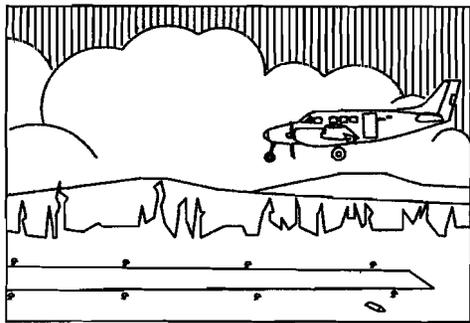


FINDING OF NO SIGNIFICANT IMPACT

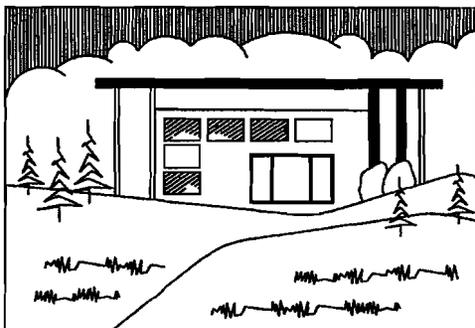
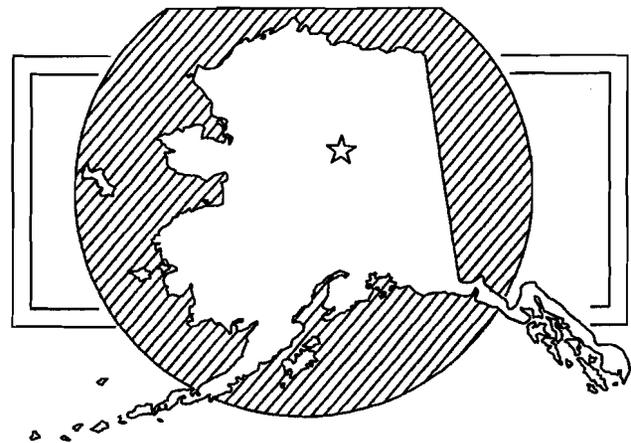
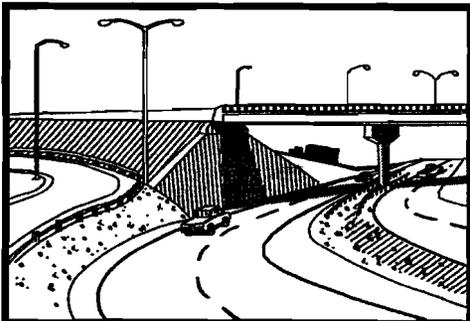
KOTZEBUE ROADS - SHORE AVENUE

PROJECT No. HP-0002(109)/60788



STATE OF ALASKA

Department of Transportation
and Public Facilities



NORTHERN REGION

AUGUST 2007

**U.S DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

FINDING OF NO SIGNIFICANT IMPACT

**Kotzebue Roads – Shore Avenue
Project Number HP-0002(109)/60788**

Selected Alternative

The Alaska Division Office of the Federal Highway Administration (FHWA) has selected the Build Alternative to reconstruct Shore Avenue.

The proposed action would reconstruct Shore Avenue from Lake Street, through the primary commercial area of Kotzebue, approximately 4,400-feet to the end of the road at Crowley Dock. Shore Avenue would be paved, with new sidewalks, a pathway, parallel parking, an open space on the seaward side, and an erosion protection revetment on the seaside.

The preferred alternative would provide two 12-foot driving lanes, one 9-foot parallel parking lane, a 10-foot sidewalk on the inland side of the street, a 6-foot sidewalk on the seaward side of the street. The seaward side of the street would also have an open space and barrier between the sidewalk and the shore protection. The open space would provide room for the City to dispose of snow and to combat storm driven ice. The proposed road section would drain towards the seaside of Shore Avenue, thereby eliminating the need for storm drain improvements and associated maintenance costs.

The shore protection would be constructed of riprap between Lake Street and Lagoon Street and a sheet pile wall between Lagoon Street and the end of the project. Other than minor geometric changes, the only other change to the typical section is the addition of a parallel parking lane on the seaward side between Lagoon Street and Mission Street.

Alternatives Considered

A No Build Alternative was evaluated to determine the impacts if no action were taken. The No Build Alternative would not improve safety, existing deficiencies, or access, nor would the No Build Alternative respond to the public support for this project

The No Build alternative would not provide a safe facility for pedestrians, bicyclists, off-road vehicles, cars, or trucks. The City's concerns that the no build alternative would delay and limit access by emergency vehicles for stretches of Shore Avenue during peak congestion and catastrophic episodes would continue.

The No Build alternative does not protect the roadway or community from extreme high water and storm surges. The No Build Alternative would require the community of Kotzebue to bear the immediate expense and effort to perform emergency repairs on Shore Avenue following storm events. The No Build alternative would continue to see the City of Kotzebue using beach fill material for emergency repair. Emergency repairs tend to be completed with fewer available funds and may involve excavation and fill placement in less optimal methods and locations. Impacts to the coastal zone would continue.

The No Build Alternative would leave buildings encroaching within the existing right of way. The City of Kotzebue would be less likely to resolve encroachments using policies established in the City's 1991 Kotzebue Encroachment Study.

The No Build alternative would not improve current street conditions nor provide erosion control as identified in the City of Kotzebue's Transportation Plan and the State Transportation Improvement Program (STIP). The No Build Alternative is not consistent with the local transportation plan.

The No Build Alternative would allow the beach, road, and adjoining buildings and property to be eroded into Kotzebue Sound. The No Build Alternative would result in loss of property and cultural resources. The community would be adversely affected as adjacent buildings are threatened with destruction or damage by storm surges or by blocks of ice pushed up during spring break-up.

The No Build alternative would allow sediment from the road and adjoining land to erode into the ocean and the associated degradation of water quality.

The No Build alternative would continue to have congested traffic and idling vehicles generating more noise than would occur if the traffic moved efficiently to its destination.

For the above reasons, FHWA has not selected the No Build alternative.

Measures to Minimize Harm:

Right Of Way

The public street right of way established in the townsite of Kotzebue is a general conveyance to the public, it is not the State's. The City of Kotzebue will own and maintain the public right of way for the project, and will complete any modifications or land actions they determine are needed, following procedures outlined in the April, 1991 City of Kotzebue Encroachment Study. The State, on behalf of FHWA, will not vacate any land or right of way for this project.

The proposed action would work within a project right of way line that does not intrude onto adjoining private property. The available space between the existing properties and the new facility would include space for utilities, if needed.

Social

The community of Kotzebue has long enjoyed its direct connection with the ocean and the beach. To maintain this access the proposed action includes the following amenities and to enhance the sea front location for future residents of Kotzebue.

Proposed pedestrian and site amenities along Shore Avenue would include the construction of a new deck in the general vicinity of the existing observation deck currently across from the Nullagvik Hotel. Interpretive signs have been discussed with the City and could be developed by the City or another local entity. Signs could provide visitor information regarding marine ecology, wildlife, and the history of the Native peoples of the Kotzebue area. Interpretive signs or local heritage symbols could be cast into the moveable barriers that are intended to help hold back the ice that pushes up onto the road during spring breakup.

The proposed project would further modify the former relationship between the ocean and those few residents who still park their boats on the beach in front of their home. To reduce this impact the proposed action would include four boat launch ramps and access points. Boat parking would continue in the small boat harbor in the lagoon on the southeast side of the community.

Citizens have expressed concern that the small boat harbor is too far away from their homes and they do not have a vehicle that would carry their gear or supplies. Others have expressed concerns that the small boat harbor does not let them keep an eye on their boat, and their boat may be subject to vandalism. They prefer to keep their boat on the beach in front of their house. They have also expressed concern that the 55-gallon drums used to prevent erosion decades ago, present a hazard to the bottom of their boats.

The proposal would affect small children who play in the shallow water along the beach. The beach would be very narrow and the gradual slope would be replaced

The proposed alternative would provide access for boat launches and snow machines during the winter. Throughout the development of the proposed project DOT&PF has worked closely with community members and continuously refined the preferred alternative in response to resident's comments.

Access ramps in the erosion protection would allow foot access to the ocean. The ramps also provide breaks in the vertical sheet pile to allow a person to maneuver along beach and out of the water, should they fall into the ocean during a storm event or exceptional high tide. The access points would be located across from Hanson's Trading Company, Mission Street, Shore Lane, and between Ocean Lane and the end of the project, see plan sheets F2, F3, F4, and F5. Each access ramp would be accessible for individuals as defined under the Americans with Disability Act (ADA).

The Proposed Action is consistent with Executive Order 12898, Environmental Justice and would not disproportionately affect minority or low-income populations. The predominantly Native Alaskan community would benefit from the improvements. Benefits would serve to address requests for improved air quality, reduced congestion, improved safety, and pedestrian access.

Economic

Subsistence hunting and fishing is an important traditional economic activity in the community. Subsistence hunters have traditionally brought products back to Kotzebue via boat. Boat owners tie or drive their boats up onto the beach to park in front of a hunter's home, or the owners use the new boat launch facility in the lagoon south of town. The proposed project would provide four access ramps and boat docking points to accommodate subsistence and other boat traffic. The project would not substantially impact the existing small boat harbor in the lagoon.

Providing shore protection from frequent and destructive storms would reduce the cost for city, state, and federal governments for future repair resulting from storm damage. Quite frequently, storm surges are severe enough to warrant disaster relief when the water overtops the beach and washes over the road, flooding homes and businesses

Emergency repairs may be reimbursed by the State for declared emergencies, but the immediate expense and effort is a local one. State funding follows, often by many months. This results in the immediate repair effort being completed in the least expensive manner possible, including digging up the beach just off shore and building the road with this beach material. Unfortunately, such rebuilding efforts may just make the erosion worse for future storm events, and in the

interim, destroy the cultural deposits that lay beneath the City. The proposed action would provide protection from storm erosion for the archaeological deposits.

Historic Resources

(Draft)

The proposed action includes the establishment of mitigation measures through a Memorandum of Agreement (MOA) with the State Historic Preservation Officer. The MOA formalizes proposed mitigation that includes data recovery excavation and the development of interpretive signage that discusses the prehistory and history of Kotzebue to be installed at an observation deck overlook across from the Nullagvik Hotel on the seaward side of Shore Avenue. It is our intent to initiate the data recovery portion during the summer of 2007 so that the project can move into final design, with construction to start in 2008.

The MOA is between FHWA and the State Historic Preservation Officer (SHPO), with other signatories being BIA and DOT&PF. These four entities collaborated to draft the MOA package in its current form. The following entities have been invited to participate as concurring parties: Kikiktagruk Inupiat Corporation, City of Kotzebue, Native Village of Kotzebue, NANA Regional Corporation, and Northwest Arctic Borough. Once we receive everyone's comments and understand who will be signing the MOA, we will final the agreement document and formally circulate it for signature. On January 25, 2007, the Advisory Council on Historic Preservation responded that they had decided not to participate in consultation for this undertaking.

