



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

## Department of Transportation and Public Facilities

SOUTHCOAST REGION  
DESIGN & ENGINEERING SERVICES  
Preconstruction

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In Reply Refer To:  
SIT Katlian Bay Road State Project # **Z676720000**  
Finding: No Historic Properties Affected  
September 3, 2015

James Kinsman, Chair  
Sitka Historic Preservation Commission  
c/o Municipal Clerks Office, City of Sitka  
100 Lincoln Street  
Sitka, AK 99835

Dear Mr. Kinsman:

The Alaska Department of Transportation and Public Facilities (DOT&PF) is proposing to construct a new road on Baranof Island in the vicinity of Katlian Bay, in the City and Borough of Sitka, Alaska. The project is within sections 2, 3, 34, 35, 25, and 25 of Sitka A-5 and sections 25, 30, 29, 20, 21, and 22 of Sitka A-4 in Township 54S, Range 64E, Township 54S, Range 65E, and Township 55S, Range 64E of the Copper River Meridian (Figure 1).

Pursuant to AS 41.35.070, Preservation of Historic, Prehistoric, and Archaeological Resources Threatened by Public Construction, DOT&PF finds that no historic properties would be affected by the proposed project.

### **Project Description**

The Katlian Bay Road project would construct approximately 9 miles of new single-lane, unpaved road with bridge crossings. The project would begin at the northern end of Halibut Point Road, extend east along the south shoreline of Katlian Bay, cross the Katlian River, and end 4 miles east of the Katlian Bay estuary at the boundary between Shee Atika and U.S. Forest Service lands. The project is located on U.S. Forest Service (USFS), Shee Atika Corporation, State of Alaska lands, and adjacent to private land (Figure 2).

### **Area of Potential Effect**

The area of potential effect (APE) for the project includes the approximate 9-mile road corridor plus approximately 25 to 40 feet (~7.5 to 12.25 meters) on both sides from the centerline of the proposed road (Figure 3). The APE includes areas for pullouts, grubbing, staging, access areas, and bridge emplacements as well as the existing USFS road which would provide temporary access during construction.

### **Identification Efforts**

In September 2014, DOT&PF consulted the Alaska Heritage Resources Survey (AHRS) for cultural resource sites in the Katlian Bay area. The area was field surveyed in September, 2014 and again in March, 2015. The survey included areas of traditional land use and an investigation into the oral history.

In June 2015, a cultural resource report<sup>1</sup> was completed for the proposed project. This report determined the eligibility for the National Register of Historic Places (NRHP) for the four AHRS sites (listed below) in the project area. In July 2015, a supplemental survey and report<sup>2</sup>; was completed, addressing a portion of the temporary access road.

Four sites were documented and given AHRS numbers by the Office of History and Archeology (OHA). Two separate clusters of culturally modified trees (CMTs) were identified within the APE (**SIT-1012**, **SIT-1014**), and a homestead (**SIT-1016**), and a USFS Special Use Permit Cabin (**SIT-1017**) were found adjacent to the project area.

**Gájaa Héen CMTs (SIT-1012)** are all Sitka spruce trees with deep blaze scars dating to 200+ years. Oral history reports the Kiks.ádi Survival March route in this immediate area. No physical or archival evidence show that these trees are directly associated, so this evidence would be very difficult to obtain.

**The Katlian Bay CMT (SIT-1014)** cluster consists of seven cedar triangle bark striped culturally modified trees. These trees are approximately 984 feet (300 meters) above and behind SIT-237, the Mosquito Cove Shell Midden, previously identified by Archaeologist Madonna Moss. No direct evidence was noted relating these two sites.

**Mary Dean Homestead (SIT-1016)** a 1934 homestead was identified through the Bureau of Land Management's General Land Office records. Although fur pens are recognizable by their materials and a palisade-style foundation was noted among miscellaneous rubble, the house no longer exists and was likely washed out of the valley by a flooding episode.

**The Mary Moore Cabin (SIT-1017)** is the site of a 1948 USFS Special Use Permit recreational cabin. A boardwalk pathway with several log bridges leads from the bay to the remains of the cabin.. The concrete chimney is still erect amongst the overgrown Devil's Club and other vegetation. This cabin was altered with modern material and is in a collapsed state.

