

Programmatic Agreement Annual Report for 2019

Sterling Highway Milepost 45-60 Project

STP-F-021-2(15)/Z530140000



Prepared for:



Alaska Department of Transportation and Public Facilities,
Central Region

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The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated November 3, 2017, and executed by FHWA and DOT&PF.

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- Attachment A: 2020 Fieldwork Report
- Attachment B: Cultural Awareness Training Outline
- Attachment C: Amended Treatment Plan
- Attachment D: Signed DOT&PF and UAMN MOU



Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
AHRS	Alaska Heritage Resources Survey
APE	Area of Potential Effects
DOT&PF	Alaska Department of Transportation and Public Facilities
FHWA	Federal Highway Administration
Forest Service	Forest Service, U.S. Department of Agriculture
MOU	Memorandum of Understanding
PA	Programmatic Agreement
PQI	Professional Qualified Individual
Project	Sterling Highway Milepost 45–60 Project
Publication	Professional Publication
ROD	Record of Decision
SHPO	State Historic Preservation Officer
SOL	Statute of Limitations
Treatment Plan	Data Recovery/Historic Properties Treatment Plan
UAMN	University of Alaska Museum of the North

1.0 Introduction

The Alaska Department of Transportation and Public Facilities (DOT&PF) is proposing to reconstruct and realign the Sterling Highway between Mileposts 45 and 60 (Project). The Project is funded by the Federal Highway Administration (FHWA) and is therefore considered a federal undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations found in 36 Code of Federal Regulations 800.

DOT&PF and FHWA have found, with concurrence from the State Historic Preservation Officer (SHPO), that construction of the Project will have adverse effects to historic properties, including sites associated with Alaska Heritage Resources Survey (AHRs) site KEN-00156/SEW-00282 (the “Sqilantnu Archaeological District”). DOT&PF and FHWA have prepared a Programmatic Agreement (PA) to resolve those effects¹. The PA was executed in March 2018 by the following Signatories: DOT&PF; FHWA; the Advisory Council on Historic Preservation (ACHP); the Alaska SHPO; the Kenaitze Indian Tribe; Cook Inlet Region, Inc.; the Forest Service, U.S. Department of Agriculture (Forest Service); and the U.S. Fish and Wildlife Service.

This document was prepared in accordance with PA Stipulation IX, *Reporting and PA Review*, which requires DOT&PF to submit an Annual Report to the PA Signatories on the progress and implementation of the PA stipulations. Per this stipulation, DOT&PF is required to submit the Annual Report to the Signatories on or before January 31 each year. This Annual Report fulfills that obligation and addresses the following topics:

- Progress on construction of the highway;
- Progress in archaeological construction monitoring under Stipulation IV;
- Progress in mitigation measures under Stipulation V;
- Progress in artifact curation under Stipulation VIII;
- Problems or unexpected issues encountered during the year;
- Sequence and timeframe of future PA actions not completed in the reporting year; and
- Proposed modifications to the implementation of the PA.

¹ DOT&PF. 2018. Final Section 106 Programmatic Agreement for the DOT&PF Sterling Highway Milepost 45-60 Project. Project No. STP-F-021-2(15)/Z530140000. March.

2.0 Progress on Construction of the Highway

The following is an update on progress of the construction of the highway and DOT&PF's efforts at implementing PA measures in 2019:

- March 2019: En lieu of holding an Annual Meeting, DOT&PF submitted an Annual Review Letter to PA Signatories since the PA and Record of Decision (ROD) had been signed relatively recently and no substantive progress had occurred on Project activities. DOT&PF did not receive comments on the Annual Review letter from PA Signatories.
- July 2019: The Project construction phase was included in the Statewide Transportation Improvement Program (STIP).
- August 2019: HDR Alaska, Inc. archaeologists completed a pedestrian survey at KEN-00091, KEN-00092, and KEN-00133 and at proposed geotechnical borehole access routes at the Project's eastern end. No new AHRs sites were recorded as a result of survey. ~~A report detailing this survey is included as Appendix A to this report.~~

DOT&PF submitted an informational letter per PA Stipulation IV.E to provide notice when the Project construction phase was approved in the STIP. DOT&PF informed the PA Signatories that because the Project had been included in the STIP, Kenaitze Indian Tribe and Cook Inlet Region, Inc. could begin considering the selection and training of Tribal Observers for construction phase activities requiring tribal and archaeological monitoring. The letter outlined the proposed Project schedule, including geotechnical testing, cultural resources surveys, and an update on the PA deliverables schedule. DOT&PF did not receive comments on this letter from PA Signatories.