The signed MOA has been transmitted to the Advisory Council for Historic Places for their records.

(Draft)

Waterbody

The preferred alternative primarily impacts naturally disturbed beach area. For the relocation of the existing roadway, riprap, and development of four-beach accesses approximately 51,000-cubic yards of clean gravel fill would be discharged below the mean high water, into approximately 12.0-acres of Kotzebue Sound. Figures C1, C2, and C3 show the mean low water (MLW) marks and a section view of the fill required for the proposed project. A permit would be required for the build alternative.

Coastal Management

Pursuant to 15 CFR 930.30, FHWA has reviewed the proposed action and determined that it would be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of Alaska's State and District coastal policies. The proposed action gives special attention to shore access and erosion protection consistent with 15 CFR 923.25, recognizing that locations other than the present location of Shore Avenue would not provide erosion protection, nor serve the traditional uses for Shore Avenue in Kotzebue. DOT&PF is the applicant agency (for Subpart F) as defined under 15 CFR 930.4(a)(2). For these and the above reasons, the proposed action is consistent with the objectives or purposes of the U.S. Coastal Zone Management Act and satisfies the following requirements:

- (a) The activity furthers the national interest as articulated in Sec. 302 or Sec. 303 of the Act, in a significant or substantial manner,
- (b) The national interest furthered by the activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively.
- (c) There is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the enforceable policies of the management program.

Floodplain

The preferred alternative would be constructed on an existing road with armor stone revetment to protect the community from storm generated flooding. Storm waves would break on the revetment and wash back into the sea, rather than washing onto and across the road.

If, however, a severe storm surge washes over the road, the 2% seaward slope designed into the project would allow the water to drain back into the sea. The proposed road would be at or below the level of the ground on the landward side. It would not act as a dam or obstacle to the seaward flow of water following a storm. The proposal does not act as an obstacle that would raise the level of flooding in the community. The proposed road and sidewalks would drain from existing ground level towards the ocean, allowing for improved drainage.

The proposed project is within Zone B of the Flood Insurance Rate Map, which indicates “areas between limits of the 100 year flood and 500 year flood; or certain areas subject to 100 year floods with an average depth of less than one foot or where contributing drainage area is less than one square mile” (FEMA, 1983). Currently, the City of Kotzebue is in the process of updating their Flood Insurance Map. The project is consistent with the Regulatory Floodway Executive Order 11988 and 23 CFR 650, Subpart A.

Water Quality

The build alternative would encapsulate the road, protect it from further erosion, and reduce the sediment input into the ocean during storm events.

Construction Impacts

Construction impacts are by their very nature relatively short term. The relative close distances from the community would mitigate some construction impacts. There would be a temporary increase in noise from construction activities.

Air quality from the construction equipment would not be a significant problem. Project equipment would not generate atmospheric pollutants in an amount that exceeds Air Quality Standards. Watering of the construction areas and use of quality aggregate base would reduce airborne dust during construction activities.

Construction noise limits. The City of Kotzebue hours of use for heavy equipment is between 6:00 a.m. to 11:00 p.m. with allowances for moving or transporting equipment only to the maintenance yard and job site between the hours of 11:00 p.m. to midnight and 5:00 a.m. to 6:00 a.m. During construction, heavy machinery and operations would cause temporary noise increases.

Water quality should not be impacted either during or after construction. To prevent impacts to water quality an Erosion and Sediment Control Plan (ESCP) would be completed during the design process. The ESCP would detail the proposed project and anticipated problem areas. The ESCP includes required permanent and temporary erosion and sediment control measures. These are based upon BMP's, contained in the department's "Storm Water Pollution Plan Guide (SWPPP)." The ESCP is included in the Plan and Specifications, which the contractor would then use to prepare a detailed SWPPP.

Included in the SWPPP is also a Hazardous Material Control Plan (HMCP), which identifies hazardous materials that would be on site and outlines how the contractor would handle these

materials and methods to prevent spills. The contract specifications would stipulate that no hazardous materials would be allowed near water or wetland.

Permits Required:

The proposed action requires clearances or permits from the following agencies:

- U.S. Army Corps of Engineers Section 404/10;
- ADEC 401 Water Quality Certification;
- ADEC Storm Water Pollution Prevention Plan Approval;
- State of Alaska, Department of Natural Resources, Office of Project Management and Permitting, Coastal Consistency Review; and
- Northwest Arctic Borough Title 9 Permit.

Public Hearing Summary:

Public notice of the opportunity for a public meeting were placed in local and regional newspapers. The Anchorage Daily News published a notice on November 1, 2006 offering an opportunity to request a public hearing and the Arctic Sounder published an article on December 7, 2007. No one responded requesting a public meeting. Responses were informational and supportive.

Public Comments and Responses:

One written comment was provided following the public notice. Mr. Alex Whiting, Environmental Protection Specialist, P.O. Box 296, Kotzebue, AK 99752, (907) 442-3467, sheep@otz.net, provided the following subsistence information.

The Historic Relationship between the Qikiqtarugmiut and Shore Avenue Beaches fronting Kotzebue Sound have always held an important place in the lives of the people living in northwest Alaska. They are spiritual in nature as the balancing point where the nuna (the land) and tagiuq (the ocean) meet and people traditionally defined themselves as Tagiumsinaaqmiut - dwellers of the transition between tundra and sea. One (the land) providing the necessary insulation for house and self, while the other (the sea) giving the energy necessary to provide heat and light within the house and self. Communities are defined by these places as can be gathered from where they are located and the historic record of stories and photographs. In Kotzebue this can also be inferred from the common nomenclature used by locals for Shore Avenue, which is Front Street - this is "the front" of the community.

The location of the current city of Kotzebue is due to the significance of the beachfront property to the first people of the area that recognized the value of the location and the ability to use the beach for a multitude of purposes. These uses were generally the same for at least hundreds of years and included among others - hunting seals, belugas and catching fish. The first change to this relationship came about with the establishment of a year round population and the creation of a village with an increase of related activities, such as unloading supplies, building houses/stores, and filling in old channels and lagoons. The designation of allotments for families to claim and erect permanent structures also helped shape the face of the beach. During this time period (early to mid-twentieth century), the beach continued to be utilized for most traditional uses. It is well documented that the beach was used as a place to launch boats from, to build and maintain inisaks (fish racks) for the curing of fish and meat, stake out dogs during the summer to take advantage of the cool breeze and even to set up tents and camp. This continued more or less until the early 60's when tourist traffic "forced" many people to discontinue using the beach for these purposes and relocate these uses to their seasonal camps. The second major impact to these uses came

about when what started out as a footpath, turned into a traffic lane (and dust creator) for newly arrived cars in the mid to late 60's and later still motorbikes and ATV's in the 70's and 80's. Recently, the increase of population and the increasing ownership of vehicles have led to the increase in use of Shore Avenue for traffic. It has become apparent that there is a need to improve the road for safety, coastal protection and dust suppression purposes. How to accommodate this historic relationship within the engineering and geomorphologic constraints is less apparent, if indeed possible at all.

As has been noted above the use of Shore Avenue for traditional activities has been decreasing in value over time, but many uses still occur. Some of these continuing uses and ecological roles are described in the following:

QALUICH - FISH

There are many species of fish which occur off of the Shore Avenue, these include but are not limited to – whitefish (mostly sheefish and ciscoes), flounders (especially starry), salmon (mostly chums), Dolly Varden, smelt, herring, tomcods, arctic cods, sculpins, and occasionally freshwater species like northern pike and grayling. In addition to providing a travel corridor for migrating fish, its network of eddies and shoals also provides a place for fish to rest and feed. Even for the juvenile smelt, salmon and other fish it provides space in which to rest, retreat from predators right up next to the beach and feed on the abundant mysids and other nutrients. Although, this is only one small area out of the entire estuarine environment it does play a role in this respect.

While the quality of fishing along Shore Avenue has declined over time, there is still a fair amount of effort from Crowley dock to the intersection of Ocean Lane. I will discuss this area specifically and the six most important species of fish found there.

Ilhuagniq - Smelt (Osmerus mordax) – Fishing for smelt using hook and line is best when the Sound freezes up early in October or late September. Over the last few years the freezeup has been exceptionally late (November) and the major occurrence of smelts off of this area is usually limited by then. On good years hundreds of smelt can be caught during a day of fishing. This is one of only a few gathering opportunities that elders and small children are able to participate in. In addition, the shoal nature of this area is helpful to making inroads into freezing the channel in order to be able to safely venture out and fish. Creating a deep faster area would be expected to decrease the speed of freezing and increase the danger of testing the ice. The eddies currently in place also provide a dynamic conducive to fishing by allowing schools to circle and return to a specific area (your hole) time and time again during a fishing period. In other words the school passes by your hole, circles around, and in 10 or 15 minutes will pass by your hole again, and again. How would loss of eddies (if this is a result of the proposed project) affect this? Of course this isn't the only place to fish for smelts, but locally it is one of the best at times and for those living along this part of Shore Avenue easily accessible. Young smelt (4" range) also use these eddies to rest during the spring breakup period (late May) and are sometimes caught incidental to throwing nets for herring.

Ugruqtuuq - Herring (Clupea pallasii) – These eddy areas are a stopping and congregating place for herring in both the spring and fall. In the spring the herring arrive even before the ice is broke. During breakup (late May to early June) many people of all ages turn out to use hook and line and nets to take buckets and bags of herring home to be baked, pickled or otherwise eaten. This area provides a nice platform in which to wade out and throw a cast net, in addition to providing a place to clean the herring. Many times large beached ice chunks can be put into use as a cleaning table while the cutter sits out in the water cleaning the herring and scraping the offal

directly into the water, in addition to using the water for cleanup. Again in the fall time (late September) there is usually a small window of opportunity to throw nets for herring.

Uugaq - Saffron Cod (Eleginus gracilis) – If there is one fish that this area is famous for it would have to be the saffron cod “tomcod”. Many well-known historic photographs of tomcod hookers are taken directly in front of this area. The area of eddies discussed earlier is a great place to find congregating schools of tomcod in the fall (late September – November). Like smelts, the fishing also appears to be better the earlier the freezeup and is important for the youth and elders to participate in gathering food.

