing in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- State Historic Preservation Officer (SHPO)
- Chilkat Indian Village of Klukwan
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska Corporation
- Klukwan, Incorporated
- Sealaska Heritage Institute
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)

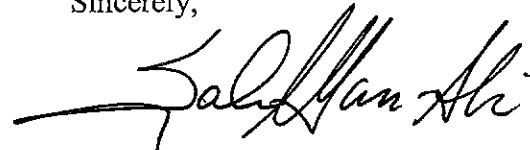
Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the SHPO response letter of January 28, 2013, they did indicate interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

If you wish to comment on this finding or let FHWA know of your interest in participating in the MOA, I can be reached at the above contact information. In addition, Alex Viteri, Jr., P.E., Southeast Area Engineer, is available at the same address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov. However, we respectfully request that your comments or consultation requests be received within thirty days of your receipt of this correspondence.

Sincerely,



for David C. Miller
Division Administrator

Enclosures:

Area of Potential Effect Figures 1-18

DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*

FHWA letter to J. Bittner/SHPO dated January 15, 2013

LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional, Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

Jim Scholl, DOT&PF, Southeast Region, Project Environmental Coordinator



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Mr. Niles Cesar
Regional Director
Bureau of Indian Affairs, Regional Office
P.O. Box 25520
Juneau, AK 99802

Dear Mr. Cesar:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulation of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter modifies the findings letter submitted on January 15, 2013 only in the extent of the APE.

Project Description

The broad proposed project description, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section at GV#4 and a proposed extension of the concrete vault to match the embankment surface have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expansion areas of the APE. The additional testing in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- State Historic Preservation Officer (SHPO)
- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska Corporation
- Klukwan, Incorporated
- Sealaska Heritage Institute
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)

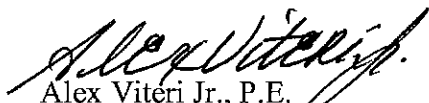
Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the SHPO response letter of January 28, 2013, they did indicate interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

If you wish to comment on this finding, I can be reached at the address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov. However, please note that to receive consideration your comments must be received within thirty days of your receipt of this correspondence.

Sincerely,


 Alex Viteri Jr., P.E.
 Southeast Region Area Engineer

Enclosures:

Area of Potential Effect Figures 1-18

DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*

FHWA letter to J. Bittner/SHPO dated January 15, 2013

LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

Jim Scholl, DOT&PF Southeast Region, Project Environmental Coordinator



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Mr. Jones Hotch
President
Chilkat Indian Village
P.O. Box 210
Haines, AK 99827

Dear Mr. Hotch:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and MP 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulation of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter supplements the findings letter submitted on January 15, 2013 with an expanded APE.

Project Description

The broad proposed project description, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section and a proposed extension of the concrete vault to match the embankment surface at GV#4 have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expansion areas of the APE. The additional testing in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- State Historic Preservation Officer (SHPO)
- Chilkat Indian Village of Klukwan
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska Corporation
- Klukwan, Incorporated
- Sealaska Heritage Institute
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)

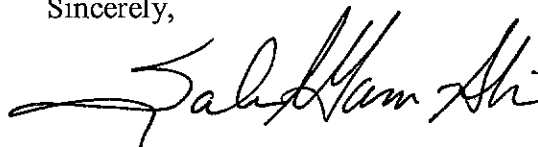
Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the SHPO response letter of January 28, 2013, they did indicate interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

If you wish to comment on this finding or let FHWA know of your interest in participating in the MOA, I can be reached at the above contact information. In addition, Alex Viteri, Jr., P.E., Southeast Area Engineer, is available at the same address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov. However, we respectfully request that your comments or consultation requests be received within thirty days of your receipt of this correspondence.

Sincerely,



for David C. Miller
Division Administrator

Enclosures:

Area of Potential Effect Figures 1-18

DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*

FHWA letter to J. Bittner/SHPO dated January 15, 2013

LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional, Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

Jim Scholl, DOT&PF, Southeast Region, Project Environmental Coordinator



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Mr. Les Katzeek
President
Klukwan, Inc.
P.O. Box 209
Haines, AK 99827

Dear Mr. Katzeek:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulation of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter modifies the findings letter submitted on January 15, 2013 only in the extent of the APE.

Project Description

The broad proposed project description, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section at GV#4 and a proposed extension of the concrete vault to match the embankment surface have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expansion areas of the APE. The additional testing in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- State Historic Preservation Officer (SHPO)
- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska Corporation
- Sealaska Heritage Institute
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)


Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the SHPO response letter of January 28, 2013, they did indicate interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

If you wish to comment on this finding, I can be reached at the address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov. However, please note that to receive consideration your comments must be received within thirty days of your receipt of this correspondence.

Sincerely,


 Alex Viteri Jr., P.E.
 Southeast Region Area Engineer

Enclosures:

Area of Potential Effect Figures 1-18

DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*

FHWA letter to J. Bittner/SHPO dated January 15, 2013

LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

Jim Scholl, DOT&PF Southeast Region, Project Environmental Coordinator



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Ms. Michele Metz
Assistant Lands Manager
Sealaska Corporation
One Sealaska Plaza, Suite 301
Juneau, AK 99801

Dear Ms. Metz:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulation of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter modifies the findings letter submitted on January 15, 2013 only in the extent of the APE.

Project Description

The broad proposed project description, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section at GV#4 and a proposed extension of the concrete vault to match the embankment surface have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expansion areas of the APE. The additional testing in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- State Historic Preservation Officer (SHPO)
- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Klukwan, Incorporated
- Sealaska Heritage Institute
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)

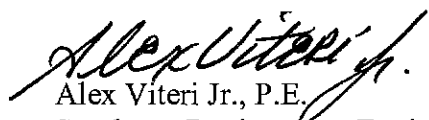
Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the SHPO response letter of January 28, 2013, they did indicate interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

If you wish to comment on this finding, I can be reached at the address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov. However, please note that to receive consideration your comments must be received within thirty days of your receipt of this correspondence.

Sincerely,


Alex Viteri Jr., P.E.
Southeast Region Area Engineer

Enclosures:

Area of Potential Effect Figures 1-18

DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*

FHWA letter to J. Bittner/SHPO dated January 15, 2013

LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

Jim Scholl, DOT&PF Southeast Region, Project Environmental Coordinator



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Mr. Edward Thomas
President
Central Council of the Tlingit and Haida Indian Tribes of Alaska
320 W. Willoughby Ave., Suite 300
Juneau, AK 99801

Dear Mr. Thomas:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and MP 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulation of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter supplements the findings letter submitted on January 15, 2013 with an expanded APE.

Project Description

The broad proposed project description, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section and a proposed extension of the concrete vault to match the embankment surface at GV#4 have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expansion areas of the APE. The additional testing in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- State Historic Preservation Officer (SHPO)
- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines
- Sealaska Corporation
- Klukwan, Incorporated
- Sealaska Heritage Institute
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)

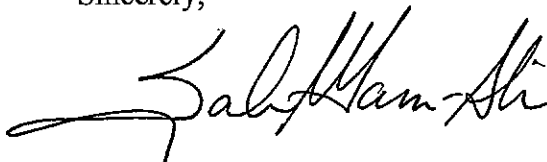
Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the SHPO response letter of January 28, 2013, they did indicate interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

If you wish to comment on this finding or let FHWA know of your interest in participating in the MOA, I can be reached at the above contact information. In addition, Alex Viteri, Jr., P.E., Southeast Area Engineer, is available at the same address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov. However, we respectfully request that your comments or consultation requests be received within thirty days of your receipt of this correspondence.

Sincerely,



for David C. Miller
Division Administrator

Enclosures:

Area of Potential Effect Figures 1-18

DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*

FHWA letter to J. Bittner/SHPO dated January 15, 2013

LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional, Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

Jim Scholl, DOT&PF, Southeast Region, Project Environmental Coordinator



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

June 24, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-956(028)/68606

Ms. Rosita Worl
President
Sealaska Heritage Institute
One Sealaska Plaza, Suite 301
Juneau, AK 99801

Dear Ms. Worl:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and 25.3 (see Area of Potential Effect Figures 1-18, and Table 1 – Project Location by Township and Range).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6,7,8,14,15,16,17,23,24		
29S	58E	31		
29S	57E	5,6,8,9,14,15,16,23,25,26,36		
28S	56E	29,32,33,34		

On January 15, 2013, FHWA submitted a finding of adverse effect on historic properties by the proposed project pursuant to 36 CFR 800.4(d) (2) and 800.5(d) (2), implementing regulation of Section 106 of the National Historic Preservation Act. Since that time, design issues and consultations with tribal groups have resulted in a need to expand the Area of Potential Effect (APE) in several places along the highway corridor. This letter modifies the findings letter submitted on January 15, 2013 only in the extent of the APE.