- September 2019: Geotechnical borehole testing was conducted in September on the existing road surface. Off-pavement drilling was conducted on the east and west ends of the Project area.
- October 2019: HDR Alaska, Inc. re-visited KEN-00133, a site archaeologists were unable to survey in August due to conditions created by the Swan Lake Fire (~~see Attachment A~~).
- December 2019: DOT&PF submitted draft figures of cultural resources sensitivity areas and a memorandum that detailed the methods and use of these figures to the PA Signatories. Comments on the figures are due no later than February 28, 2020.



3.0 Progress in Archaeological Construction Monitoring

According to PA Stipulation IV, *Archaeological Construction Monitoring*, the PA Signatories have identified areas where cultural resources are known or have a high potential to exist (see PA Appendix C, *Archaeological Monitoring Plan*). DOT&PF shall ensure that a Secretary of the Interior-qualified Supervisory Archaeological Monitor will be on-site during earth-moving activities associated with excavation in these areas unless the Supervisory Archaeological Monitor determines after field observations and consultation with the Signatories (in accordance with the *Archaeological Monitoring Plan*) that monitoring is not necessary.

The *Archaeological Monitoring Plan* outlines activities to be conducted prior to construction activities (PA Appendix C, *Archaeological Monitoring Plan*, Sections V.A.1–4). These activities are listed in Table 1.

Table 1. Archaeological Construction Monitoring Activities

Construction Monitoring Activities	Progress / Timeframe
DOT&PF shall develop and distribute maps exhibiting areas that contain or have high sensitivity for cultural resources in Project ground-disturbing locations to Archaeological and Tribal Observers of the PA Signatories. Signatories and Monitors will have 60 days to provide comments on the archaeological sensitivity area maps.	Draft Sensitivity Maps were submitted to Signatories on December 31, 2019. Signatories have until February 28, 2020 to provide comment.
DOT&PF or its qualified consultant shall acquire any necessary permits for conducting monitoring activities from the appropriate land managing agency and/or private landowner.	Prior to construction/monitoring activities. Monitoring permits are currently under preparation.
The DOT&PF Project Engineer, the DOT&PF Professionally Qualified Individual (PQI), Archaeological Monitor(s), and Tribal Observers shall organize and participate in a pre-construction meeting with the Construction Contractor and their subcontractors to explain the PA stipulations for the Project and the procedures to follow if Project personnel inadvertently discover or affect historic properties or human remains. The meeting will also discuss the roles and authorities of the Archaeological Monitor(s) and Tribal Observers.	Following selection of Construction Contractor and subcontractors and prior to initiation of Project construction activities. Spring 2020.
The DOT&PF PQI or the Supervisory Archaeological Monitor shall conduct on-site cultural awareness training to ensure that construction personnel understand the terms of the PA and the types of resources that could be inadvertently discovered or affected during Project activities.	Following selection of Construction Contractor and subcontractors, and prior to initiation of Project construction activities. The Outline for Cultural Awareness Trainings is provided in Attachment B.
Archaeological Monitors will flag or guide the placement of construction fencing around historic properties as “avoidance areas” for construction personnel.	Prior to initiation of Project construction activities.



4.0 Progress in Mitigation Measures

PA Stipulation V, *Mitigation*, outlines the mitigation measures that have been identified in the PA. Table 2 lists each mitigation measure and its progress status or anticipated timeframe for completion.

