

## **APPENDIX G**

### **Section 106 Consultation**

## 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.

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.



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

**Alaska Division**

June 24, 2013

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

Ms. Judith Bittner  
State Historic Preservation Officer  
Alaska Office of History and Archaeology  
550 W. 7<sup>th</sup> 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
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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](mailto: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



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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**

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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:

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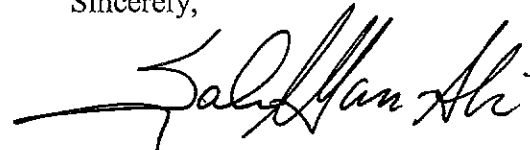
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With this letter we are extending the opportunity for the Section 106 consulting parties listed above to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and in the development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

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

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Laurie Mulcahy, DOT&PF, Statewide Cultural Resources Specialist

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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).

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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.

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### **Finding of Effect**

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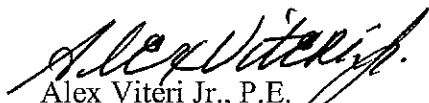
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Sincerely,

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

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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:

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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)

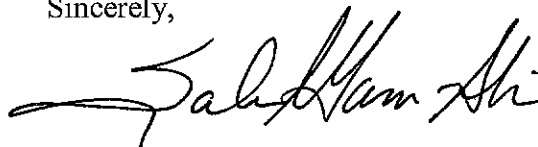
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Consulting parties were contacted with the January 15, 2013, findings letter to determine their interest in participating in consultation for the resolution of the adverse effects on the Chilkat River Bridge and the Haines Fairbanks Pipeline District's 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](mailto: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

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

**Electronically cc w/o enclosures:**

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U.S. Department  
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**Federal Highway  
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**Alaska Division**

June 24, 2013

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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
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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.

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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**

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- Central Council Tlingit and Haida Indian Tribes of Alaska
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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](mailto: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,

  
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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).

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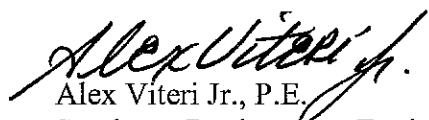
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U.S. Department  
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June 24, 2013

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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).

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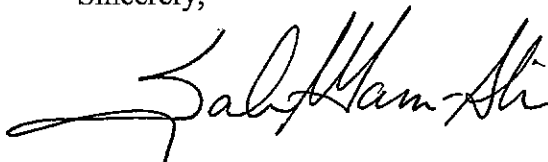
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In Reply Refer To:  
SHAK-956(028)/68606

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

Dear Ms. Worl:

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- 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](mailto: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

## Tuttell, Maryellen

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

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**From:** Duvall, Shina A (DNR)  
**Sent:** Thursday, June 27, 2013 1:51 PM  
**To:** Gendron, Jane D (DOT); [Alex.Viteri@dot.gov](mailto: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](mailto:shina.duvall@alaska.gov)

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**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

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**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  
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