Project Description

The broad proposed project description, the location of identified historic properties, and, with the exception of SKG-206 the Haines Fairbanks Pipeline—Gate Valve #4 (GV#4), the finding of effect on historic properties have not changed. Modifications to the proposed road section at GV#4 and a proposed extension of the concrete vault to match the embankment surface have eliminated the need to remove the GV#4.

Two additional proposed project modifications, identified below, expanded a portion of the project's APE.

1. A recent field review identified a potential need to expand rock cuts in some areas along the proposed project.
2. Consultation with the Chilkat Indian Tribe resulted in a proposed highway realignment from Station 1075+00 to 1135+00 and relocation of the Klukwan Village/Haines Highway intersection at Station 1105+00.

The project's APE is shown in attached Figures 2 thru 18 with expanded portions of the APE highlighted in yellow.

Area of Potential Effect

The expanded APE for the rock cut areas and road realignments account for direct impacts only. There are no structures on or in the viewshed of these expanded areas. There is no indirect APE, only a direct APE.

Identification of Resources

From April 11 to 13, 2013, DOT&PF's regional archaeologist and a Cultural Resource Consultants, LLC archaeologist completed surveys to identify historical and archaeological resources within the expansion areas of the APE. The additional testing in rock cut areas and the Klukwan area did not identify any additional historic properties that might be affected by the proposed project. Enclosed is a report prepared by DOT&PF's Southeast Region Archaeologist, Michael Kell, which describes the survey methodologies and presents the results.

Finding of Effect

Based on the April 2013 survey, DOT&PF recommends that there are no new historic resources identified. FHWA agrees with DOT&PF's recommendation and determines that no additional historic or cultural resources are present within the project's APE. Therefore, there are no additional resources that would be affected by the proposed project including the added rock cut areas and realignments.

DOT&PF Southeast Region's archaeologist also evaluated the new elements of the proposed action to determine if these actions would directly or indirectly affect previously identified resources in the APE. Based on this evaluation, DOT&PF recommends that the change in proposed action at rock cut areas and realignments in the Klukwan area would not change the original finding of effect on identified resource.

DOT&PF does recommend one change to FHWA's existing findings; that GV #4 would not be adversely affected. The FHWA agrees with DOT&PF's recommendation, and finds that there is one change to the January 15, 2013 findings of effect. FHWA finds that the project would have no adverse effect on SKG-206, the Haines Fairbanks Pipeline Gate Valve #4. FHWA's previous finding on all other identified historic properties has not changed (see attached letter dated January 15, 2013).

The following Section 106 consulting parties are involved with this project:

- State Historic Preservation Officer (SHPO)
- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska Corporation
- Klukwan, Incorporated
- Advisory Council on Historic Preservation (ACHP) (finding of effect only)


Previous consultation efforts are summarized in FHWA's January 15, 2013 findings of effect. DOT&PF did contact the Chilkat Indian Village (Tribe) on April 12, 2013, to discuss the survey work in the Klukwan area (see "Tribal Consultations" section of the attached report). The Tribe encouraged the finalization of the cultural evaluation and had no additional cultural concerns about the additional survey work.

Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's Gate Valve #4. In the SHPO response letter of January 28, 2013, they did indicate interest in participating in the consultation for the resolution of adverse effects and the development of the Memorandum of Agreement (MOA). The ACHP notified FHWA in a letter dated January 30, 2013, that they did not believe their participation in the MOA was needed (enclosed). So far, FHWA has not heard from any other consulting parties.

With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development of a MOA.

If you wish to comment on this finding, I can be reached at the address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov. However, please note that to receive consideration your comments must be received within thirty days of your receipt of this correspondence.

Sincerely,


Alex Viteri Jr., P.E.
Southeast Region Area Engineer

Enclosures:

Area of Potential Effect Figures 1-18

DOT&PF Report, *Field Reconnaissance Archeological Survey of Expanded APE for the Improvement of the Haines Highway from Milepost 21 to 22 including Cultural Resource Consultants Report, With Supplemental Archeological Survey Report for Milepost 6-18 by CRC.*

FHWA letter to J. Bittner/SHPO dated January 15, 2013

LaShavio Johnson/ACHP letter to D. Miller/FHWA dated January 30, 2013

Electronically cc w/o enclosures:

Gregory Lockwood, P.E., DOT&PF, Project Manager

Jane Gendron, DOT&PF, Southeast Regional Environmental Manager

Michael Kell, DOT&PF, Southeast Region, Regional Archaeologist

Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

Jim Scholl, DOT&PF Southeast Region, Project Environmental Coordinator



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

DIVISION OF PARKS AND OUTDOOR RECREATION
Office of History and Archaeology

550 West 7th Avenue, Suite 1310
Anchorage, Alaska 99501-3565
Web: <http://dnr.alaska.gov/parks/ond>
Phone: 907.269.8721
Fax: 907.269.8908

January 28, 2013

File No.: 3130-1R FHWA

AV
Alex Viteri Jr., P.E.
Federal Highway Administration
Southeast Region Area Engineer
P.O. Box 21648
Juneau, AK 99802-1648



Subject: Haines Highway Improvements between Milepost (MP) 3.5 and 25.3 near Haines, Alaska

Dear Mr. Viteri:

The Alaska State Historic Preservation Office (AK SHPO) received your correspondence (dated January 15, 2013) on January 17, 2013.

As noted within this most recent documentation, our office has previously provided concurrence with FHWA's determinations of eligibility for 25 resources documented within the project's area of potential effects (APE). In addition to this past consultation, our staff has greatly appreciated opportunities to participate in consultation meetings among FHWA and Chilkat Indian Tribal Council and Tribal members to discuss the project.

We understand that a property of religious and cultural significance was identified by the Chilkat Indian Tribe, about which they have requested no information be recorded or shared. We understand that FHWA intends to treat this property as eligible for the National Register of Historic Places (NRHP) and has worked out measures to avoid and minimize adverse effects to it directly through their government-to-government consultation with the Tribe. To honor the Tribe's request and FHWA's government-to-government relationship with the Tribe, our office withholds any further comment on the eligibility of or effect to this property. We have no objection to FHWA's intent to make a Section 4(f) *de minimus* impact finding with respect to this property.

Regarding FHWA's findings of effect for the subject undertaking on the other eligible sites within the APE, we offer the following comments:

- We concur that a finding of **no historic properties affected** is appropriate for the subject undertaking with respect to the following properties: SKG-054 (Yindastuki), SKG-543, SKG-057, and SKG-085.
- We concur that a finding of **no adverse effect** is appropriate for the subject undertaking with respect to the following properties: SKG-044 (Smokehouse Village), SKG-050 (T'Anu Fort), SKG-544, SKG-545, and SKG-537 (Gil Smith House).

- We concur that a finding of **adverse effect** is appropriate for the subject undertaking with respect to the following properties: SKG-247 (Chilkat River Bridge) and SKG-206 (Haines-Fairbanks Pipeline District, Gate Valve #4).

We look forward to receiving the results of the additional field survey that is planned for the expanded APE area in the Klukwan vicinity, as noted within your cover letter.

Additionally, we look forward to continued consultation with FHWA, DOT&PF, and other consulting parties on the subject undertaking and to developing a Memorandum of Agreement (MOA) that would stipulate measures to resolve adverse effects. Please note that the agency official shall notify the Advisory Council of the adverse effect finding (36 CFR 800.6[a][1]).

We agree that archaeological Construction Monitoring as well as opportunities for a Tribal observer during construction should be incorporated into the MOA. The specific stipulations for monitoring requirement as well as stipulations measures to mitigate adverse effects should be developed through consultation amongst FHWA, DOT&PF, the Tribe, SHPO, and other consulting parties, as appropriate.

Please note that as additional information provided by the local government, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations.