Table 2. Progress in Mitigation Measures

Mitigation Measures	Progress / Timeframe
FHWA and DOT&PF shall develop a Data Recovery/Historic Properties Treatment Plan (Treatment Plan) in consultation with the Signatories. The Treatment Plan is to be updated following selection of the build alternative.	The Amended Treatment Plan is provided as Attachment C to this report.
DOT&PF shall complete data recovery fieldwork for historic properties identified in the Treatment Plan prior to construction activities.	Prior to initiation of Project construction activities that may adversely affect historic properties. Timeline of data recovery fieldwork is included in the updated Treatment Plan.
DOT&PF shall develop a professional publication (Publication) that compiles and summarizes available ethnographic, archaeological, scientific, and other literature, accounts, studies, and research products associated with the Sqilantnu Archeological District.	Publication will be drafted within two years following the end of the Statute of Limitations (SOL) period for the FHWA ROD ² . The ROD SOL period ended November 5, 2018.
Based on the contents of the Publication described above, DOT&PF shall develop a public education booklet intended for the general public.	To be developed within one year following completion of the Publication described above.
DOT&PF shall prepare or sponsor the preparation of a formal National Register of Historic Places nomination for the Sqilantnu Archeological District based on the results of the Publication.	To be completed within two years following completion of the Publication described above.
DOT&PF and FHWA will work with PA Signatories during design to identify locations and content for Interpretative Signage.	Consultation will occur during design phase of the project.
DOT&PF shall coordinate with Signatories and provide funding for Dena'ina Oral Histories Digitization , including: digitizing, translating, transcribing, publishing, and distributing previously acquired Dena'ina oral histories currently on cassettes, CDs, and in written form.	PA does not specify timeframe for digitization of the oral histories. Timeframe to be determined through consultation with Signatories.
DOT&PF shall re-investigate the adversely affected segment of the Bean Creek Trail located in the Direct Area of Potential Effects (APE), the segment located at the temporary trail crossing, and the trail segment that would be permanently rerouted.	To be completed concurrent with data recovery efforts in PA Stipulation V.A.1 and as outlined above and in the Amended Treatment Plan. Scheduled for 2020 field season.
DOT&PF shall ensure public access to and the continued usability of the Bean Creek Trail during construction.	To be conducted during construction.

² FHWA. 2018. Record of Decision. Sterling Highway Milepost 45-60 Project. State Project No: 53014, Federal Project Number: STP-F-021-2(15).



Mitigation Measures	Progress / Timeframe
<p>DOT&PF shall reroute Bean Creek Trail, in coordination with the Forest Service, approximately 450 feet west of its current location. The alignment of the rerouted trail is subject to an archaeological survey to ensure that no archaeological sites would be impacted.</p>	<p>Prior to construction of trail realignment.</p>
<p>DOT&PF shall provide an interpretive display with a historic mining theme at the trailhead to be built west of Juneau Creek Bridge for the Resurrection Pass Trail and along the Bean Creek Trail at a location determined by the Forest Service.</p>	<p>Display panels are to be installed at the time of trail and trailhead construction. DOT&PF and FHWA will work with PA Signatories during design to identify locations and content for appropriate signage.</p>



5.0 Progress in Artifact Curation

PA Stipulation VIII, *Curation* outlines the curation guidelines for artifacts collected during the course of the Project. The Curation Plan is included as PA Appendix H. The Curation Plan clarifies ownership and disposition of artifacts and materials. It also addresses the disposition of artifacts, faunal materials, and/or samples that archaeologists collected for the Project, along with photographs, field notes, and other related materials from activities covered by the PA. Table 3 summarizes the procedures outlined in the Curation Plan.

Table 3. Artifact Curation Procedures

Curation Procedures	Progress / Timeframe
<p>Following selection of an alternative for the Project, the Data Recovery/Historic Properties Treatment Plan will be updated and will include information on the maintenance and treatment of collections prior to disposition at the University of Alaska Museum of the North (UAMN) or another approved curation facility.</p>	<p>To be completed following approval of Authority to Proceed through Final Plans, Specifications and Estimate by FHWA.</p> <p>Maintenance and treatment information added to Section 8.2 of Treatment Plan (Attachment C) for PA Signatory review and comment.</p>
<p>A curation agreement with the UAMN and the appropriate land-managing agency and/or owner will be developed. The curation agreement will follow the procedures outlined in the Curation Plan (Appendix H of the PA) regarding such matters as ownership, curation funding, and reporting.</p>	<p>Prior to any activities that may require archaeological curation.</p> <p>Curation agreements will be part of permit applications.</p>
<p>DOT&PF and the UAMN have a Memorandum of Understanding (MOU³) in place regarding the curation of collections from State lands (included as Appendix H of the PA).</p>	<p>Per the MOU (II.A), the document reached the end of its 5-year review period in January 2019. DOT&PF and the UAMN reviewed the agreement and extended the MOU for an additional 10 years (Attachment D).</p>

³ DOT&PF. 2013. Memorandum of Understanding between the Department of Transportation and Public Facilities and the University of Alaska Museum of the North Fairbanks, Alaska. Updated January 31, 2019.

