



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF PARKS & OUTDOOR RECREATION
Office of History & Archaeology

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August 9th, 2016

File No.: 3130-1R IHS
2016-00927

Kevin Bingley
Alaska Area Native Health Services
4141 Ambassador Dr.
Anchorage, AK 99508-5928

SUBJECT: Joint Venture Construction Program (JVCP), New Health Clinic Construction, Yakutat Tlingit Tribe

Dear Mr. Bingley:

The Alaska State Historic Preservation Office (AKSHPO) received your correspondence regarding the subject project on August 3rd, 2016. Upon review, we believe that a finding of **no adverse effect** is appropriate for the proposed undertaking.

For future review consideration, we offer the following comments:

1. When the Area of Potential Effect (APE) is within the boundaries of an eligible or listed historic property, please also consider the effects of the project on that historic property. This includes applying the Criteria for Adverse Effects found at 36 CFR 800.5 to determine whether the project may adversely affect the surrounding historic property.
2. Please define the APE in a manner that includes all components of the project that have the potential to effect historic properties, including ancillary activities such as utility connections and material sources.
3. The presence or absence of known historic properties within a project area is only one aspect of the Section 106 identification process. The lead federal agency needs to also consider the potential to encounter previously unidentified resources, taking multiple factors into account including (but not limited to): topography, past and current use, soil development, previous cultural resource surveys in the APE, and known site distribution. These considerations should be clearly explained in the submitted documentation.
4. The Section 106 identification process is intended to identify historic properties (potential, eligible, or listed) that may be affected by the undertaking prior to project implementation. While it may be occasionally "...reasonable to manage encounters with undocumented resources on a discovery basis." as stated within your correspondence, it is only appropriate to do so *if* the project is considered to have low potential to encounter previously unidentified cultural resources. However, if the literature review and initial project assessment indicate that previously unidentified resources may be present within the APE, then more intensive identification efforts (e.g. pedestrian survey) may be appropriate to demonstrate a reasonable and good faith effort.

5. While some inadvertent discoveries may be unavoidable, routinely relying on post-review discovery as a means for site identification is not appropriate and fails to meet the reasonable and good faith identification standard.

Thank you for the opportunity to review and comment. Please contact Mckenzie Johnson at 907-269-8726 or mckenzie.johnson@alaska.gov if there are any questions or we can provide further assistance.

Sincerely,



Deputy Judith E. Bittner
State Historic Preservation Officer

JEB: msj

Ec: Roger Harritt, ANTHC-Cultural Resource Manager, rkharritt@anthc.org