### Finding of Effect

Sealevel Consulting recommends and DOT&PF agrees that the following sites are not eligible for listing in the NRHP:

- Gájaa Héen CMTs (SIT-1012)
- The Katlian Bay CMT (SIT-1014)
- Mary Dean Homestead (SIT-1016)
- The Mary Moore Cabin (SIT-1017)

Due to the fact that the four listed sites within and adjacent to the APE were not found eligible and that DOT&PF's supplemental field investigation did not encounter any cultural resources within the APE; DOT&PF finds that there would be no historic properties affected by the proposed project.

Although cultural resource investigations did not uncover physical remains of significant historic resources in the project APE, oral history accounts of resource extraction, of a Shaman burial, an association with the Kiks.ádi Survival March (SIT-778), and an isolated stone tool find (SIT-920) in the Coxe River of the Katlian Basin. DOT&PF proposes that an archaeological monitor be present (as will be set forth in an MOU with the Sitka Tribe of Alaska discussed in more detail in the Consulting Efforts section of this letter).

<sup>1</sup> *Katlian Bay Road Construction, Cultural Resources Inventory, NRHP Evaluations of Historic Properties, Sealevel Consulting for Amec-Foster-Wheeler & LEI Engineering, June 2015.*

<sup>2</sup> *Katlian Bay Road Construction Supplemental Field Survey, July 2015.*

Monitoring is proposed for any earth disturbing activities in Katlian Bay area at the beginning of the project to the mouth of Katlian Bay (Station 6+00 to Station 71+00) and along the south shore of Katlian Bay to the end of the project (Station 232+00 to Station 492+00), as well as in the vicinity of the Coxe River.

Archeological monitoring is not proposed for the project area between station 71+00 and 232+00, where there is low probability for cultural resources due to the steep nature of the terrain and the high altitude of the central portion of for this area. (See enclosed Figure 4).

Additionally, archeological monitoring is proposed for all wetland mitigation sites involving earth disturbing activities. These areas (not shown on the enclosed drawing) are adjacent to the proposed project and are proposed for new rearing ponds and connecting channels constructed as mitigation for unavoidable impacts to wetlands and other waters of the U.S.

### Consultation Efforts

All of the following parties have been consulted in a March 4, 2015 Consultation-Initiation and are being notified of this finding

- Alaska Office of History and Archaeology (OHA)
- Sitka Tribe of Alaska
- Central Council Tlingit & Haida Indian Tribes of Alaska
- Shee Atika Incorporated
- Sealaska Corporation
- Sealaska Heritage Institute
- Sitka Historic Preservation Commission

Correspondence received from OHA indicated no objections to the proposed APE or proposed level of study effort. Faleene Worrell, a board member and shareholder of Shee Atika responded in support of the project because of the expanding tourist, rock source, and road opportunities.

Shee Atika Incorporated responded that the road would not impact places of traditional, religious, and cultural importance to Shee Atika.

On March 19, 2015, the Sitka Tribe of Alaska (STA) requested Government-to-Government Consultation between the State of Alaska and the Sitka Tribe of Alaska to discuss the proposed project's potential impacts to their culture and traditional subsistence usage of the forest and streams in the project area. DOT&PF staff traveled to Sitka and met with Tribal Council members as well as STA resource protection staff on April 8, 2015. Based on that meeting DOT&PF agreed to conduct archeological monitoring and to enter into a Memorandum of Understanding (MOU) with the STA to address monitoring during construction in previously undisturbed ground in areas that may contain artifacts or sites of traditional religious and cultural importance. DOT&PF has had additional conversations with the STA to further refine various stipulations, including treatment of human remains and how inadvertent discoveries would be addressed, should they be made, during construction.

If you wish to comment on this finding, I can be reached at the address above, by telephone at 907-465-4715, or by e-mail at e-mail at michael.kell@alaska.gov. However, please note that to receive consideration, your comments must be received within thirty days of your receipt of this correspondence.