Aqalukpik - Dolly Varden (Salvelinus malma) – The fishing for Dolly Varden “trout” has been decreasing in quality over the years, for both net and rod and reel fishing. There was a time when for at least a couple of weeks each spring (late May-June) tens of trout of all sizes would be caught in this area using both nets and rod and reel. Recently, only a few trout are taken, if any. This may be due to population shifts, change in migration routes, anthropogenic impacts, or other. It is unclear at this point what has caused this decrease, this being the case it is hard to conjecture what the proposed changes would do to the trout fishing. While trout are rarely caught off of Crowley, they are commonly (relative) caught in front of the rickrack by Hansons and Post Office, so this change may or may not affect the rod and reel trout fishing directly, although net fishing (access) would be impacted.

Sii - Sheefish (Stenodus leucichthys) – Sheefish are targeted especially during breakup (late May – early June) by rod and reel. While the amount of fish and length of fishing time has decreased somewhat over the years, there are still many caught feeding in the eddy system and especially in the area of transition between the slower eddies and the faster main current. This edge habitat would be expected to be transformed with the proposed project. In addition, a number of small (24”-36”) sheefish use the eddy system to prey on the smaller baitfish attracted by the shoals and eddies. The ice shelf that is attached to the shore is also utilized when available, as a platform to reach the fish before the breakup is completed.

Aqalugruaq - Chum Salmon (Oncorhynchus keta) – The chum salmon, like the tomcod, is one of the most important fish historically along Shore Avenue. Many pictures and stories tell about racks heavily loaded with the meat of this salmon. Unlike all the other types of fishing, the salmon fishing is almost exclusively a net fishery. Short lengths of gillnets are set by many people every year in this section of beach, whereas none are set off of the “improved” rickrack and eroded beach further down the street. From late June to September, these nets provide salmon for many families in town by being distributed as fresh fish to neighbors and friends. The importance of the beach platform is especially high with this activity, as can be seen by the absence of nets further along the “improved” or eroded sections of the street. The beach allows a person to arrange their net, stake the net, pull it in and out, and to pick fish.

TAGIUM NIOSAI - Marine Mammals

Qasigiaq - Spotted Seal (Phoca largha) – The spotted seal is commonly found off of Shore Avenue in the fall (August-early October). They are present in large numbers on occasion (hundreds) and utilize the area under discussion heavily for feeding on herring, smelt, and tomcods. The eddy area and the sloping shallow water allows for a place where the seals can effectively concentrate fish by pressing them along the shore and then feeding on them. This occurs during the day, but especially during the night when the seals feel safer approaching the shoreline. While feeding also occurs up and down the main channel, this shoal area is the only place close by where the seals can use this efficient and effective feeding strategy. Many people

also use this beach area right before freezeup to store and launch their boats for hunting spotted seals and use the beach for temporary storage of seals.

Natchiq - Ringed Seal (Phoca hispida) – Ringed seals have been taken off of this beach area by the use of harpoon at breathing holes in front of Crowley in recent years. While this use is rare, it does provide a unique opportunity to hunt in a traditional manner. This use is dependent on the ability for shorefast ice to form in this area while the channel remains open or at least unsafely covered with ice. So any change to the ability for shorefast ice to form will determine what impact to this use occurs with the proposed project.

Sisuaq - Beluga Whale (Delphinapterus leucas) – Belugas travel through the main channel past town feeding on the smaller fish available, especially during the large runs of tomcods and herring in the late fall before freezeup.

TINMIRRAT - Birds

Terns and shorebirds use this shoal and beach area for feeding, as it is more productive than the rest of the beach surrounding the City. While maybe not significant in the sense that it will have a great impact on the bird's survival, it may take away this one feeding area available and the opportunity to view these birds in town.

Other Uses

Umiaq - Boats – Many people use this area of Shore Avenue to tie up their boats in front of their house or areas of communal use. This area is especially important for campers boating across to obtain gas and supplies and to visit family and friends along this part of Shore Avenue. A few residents continue to use the beach area for storing boats, although this use is now made more difficult by the plowing of snow onto the beach and the City already discourages this use. How the proposed project will impact this use remains to be seen. One possibility mentioned is to keep a section free of new road (like next to Crowley) to allow for some continuation of this, but this may cause crowding issues and restrict other uses of this area because of boats on the way.

Aputikuagun - Snowmachines – All of the families along this part of town use the areas in front of their house to park snowmachines and to access the ice. Limiting access to certain areas for getting onto the ice and parking, would impact this use significantly. As the town modernizes it becomes more and more snowmachine unfriendly, paving the roads produces wear and tear on skags and other parts and plowing for vehicle traffic reduces the amount of access points to the ice. The dark pavement and plowing also combine to reduce snow cover during the winter and expedite its disappearance early in the spring when much snowmachining in the country remains, making it difficult for snowmachiners to get in and out of town. There is also the issue of the ability for shorefast ice to form, possibly creating safety issues around the time of initial freezeup, if the new road changes depth and flow rates.

Qiruktipi - Driftwood – A few families still use the beach to collect the large amounts of driftwood present during breakup and flood events for various utilitarian uses including heat and making products out of driftwood. This area of Shore Avenue, because of its broad slope and shoal makeup is able to catch and keep a lot more in quality and quantity than the comparable “improved” and eroded beach areas further down the street. The beach is also used as a place to lasso large logs and tie them off for later use.

Other – The beach area under discussion is the place that is still available for people to stage supplies and ready boats and sleds for traveling out of town, as mentioned it is especially valuable to campers that are in town to resupply, or visit. Many people also use it for typical beach activities, such as beachcombing, resting, playing, conversing, swimming, wading, staking dog teams on the nearshore ice, and at least one family continues to use it as a place for their fish rack.

While the above uses and values are not exhaustive they will give an idea of the role that this area of beach plays in the daily lives of the residents and especially those traditional families that stay along this section of Shore Avenue.

Mr. Whiting's Conclusion

For many people the permanence of the beach (admittedly with less vitality) remains as a connection with their past, not only as a place of childhood and lifelong memories and uses, but also as a connection to what it means to be Tagiumsiinaqmiut. Putting a new face on this area would change these memories and meanings forever. While this may sound melodramatic, it is true. For example how would the significance of the story about the time Doc Harris shot a beluga, which then ran aground on this beach be altered as it is told standing on pavement next to a breakwater tens of feet away from and burying the spot where this event took place? This beach has played and continues to play an important role in the daily lives of the residents of Kotzebue and especially those traditional families that live along this section of Shore Avenue.

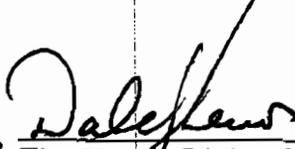
It is hoped that those developing the project will take the above comments into consideration while trying to find effective designs, or alternatives. Recognizing the need to deal with the safety, erosion and dust problems, there will definitely be benefits to the community and especially those living next to the Shore Avenue with the completion of the proposed project. Whether it is a win/win situation is another thing entirely. Progress always comes with a price tag beyond monetary expenditures (which in this case are significant), but this doesn't make these costs any less real. Destruction of what little remains of this beach will be a point of clear demarcation from all past history and one more step to becoming a more sterile environment mirroring all the other modernized communities across the Nation and we will be a poorer people in some respects, because of it. Signed: Alex Whiting

DOT&PF Response:

Mr. Whiting details the relationship between the waterfront and the subsistence economic factors in the region. Discussions with Mr. Whiting provide additional fabric to the importance of the location and final design of the boat access features proposed in the project. In our follow-up phone discussion, Mr. Whiting has indicated that he is not opposed to the project and would be willing to continue providing input on boat and snow machine access points during the final design process.

Conclusion:

The FHWA has determined that the Build Alternative selected in this decision will have no significant impact on the human and natural environment. This FONSI is based on the attached EA, which FHWA independently evaluated and determined adequately and accurately discusses the need, environmental issues, and impacts of this proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.



FOR

Tim Haugh, Right of Way and Environment Program Manager
Federal Highway Administration

9/6/2007

Date

Kotzebue Shore Avenue

Agency and Public comments

Re: Kotzebue Shore Avenue

Subject: Re: Kotzebue Shore Avenue

From: Bruce Campbell <bruce_campbell@dot.state.ak.us>

Date: Wed, 17 Jan 2007 16:18:33 -0900

To: Alex Whiting <sheep@otz.net>

CC: Bill Townsend <bill_townsend@dot.state.ak.us>, Todd Jacobson <tjacobson@rmconsult.com>, Frank Rast <frast@rmconsult.com>

Thanks Alex,

I will place your comments into the decision document. You have eloquently touched the key issue that has taken so long to consider, the beach and how to both provide erosion protection and retain a connection with the ocean and the values it represents to the people of Kotzebue and the surrounding area.

Your analysis of subsistence uses is invaluable and greatly adds to the consideration for this project. Please keep us informed of your impressions as the project moves forward.

The environmental review is not the end of the discussion, it merely provides guidance and sets the stage for the full design process. That we need to maintain the connection with the ocean is understood, how well we can achieve it with increased storm erosion, wind driven ice and the changes we face in a larger global climate sense, these will need your valued and continued input.

Yes, my own story of landing on the beach in front of Hansen's back in '76, in a friends 21-foot canoe loaded with dogs and gear - of running aground - and then running rapidly to the front of the boat as waves washed over the stern of the craft - of tying the bow to the old rusted steel drums lining the shore - this story will also have a different context, and I appreciate how well your writing has brought this memory back to my mind.

Thank you,

Bruce Campbell

Alex Whiting wrote:

Hi Bruce,

I was made aware of the Kotzebue Roads-Shore Avenue EA after the deadline for comments and I noticed that the comments I submitted in the past were absent. I am attaching the comments and hope that they could find a place in the considerations given during the engineering and design phase and be placed in the record of archives on the project.

Thank you,

Alex Whiting
Environmental Specialist
Native Village of Kotzebue

The Historic Relationship Between the Qikiqtagrugmiut and S.doc

Content-Type: application/msword

Content-Encoding: base64

Venezuelans get warm welcome in Kotzebue

Free, low-cost fuel big hit in the Bush

By Susan B. Andrews and John Creed
 For The Arctic Sounder

KOTZEBUE - As battering winds ushered in a raging blizzard off the frozen Chukchi Sea last week, visitors from around the state flew into this remote outpost in Northwest Arctic Alaska to thank Venezuela for the heating fuel its state-owned oil company is donating this winter.

Scores of local residents filed into the Nullagvik Hotel's small dining room on the morning of Nov. 30 to meet the visiting Venezuelans, who included Felix Rodriguez, president and chief executive officer of Texas-based Citgo Petroleum Corp., and the wife and children of Bernardo Alvarez, Venezuela's ambassador to the United States.

"I'd like to thank the Venezuelan people for helping the people in all of Alaska," said Willie Goodwin, a Kotzebue elder and master of ceremonies during what promoters called a "low-cost heating oil signing ceremony" to recognize Citgo, Venezuela and its head of state.