Thank you for the opportunity to comment. Please contact Shina duVall at 269-8720 or shina.duvall@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,



Judith E. Bittner
State Historic Preservation Officer

JEB:sad



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division
January 15, 2013

P.O. Box 21648
Juneau, AK 99802-1648
(907) 586-7418
(907) 586-7420
www.fhwa.dot.gov/akdiv

In Reply Refer To:
SHAK-0956(028)/68606

Ms. Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, AK 99501

Dear Ms. Bittner:

The Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve the Haines Highway between Milepost (MP) 3.5 and 25.3 (Figure 1, Project Location and Vicinity Map).

Table 1 – Project Location by Township and Range

Township	Range	Section	USGS Quad Map	Meridian
30S	59E	19	Skagway A-2	Copper River
30S	58E	6, 7, 8, 14, 15, 16, 17, 23, 24		
29S	58E	31		
29S	57E	5, 6, 8, 9, 14, 15, 16, 23, 25, 26, 36		
28S	56E	29, 32, 33, 34		

Pursuant to 36 CFR 800.4(d)(2) and 800.5(d)(2), implementing regulations of Section 106 of the National Historic Preservation Act, the FHWA finds an adverse effect on historic properties by the proposed project.

Project Description

Roadway Improvements

1. Straighten all but two curves and add additional passing zones.
2. Widen the roadway shoulders from 2 feet to 6 feet.
3. Construct drainage ditches along the roadway.
4. Repave and restripe the roadway, and add new signage.
5. Re-construct driveways.
6. Install new larger diameter culverts at debris flow areas (approximately MP 19 and MP 23)
7. Realign Chilkat Avenue and the Haines Highway intersection.

Right-of-Way, Utilities, and Underground Pipeline

1. Acquire approximately 16.4 acres of private property and 3.2 acres of publically owned property for proposed right-of-way (ROW).
2. Relinquish approximately 6.0 acres of existing ROW to the Chilkat Bald Eagle Preserve as mitigation for ROW acquisition impacts.
3. Replace and/or relocate utilities and remove existing utility pipeline in areas where the proposed road alignment differs from the existing alignment.
4. Remove a segment of the Haines to Fairbanks pipeline, specifically Gate Valve 4.

Proposed New Chilkat River Bridge

1. Install a temporary bridge to be used as a construction-staging platform.
2. Construct a new bridge immediately downstream of the existing bridge with same typical section as the road.
3. Remove existing bridge superstructure (deck) and cut piling at the river bottom.

Recreation Accommodations

1. Create a new parking area for access to the Mount Ripinski Trailhead.
2. Improve surfacing and grading of turnouts along this roadway corridor.
3. Close two existing turnouts at the request of Alaska Department of Natural Resources: a pond access would be replaced with a new adjacent parking area and access to a dumping area would be permanently closed.

Avoidance Measures

2. Shift highway alignment onto foundation walls to avoid direct impacts to sensitive cultural resources.

Area of Potential Effect

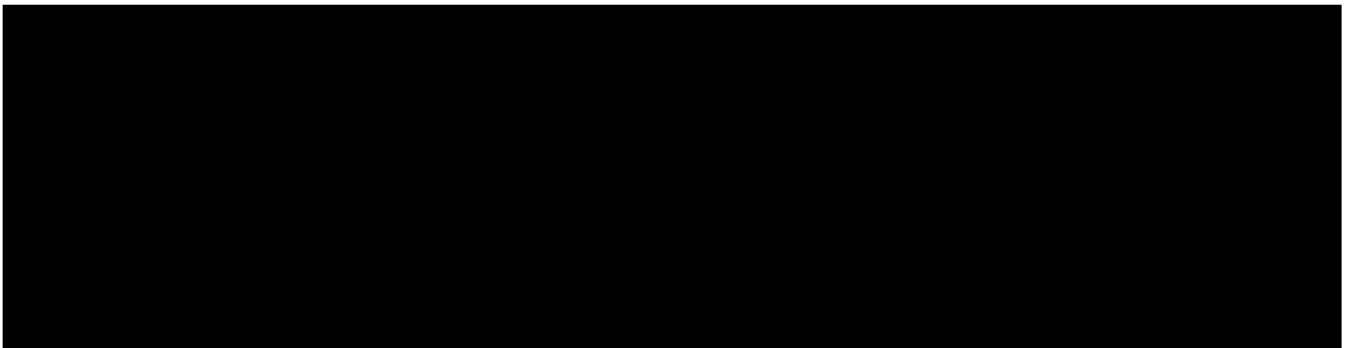
The area of potential effect (APE) is based upon the study area for this project that was described in three consultation letters sent to your office on December 2, 2005, January 31, 2006, and July 6, 2010. As discussed with Shina Duvall of your staff on November 14, 2012, the study area was slightly expanded in the area of Klukwan to accommodate highway revisions including the realigned Chilkat Avenue intersection with the Haines Highway to improve safety and to avoid impacts to historic properties in the vicinity. The APE is shown in Appendix A (enclosed).

The APE encompasses lands that are anticipated to be affected by ground-disturbing activities including a 25-foot wide buffer zone beyond the project footprint to cover the clearing limits and accommodate for operations of heavy equipment. In areas where major realignments are planned, the APE includes the new road footprint plus a 50-foot wide buffer zone, and all areas in between the old and new alignment, as well as visual impacts due to proposed highway realignments. Areas assessed for visual impacts are shown on the attached APE figure set with a yellow line identified as, "Expanded APE for Potential Historic Properties with Visual Impacts". Additional consideration was given to potential effects of sub surface vibration as a result of work in areas located adjacent to historic resources.

Identification Effort

There have been several prior archaeological and cultural resources surveys in the project area dating back to 1975. Cultural Resource Consultants, LLC (CRC) completed surveys to identify historical and archaeological resources specifically for this project in 2005, 2006, and 2009 (Cultural Resource Consultants, LLC, *Archaeological Field Survey of Proposed Alternatives for the Improvement of the Haines Highway from Milepost 3.5 to 25.3*, October 2011). The CRC report was previously enclosed with FHWA's November 28, 2011, determinations of eligibility (DOE) letter and is on file in your office.

Supplemental fieldwork to further identify and evaluate the components of archaeological Site SKG-543 was also conducted by Scientific Resource Surveys, Inc. in 2011 (*Intensive Survey III of Archaeological Site SKG-543 21-Mile Haines Highway*, December 2011) and provided to your office with a DOE letter on January 12, 2012. Additional cultural resources field review in the expanded APE areas in the Klukwan vicinity will be scheduled by DOT&PF to occur in 2013 prior to completion of the Environmental Assessment document. Following this survey, the DOT&PF and FHWA will reinitiate consultation with your office and the other consulting parties.



The other twenty-five properties within the APE as described in the previous DOE letters were previously evaluated. FHWA determined eleven of those properties to be eligible for listing on the National Register and the State Historic Preservation Officer (SHPO) concurred on February 24, 2012. Ten of those properties along with their Alaska Heritage Resources Survey numbers and their applicable National Register significance criteria are noted below in Table 2. The remaining eligible property, the above-ground portion of the Haines Fairbanks Pipeline (SKG-206), would be removed prior to construction of the subject project¹.

Findings of Effect

The findings of effect on historic properties eligible for listing on the National Register for the proposed Haines Highway improvements between MP 3.5 to 25.3 are listed in Table 2 and summarized below.

¹ Removing the above-ground portion of SKG 206, over the Chilkat River near MP 24 of the Haines Highway would be a separate, State funded project, independent from and not related to the subject federal-aid highway project.

Table 2 - Findings of Effect

Historic Property		National Register Criteria	Findings of Effect		
AHRS#	Name		No Effect	No Adverse	Adverse
SKG-054	Yindastuki	A and D	X		
SKG-057	Gravesite	B	X		
SKG-044	Smokehouse Village	A and D		X	
Historic Property		National Register Criteria	Findings of Effect		
AHRS#	Name		No Effect	No Adverse	Adverse
SKG-537	Gil Smith House	B		X	
SKG-050	T'Anu Fort	A, B, and D		X	
SKG-545	Prehistoric Site	D		X	
SKG-544	Prehistoric Site	D		X	
SKG-543	Prehistoric Site	D	X		
SKG-085	Donnelly Cabin Site	A	X		
SKG-247	Chilkat River Bridge	C			X
SKG-206	Haines-Fairbanks Pipeline District, Gate Valve #4	A and C			X

CRC has made recommendations of findings of effect on the eleven historic properties. The potential for visual impacts to historic properties from the project was also evaluated as well as any potential direct impacts. CRC recommended there would be no permanent visual or direct affects to those historic properties.