Sincerely,



Michael Kell  
Cultural Resources Specialist  
DOT&PF Southcoast Region

Enclosures:

Figure 1 Katlian Bay Project Location Map

Figure 2 Katlian Bay Road Project Alternative Evaluations for Engineering and Environmental Constraints

Figure 3 Area of Potential Effect (APE)

Figure 4 Katlian Bay Road Project Recommended Monitoring

*DRAFT Memorandum of Understanding Between the Alaska Department of Transportation and Public Facilities, Southcoast Region and the Sitka Tribe of Alaska for Archaeological Monitoring on the Katlian Bay Road, Project #67672 Recommended Archeological Monitoring Locations Drawing*

cc w/ enclosures:

Ken Cameron, Shee Atika Incorporated

Richard Peterson, Central Council Tlingit & Haida Indian Tribes of Alaska

Michelle Metz, Sealaska Corporation

Michael Baines, Sitka Tribe of Alaska

Jeff Feldpausch, Sitka Tribe of Alaska

cc w/o enclosures:

Laurie Mulcahy, DOT&PF, Cultural Resources Manage

Keith Karpstein, P.E., Katlian Bay Road Project Manager, DOT&PF Southcoast Region

Jane Gendron, Regional Environmental Manager, DOT&PF Southcoast Region

Pam Gunther, Life Sciences Lead, Amec Foster Wheeler

**MEMORANDUM OF UNDERSTANDING**

Between the  
Alaska Department of Transportation and Public Facilities, Southcoast Region  
and the  
Sitka Tribe of Alaska  
for  
Archaeological Monitoring on the

**KATLIAN BAY ROAD PROJECT**  
PROJECT NO. 67672

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), made and entered into this \_\_\_ day of \_\_\_\_\_, between the STATE of ALASKA, acting by and through its SOUTHCOAST REGION of the DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (“DOT&PF”), and the SITKA TRIBE OF ALASKA (“STA”) hereby provides as follows:

WITNESSETH:

**WHEREAS**, the Southcoast Region of the Alaska Department of Transportation and Public Facilities (DOT&PF) proposes to construct the Katlian Bay Road Project; and

**WHEREAS**, the undertaking would construct approximately 9 miles (14.5 kilometers) of new single-lane, unpaved road with bridge crossings, beginning at the northern terminus of Halibut Point Road, extending east along the south shoreline of Katlian Bay to cross the Katlian River, and terminating 4 miles (6.4 km) east of the Katlian Bay estuary at the boundary between Shee Atika and U.S. Forest Service lands; and

**WHEREAS**, consultation pursuant to DOT&PF Policy and Procedure 01.03.010 regarding Government-To-Government Relations with the Federally-Recognized Tribes of Alaska for this project occurred in April, 2015 between the DOT&PF and the Sitka Tribe of Alaska (STA); and

**WHEREAS**, the STA has expressed concerns pursuant to the Alaska Historic Preservation Act, AS.41.35, Section .070 (Preservation of Historic, Prehistoric, and Archaeological Resources Threatened By Public Construction); and

**WHEREAS**, under the Alaska Native Claims Settlement Act of 1971 the Alaska Native corporations of Shee Atika (village) and Sealaska (regional) received title to properties within the project right of way; and

**WHEREAS**, STA’s traditional territory reflects the lands and waters historically and presently composed of the western side of Baranof Island, the greater reaches of Peril Strait, southwestern portions of Chichagof Island and the myriad of islands as well as the waters between these locations; and

**WHEREAS**, the STA has identified areas of traditional use as well as potential religious and cultural importance along the project’s proposed alignment; and