Citgo is owned by Petros de



Courtesy photo/John Creed

Kotzebue resident Ian Erlich, co-chair of the Alaska Inter-Tribal Council, welcomes Venezuelan guests during a signing ceremony on Nov. 30 in Kotzebue. The event marked the kickoff of a \$5 million oil-distribution program announced earlier this year for rural Alaska Native families and facilitated by the Alaska Inter-Tribal Council. Venezuelan visitors behind Erlich are, from left, Citgo executive Andres Rangel, the son of ambassador to the United States, Bernardo Alvarez Jr., the ambassador's daughter, Ana Elisa Alvarez, the ambassador's wife, Margaret Alvarez, Citgo Chief Executive Officer Felix Rodriguez, his wife, Leslie Rodriguez and Citgo executives Gustavo Cardenas and, partially hidden, Rafael Gomez.

See Page 3, Citgo

Reconstruction of Kotzebue shorefront moves one step forward

Work slated to begin in 2008

By Beth Ipsen
 The Arctic Sounder

The environmental assessment to reconstruct Shore Avenue has been approved, moving a project to stem Kotzebue's erosion problems one step closer to construction after

pending seven years in the planning phase.

The road, commonly referred to as Front Street, has been a victim of the fall storms and spring break up for years. Waters chip away at the bank in front of stores, homes located a short distance from the Kotzebue Sound in the fall, and people are sometimes greeted by ice outside their doors during spring break up.

"If we leave things the way they are, that

whole area is just going to wash away," said Patty Miller, Department of Transportation's Northern Region design group chief. "Basically the homes will be damaged and it will be a constant project trying to keep that thing open."

Part of the problem comes from the ocean outlet for the Noatak and Kobuk river systems that flows directly past the city off Shore Avenue in a 40- to 60-foot deep channel. The

deep channel is surrounded by shallow mud-

flats that make it hard for some boat travel. Occasionally, during spring break up, winds drive the near shore ice up onto the road, even crushing vehicles and damaged buildings.

The DOT's plan to keep the waterfront and ice at bay is to reconstruct 4,400 feet of the

See Page 8, Street

Nuiqsut natural gas almost ready

NSB working out last details to convert village

By Kristan Nelson
 Petroleum News

It's taken almost 10 years, but the village of Nuiqsut is on the verge of getting natural gas.

Facilities are in place and the North Slope Borough is now working out the last of the details with the state.

The borough has been working on the project since 1997, said David Hodges of the borough Department of Capital Improvement Program Management, the program manager for the project.

"They have wanted gas for years," and the project is now ready to deliver gas, Hodges told the Alaska Oil and Gas Conservation Commission at a Nov. 28 hearing.

Gas to Nuiqsut is a byproduct of the development of the Alpine field - its

facilities are on surface land belonging to the Nuiqsut village corporation, Kuukpiik Corp. The natural gas for the village was part of the deal field operator ARCO Alaska - now ConocoPhillips Alaska - cut for use of the land.

Nuiqsut, however, had to provide the facilities for processing and transporting the gas, and Nuiqsut turned to the borough.

The borough was before the commission requesting a variance to allow the use of gas metering equipment with less accuracy than required by the commission for custody transfer.

An application for tariffs for the pipeline and the distribution system is before the Regulatory Commission of Alaska.

Hodges said when Alpine development began, ARCO Alaska and Kuukpiik Corp., which owns the surface rights, agreed that as part of the compensation

See Page 9, Nuiqsut

HAPPY RETIREMENT

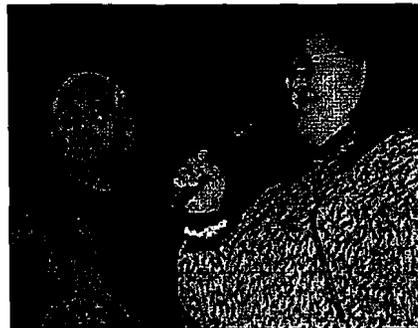


Photo by Craig George

Jake Adams, who retires after 23 years at the helm of the Arctic Slope Regional Corp. Dec. 31, and Marle Adams Carroll take the stage at a Dec. 1 retirement ceremony honoring Adams for his contributions to not only ASRC but also in a number of leadership roles on the North Slope.



North Slope school district recognizes outstanding pupils

Students selected at monthly meeting

By Beth Ipsen
The Arctic Sounder

The North Slope Borough School District has created an award that honors outstanding students from individual schools.

The award, called the Superintendents Distinguished Student award, lets each school pick those to be honored with not only a gold medallion, but also a poster on bulletin board at the district's administrative offices in Barrow.

Tavia Barr, administrative assistant to the district's director of instructional support, said

Superintendent Trent Blankenship came up with the idea as a way to replace a display on the bulletin board that hadn't changed for years.

Each month two schools get to select usually four students. In the K-12 grade schools, the students are selected from four different grade level groups.

"It's been fun because we don't know what we're going to get,"

Barr said.

So far, students from the Tikigag School in Point Lay, Eben Hopson Middle School in Barrow, the Nuisqut Trapper School and Kiitka Learning Community have been awarded this year.

The students from the two Barrow schools were invited to the school board meeting in November where the awards get

the board's final approval, Barr said.

Kiitka Learning Community students Arnold Stine, Forrest Neakok, Stella Okpeaha and outstanding graduate Foster Simmonds Jr. are featured in this issue of The Arctic Sounder. Other outstanding students will be featured in the weeks following.

Kiitka honors outstanding students



Simmonds

Forrest Simmonds is a 2004 graduate of the Kiitka Learning Community. He is serving his country in the Army National Guard and is one of six Barrow soldiers on active duty for a yearlong deployment to Kuwait. He and the roughly 600 other Alaskan soldiers are part of Alaska Guard's biggest combat deployment since World War II. After three months of training in Mississippi, he and other soldiers arrived in Kuwait en route to Iraq.

Simmonds earned citizenship awards during his high school years and participated in a week-long technical career trip to Fairbanks and Seward.

He also worked at Barrow Utilities and Electrical Cooperative Inc. as one of the first high school students to participate in the Kiitka Cooperative Work Experience. School officials said his qualities of reli-

ability and cooperation that assure success in the military. Arnold Stine, distinguished student

Arnold Stine completed the requirements for graduation in October. He has passed all three sections of the Alaska High School Graduation Qualifying Exam, earning a full diploma.



Stine

He showed exemplary reliability during his high school years, working as a lifeguard and compiling an excellent school attendance record. He participated with a group of Kiitka students who created culturally relevant toys for toddlers, wooden CB radio.

In addition, Stine kept a secret until late in his high school career - he can write with the flair of an artist, school officials said. A short essay he wrote about one of his

favorite places, Anaktuvuk Pass, makes the reader want to visit, school officials said.

Forrest Neakok is an 11th grader at Kiitka. He is 17 years old with hobbies that include computer, piano and travel. He has traveled to locations all over the world. Neakok consistently receives quarterly perfect attendance awards at Kiitka and regularly earns "highest grade in the class" awards. He has been recognized in physical education class for his climbing skills and is usually listed on the Kiitka honor roll.



Neakok

Neakok is also an artist and worked with watercolors during the first quarter of the school year.



Okpeaha

Stella Okpeaha is a 10th grader at Kiitka. During the first quarter, Okpeaha entered an essay contest sponsored by the Navie Village of Barrow. Her writing won her a trip to the Alaska Federation of Natives in Anchorage in October.

School officials said Okpeaha's soft voice and constant smile win her many friends at school and in the community. Her kindness and willingness to help are well known. For example, she came in on a day off to prepare and deliver food to a grieving family in her community. Besides cooking, school officials said Okpeaha has another strength - patience. All the infants at Kiitka love to be in her arms.

Street ...

From Page 1

shorefront from Lake Street northward to the end of the road at Crowley Dock.

The design scetd on after seven years of planning and surveying

will rely on mostly riprap for erosion control in shallower parts of the sound from Lake Street to Lagoon Street and a vertical steel wall to replace the existing armor stone revetment to hold the waves back along the seaside from Lagoon Street to the end of the road.

The distance between the shore and building fronts will be

increased by as little as 68 feet and as much as 79 feet, said Bruce Campbell, the acting environmental coordinator at the DOT Northern Region.

"It produces a long, slow slope, not as steep as the current beach," Campbell said.

The plan also adds two sidewalks - one near the water and another on the opposite side of the road in front of buildings - paves and widens the road to two, 12-foot lanes and allows for parallel parking on both sides of the street in some places. Curbs and gutters will also be included to help with drainage and soften impacts to adjacent buildings.

Because the amount of beach-front will be increased, the road will be widened out, not in, and property lines for buildings already encroaching upon the street, such as the Eekimo Building, will be moved forward.

"Instead of moving the homes back and condemning or relocating, we're going to replat the property line outside those areas and move the sidewalk so we're not impacting those homes," said Frank Rast, vice president of R&M Consultants Inc., the company that designed the project.

Paving the road would cut down on dust kicked up by vehicles; allowing people to build fish-drying racks along the shores like resi-

dents did years ago.

The plan also calls for rurning some of the utilities, such as electricity, underground, cutting down on the number of obstructing poles, Rast said.

Some locals criticize the plan because people won't be able to tie up their boats to the shore outside homes without damaging the boats on the large rock fill jutting out from the surf. Instead, the plan includes four docks that will allow assess for boats and snowmachines as well as a place to dock watercraft.

One will be located in front of Roman's store - allowing people to park boats and snowmachines close for groceries - another just north of Lagoon Street, a third ramp north of Shore Lane and the fourth, which was added later after fielding requests from residents, north of Ocean Lane.

However, that still takes away front-door access to many who have lived on Shore Avenue.

Another stickler for many in Kotzebue is the project has been limbo for over seven years.

"We're kind of anxious for this to get built," said Kotzebue City Manager Herman Reich.

Part of the reason why the project has been taking so long is the amount of historical and archeological surveying that was required in the environment assessment that

was recently signed, Rast said.

Another reason has been funding.

The normal construction barriers in Kotzebue drive the cost up, such as material need to be shipped in from Cape Nome either on lighter barges because of shallow waters or off loaded from larger barges and brought in.

The estimated cost of the project has grown from \$13 million to \$20 million, mostly because the cost of fuel has gone from \$1 to \$3 a gallon, Rast said.

Construction is slated to start in 2008, said Ethan Birkholz, Northern Region planning manager.

The construction will mostly likely be done in stages as money trickles in from sources.

So far, roughly \$6.7 million has been federally earmarked for construction, said Birkholz, far short of the estimated cost.

The first part of construction will be adding the fill to stretch the beach out farther into the water. That slope will be widened before the work on the road will begin.