The results of CRC's inventory and assessment of cultural resources suggest that the proposed Haines Highway Improvements project could have a direct adverse effect on two properties that are recommended as eligible for listing on the National Register: SKG-247 (the Chilkat River Bridge), and SKG-206 (Gate Valve #4, a contributing element of the Haines-Fairbanks Pipeline District).

The DOT&PF current design shows that four of the sites (Smokehouse Village, T'Anu Fort, and Prehistoric Sites SKG-544 and SKG-545) are in close proximity to the project footprint. There would be no permanent visual or vibration affects from construction activities to those historic properties. The DOT&PF recommends findings of no adverse effect at these properties. The project now avoids the fifth site, SKG-543, and the DOT&PF recommends a finding of no effect as the current design shifts the highway downhill away from the site.

The DOT&PF commits to an archaeological monitor during construction as described below under the FHWA Commitment section.

Adverse Effect

Chilkat River Bridge: The Chilkat River Bridge (SKG-247), also known locally as the Wells Bridge, would be replaced by a new bridge (see Figure 2). After the new bridge is built, the existing bridge would be demolished and removed. The FHWA finds this to be an adverse effect. Alternatives to avoid or minimize impacts to the Chilkat River Bridge were considered.

Haines-Fairbanks Pipeline District Gate Valve #4: The Haines-Fairbanks Pipeline District Chilkat River Crossing, a contributing element to the Haines-Fairbanks Pipeline District, would be removed prior to the subject project (see footnote 1). However, another contributing element to the Haines-Fairbanks Pipeline Chilkat River Crossing, Gate Valve #4, would be removed as a part of the subject project. The FHWA finds removal of Gate Valve #4 to be an adverse effect.

No Adverse Effect

Smokehouse Village: The Smokehouse Village site is adjacent to the highway, but outside of the proposed cut and fill limits by approximately 2 feet and would not be directly affected. Proposed work in this area to realign a curve to the southeast of the site was designed to avoid impacts. Smokehouse Village has the potential to be affected by vibration from construction activities. However, DOT&PF recommends the magnitude of the vibration would not be so severe as to adversely affect the property. An archaeological construction monitor would be on-site during construction to ensure the site is protected. The FHWA agrees with DOT&PF's recommendation, and finds that Smokehouse Village (SKG-044) would be affected by the proposed project, but the affect would not be adverse.

T'Anu Fort: T'Anu Fort site boundary is located approximately 10 feet outside of the project limits and would not be directly affected. The Haines Highway was present during the Gus Klaney Cabin's period of significance and the proposed undertaking would not alter the integrity of its visual setting so as to constitute an affect. T'Anu Fort has the potential to be affected by vibration from construction activities. However, DOT&PF recommends that the magnitude of the vibration would not be so severe as to adversely affect the property. An archaeological construction monitor would be on-site during construction to ensure the site is protected. The FHWA agrees with DOT&PF's recommendation, and finds that T'Anu Fort (SKG-050) would be affected by the proposed project, but the affect would not be adverse.

Prehistoric Sites SKG-544 and SKG-545: These two prehistoric Tlingit sites are adjacent to the project. SKG-544 is approximately 15 feet outside the project limits and SKG-545 is approximately 5 feet outside the project limits and would not be directly affected. Prehistoric Sites SKG-544 and SKG-545 have the potential to be affected by vibration from construction activities. However, DOT&PF recommends the magnitude of the vibration would not be so severe as to adversely affect the property. An archaeological monitor would be on-site during construction ground disturbing activities to ensure both sites are protected. The FHWA agrees with DOT&PF's recommendation, and finds that Prehistoric Sites SKG-544 and SKG-545 would be affected by the proposed project, but the affect would not be adverse.

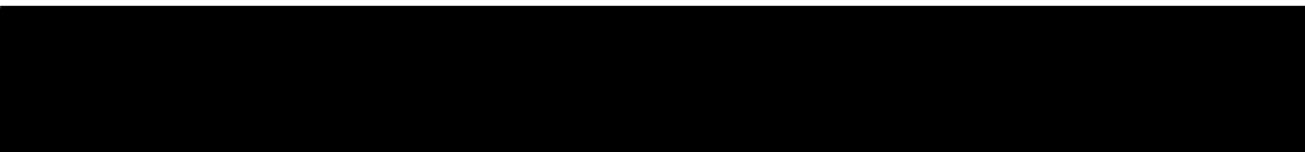
Gil Smith House: Proposed realignment of the Haines Highway would necessitate moving the road closer to the Gil Smith property; however, the Gil Smith House is outside of the project limits (see Gil Smith house detail sheets, APE figures 6 and 7) and would not be directly affected. Because the highway has always been a part of the visual setting, the realignment would not detract from the property's eligibility. The Gil Smith House has the potential to be affected by vibration from construction activities. However, DOT&PF recommends the magnitude of the vibration would not be so severe as to adversely affect the property. The FHWA agrees with DOT&PF's recommendation, and finds that the Gil Smith House (SKG-537) would be affected by the proposed project, but the affect would not be adverse.



No Effect

Yindastuki: Yindastuki (SKG-054) surrounds the highway. The CRC report suggests that there are no archaeological remains within the project limits and recommends Yindastuki would not be affected by the project. Based on the CRC report, a previous survey², and DOT&PF's recommendation, FHWA finds that the project would have no effect on the property.

Prehistoric Site SKG-543: This prehistoric Tlingit site is adjacent and outside of the project limits. DOT&PF's recommendation that Phase III archaeological data recovery³ found the potential was low to recover further subsurface data. An archaeological monitor would be on-site during construction ground disturbing activities to ensure that the site is protected. The FHWA agrees with DOT&PF's recommendation, and finds that the project would have no effect on the property.



Donnelly Cabin Site: The Donnelly Cabin Site (SKG-085), also known as the ARC Buildings site is approximately 10 feet from the proposed road alignment. DOT&PF recommends that visual or noise impacts from the proposed project would not affect the property any more than the current Haines Highway. The FHWA agrees with DOT&PF's recommendation, and finds that the project would have no effect on the property.

FHWA Commitments

² McMahan, J. David and Holmes, Charles E., *A Cultural Resources Investigation at Haines*, 1989

³ Wiley, Dr. Nancy Anastasia and Nelson, Andrea, *Intensive Survey III of Archaeological Site SKG-543 21-Mile Haines Highway, Haines Alaska*, 2011

Taking into account the recommendations from CRC and DOT&PF's further recommendations that are based on the current design, FHWA agrees and has made the findings of effect as listed in Table 2 and summarized above, with an overall project finding of Adverse Effect for the project.

Additional Field Survey: Winter conditions have obscured an expanded APE area in the Klukwan vicinity. This area has not yet been surveyed; however Tribal consultation indicated there are no cultural resources within a expanded APE area near Klukwan. The DOT&PF will conduct a cultural resources field review to identify any potential historic properties in the expanded APE areas in the Klukwan vicinity, including the reconfigured Chilkat Avenue intersection with the Haines Highway. The survey will be scheduled by DOT&PF to occur as early as possible in 2013 prior to completing the project's Environmental Assessment document.

Construction Monitoring: The FHWA and DOT&PF have committed to allow a Tribal observer during construction and as described below will commit to funding archaeological monitoring by qualified personnel in areas with sensitive cultural resources. We will consult with you to develop and implement an archaeological construction monitoring plan that will afford the Tribal representative the opportunity to observe ground disturbing activities; the plan will also provide measures for work zone safety.

An archaeological construction monitoring plan will be developed as approved by FHWA, DOT&PF, SHPO, and the Tribe. An archaeological monitor would be on site during earth disturbing activities associated with excavation in sensitive areas adjacent to the archaeological sites unless the archaeologist determines after field observations and consultation with FHWA, DOT&PF, SHPO, and the Tribe that monitoring is not necessary. That plan will identify specific project stationing for the monitoring. Those areas include:

- All areas of excavation in original ground,
- Yindastuki Village (SKG-054) and Smokehouse Village (SKG-044) in the vicinity of the Haines Airport.
- Strawberry Shorty's Homestead (SKG-536) and Ooligan Beach Camp (SKG-048) in the vicinity of MP 7.
- Zimovia Point Village (SKG-049) in the vicinity of MP 8.
- T'anu Fort and Gus Klaney Cabin (SKG-050) in the vicinity of MP 13.
- Depression / Prehistoric Site (SKG-545) in the vicinity of MP 15.
- Depression / Prehistoric Site (SKG-544) in the vicinity of MP 16.5.
- Depression / Prehistoric Site (SKG-543) in the vicinity of MP 21.
- Human Remains Site (No AHRS number) in the vicinity of MP 20.5.
- Klukwan Hill / Burial site (SKG-069) in the vicinity of MP 21.5.
- Jacquot Properties (SKG-541 and SKG-542), Donnelly Cabin Site (SKG-085), the Chilkat River Bridge (SKG-247), and the Haines Fairbanks Pipeline (SKG-206) in the vicinity of MP 23.5.

