

Programmatic Agreement for  
Implementation of Section 106 of the  
National Historic Preservation Act for  
the Federal-Aid-Highway Program  
in Alaska

12th Annual Alaska Tribal Transportation  
Symposium  
April 16, 2014

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Proposed Programmatic Agreement

- Update implementation of Section 106 for Federal-Aid-Highway Program (FAHP) in Alaska
- Alaska Division FHWA consulting with Tribes and stakeholders on proposed Agreement

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Proposed Agreement (cont'd)

- Applies to Alaska Division FAHP projects administered by DOT&PF
- Does not apply to Tribal Transportation Program projects administered by Western Federal Lands Hwy Division and BIA
- Does not apply to undertakings on Tribal lands, as defined in 36 CFR 800.16(x)

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### Section 106

**Requires federal agencies to:**

- take into account project effects on properties eligible for National Register of Historic Places
- consult with Tribes that may attach religious and cultural significance to affected historic properties, and other consulting parties such as local governments and SHPO

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### Federal-Aid Highway Program in Alaska

- In 2009, DOT&PF assumed FHWA's environmental responsibilities for some FAHP projects ( $\pm 80\%$ ) assigned under 23 USC 326 (6004 Program)
  - ✓ Certain Categorical Exclusions
  - ✓ Deemed a federal agency
  - ✓ Did not assume Gov't to Gov't responsibilities
- FHWA retains environmental responsibility on non-assigned projects (non-6004 Program)

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### Proposed Agreement

- Establishes streamlined project review for certain types of projects
- Delegates Section 106 administrative authorities to DOT&PF for non-6004 Program projects

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### Streamlined Project Review

Applies to projects with low potential to affect historic properties such as:

- pavement resurfacing
- replacing culverts
- constructing turn lanes
- installing signage, guardrail, traffic signals
- routine maintenance

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### Streamlined Project Review

(cont'd)

- Does not require further Section 106 consultation on project-by-project basis
- Tribes and other stakeholders would not receive Section 106 processing letters for qualifying projects, but will continue to receive scoping notifications on the projects

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### Delegated Section 106 Process

- For projects that do not qualify for streamlined review
- Normal Section 106 consultation process
- DOT&PF will conduct process and sign all consultation letters
- FHWA will honor Tribe requests for Gov't-to-Gov't consultation on projects

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## Delegated Section 106 Process (cont'd)

FHWA also retains authority to:

- Enter delegated Section 106 process at any point
- Handle elevations of dispute

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## Consultation Review Schedule

- April 2014, FHWA sending consultation letters with draft Programmatic Agreement to Tribes, ANCSA corporations, and local governments
- Consultation review period will extend for 60 days, ending June 30, 2014
- September 2014, FHWA hopes to have a signed final Programmatic Agreement

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Thank you!

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