"I see a minimum amount of traffic impact because the existing road is built so close to the buildings and we're building out," Rast said. "The most critical thing is putting in the shore protection because you can't put in a road and have it wash out."

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A NAGY

being first duly sworn on oath deposes and says that he/she is an accounting clerk of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved as a proof of publication and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on 11/01/06 and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed A. Nagy

Alaska Department of Transportation and Public Facilities
In Cooperation With
Alaska Division Office of the Federal Highway Administration

Announce that the environmental document is available for review and offer an opportunity to request a public hearing for the

Kotzebue Roads-Shore Avenue Project Environmental Assessment HP-0002(109)/60788

The proposed action would reconstruct Shore Avenue from Lake Street through the primary commercial area of Kotzebue, approximately 4,400-feet to the end of the road at Crowley Dock. Shore Avenue would be paved, with new sidewalks, a path way, parallel parking, an open space on the seaward side, and an erosion protection revetment on the seaside.

Please comment on this project. To ensure full consideration of your comment please provide them by December 7, 2006. Please send your comments, request a copy of the environmental document, or request a public hearing on this project to one of the following:

Bill Townsend, P.E., Engineering Manager, ADOT&PF, at (907) 443-3415 or via email at bill_townsend@dot.state.ak.us

Bruce W. Campbell, Environmental Impact Analyst, DOT&PF, (907) 451-5292 or via email at bruce_campbell@dot.state.ak.us

Edrie Vinson, Environmental Project Manager, FHWA, (907) 586-7464, or via email at edrie.vinson@fhwa.dot.gov

If you are in need of special accommodations, please contact Bill Townsend, Engineering Manager, via TDD at (907) 451-2363.

Notice of Wetland Involvement, Executive Order 11990
Air Quality Conformity Public Comment Environmental Justice, Executive Order 12866
Protection and Enhancement of the Cultural Environment Executive Order 11649
Floodplain Management Executive Order 11988

2301 PEGER ROAD
FAIRBANKS, ALASKA 99709-5316
TELEPHONE: (907) 451-2238
TDD: (907) 451-2363
FAX: (907) 451-5103
EMAIL: bruce_campbell@dot.state.ak.us

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

NORTHERN REGION, PRECONSTRUCTION

November 27, 2006

Re: Kotzebue Roads-Shore Avenue
Project HP-0002(109)/60788
Environmental Assessment

Beth Ipsen
Alaska Newspapers, Inc.
301 Calista Court, Suite B
Anchorage, AK 99518

Dear Ms. Ipsen:

Please review and comment on the enclosed Kotzebue Roads-Shore Avenue Environmental Assessment prepared by the Department of Transportation and Public Facilities in cooperation with the Alaska Division of the Federal Highway Administration. The document describes the proposal to reconstruct Shore Avenue from Lake Street, through the primary commercial area of Kotzebue, approximately 4,400-feet to the end of the road at Crowley Dock. Shore Avenue would be paved, new sidewalks, a pathway, parallel parking, and an open space on the seaward side would be added. An erosion protection revetment would be included on the seaside.

A public hearing on the environmental document will be provided upon request. To ensure full consideration, please provide your comments by **December 7, 2006** to one of the following:

- Bill Townsend, P.E., Engineering Manager, DOT&PF, at (907) 443-3415 or via email to bill_townsend@dot.state.ak.us
- Bruce W. Campbell, Environmental Impact Analyst, DOT&PF, (907) 451-5292 or via email to bruce_campbell@dot.state.ak.us
- Peter J. Forsling, Northern Region Liaison, FHWA, (907) 586-7427, or via email to peter.forsling@fhwa.dot.gov

Sincerely,

Bruce Campbell
Acting Environmental Coordinator

dt

Enclosure: Kotzebue Roads-Shore Avenue Environmental Assessment

cc: Bruce Campbell, Environmental Impact Analyst, DOT&PF, Northern Region
Bill Townsend, P.E., Engineering Manager, DOT&PF, Nome

**KOTZEBUE ROADS-SHORE AVENUE
PROJECT HP-0002(109)/60788
ENVIRONMENTAL ASSESSMENT MAILING LIST
11/16/06**

Mr. Guy Adams
Acting Executive Director
Northwest Inupiat Housing Authority
P. O. Box 331
Kotzebue, AK 99752

State of AK Dept. of Environmental
Conservation
Air Quality Division
610 University Avenue
Fairbanks, AK 99709-3643

Ms. Christie Ballard
Project Review Assistant
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Anchorage, AK 99501

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President & CEO
Maniilaq Association
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Ms. Beth Ipsen
Alaska Newspapers, Inc.
301 Calista Court, Suite B
Anchorage, AK 99518

Mr. Larry Bright
Branch Chief-Environmental Review
U.S. Fish & Wildlife Service
101 12th Avenue, Room 110
Fairbanks, AK 99701

Ms. Linda Joule
Executive Director
Kotzebue IRA Council
P. O. Box 296
Kotzebue, AK 99752

Mr. Forest Brooks
Corps of Engineers, Alaska District
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Elmendorf AFB, AK 99506-6898

The Honorable Reggie Joule
Representative
State of Alaska
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Juneau, AK 99801-1182

Mr. Jeff Hadley
Project Manager
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Ms. Kris Lethin
President & CEO
Kikiktagruk Inupiat Corporation
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Kotzebue, AK 99752

Ms. Jeanne Hanson
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Office of Habitat Mgmt. & Permitting
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Ms. Joan Hardesty
Environmental Specialist

The Honorable Donald Olson
Senator

State of Alaska
State Capitol, Room 510
Juneau, AK 99801-1182

Mr. Herman Reich
City Manager
City of Kotzebue
P. O. Box 46
Kotzebue, AK 99752

Mr. Don Rice
Regulatory Branch-North Section
Department of the Army
U.S. Army Engineer District, Alaska
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Elmendorf AFB, AK 99506-6898

Mr. Walter Sampson
Lands & Natural Resources Department
NANA Regional Corporation
P. O. Box 49
Kotzebue, AK 99752

The Honorable Eugene Smith
Mayor
City of Kotzebue
P. O. Box 46
Kotzebue, AK 99752

National Historic Preservation Act

Section 106

Correspondence

Kotzebue Shore Avenue

Campbell, Bruce W (DOT)

From: Mulcahy, Laurie A (DOT)
Sent: Tuesday, August 07, 2007 9:16 AM
To: Campbell, Bruce W (DOT)
Subject: FW: Kotzebue Draft MOA
Importance: High

Bruce: FYI. Laurie

From: Mulcahy, Laurie A (DOT)
Sent: Tuesday, August 07, 2007 9:15 AM
To: 'Abraham Snyder'
Subject: RE: Kotzebue Draft MOA
Importance: High

Abraham: Thank you for your response. Please provide me with your phone number so that I can call you directly. We need to accomplish our mitigation this year so that we can construct this project in 2008. A September date will likely kick this project back a year. This project is a high priority for Northern Region and the community of Kotzebue. Laurie

From: Abraham Snyder [mailto:Abraham.Snyder@nana.com]
Sent: Tuesday, August 07, 2007 9:08 AM
To: Mulcahy, Laurie A (DOT)
Subject: RE: Kotzebue Draft MOA

Laurie,

Good Morning, Nana would like to be a participate in the MOA however this item was not going to be brought to the Nana Lands Committee until September, and the Legal review was completed. We would like to request a few changes to the MOA once the Legal review is completed. If you have any question please give me a call.

Thank you,
Abraham Snyder
Director of Land

From: Mulcahy, Laurie A (DOT) [mailto:laurie.mulcahy@alaska.gov]
Sent: Tuesday, August 07, 2007 8:41 AM
To: Gladys I. Pungowiyi
Cc: Abraham Snyder
Subject: RE: Kotzebue Draft MOA
Importance: High

Thank you Gladys and good morning Abraham: FHWA was hoping to begin circulating the MOA for signatures next week. Please let me know if you have any questions or comments and if NANA would like to participate in the MOA. Laurie

From: Gladys I. Pungowiyi [mailto:gladys.pungowiyi@nana.com]
Sent: Tuesday, August 07, 2007 8:38 AM
To: Mulcahy, Laurie A (DOT)
Cc: Abraham Snyder
Subject: RE: Kotzebue Draft MOA

8/7/2007

Hi Laurie. I am forwarding your request to Abraham Snyder who manages land for NANA. Thanks, Gladys

-----Original Message-----

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 12:28 PM
To: Gladys I. Pungowiwi; Marie Greene
Cc: Tim Haugh
Subject: FW: Kotzebue Draft MOA
Importance: High

Good afternoon Gladys: As we talked about earlier, this is the draft Memorandum of Agreement (MOA) package that was prepared for the Kotzebue Shore Avenue project. The MOA was developed to address the impacts that our proposed road improvements project has on archaeological properties in the project vicinity. The MOA formalizes proposed mitigation that includes data recovery excavation (to be done by archaeologists from the Office of History and Archaeology, and the Bureau of Indian Affairs) and the development of interpretive signage that discusses the prehistory and history of Kotzebue to be installed at an observation deck overlook across from the Nullagvik Hotel on the seaward side of Shore Avenue. It is our intent to complete the data recovery portion this summer so that the project can move into final design, with construction to start next year.

The MOA is developed between the Federal Highway Administration (FHWA) and the State Historic Preservation Officer (SHPO), with other signatories being BIA and DOT&PF – these four entities collaborated to draft the MOA package in its current form. We will send out a formal letter next week from FHWA to invite for MOA participation as concurring parties the following entities: Kikiktagruk Inupiat Corporation, City of Kotzebue, Native Village of Kotzebue, NANA Regional Corporation, and Northwest Arctic Borough. The invitation will ask each entity if they have any comments or recommendations on the MOA and also if they want to actively participate and be included in the MOA as a concurring party. Once we receive everyone's comments and understand who will be signing the MOA, we will final the agreement document and formally circulate it for signatures.