2. The Archaeological Monitor shall submit a Draft AMP to the DOT&PF and STA prior to construction to allow a minimum of thirty (30) days for review, comment, and final approval before any ground disturbance begins. Following submission of the Draft AMP, the Archaeological Monitor will revise the AMP as needed based on comments from DOT&PF and STA. The Final AMP will be approved by the DOT&PF Southcoast Region Cultural Resource Specialist prior to any ground disturbance from construction activities.
- E. The DOT&PF shall ensure that the SOI-qualified Archaeological Monitor(s) is on-site during all ground disturbing or earth-moving activities in the areas specified in Appendix A so that the Archaeological Monitor can observe the excavation and inspect new exposures and redeposited sediments as specified in the Archaeological Monitoring Plan. Additional SOI-qualified archaeological staff shall be provided should it be determined necessary by the on-site Archaeological Monitor or the DOT&PF to complete the task.
  - F. The on-site Archaeological Monitor or other SOI-qualified on-site archaeological staff shall be authorized to halt construction in a specific location if cultural resources are encountered during earth-moving activities.
  - G. In the event previously unidentified cultural resources are discovered during earth-moving activities, the Archaeological Monitor shall proceed in accordance with Stipulation V.
  - H. The Archaeologist(s) shall evaluate any previously unidentified cultural resources for eligibility to the NRHP using established NRHP criteria. The DOT&PF shall determine NRHP eligibility in consultation with the OHA, Tribes, and other Consulting Parties as identified. All NRHP evaluations will follow the *Secretary of Interior's Standards and Guidelines for Evaluation of Historic Properties* and 36 CFR § 800.4(c). Disputes concerning eligibility will be resolved by the Keeper of the National Register (Keeper) pursuant to 36 CFR § 800.4(c)(2).
  - I. The Archaeological Monitor shall provide a summary monitoring memo on a weekly basis to the DOT&PF Project Engineer who will forward a copy of the monitoring memo to the DOT&PF Southcoast Region Cultural Resource Specialist and the STA within one (1) day of its receipt.
  - J. If human remains are encountered, they shall be treated in accordance with Stipulation IV.
  - K. The Archaeological Monitor shall submit a draft Archaeological Monitoring Summary Report to the DOT&PF Southcoast Region Cultural Resource Specialist and the STA with ninety (90) days following completion of archaeological monitoring. The Signatories shall have thirty (30) days to review and comment. The Archaeological Monitor shall ensure that any comments received during the review period are addressed and that a final report addressing all comments is filed with the DOT&PF Southcoast Region Cultural Resource Specialist and the STA prior to the conclusion of this MOU.

unanticipated manner, the DOT&PF shall consult with the STA and the OHA, pursuant to AS.41.35.070 (d). The DOT&PF will ensure that work shall cease in the area of the discovery until the previously unidentified historic property or unanticipated effect can be evaluated, and an appropriate treatment plan consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716) is developed and agreed upon by the OHA. The DOT&PF shall ensure that the treatment plan is implemented.

- B. An SOI-qualified Archaeologist(s) shall evaluate any previously-unidentified cultural resource encountered during construction for eligibility to the NRHP using established NRHP criteria. The DOT&PF shall determine NRHP eligibility in consultation with the OHA, STA, and other consulting parties, as appropriate. All NRHP evaluations will follow the *Secretary of Interior's Standards and Guidelines for Evaluation of Historic Properties* and 36 CFR §Part 800.4(c). Disputes concerning eligibility will be resolved by the Keeper of the National Register (Keeper) pursuant to 36 CFR § 800.4(c)(2).
- C. For those properties that are determined to be eligible for inclusion in the NRHP, the DOT&PF shall apply the appropriate criteria of effect in consultation with the OHA, STA, and other consulting parties. The views of other consulting parties will be sought through consultation as appropriate if there is a finding that the project activity will cause an adverse effect.
- D. Any associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony as defined by NAGPRA discovered during construction on State or private lands will be repatriated to the appropriate lineal descendants or clans through STA. The State recognizes STA as the sole affiliated tribe with the authority to receive these items through repatriation.

## VI. Curation

- A. In accordance with the Alaska Historic Preservation Act, Title to Historic, Prehistoric, and Archaeological Resources (Alaska Statute [AS] 41.35.020), "(a) The state reserves to itself title to all historic, prehistoric, and archaeological resources situated on land owned or controlled by the state..." Therefore, artifacts, faunal remains, and related materials recovered on land owned or controlled by the state, including DOT&PF Right of Way (ROW), will be accessioned to the University of Alaska Museum in Fairbanks. The Alaska Historic Preservation Act also recognizes the cultural rights of Tribal descendants for possession and use of their valued cultural resources. As allowed in AS 41.35.020(b) any historic, prehistoric or archaeological resources recovered during construction that are deemed Native in origin will be curated in Sitka at a local repository or museum that meet State standards..
- B. Historic, prehistoric, and archaeological resources recovered from land controlled by other private entities will be turned over to STA for curation in Sitka at a local repository or museum.