Proposed Draft Measures to Resolve Adverse Effects

DOT&PF, in consultation FHWA, will develop a Memorandum of Agreement (MOA) to resolve adverse effects to the Chilkat River Bridge (SKG-247) and Haines-Fairbanks Pipeline district's Gate Valve #4 (SKG-206).

The measures to resolve adverse effects may include, but are not limited to:

- Submittal of architectural documentation of the Chilkat River Bridge to FHWA, the SHPO, and the Shelden Museum in Haines.
- Installation of an interpretive display with a theme concerning the Chilkat River Bridge.
- Delivery of Gate Valve to the Shelden Museum for public display.

Final details of the MOA will be developed in coordination with the appropriate consulting parties.

Consultation

The following Section 106 consulting parties are involved with this project:

- Sealaska Corporation
- Sealaska Heritage Institute
- Klukwan, Incorporated
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Chilkat Indian Village of Klukwan
- Chilkoot Indian Association of Haines

A summary of previous consultation efforts is provided in Appendix B. Note that a letter from the Tribe (February 23, 2012), requested archaeological construction monitoring, formal National Register listing of SKG-050, and designation of National Register eligibility for the entire area between MP 18-25 to which we responded on July 10, 2012 (both letters enclosed).

- Our response letter to the Tribe advised them that your office has an established program that provides assistance with the nomination process and to work directly with your office should they pursue this.
- We also advised the Tribe of your previous concurrence on our DOEs and that between MP 18-25 four sites were identified: Prehistoric Site SKG-543, Donnelly Cabin Site (SKG-085), Chilkat River Bridge (SKG-247), and Haines-Fairbanks Pipeline (SKG-206). We indicated that to expand currently defined site boundaries would be based on the identification and evaluation of additional associated historic/prehistoric features, and asked them to advise us of any additional cultural remains that would trigger a reevaluation of those sites. [REDACTED]


[REDACTED]

[REDACTED]

We are contacting the Section 106 consulting parties to determine their interest in participating in consultation for the resolution of adverse effects and in the development of a MOA. Once we receive responses, we will work with the consulting parties to identify mitigation measures as needed to offset the adverse effects of this project.

Please direct your concurrence or comments to me at the address above, by telephone at (907) 586-7544, or by e-mail at alex.viteri@dot.gov.

Sincerely,


Alex Viteri Jr., P.E.
Southeast Area Engineer

Enclosures:

Figure 1 - Project Location and Vicinity Map
Figure 2 - Proposed New Chilkat River Bridge
Appendix A - APE Figure Set, Figures 1 through 20
Appendix B - Summary of Consultation including
Tribal and FHWA correspondence (February 23, 2012 and July 10, 2012)

Electronically cc w/o enclosures:

Matthew Van Alstine, P.E., DOT&PF, Project Manager
Jane Gendron, DOT&PF Southeast Regional, Environmental Manager
Michael Kell, DOT&PF Southeast Region, Cultural Resources Specialist
Laurie Mulcahy, DOT&PF, Statewide, Cultural Resources Manager

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS & OUTDOOR RECREATION OFFICE OF HISTORY AND ARCHAEOLOGY

550 WEST 7TH AVENUE, SUITE 1310
ANCHORAGE, ALASKA 99501-3565

PHONE: (907) 269-8721
FAX: (907) 269-8908

February 24, 2012

File No.: 3130-1R FHWA
3330-6 SKG-543, 3330-6 SKG-544, 3330-6 SKG-545, 3330-6 SKG-537, 3330-6 SKG-050, 3330-6 SKG-085, 3330-6 SKG-247, 3330-6 SKG-206, 3330-6 SKG-044, 3330-6 SKG-054, and 3330-6 SKG-057
3330-6N SKG-536, 3330-6N SKG-538, 3330-6N SKG-029, 3330-6N SKG-045, 3330-6N SKG-046, 3330-6N SKG-048, 3330-6N SKG-049, 3330-6N SKG-088, 3330-6N SKG-185, 3330-6N SKG-211, 3330-6N SKG-540, 3330-6N SKG-541, and 3330-6N SKG-542.

Alex Viteri Jr., P.E.
Federal Highway Administration
Southeast Region Area Engineer
P.O. Box 21648
Juneau, AK 99802-1648

Subject: Haines Highway Improvements between Milepost (MP) 3.5 and 25.3 near Haines, Alaska

Dear Mr. Viteri:

The Alaska State Historic Preservation Office (AK SHPO) received your correspondence (dated January 24, 2012) on January 26, 2012. Following our review of the documentation provided, we offer the following comments:

We concur with your determination that the following sites are **eligible** for the National Register of Historic Places (NRHP):

- SKG-543, SKG-544, and SKG-545 are eligible under Criterion D (please see below for additional comments on SKG-543)
- SKG-537 is eligible under Criterion B
- SKG-050 is eligible under Criteria B and D
- SKG-085 is eligible under Criterion A
- SKG-247 is eligible under Criterion C
- Haines-Fairbanks Pipeline, above-ground Chilkat River Crossing contributes to the Haines-Fairbanks Pipeline District (SKG-206) under Criteria A and C
- SKG-044 is eligible under Criterion D
- SKG-054 is eligible under Criteria A and D
- SKG-057 is eligible under Criterion B, meeting Criteria Consideration C and F

We further concur with your determination that the following sites are **not eligible** for the NRHP: SKG-536, SKG-538, SKG-029, SKG-045, SKG-046, SKG-048, SKG-049, SKG-088, SKG-185, SKG-211, SKG-540, SKG-541, and SKG-542.

Finally, we concur that the buried sections of the Haines-Fairbanks Pipeline between MP 3.5 and 23.5 do not retain sufficient integrity to contribute to the Haines-Fairbanks Pipeline District (SKG-206).

SKG-543: We appreciate the opportunity to review the supplemental report, "Intensive Survey III of Archaeological Site SKG-543 21-Mile Haines Highway, Alaska," prepared by Scientific Resource Surveys (SRS), Inc. Based on the previous recommendations made by Cultural Resource Consultants, LLC (CRC) for SKG-543 as well as the statements within the SRS report that the site continues to have the potential to provide additional important information, we agree with FHWA's determination that SKG-543 is eligible for the NRHP under Criterion D.

We note in your letter that consultations are ongoing with other consulting parties. Additional information provided by the local government, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations. Please note that our comment letter does not end the 30-day review period provided to other consulting parties.\

Thank you for the opportunity to comment. Please contact Shina duVall at 269-8720 or shina.duvall@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,



Judith E. Bittner
State Historic Preservation Officer

JEB:sad

Section 106 Consultation Efforts Summary

SECTION 106 CONSULTATION EFFORTS

The Alaska Department of Transportation and Public Facilities (DOT&PF) in cooperation with the Alaska Division of the Federal Highways Administration (FHWA) is proposing improvements to the Haines Highway between Mileposts (MP) 3.5 and MP 25.3. The project begins a short distance past the airport at MP 3.5 and ends just beyond the Chilkat River Bridge at MP 25.3.

For the purposes of the National Historic Preservation Act, consultation was initiated with the State Historic Preservation Office (SHPO), Chilkat Indian Village of Klukwan, Klukwan Inc., the Chilkoot Indian Association of Haines, the Central Council of the Tlingit and Haida Indian Tribes of Alaska, Sealaska Corporation, and Sealaska Heritage Institute. Letters were sent to each party on December 2, 2005. A second letter was sent January 31, 2006, regarding proposed geotechnical surveys for the project.

DOT&PF also held several meetings in Klukwan on this project. Formal government-to-government tribal consultation meetings were held in December 2005, October 2011, July 2012, August 2012 and November 2012. Community informational meetings were held in March 2009, June 2012, and October 2012 to provide updates on the status of the project. Members of Klukwan, Inc., the Chilkat Indian Village of Klukwan, and the Chilkoot Indian Association of Haines also participated in much of the field survey work conducted by DOT &PF archaeological consultant Cultural Resource Consulting (CRC) in 2006. DOT&PF also consulted with the SHPO and tribes regarding an unexpected discovery of human remains found during the 2006 archaeological survey.