You indicated that you will need to run this by your legal department and Marie Greene before: (1) a determination on NANA participation would be made, and (2) a review and comment turn-around time could be provided. Please advise. Let me know if you have any questions. Thank you, Laurie (269-6229)

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 11:57 AM
To: Herman Reich (hreich@kotzebue.org); Jeff Hadley (pwdir@otz.net)
Subject: FW: Kotzebue Draft MOA
Importance: High

Herman and Jeff: I am forwarding the draft MOA as it currently stands – although after speaking with you this morning Herman, I will change the signature to read your name as City Manager and for Kikiktagruk Inupiat Corporation with Tim Schuerch. I'll amend the draft MOA to formally circulate it next week from the Federal Highway Administration. One additional question is the review and comment turn-around time that you would need for this package; your responses can be via email, phone (my phone is 269-6229 or Tim Haugh, FHWA, 586-7430), or more formally via letter. Please advise. Thank you. Laurie

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 11:54 AM
To: Tim Schuerch (tshuerch@kicassociates.com)
Subject: Kotzebue Shore Avenue project

Tim Schuerch, President and CEO
Kikiktagruk Inupiat Corporation

Good morning: My name is Laurie Mulcahy and I work for the Alaska Department of Transportation and Public

Facilities (DOT&PF) in Anchorage. I am assisting DOT&PF Northern Region on the Kotzebue Shore Avenue project so that we can move the project into final design and construction. I understand that you are in Anchorage this week and I was hoping that I might be able to talk to you about a draft Memorandum of Agreement that we have put together for our project's involvement with buried archaeological sites along the road. My phone is 269-6229. Thank you. Laurie Mulcahy

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 8:37 AM
To: Judy Bittner; Tim Haugh; Bruce Campbell; Janet Brown; Greg Biddle
Cc: Melody Debenham; Stefanie Ludwig; Alan DePew
Subject:
Importance: High

Good morning all: I have updated the Kotzebue Draft MOA package and it is ready for formal circulation to the consulting parties. I will coordinate with FHWA and Northern Region to get this out ASAP. Laurie

Campbell, Bruce W (DOT)

From: Mulcahy, Laurie A (DOT)
Sent: Thursday, August 02, 2007 6:59 AM
To: Tim Schuerch; Tim Schuerch
Cc: Tim Haugh; Campbell, Bruce W (DOT); Dalley-Miller, Patricia (DOT); Grant Hildreth
Subject: RE: Kotzebue Draft MOA

Good morning Tim and thank you very much for your response. I will be checking with the other entities on Monday if I haven't heard from them by that time. We plan to circulate the MOA for signatures during the week of August 13th. I will contact you later next week with the specifics to give you a heads-up. Thank you again and take care, Laurie

From: Tim Schuerch [mailto:tschuerch@kicorp.org]
Sent: Wednesday, August 01, 2007 5:38 PM
To: Mulcahy, Laurie A (DOT); Tim Schuerch
Cc: Tim Haugh; Campbell, Bruce W (DOT); Dalley-Miller, Patricia (DOT); Grant Hildreth
Subject: RE: Kotzebue Draft MOA

Hi Laurie, I received a draft MOA in the mail, asking that I indicate by Aug 5 whether KIC intends to sign it. I would like to confirm my intent to sign this MOA on behalf of KIC.

Thank you,

Tim Schuerch, President/CEO
Kikiktagruk Inupiat Corporation
373A Second Avenue
Kotzebue, Alaska 99752
Phone: (907) 442-3165
Fax: (907) 442-2165
<http://www.kicorp.org/>

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Thursday, June 14, 2007 7:50 AM
To: 'Tim Schuerch'
Cc: Tim Schuerch; Tim Haugh; Bruce Campbell; Patricia D. Miller
Subject: RE: Kotzebue Draft MOA

Thank you Tim for your quick preliminary review turn-around on that draft MOA. I'll keep you posted and let you know when the letters are ready to go out – have a great weekend! Laurie

From: Tim Schuerch [mailto:timschuerch@msn.com]
Sent: Wednesday, June 13, 2007 11:17 AM
To: 'Laurie A. Mulcahy'; 'Bruce Campbell'; 'Patricia D. Miller'
Cc: 'Tim Schuerch'
Subject: RE: Kotzebue Draft MOA

Laurie et al,

I did review the draft MOA, archeological work and Shore Ave Project drawings.

Basically it looks to me like your crew has put in a lot of time and effort into this project.

I look forward to working cooperatively with AK DOT on this because at the end of the day, the Shore Avenue Project will

8/7/2007

dramatically improve Kotzebue and make it safer place for our shareholders and their families to live.

Thank you for forwarding me the EA and possibly some of the drawings, as indicated below.

Tim Schuerch

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Tuesday, June 12, 2007 11:41 AM
To: Bruce Campbell; Patricia D. Miller
Cc: Tim Schuerch; Tim Schuerch
Subject: RE: Kotzebue Draft MOA

Bruce: I met with Tim Schuerch, KIC President and CEO, this morning to discuss the Kotzebue Shore Avenue project and the MOA. Tim has indicated that KIC will be participating in the MOA and I have provided the draft MOA electronically to him. Tim has not seen the EA and would like a copy. Could Debbie forward the document to him? He also wondered about the availability of larger scale plan sheets, specifically the 3 pages of plan sheets following the CDF table in the EA Section 106 appendix. Tim will be in Anchorage possibly until Thursday. I let him know that you/Patti Miller would be in contact with him. While in Anchorage, Tim can be reached via cell phone (230-8634), otherwise you can reach him next week via the KIC contact information that you provided earlier to me earlier. Call me if you have any questions. Laurie

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 2:34 PM
To: Tim Schuerch (timschuerch@msn.com); Tim Schuerch (tschuerch@kicorp.org)
Subject: FW: Kotzebue Draft MOA
Importance: High

Hello Tim: I am just forwarding the previous emails that I have sent to NANA and the City. Please note that the concurring party signature lines on the draft MOA will be changed to reflect your name for KIC, Herman's name for the City, and should Linda's name should NANA decide to participate. I will come over tomorrow at 1:30 to discuss the project with you. Thank you, Laurie

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 12:28 PM
To: gladys.pungowiyi@nana.com; Marie Greene (marie.greene@nana.com)
Cc: Tim Haugh
Subject: FW: Kotzebue Draft MOA
Importance: High

Good afternoon Gladys: As we talked about earlier, this is the draft Memorandum of Agreement (MOA) package that was prepared for the Kotzebue Shore Avenue project. The MOA was developed to address the impacts that our proposed road improvements project has on archaeological properties in the project vicinity. The MOA formalizes proposed mitigation that includes data recovery excavation (to be done by archaeologists from the Office of History and Archaeology, and the Bureau of Indian Affairs) and the development of interpretive signage that discusses the prehistory and history of Kotzebue to be installed at an observation deck overlook across from the Nullagvik Hotel on the seaward side of Shore Avenue. It is our intent to complete the data recovery portion this summer so that the project can move into final design, with construction to start next year.

The MOA is developed between the Federal Highway Administration (FHWA) and the State Historic Preservation Officer (SHPO), with other signatories being BIA and DOT&PF – these four entities collaborated to draft the MOA package in its current form. We will send out a formal letter with the draft MOA package next week from FHWA to invite for MOA participation as concurring parties the following entities: Kikiktagruk Inupiat Corporation, City of Kotzebue, Native Village of Kotzebue, NANA Regional Corporation, and Northwest Arctic Borough. The invitation will ask each entity if they have any comments or recommendations on the MOA and also if they want to actively participate and be included in the MOA as a concurring party. Once we receive everyone's comments and understand who will be signing the MOA, we will final the agreement document and formally circulate it for signatures.

8/7/2007

You indicated that you will need to run this by your legal department and Marie Greene before: (1) a determination on NANA participation would be made, and (2) a review and comment turn-around time could be provided. Please advise. Let me know if you have any questions. Thank you, Laurie (269-6229)

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 11:57 AM
To: Herman Reich (hreich@kotzebue.org); Jeff Hadley (pwwdir@otz.net)
Subject: FW: Kotzebue Draft MOA
Importance: High

Herman and Jeff: I am forwarding the draft MOA as it currently stands – although after speaking with you this morning Herman, I will change the signature to read your name as City Manager and for Kikiktagruk Inupiat Corporation with Tim Schuerch. I'll amend the draft MOA to formally circulate it next week from the Federal Highway Administration. One additional question is the review and comment turn-around time that you would need for this package; your responses can be via email, phone (my phone is 269-6229 or Tim Haugh, FHWA, 586-7430), or more formally via letter. Please advise. Thank you. Laurie

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 11:54 AM
To: Tim Schuerch (tshuerch@kicassociates.com)
Subject: Kotzebue Shore Avenue project

Tim Schuerch, President and CEO
Kikiktagruk Inupiat Corporation

Good morning: My name is Laurie Mulcahy and I work for the Alaska Department of Transportation and Public Facilities (DOT&PF) in Anchorage. I am assisting DOT&PF Northern Region on the Kotzebue Shore Avenue project so that we can move the project into final design and construction. I understand that you are in Anchorage this week and I was hoping that I might be able to talk to you about a draft Memorandum of Agreement that we have put together for our project's involvement with buried archaeological sites along the road. My phone is 269-6229. Thank you. Laurie Mulcahy

From: Laurie A. Mulcahy [mailto:laurie_mulcahy@dot.state.ak.us]
Sent: Monday, June 11, 2007 8:37 AM
To: Judy Bittner; Tim Haugh; Bruce Campbell; Janet Brown; Greg Biddle
Cc: Melody Debenham; Stefanie Ludwig; Alan DePew
Subject:
Importance: High

Good morning all: I have updated the Kotzebue Draft MOA package and it is ready for formal circulation to the consulting parties. I will coordinate with FHWA and Northern Region to get this out ASAP. Laurie

Campbell, Bruce W (DOT)

From: Mulcahy, Laurie A (DOT)
Sent: Monday, July 23, 2007 12:41 PM
To: Campbell, Bruce W (DOT); Tim Haugh
Cc: Brown, Janet L (DOT); Debenham, Krystal M (DOT); Dalley-Miller, Patricia (DOT)
Subject: Kotzebue Shore Avenue MOA - Status update

Bruce, Melody, and Tim: Just for your information. I have followed up with all of the Kotzebue MOA parties via phone/email (the only entity that I was not able to speak with was NANA – so I just left a message on Gladys Pungowiyi's phone. I have forwarded to each entity the pdf of their specific draft MOA package/FHWA letter just to check in with them to see if anyone had questions. For your information, Herman Reich is no longer the City Manager – John Ward is Acting City Manager and he has directed Derek Martin (442-5202) from the Public Works office (he deals with capital projects) to review the MOA. Derek says that they will have comments but they will not be ready with their response until next week – and they will be participating. Nolan Naylor, IRA Council, says that the Council has prepared a resolution in support of the project and they will be sending to us to append to the MOA – they will be participating. I have not heard back from Tim Schuerch, KIC, but he had indicated earlier that they would be participating and at the time he did not have any comments. Jade Hill, assistant to Martha Whiting – NW Arctic Borough, will get back to me later today with a status on their review. Laurie

From: Mulcahy, Laurie A (DOT)
Sent: Monday, July 23, 2007 10:45 AM
To: Derek Martin (kotzengs@otz.net)
Subject: FW: Last Letter for Kotzebue Shore Avenue

From: Foster, Jennilee [mailto:Jennilee.Foster@fhwa.dot.gov]
Sent: Thursday, July 05, 2007 10:54 AM
To: Campbell, Bruce W (DOT); Mulcahy, Laurie A (DOT); Dalley-Miller, Patricia (DOT)
Cc: Haugh, Tim
Subject: Last Letter for Kotzebue Shore Avenue

Last Letter sent.