**SITKA TRIBE OF ALASKA**

By: \_\_\_\_\_  
Michael A. Baines, Chairman, Sitka Tribe of Alaska Tribal Council

Date: \_\_\_\_\_

**INVITED SIGNATORIES**

**SHEE ATIKA CORPORATION**

By: \_\_\_\_\_  
Kenneth Cameron, President and CEO, Shee Atika Corporation

Date: \_\_\_\_\_

**SEALASKA CORPORATION**

By: \_\_\_\_\_  
Anthony Mallot, President and CEO, Sealaska Corporation

Date: \_\_\_\_\_



## APPENDIX B

### Katlian Bay Road Project

Project No. 67672

#### Contact Information for Agency and Tribal Officials Involved with Human Remains Consultation

**DOT&PF, Southcoast Region:**

Jane Gendron, Regional Environmental Manager  
and Michael Kell, Cultural Resource Specialist  
6860 Glacier Highway  
Juneau, AK 99519  
Phone: (907) 465-4499 / (907)465-4715  
Fax: (907)2016

**Office of History and Archaeology:**

Judy Bittner, Chief  
DNR Office of History and Archaeology  
550 W. 7<sup>th</sup> Avenue, Suite 1310  
Anchorage, AK 99501  
Phone: (907) 269-8721  
Fax: (907) 269-8908

**State Medical Examiner:**

Stephen Hoage, Operations Administrator  
4500 S. Boniface Pkwy  
Anchorage, Alaska 99508-1264  
Phone: (907) 334-8643  
Fax: (907) 334-2216

**Alaska Bureau of Vital Statistics:**

Phillip Mitchell, Section Chief  
Supervisor of the Anchorage Bureau  
Phone: (907) 465-8643  
Fax: (907) 465-4689

**Alaska State Troopers:**

Missing Persons Bureau  
Sergeant Kid Chan  
5700 East Tudor  
Anchorage, AK  
Phone: (907) 269-5058  
Fax: (907) 248-9834

**AST Criminal Investigation Bureau:**

Lieutenant Nils Monsen  
Phone: (907) 745-2131  
Investigator Dave Johnson  
Phone: (907) 465-8643

**Sitka Police Department:**

304 Lake St. #102  
Sitka, AK 99835  
Police Dispatch (main): (907) 747-3245  
Police Administration: (907) 747-3349

**Sitka Tribe of Alaska:**

Michael Baines, Chairman, Tribal Council  
456 Katlian St  
Sitka, Alaska 99835  
Phone: (907) 747-3207

Lawrence SpottedBird, General Manager  
Phone: (907) 747-7380

Jeff Feldpausch, Resource Protection Director  
Phone: (907) 747-7469



**FIGURE 1  
KATLIAN BAY  
PROJECT LOCATION**



- Populated Place
- ▲ Campground
- Existing Road
- Proposed Katlian Bay Road



DRAWN BY: WR CHECKED BY: PG





Figure 3



**Katlian Bay Road Project Recommended Monitoring**

- |                               |                             |                             |
|-------------------------------|-----------------------------|-----------------------------|
| — Public Road                 | 🏠 Day Use Area              | ▲ Historic Trapping Remains |
| — USFS Road                   | 🚒 Potential Viewpoint       | ▲ Historic Logging Remains  |
| - - - Abandoned Logging Road  | <b>Monitoring Locations</b> | 🏠 Homestead                 |
| — Proposed Route              | ⌵ Bridge                    | 🚧 Road                      |
| — ATV Trail                   | ▲ CMTs                      | 🚶 Trail                     |
| — Temporary Construction Road | 🏠 Cabin                     | ● Road Stations             |
|                               |                             | 🟡 Recommended Monitoring    |
|                               |                             | 📦 Land Status               |

Scale: 1:40,000 Miles



**Figure 4**

DRAWN BY: WRCHECKED BY: PJS

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