Consultation was continued with a letter to the SHPO and tribes dated July 6, 2010, because of changes to the proposed project since the initiation of consultation in 2005. Meetings have been held between DOT&PF, SHPO, and FHWA to discuss project planning, progress, and next steps to be taken. Meetings were held April 13, 2006, October 2, 2009, March 15, 2011, and December 19, 2011.

A letter was sent to SHPO and tribal entities on November 28, 2011, to request concurrence on FHWA's determination of eligibility (DOE) for listing on the National Register of Historic Places (National Register) sites identified by CRC within the project's area of potential effect (APE).

At the October 25, 2011, government-to-government meeting, the Tribal Council of the Chilkat Indian Village requested more information be provided on a newly described cultural resource that would be affected by the proposed highway alignment. DOT&PF contracted with Scientific Resources Surveys, Inc. (SRS), to conduct an Intensive Survey (III) of the resource. Fieldwork was conducted November 5, 6, 7, and 9, 2011, to further identify and evaluate the components of the site. A report summarizing the findings of the survey was submitted to SHPO and the tribal entities January 24, 2012, as a supplement to the November 2011 DOE letter. SHPO concurred with the DOE on February 24, 2012 (attached). The Chilkat Indian Village provided comments on the supplemental report in a letter dated February 23, 2012. DOT&PF met with the Chilkat Indian Village in June 2012 to discuss these comments and again in October 2012 to discuss proposed project changes. A final government-to-government meeting was held in November 2012.

During the summer of 2013, the Chilkoot Indian Association (CIA), Sealaska Corporation, and Sealaska Heritage Corporation (SHI) representatives voiced concerns about the proposed project in the vicinity of MP 4, and an additional survey was conducted by CRC. An on-site meeting with DOT&PF, FHWA, CIA, Sealaska, and SHI was held on Aug 5, 2013. Consultation

continued with meetings, in Haines, with representatives of DOT&PF, CRC, CIA, Sealaska, SHI on Oct. 10, 2013. On Oct. 21 Government to Government meeting between FHWA and the CIA took place including representatives of DOT&PF, Sealaska and SHI.

On March 6, 2014 a Government to Government meeting was held in the Tribal offices of the Chilkat Indian Village (CIV) to discuss a proposal from the Tribe to resolve adverse effects to historic properties.”

In a letter to SHPO and the tribal entities dated January 15, 2013, FHWA found the proposed project to have an adverse effect on two historic properties eligible for listing on the National Register, and an effect, but not adverse, to five other eligible historic properties. SHPO concurred with the Findings on January 28, 2013 (attached).

FHWA and DOT&PF contacted the Section 106 consulting parties to determine their interest in participating in consultation for the resolution of adverse effect and in the development of a Memorandum of Agreement (MOA). An MOA is being developed and will be signed by FHWA, DOT&PF, and the SHPO, with concurrence from Chilkat Indian Village.

SUMMARY OF COMMENTS RECEIVED

The majority of comments from individual members of the tribes were received during the tribal consultation meeting on December 7, 2005. The only comment related to cultural resources was a general statement that traditional and cultural properties need to be identified before too far along in the design process. The remainder of comments received was related to issues such as safety, jobs, fisheries, and maintenance of access to subsistence areas.

A letter was received from the Chilkat Indian Village of Klukwan on December 9, 2005. The only comment relating to cultural resources was a general recommendation that an archaeologist be on-site during any ground disturbing work for the project. Other comments related primarily to safety, fisheries, and subsistence access.

Cultural resource comments received during the March 2009 informational meeting in Klukwan included concern over impacts to subsistence fishing from widening the road at MP 21, and the potential location of a new bridge downstream of the existing. There were also comments about potential impacts to shaman graves at two locations. Several individuals requested that DOT&PF leave enough room for a future pedestrian path between the Chilkat Bald Eagle Preserve and the village.

Comments were also received during the October 2011 government-to-government meeting in Klukwan. There was some concern that highway upgrades near MP 13 would change drainage patterns and a traditionally named place called Swampy Lake. One meeting attendee noted that the tribe has a list of qualified trained archaeological monitors who would be available during highway construction activities. There was some discussion about the challenges of the highway alignment at MP 21 in avoiding subsistence use areas and a historic property, while simultaneously accommodating the tribe’s request for room for a pedestrian path. In order to leave room for the path, the proposed project would necessarily impact the cultural resource. Further alignment changes to the road resulted in eliminating the potential for the trail and the effect on the cultural resource. The tribe also requested directional and interpretive signs are installed in the right-of-way to direct people to the Klukwan visitor center and museum.

Table E-1: Haines Highway Milepost 3.5 to Milepost 25.3 Consultation Efforts Summary

Date	Consulting Parties Involved	Purpose	Comments Received*
Initiation of Consultation by Letter 12/02/05	All Parties*	Present project	
Government to Government Meeting 12/05/05	CIV	Present project	
Geotechnical Surveys Letter 01/31/06	All Parties*	Project Update	
2006	CIV and CIA	Tribal members participate in archaeological survey; tribal consultation	
Section 106 Consultation Meeting 04/13/06	SHPO		
Informational Meeting 3/5/09	CIV	Project Update	Tribe expressed concerns over: Chilkat River bridge location; room for future pedestrian path near MP 21; sensitivity to impacts to subsistence activities in river near MP 21
Section 106 Consultation Meeting 10/2/09	SHPO	Present overview of project, discuss APE and Section 106 consultation process	
Continuation of Consultation Letter 7/6/10	All Parties*	Project Update	
Section 106 Consultation Meeting 3/15/11	SHPO	Discuss eligibility of Haines to Fairbanks pipeline above-ground crossing of the Chilkat River and potential adverse effect	
Government to Government Meeting 10/25/11	CIV	FHWA provided information on how Tribal concerns expressed during March 2009 meeting had been addressed	Tribe requested more information be provided on SKG-543
Determinations of Eligibility (DOE) Letter 11/28/11	All Parties*	Concurrence with FHWA's determination of eligibility (DOE) for NRHP and NRHP-eligible sites	
Section 106 Consultation Meeting 12/19/11	SHPO	SHPO consultation meeting to discuss DOEs and additional SKG-543 information 12-19-11	

Date	Consulting Parties Involved	Purpose	Comments Received*
Addendum to DOE Letter 1/24/12	All Parties	Present results of Intensive Survey III of SKG-543, reconfirm FHWA DOE of site, and request comments	CIV letter 2-23-12 requested cultural resource monitoring during construction, and formal National Register recognition of SKG-050 and MP 18-25 area. SHI thanked FHWA for the supplemental report.
Informational Meeting 6/7/12	CIV	Discuss draft response to CIV comments on FHWA's DOE	Past Tribal president informed DOT&PF that she was replaced as President in last week's election; CIV requested DOT&PF come back and address the new Tribal Council
Informational Meeting 6/14/12	CIV	Discuss draft response to CIV comments on FHWA's DOE	Tribal Council revealed no new information about historic properties; A desire was expressed to include a vegetated buffer between the proposed road improvements and gravesites in the village as part of the MOA to resolve adverse effects to SKG-543
Letter 7/10/12	CIV	FHWA response to CIV letter of February 23, 2012	
Government to Government Meeting 7/12/12	CIV	FHWA discussed response to CIV comments received on the DOE letter	Tribal Council informed FHWA and DOT&PF that there are other historic properties that have not been identified
Government to Government Meeting 07/31/12 and 08/1/12	All Parties	SHPO, FHWA and DOT&PF gathered information from CIV on newly identified historic property and interviewed a tribal elder	Tribal Council discussed concerns about effects on historic property disclosed at previous meeting
On-site Meeting 10/11/12	CIV	Discuss informally proposed Klukwan area redesign of highway alignment	CIV members coordinated on potential mitigation and asked for more information on land ownership near the Village
Information Meeting 10/23/12	CIV	DOT&PF informed CIV about proposed alignment changes to address CIV concerns	
Informational Meeting 11/6/12	CIV	DOT&PF and FHWA provided a brief overview of proposed alignment changes	
Government to Government Meeting 11/7/12	CIV	FHWA and DOT&PF presented alignment revisions designed to avoid effects to historic properties	Tribe concurred with the proposed revised alignment