Jennilee Foster
Administrative Assistant
Federal Highway Administration
(907)586-7476



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

Alaska Division

July 5, 2007

709 West 9th Street, Rm. 851
P.O. Box 21648
Juneau, AK 99802
(907) 586-7418
(907) 586-7420 Fax

Ms. Linda Joule, Executive Director
Native Village of Kotzebue
P.O. Box 296
Kotzebue, Alaska 99752

In Reply Refer To:
HP-0002(109)/60788
Kotzebue Shore Avenue Reconstruction MOA

Dear Ms. Joule:

Enclosed for your consideration is a draft Memorandum of Agreement (MOA) for the Kotzebue Shore Avenue Reconstruction project, which is being developed by the Alaska Department of Transportation and Public Facilities (DOT&PF) in cooperation with the Alaska Division of the Federal Highway Administration (FHWA). This draft MOA, previously circulated via email from DOT&PF to your office for an informal review, was developed to resolve the adverse effects that our proposed road improvements project has on archaeological properties in the project vicinity. We are inviting you to participate as a concurring party to the MOA and request any comments or recommendations that you might have on the draft MOA.

The proposed project would reconstruct Shore Avenue from Lake Street approximately 4,400 feet to the end of the road at Crowley Dock. Shore Avenue would be paved, with new sidewalks, a pathway, parallel parking, an overlook on the seaward side, and an erosion protection revetment on the seaside.

The MOA formalizes proposed mitigation that includes data recovery excavation (to be done by archaeologists from the Office of History and Archaeology, and the Bureau of Indian Affairs (BIA)) and the development of interpretive signage that discusses the prehistory and history of Kotzebue to be installed at an observation deck overlook across from the Nullagvik Hotel on the seaward side of Shore Avenue. It is our intent to complete the data recovery portion this summer so that the project can move into final design, with construction to start next year.

The MOA is between the FHWA and the State Historic Preservation Officer (SHPO), with other signatories being the BIA and the DOT&PF. These four entities collaborated to draft the MOA package in its current form. We are inviting the following entities for MOA participation as concurring parties: Kikiktagruk Inupiat Corporation, City of Kotzebue, Native Village of Kotzebue, NANA Regional Corporation, and Northwest Arctic Borough. Once we receive everyone's comments and understand who will be signing the MOA, we will finalize the agreement document and formally circulate it for signature.

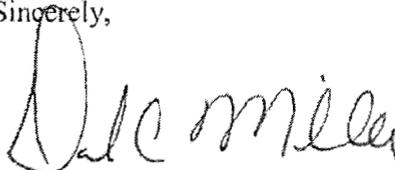
If you have questions or comments on this draft MOA, please contact Mr. Tim Haugh, Environmental and Right-of-Way Programs Manager, at the address above, by telephone at 907-586-7430, or by e-mail at tim.haugh@dot.gov; or please feel free to contact me directly.

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Please notify us if you will be participating in the signing of the MOA. Your timely response will greatly assist us in incorporating concerns that you might have in the final MOA. For that purpose, we request that you respond within thirty days of your receipt of this correspondence.

Sincerely,

A handwritten signature in black ink that reads "D.C. Miller". The signature is written in a cursive style with a large initial "D" and "C".

David C. Miller
Division Administrator

Enclosure:

Draft MOA

cc w/o enclosures:

Patty Miller, P.E., DOT&PF Northern Region, Project Manager

Bruce Campbell, DOT&PF Northern Region, Environmental Coordinator

Laurie Mulcahy, DOT&PF HQ, Environmental Program Manager



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

Alaska Division

July 5, 2007

709 West 9th Street, Rm. 851
P.O. Box 21648
Juneau, AK 99802
(907) 586-7418
(907) 586-7420 Fax

Mr. Tim Schuerch, President and CEO
Kikiktagruk Inupiat Corporation
P.O. Box 1050
373A Second Avenue
Kotzebue, Alaska 99752

In Reply Refer To:
HP-0002(109)/60788
Kotzebue Shore Avenue Reconstruction MOA

Dear Mr. Schuerch:

Enclosed for your consideration is a draft Memorandum of Agreement (MOA) for the Kotzebue Shore Avenue Reconstruction project, which is being developed by the Alaska Department of Transportation and Public Facilities (DOT&PF) in cooperation with the Alaska Division of the Federal Highway Administration (FHWA). This draft MOA, previously circulated via email from DOT&PF to your office for an informal review, was developed to resolve the adverse effects that our proposed road improvements project has on archaeological properties in the project vicinity. We are inviting you to participate as a concurring party to the MOA and request any comments or recommendations that you might have on the draft MOA.

The proposed project would reconstruct Shore Avenue from Lake Street approximately 4,400 feet to the end of the road at Crowley Dock. Shore Avenue would be paved, with new sidewalks, a pathway, parallel parking, an overlook on the seaward side, and an erosion protection revetment on the seaside.

The MOA formalizes proposed mitigation that includes data recovery excavation (to be done by archaeologists from the Office of History and Archaeology, and the Bureau of Indian Affairs (BIA)) and the development of interpretive signage that discusses the prehistory and history of Kotzebue to be installed at an observation deck overlook across from the Nullagvik Hotel on the seaward side of Shore Avenue. It is our intent to complete the data recovery portion this summer so that the project can move into final design, with construction to start next year.

The MOA is between the FHWA and the State Historic Preservation Officer (SHPO), with other signatories being the BIA and the DOT&PF. These four entities collaborated to draft the MOA package in its current form. We are inviting the following entities for MOA participation as concurring parties: Kikiktagruk Inupiat Corporation, City of Kotzebue, Native Village of Kotzebue, NANA Regional Corporation, and Northwest Arctic Borough. Once we receive everyone's comments and understand who will be signing the MOA, we will finalize the agreement document and formally circulate it for signature.

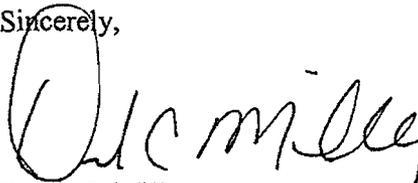
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If you have questions or comments on this draft MOA, please contact Mr. Tim Haugh, Environmental and Right-of-Way Programs Manager, at the address above, by telephone at 907-586-7430, or by e-mail at tim.haugh@dot.gov; or please feel free to contact me directly.

Please notify us if you will be participating in the signing of the MOA. Your timely response will greatly assist us in incorporating concerns that you might have in the final MOA. For that purpose, we request that you respond within thirty days of your receipt of this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "D. C. Miller". The signature is written in a cursive style with a large initial "D" and "M".

David C. Miller
Division Administrator

Enclosure:

Draft MOA

cc w/o enclosures:

Patty Miller, P.E., DOT&PF Northern Region, Project Manager
Bruce Campbell, DOT&PF Northern Region, Environmental Coordinator
Laurie Mulcahy, DOT&PF HQ, Environmental Program Manager



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

Alaska Division

July 5, 2007

709 West 9th Street, Rm. 851
P.O. Box 21648
Juneau, AK 99802
(907) 586-7418
(907) 586-7420 Fax

Ms. Marie Green, President and CEO
NANA Regional Corporation
P.O. Box 49
Kotzebue, Alaska 99752

In Reply Refer To:
HP-0002(109)/60788
Kotzebue Shore Avenue Reconstruction MOA

Dear Ms. Greene:

Enclosed for your consideration is a draft Memorandum of Agreement (MOA) for the Kotzebue Shore Avenue Reconstruction project, which is being developed by the Alaska Department of Transportation and Public Facilities (DOT&PF) in cooperation with the Alaska Division of the Federal Highway Administration (FHWA). This draft MOA, previously circulated via email from DOT&PF to your office for an informal review, was developed to resolve the adverse effects that our proposed road improvements project has on archaeological properties in the project vicinity. We are inviting you to participate as a concurring party to the MOA and request any comments or recommendations that you might have on the draft MOA.

The proposed project would reconstruct Shore Avenue from Lake Street approximately 4,400 feet to the end of the road at Crowley Dock. Shore Avenue would be paved, with new sidewalks, a pathway, parallel parking, an overlook on the seaward side, and an erosion protection revetment on the seaside.

The MOA formalizes proposed mitigation that includes data recovery excavation (to be done by archaeologists from the Office of History and Archaeology, and the Bureau of Indian Affairs (BIA)) and the development of interpretive signage that discusses the prehistory and history of Kotzebue to be installed at an observation deck overlook across from the Nullagvik Hotel on the seaward side of Shore Avenue. It is our intent to complete the data recovery portion this summer so that the project can move into final design, with construction to start next year.

The MOA is between the FHWA and the State Historic Preservation Officer (SHPO), with other signatories being the BIA and the DOT&PF. These four entities collaborated to draft the MOA package in its current form. We are inviting the following entities for MOA participation as concurring parties: Kikiktagruk Inupiat Corporation, City of Kotzebue, Native Village of Kotzebue, NANA Regional Corporation, and Northwest Arctic Borough. Once we receive everyone's comments and understand who will be signing the MOA, we will finalize the agreement document and formally circulate it for signature.

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Please notify us if you will be participating in the signing of the MOA. Your timely response will greatly assist us in incorporating concerns that you might have in the final MOA. For that purpose, we request that you respond within thirty days of your receipt of this correspondence.

Sincerely,

A handwritten signature in black ink that reads "David C. Miller". The signature is written in a cursive style with a large, looped initial "D".

David C. Miller
Division Administrator

Enclosure:

Draft MOA

cc w/o enclosures:

Patty Miller, P.E., DOT&PF Northern Region, Project Manager

Bruce Campbell, DOT&PF Northern Region, Environmental Coordinator

Laurie Mulcahy, DOT&PF HQ, Environmental Program Manager



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

Alaska Division

July 5, 2007

709 West 9th Street, Rm. 851
P.O. Box 21648
Juneau, AK 99802
(907) 586-7418
(907) 586-7420 Fax

Ms. Martha Whiting, Mayor
Northwest Arctic Borough
P.O. Box 1110
Kotzebue, Alaska 99752

In Reply Refer To:
HP-0002(109)/60788
Kotzebue Shore Avenue Reconstruction MOA

Dear Ms. Whiting:

Enclosed for your consideration is a draft Memorandum of Agreement (MOA) for the Kotzebue Shore Avenue Reconstruction project, which is being developed by the Alaska Department of Transportation and Public Facilities (DOT&PF) in cooperation with the Alaska Division of the Federal Highway Administration (FHWA). This draft MOA, previously circulated via email from DOT&PF to your office for an informal review, was developed to resolve the adverse effects that our proposed road improvements project has on archaeological properties in the project vicinity. We are inviting you to participate as a concurring party to the MOA and request any comments or recommendations that you might have on the draft MOA.