6.0 Problems or Unexpected Issues Encountered During the Year

The western end of the Project area was burned during the 2019 Swan Lake Fire, resulting in delays to cultural resources surveys and other fieldwork components. The fire ignited in June in the Kenai National Wildlife Refuge and spread eastward toward the Project area in mid-August. Cultural resources surveys and subsequent activities were delayed until September and October when safety conditions had improved.

7.0 Sequence and Timeframe of Future PA Actions

7.1 Annual Meeting

DOT&PF shall coordinate an annual Project Update Meeting with all parties to the PA to be held by the end of March 2020 (per PA Stipulation IX.R, *Reporting and PA Review*). DOT&PF shall notify the ACHP 30 days prior to the meeting. The ACHP may participate at its discretion.

- Project Update Meeting will be held in Anchorage in March 2020.

7.2 Data Recovery and Other Field Efforts

The goal of data recovery is to recover significant data from the sites within the direct APE through systematic archaeological excavation and analyses before partial or total destruction of the sites' cultural remains by Project construction activities. As of January 2020, no data recovery activities are anticipated for 2020 based on the Project's construction schedule. However, other testing to delineate AHRs site boundaries will be necessary prior to ground-disturbing activities. DOT&PF will reinvestigate the adversely affected segments of Bean Creek Trail and conduct testing at AHRs sites, as outlined in the Amended Treatment Plan (~~Attachment C~~).

7.3 Archaeological Construction Monitoring and Pre-Construction Meetings

As detailed in Section 3.0 above, prior to excavation in areas identified as highly sensitive for containing cultural resources, the DOT&PF Project Engineer, the DOT&PF PQI, Archaeological Monitor(s), and Tribal Observer(s) shall organize and participate in a pre-construction meeting with the Construction Contractor and subcontractors to explain PA stipulations, procedures for inadvertent discovery or effects to cultural resources or human remains, and the roles of Archaeological Monitor(s) and Tribal Observers. The DOT&PF PQI or the Supervisory Archaeological Monitor will also conduct on-site cultural awareness training to ensure that construction personnel understand the terms of the PA and the types of resources that could be encountered during Project activities. Prior to initiation of construction activities, Archaeological Monitors will flag or guide the placement of construction fencing around historic properties as "avoidance areas" for construction personnel.

DOT&PF anticipates multiple contractors and multiple pre-construction meetings to be held prior to construction on the various segments. DOT&PF shall provide written and electronic notice to

Signatories at least 15 days prior to the meetings. The pre-construction meetings will be held in conjunction with the on-site cultural resources awareness training. Avoidance areas shall be flagged prior to construction activities at the discretion of the Archaeological Monitor(s).

7.4 Professional Publication

DOT&PF shall develop a professional publication (Publication) that compiles and summarizes available ethnographic, archaeological, scientific, and other literature, accounts, studies, and research products associated with the Sqiłantnu Archeological District. The Publication will be drafted within two years following the end of the ROD SOL period. The SOL period ended November 5, 2018.

- DOT&PF will provide a draft of the Publication to Signatories no later than November 5, 2020.

7.5 Dena'ina Oral Histories Digitization

DOT&PF shall coordinate with the PA Signatories and provide funding for digitizing, translating, transcribing, publishing, and distributing previously acquired Dena'ina oral histories currently on cassettes, CDs, and in written form. An electronic (.pdf) version of the oral histories shall be provided to each of the Signatories for their use and distribution.

- No timeframe for digitization is provided in PA.

8.0 Proposed Modifications to the Implementation of This PA

This section will discuss any changes that FHWA and DOT&PF believe should be made in the implementation of the PA, if necessary.

- PA Stipulation IX.C states that PA Signatories will have 90 days to provide comment to DOT&PF on mitigation measures presented in the Annual Report. Since the Annual Report is due in January (“on or before January 31” [PA Stipulation IX.A]), DOT&PF may not receive comments on mitigation measures until as late as May 1. This has the potential to delay fieldwork and other mitigation measures since permitting and fieldwork planning efforts will be well under way by that time.
- **Recommended action:** DOT&PF proposes that the review period is shortened to 45 days to allow adequate time for comments to be incorporated into field planning measures.

9.0 PA Signatory Contact Information

DOT&PF added Table 3 to the Annual Report in order to ensure that current contact information is acquired from all parties. The PA Signatories are asked to review this table and provide corrected information (or additional individuals that need to be added to the distribution list) to DOT&PF.