Date	Consulting Parties Involved	Purpose	Comments Received*
Section 106 Findings Letter 01/15/13	All Parties*	FHWA found the project would have an adverse effect on two historic properties and an effect, but not adverse, on five other eligible historic properties	SHPO concurred with the Findings on January 28, 2013
Section 106 Consultation 08/05/13	CIA	Met to discuss project effects at MP 4	Meeting requested by CIA
Section 106 Consultation 10/10/13	CIA	Met to discuss location and methodology of Ground Penetrating Radar (GPR)	
Section 106 Consultation 10/21/13	CIA	Met to discuss results of GPR studies	
Section 106 Consultation 12/19/13	CIA	Discussed findings of effect on historic properties and options to avoid sensitive cultural resources	Tribe preferred proposed option 2
Section 106 Consultation 12/20/13	CIV, BIA***	Discuss agreement on cultural resource issues	Tribe agreed to have a field meeting to discuss MOA details
Section 106 Consultation 02/07/14	CIV	Discuss agreement on cultural resource issues	Informal meeting at requested by FHWA
Government to Government Meeting 03/06/14	CIV	Discuss agreement on cultural resource issues, MP 4 issues and MOA to resolve adverse effects to historic properties	Meeting requested by CIV
Section 106 Consultation 04/16/14	CIV	Field review of proposed MOA items	

*State Historic Preservation Officer (SHPO), Chilkat Indian Village of Klukwan (CIV), Klukwan, Inc., Chilkoot Indian Association of Haines (CIA), Sealaska Corporation, Sealaska Heritage Institute (SHI).

**Only substantive comments related to specific historic properties, places of traditional religious and cultural importance to Tribes, or Section 106 issues are being noted. Tribal input received did not result in identification of any previously unknown historic properties.

***BIA = Bureau of Indian Affairs

Initial Tribal Consultation



HAINES HIGHWAY MP 3.5 TO 25.3
TRIBAL CONSULTATION MEETING MINUTES

DECEMBER 7, 2005

PROJECT TEAM ATTENDEES: Kris Benson, Project Environmental Coordinator - DOT&PF
Steve Noble, Design Engineer - DOWL Engineers
Kristen Hansen, Environmental Planner - DOWL Engineers
Ed DeCleva, Southeast Region Liaison - FHWA

DOT&PF invited the Chilkat Indian Village of Klukwan, Chilkat Indian Association of Haines, and the Klukwan, Inc., to a meeting to discuss the highway improvements project. Twenty-five people participated in the meeting. Ed DeCleva (FHWA) welcomed those in attendance and spoke about FHWA's government-to-government relationship with the tribes. He emphasized that FHWA and DOT&PF are looking for input regarding whether the proposed action might have any impacts on traditional and cultural properties, and he noted that tribes can consult directly with FHWA regarding this project, if they prefer, or they can consult directly with DOT&PF.

John Brower thanked Mr. DeCleva for recognizing their tribal status, and noted that they have a lot of interest in this project, and they encourage the federal government to stay involved. They hoped to remain in good communication regarding the development of the project.

Ed Warren commented that they are glad to see 6-ft shoulders finally; they have been asking for this for a number of years.

One of the Klukwan Elders noted that the recent slides have damaged the roadway surface, making it bumpy and rutted. She also noted the fishing grounds at MP 7-8 and at MP 20-21, and a hooligan pit at around MP 4 where impacts should be avoided. She indicated there is a need for outhouses at MP 4 and around MP 20, or signs at those locations indicating where restroom facilities are located along the road corridor.

One audience member noted that the recent slide moved mud and debris along the road toward the bridge, because that was the path of least resistance.

Kris Benson (DOT&PF) discussed the purpose and need of the project, the project schedule, the NEPA process, and she noted that the next series of public and tribal meetings for this project would most likely be about a year from now when the environmental document is available for public review.

Steve Noble (DOWL) reviewed the preliminary design, which essentially entails widening the roadway to provide 6-ft shoulders, and straightening some of the curves that do not meet 55 mph design speed standards. He then reviewed the major realignment areas, highlighting those areas that will fall outside DOT&PF's right-of-way, and areas that will require fill in the Chilkat River. Steve emphasized that minimization measures (i.e. guardrails to allow steeper slopes) have not yet been incorporated into the preliminary design. He added that the rock cuts in segments 3 and 4 could potentially provide a substantial borrow material source. Mr. Noble then discussed the bridge replacement options. He explained that the main advantage to relocating the bridge further downstream is that it would be a shorter crossing (305-ft long vs. the existing 460-ft long crossing). In

addition, if the bridge were relocated downstream, it would only require 2 spans (1 set of piers), rather than 3 spans (2 sets of piers).

Ed Warren noted Big Boulder Creek was a salmon spawning area and changed following the DOT&PF's improvements. Today king salmon use the "18-mile spawning area" just south of the slide area, but Mr. Noble indicated that the widening in that area is not expected to impact the river.

There was a comment to avoid installation of big boulders (riprap) along the riverbanks because this is detrimental to fish habitat, since riprap doesn't allow the river to naturally cut and meander; a process, which sometimes creates good spawning areas.

There was some concern voiced over the proposed realignment at Segment 7 and 8. Widening into the river would impact a known humpie spawning area, and widening to the mountainside would impact a pond that provides good fish habitat.

One audience member noted concern about the bridge height, noting that it's important to maintain enough clearance at high water conditions to allow boats to pass underneath.

There was a statement that SB796 does not allow acquiring Preserve property through eminent domain. Ms. Benson noted that FHWA requires any impacts to park lands go through a relatively rigorous review to demonstrate that there are no feasible or prudent alternatives to using the parklands.

There was some discussion about the potential alternatives for dealing with the debris flow slide areas. Mr. Noble explained some of the options that the design team is considering.

One person noted that wayside areas should be included; however, that DOT&PF should check first for special archeological or environmental areas. Staging areas, material sites, and disposal sites need to be identified, as these can have the largest impacts. He expressed opinion that the staging areas and material sites should be lined to prevent hydraulic fluid and oil spills from contaminating the soils.

There was a question regarding boat launches and pullouts. There are trailheads at MP 7 and 14. Mr. Noble indicated that the design team is looking for input and comments regarding specific locations where people want new or maintained access.

Kristen Hansen (DOWL) discussed the environmental documentation that is underway for this project, noting that a number of field studies had been initiated last summer (wetland delineation, fish habitat study, hydrology and hydraulic study, Phase 1 Environmental Site Assessment (ESA), and a historic, cultural, and archaeological reconnaissance survey). The historic, cultural, and archaeological reconnaissance survey will be followed up with additional work by Mr. Michael Yarborough of Cultural Resources Consultants next spring, now that DOT&PF has developed their proposed action. Ms. Hansen indicated that the results of the reconnaissance survey indicated there are 16 known sites along the project corridor, and that these sites were identified on the figures mailed to the tribes along with the consultation letters from FHWA. (Because the letters had not yet been received by the tribes, several sets of the figures were distributed at the meeting. Ms. Hansen also noted that the figures distributed at the meeting included a minor update with respect to the proposed realignment near the airstrip at approximate MP 18).

Ms. Hansen noted that the preliminary alignment does include widening in the areas around Yindastuki Village, Takshanuk Village, Dok Point, Zimovia Point Village, and Katkwaltu, and indicated that if there is concern about widening the road in those areas, it would be important for the project team to know this.

Ms. Hansen also explained the Phase 1 geotechnical investigation, which has already begun, but is limited to work within the existing road prism, and the work was planned to avoid the 16 known archaeological and historic sites. Ms Hansen noted that one of the immediate needs in terms of tribal

consultation is to determine whether there is any concern with the proposed Phase 2 geotechnical investigation, which is anticipated to begin in January, and will include test borings and test pits off the road prism, and in previously undisturbed areas. No one from the audience indicated concern with this proposed work.

Someone commented that the Village has plans to extend the existing pathway that was recently constructed into Klukwan, and that this project should be designed to accommodate that future pathway extension. Mr. DeCleva noted that while FHWA cannot require DOT&PF to construct pedestrian facilities with their projects, they do encourage it whenever possible. The residents in attendance expressed general concurrence of the trail extension concept.

There was a comment that DOT&PF does not plow turnouts, and there is a need for larger throats to accommodate the big plow vehicles. There is a safety issue with tourists parking on the road during the eagle-viewing season.

Kimberly Strong noted that MP 8 gets heavy snow drifting and wondered whether a snow fence of some sort could be constructed since DOT&PF does not plow after 3:00 p.m.

Someone noted that DOT&PF should be careful about drilling during the geotechnical investigation (referring to potential archaeological resources).

There was a comment regarding a subsistence and sport fishing clear water stream at approximately MP 13; Sockeye used to spawn in the pond, but quit when DOT&PF installed a culvert there; humpies at approximately MP 17.

Someone commented that the location of the new bridge may conflict with subsistence activities. This is right where they set their nets and drift. They are concerned that there would be impacts to subsistence fishing if the bridge were moved. There used to be coho spawning areas upstream, but now they don't spawn upstream; the bridge relocation site could be a sockeye spawning area.

As a result of this discussion, Mr. DeCleva indicated that FHWA would like DOT&PF to include a specific report with regard to potential impacts from this project on subsistence activities as part of the NEPA documentation. Someone noted that the Borough is initiating a subsistence study for Haines and Klukwan soon. Representatives of the Chilkat Indian Village said DOT&PF could contract with them to do the study.

Dave Barry expressed the desire for phased construction to enhance local economy and allow more opportunities for local hire.

An elder said that Mosquito Lake used to have sockeye salmon. If the road improvements damage fish resources, it's not worth it.

Henry Jacquet said there are logjams on about half of the piers of the existing bridge. Is there a plan to get rid of the logs? Mr. Noble responded that the team would ask DOT&PF Maintenance.

It was stated that the road is very bumpy at breakup.

Dave Barry said that the Village of Klukwan had put in a formal request to DOT&PF to vacate portions of the right-of-way near Klukwan. If this is approved, DOT&PF right-of-way will go from 300-ft in width to 150-ft.

There was a question about whether DOT&PF would have to acquire right-of-way along the entire project corridor to allow for the widened shoulders. Mr. Noble explained that the right-of-way varies from 150-ft to 300-ft in width, and in most places, there is plenty of right-of-way for the proposed

improvements. Under the preliminary design, it appears additional right-of-way is only needed in 3 or 4 locations.

River bank erosion is an issue near the existing bridge (due to jet boats). Would DOT&PF stabilize the banks at the proposed bridge site?

Ed Warren commented that AmTrak gets more than their fair share of federal transportation funding, and wondered why more funding isn't available for road projects? This project could be built to "international standards" if more federal funding were available. Mr. DeCleva assured them that this project is 91% federally funded, and that this is a National Highway System classification road, and as such, DOT&PF will consider the appropriate amenities (pull-outs, rest areas, etc.)

At this point, the formal meeting ended, and was followed by informal discussions with project team members.

D59119B.Tribal Meeting Minutes.120705.CAD.011206.mas

MEETING NOTES
FIELD REVIEW WITH TRIBAL GROUPS
HAINES HIGHWAY MILEPOST 3.5 TO 25.3
DOT&PF Project No. 68606

February 21, 2006

Participants:

Harriet Brouillette, Klukwan, Inc.
Joe Hotch, Chilkat Indian Village of Klukwan
Walter Hotch-Hill, Chilkat Indian Village of Klukwan
Michele Metz, Sealaska Corp.
Chris Schelb, Chilkoot Indian Association of Haines
Ryan Cook, Chilkoot Indian Association of Haines
Ed DeCleva, Federal Highway Administration, Juneau
Kris Benson, Alaska Dept. of Transportation and Public Facilities, Juneau
Steve Noble, DOWL Engineers, on behalf of DOT&PF, Anchorage
Dan Egolf, Alaska Nature Tours, driver

Introduction:

All of the participants drove the length of the proposed highway reconstruction project in a large van. The review started at the beginning of the project near the airport. Therefore, when these notes refer to the right or left side of the road, it is from the perspective of driving from Haines to Canada. The group looked at most of the proposed second phase geotechnical testing sites, with an emphasis on the test pit sites, as the footprint of disturbance of test borings and peat probes is much smaller. Most of the proposed test sites were located with numbered survey stakes.

Summary of Comments:

Joe Hotch noted that on the left side of the highway near Station 212 there is a coho spawning area.

At Yindastuki, several participants had concerns about the road being moved. It was noted that the ANSCA Section 14(h)(1) boundaries of the site were smaller than the original reservation boundaries, the point being that there could be cultural resources outside of the boundaries. DOT&PF was requested to change the proposed Test Pits #3 and #4 to test borings. Steve Noble, the highway engineer, stated that that change would be done. Harriet Brouillette asked that any future drawings refer to the site shown as "SKG #057" only by that name, out of respect for the individuals associated with the site and their families. Ed DeCleva stated that there would be no reason to do additional archeological excavations in the Yindastuki area, since it had been well-described by the Sealaska archeologists. Harriet told us that her grandmother said that when the highway was first constructed, it was located over a family grave, but her grandmother was unable to stop the roadbuilders.

As a general comment, the tribal representatives told DOT&PF that they need time to think about their concerns and discuss them with others, so that no decisions could be made during the field visit. Michele and Walter said that they would provide written comments soon. They said that they want a safer road, but they need as much advance notice as possible regarding changes to the road, so that they can research whether there are cultural resources. Joe also advised DOT&PF that if any resources were found during excavation for road construction that both the Chilkat and Chilkoot tribes be notified right away.

Joe said that there were hooligan camps at Yindastuki and in the Mile 8-9 area.

Past Test Boring 5, on the right side of the road, Joe pointed out that there were native gardens beyond the house.

DOT&PF was asked to provide an archeological monitor for Test sites 1 through 8 (because of their proximity to Yindastuki and Smokehouse Village). Michele stated that Sealaska holds these sites for the clans and it's Sealaska's role to protect them. She asked what would happen if DOT&PF found a cultural resource when it was excavating? Kris Benson replied that the archeologist working on the road improvement project had spent time training the geologists as to what to look for, how to be careful and what to do if they did encounter something. Ed stated that additional excavation to recover the resource may or may not be done. Tribal representatives stated that the entire proposed project corridor was used for travel, so DOT&PF needs to be mindful that it could find resources anywhere.

Joe said that at MP 6, Takshanuk village was another hooligan fishing place. He said that at Dok Point, a village was on the right side of the road. Steve said that Test Pit 26, at Dok Point, would be converted to a Test Boring and also, moved from beyond the shoulder onto the road. Steve also pointed out that while borings have a smaller footprint, they will do deeper (10 to 15' deep relative to 7 to 9-foot deep pits), so that there is a tradeoff.

DOT&PF was asked to provide an archeological monitor at Test sites #26 and #27.

Walter pointed out that near MP 8, drivers pull over to look at the ADF&G fish wheels and that it's also near where you enter the Preserve, so it'd be a good place for a new pullout.

Joe said that Zimovia Point Village is also known as "Mile 9 hooligan camp".

Joe told us that Tom Jimmy had a restaurant at Peat Probe #38 site. He said that between Mile 11 and 13, there were three forts on the left side of the road, established to protect from tribes from the south.

Near Mile 13, Joe said that there was a village on the right side of the road, consisting of 13 to 15 houses. When asked how old it was, Joe said that when he was growing up, he saw some of the houses there (though he knows the number of houses was decreasing), and he is 75 now. Test Pits 72 through 77 are located where he said the village was.

Walter said that there is a sockeye spawning stream near Test Pit 82 on the right side and a coho stream on the left. (NOTE: Later, the test pit location was cross-referenced with the fish habitat mapping and the pit is about 200 feet away from the stream -- Test Pit #82 at Station 731 and stream at Station 733 +50. Stockpiles of material will need to be placed such that they do not contribute sediment to the stream.)

Around Mile 15 to 16, there is a king salmon stream on the left side. And beyond MP 17, there is a pink salmon stream on the left side.

Joe said that there was a public school and post office at the village of Katkwaltu. He said the village was made up of Coho people. Walter asked that DOT&PF provide an archeological monitor for Test sites #121 through 124, because of their proximity to Katkwaltu.

Dan Egolf said that before the trail was built from the eagle viewing pullout, he did some survey work and found cans with lead in them. They are under the trail now. He also said that the survey of 1924 shows a Native Sanitorium Preserve on the right side of the road, just past the pullout.

Joe said that soapberries occur from about mile 18 and continue through the slide area.

Walter requested that DOT&PF notify the village of Klukwan prior to any geotechnical testing of the anticipated dates for testing between Mile 19 to the end of the project, so that the village can have a representative present during the testing.

Notes prepared by Kris Benson, DOT&PF, February 28, 2006.