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If you have questions or comments on this draft MOA, please contact Mr. Tim Haugh, Environmental and Right-of-Way Programs Manager, at the address above, by telephone at 907-586-7430, or by e-mail at tim.haugh@dot.gov, or please feel free to contact me directly.

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Sincerely,

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David C. Miller
Division Administrator

Enclosure:
Draft MOA

cc w/o enclosures:
Patty Miller, P.E., DOT&PF Northern Region, Project Manager
Bruce Campbell, DOT&PF Northern Region, Environmental Coordinator
Laurie Mulcahy, DOT&PF HQ, Environmental Program Manager



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

Alaska Division

July 5, 2007

709 West 9th Street, Rm. 851
P.O. Box 21648
Juneau, AK 99802
(907) 586-7418
(907) 586-7420 Fax

Mr. Herman Reich, City Manager
City of Kotzebue
P.O. Box 46
Kotzebue, Alaska 99752

In Reply Refer To:
HP-0002(109)/60788
Kotzebue Shore Avenue Reconstruction MOA

Dear Mr. Reich:

Enclosed for your consideration is a draft Memorandum of Agreement (MOA) for the Kotzebue Shore Avenue Reconstruction project, which is being developed by the Alaska Department of Transportation and Public Facilities (DOT&PF) in cooperation with the Alaska Division of the Federal Highway Administration (FHWA). This draft MOA, previously circulated via email from DOT&PF to your office for an informal review, was developed to resolve the adverse effects that our proposed road improvements project has on archaeological properties in the project vicinity. We are inviting you to participate as a concurring party to the MOA and request any comments or recommendations that you might have on the draft MOA.

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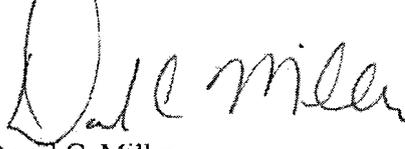
If you have questions or comments on this draft MOA, please contact Mr. Tim Haugh, Environmental and Right-of-Way Programs Manager, at the address above, by telephone at 907-586-7430, or by e-mail at tim.haugh@dot.gov; or please feel free to contact me directly.

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Sincerely,

A handwritten signature in black ink that reads "David C. Miller". The signature is written in a cursive style with a large, looped initial "D".

David C. Miller
Division Administrator

Enclosure:

Draft MOA

cc w/o enclosures:

Patty Miller, P.E., DOT&PF Northern Region, Project Manager

Bruce Campbell, DOT&PF Northern Region, Environmental Coordinator

Laurie Mulcahy, DOT&PF HQ, Environmental Program Manager

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
AND THE ALASKA STATE HISTORIC PRESERVATION OFFICER,
PURSUANT TO 36 CFR PART 800.6(c)
REGARDING THE KOTZEBUE SHORE AVENUE
RECONSTRUCTION PROJECT, KOTZEBUE, ALASKA
HP-0002(109)/60788**

WHEREAS, the Alaska Division of the Federal Highway Administration (FHWA), in cooperation with the Alaska Department of Transportation and Public Facilities (DOT&PF), proposes to reconstruct Shore Avenue in Kotzebue, Alaska, from Lake Street, through the primary commercial area of Kotzebue, approximately 4,400 feet to the end of the road at Crowley Dock. Shore Avenue would be paved, with new sidewalks, a pathway, parallel parking, an open space on the seaward side, and an erosion protection revetment on the seaside (hereinafter, undertaking); and

WHEREAS, FHWA has consulted with the Advisory Council on Historic Preservation (ACHP), the Alaska State Historic Preservation Officer (SHPO), the Bureau of Indian Affairs (BIA), the Kotzebue IRA Council (Tribe), the Kikiktagruk Inupiat Corporation, NANA Regional Corporation, and the City of Kotzebue in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470s); and

WHEREAS, FHWA has determined that these undertakings will have an adverse effect on the Kotzebue Archaeological District (KTZ-036), which is eligible for the National Register of Historic Places; and

WHEREAS, FHWA has invited ACHP to participate and they have chosen not to be party to this MOA; and

WHEREAS, BIA as the federal land manager agency with fiduciary oversight of the restricted townsite lots identified for data recovery, and having the authority to issue the Archaeological Resource Protection Act (ARPA) permit required per 16 U.S.C. 470cc to conduct the archaeological excavation, has been invited to sign this agreement as an invited signatory;

WHEREAS, DOT&PF as project sponsor has participated in consultation pursuant to 36 CFR 800 and has been invited to sign this agreement as an invited signatory;

NOW, THEREFORE, FHWA, SHPO, BIA, and DOT&PF (collectively "Signatories") agree that the undertaking shall be administered in accordance with the following stipulations in consideration of the effects this undertaking will have on historic properties.

STIPULATIONS

FHWA will ensure that the following measures are carried out:

I. Project Schedule

- A. Data recovery from the Kotzebue Archaeological District (KTZ-036) has a commencement date subject to Stipulation II.A.4.
- B. Project construction is expected to begin at some time between 2008 and 2013 and will take 2 to 3 years to complete.

II. Mitigation

A. Data Recovery

- 1. A data recovery plan, that includes a cultural resources security plan to be implemented during data recovery, has been developed in consultation with FHWA and SHPO (Appendix A). The data recovery plan has been developed to be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-44737). The DOT&PF shall ensure that the data recovery plan:
 - a. addresses research questions to provide a better understanding of local cultural sequences and change;
 - b. addresses research questions regarding subsistence, settlement, and seasonality of the district;
 - c. identifies the methods to be used in fieldwork and analysis; and
 - d. identifies the methods to be used in data management, dissemination of data, and includes a schedule.
- 2. The DOT&PF shall ensure that all data recovery is done by or under the supervision of an archaeologist or archaeologists meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (48 FR 44738).
- 3. The DOT&PF shall ensure that the supervising archaeologist shall obtain an ARPA permit from BIA for work on the restricted townsite lots, the legal description contained in Stipulation II.5.a, and other permits and permissions necessary to accomplish the data recovery for this project.

4. The DOT&PF shall ensure that the fieldwork portion of the data recovery plan is implemented prior to and in coordination with those actions that could disturb the Kotzebue Archaeological District.
5. Data recovery shall have two phases and be accomplished from trenches originating on the beach ridge that continue into the road.
 - a. Phase 1 shall include the excavation of a trench in the northern portion of the project area involving restricted townsite lots at 711 Shore Avenue (U.S. Survey No. 2083, Tract 7, Block 1, Lots 21 and 22), and the identification of additional areas for trenching.
 - b. The supervising archaeologist shall identify and recommend Phase 2 data recovery trench areas based on consultation with land owners along Shore Avenue, property access and space availability, and the results of the Phase 1 excavation.
 - c. It is anticipated that two trenches shall be excavated during Phase 2, however, this is subject to the recommendations developed during Phase 1. The Phase 2 data recovery recommendation shall be provided to the Signatories for review and approval prior to its implementation. Phase 2 may occur during the initial field season or the following year upon approval by the Signatories.

B. Interpretive Signage

1. The DOT&PF shall provide three interpretive sign panels and install them for display as part of this construction project. Themes of the interpretive signs will discuss the prehistory and history of Kotzebue area, and the historic development of the Kotzebue beach.
2. The design of the interpretive signs shall be developed in consultation with the Tribe, Kikiktagruk Inupiat Corporation, NANA Regional Corporation, the City of Kotzebue, and SHPO.
3. The signs shall be developed, designed, and fabricated through a Reimbursable Services Agreement with the Office of History and Archaeology. The three signs shall be 36.5-inch by 30.5 inch high-pressure laminate display panels that are ½ inch thick.
4. The DOT&PF shall install the finished interpretive sign panels at a replacement observation deck overlook that is to be developed with pedestrian amenities as part of the construction project. The panels will be installed on low profile type "C" free-standing posts or on the observation deck railing, also provided by DOT&PF. The location of the observation deck overlook is across from the Nullagvik Hotel on the seaward side of Shore Avenue.

III. Archaeological Monitoring

- A. After completion of the fieldwork component of the data recovery program provided for in Stipulation II, DOT&PF shall ensure that the project activities that could disturb the Kotzebue Archaeological District are monitored during construction to ensure recordation and recovery of human remains, sacred objects, items of cultural patrimony, and other usual or unique cultural features and artifacts.
- B. The DOT&PF shall ensure that an archaeological monitor will be on site during all earth moving activities associated with excavation along Shore Avenue unless the archaeologist determines after field observations and consultation with the Signatories that monitoring is not necessary. The supervising archaeologist shall be authorized to halt construction in a specific location, or to redirect work to other locations, while recovering human remains, sacred objects, items of cultural patrimony, and unusual or unique archeological data.
- C. The DOT&PF shall require that all monitoring is done by or under the supervision of an archaeologist or archaeologists meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 FR 44738).
- D. A monitoring plan has been developed in consultation with FHWA, SHPO, and BIA (Appendix B), and has been developed to be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-44737).
- E. The DOT&PF shall require that a preconstruction meeting is conducted between the DOT&PF construction project engineer, the construction contractor, and the supervising archaeologist to discuss the terms and conditions of this MOA. The signatory parties shall be invited to attend.
- F. If human remains are encountered, they shall be treated in accordance with Stipulation IV. All work shall stop adjacent to the discovery, with the area of work stoppage being adequate to provide for the security, protection, and integrity of the remains. Construction shall resume in the area of the discovery only after proper removal of the human remains.
- G. The DOT&PF shall develop a cultural resource security plan for the construction monitoring in consultation with FHWA, BIA, and SHPO in accordance with Stipulation V.B.

IV. Human Remains

- A. Although unlikely to be encountered, any and all human remains, associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony as

defined by the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001) shall at all times be treated with dignity and respect.

- B. Should human remains be encountered, work will be stopped at once in the locality to prevent further disturbance and the supervising archaeologist shall immediately notify the Alaska State Troopers (AST), DOT&PF, FHWA, BIA, and SHPO. If the human remains are determined or believed by the supervising archaeologist to be Native American, the supervising archaeologist shall also immediately notify the Tribe and village corporation. See Appendix C for specific contact information for Agency and Tribal Officials involved with human remains consultation.
- C. If the remains appear recent in the judgment of the supervising archaeologist, FHWA and DOT&PF shall defer to the opinion of the AST and/or State Medical Examiner (SME) for a determination of whether the remains are of a forensic nature and/or subject to criminal investigation.
- D. If the racial identity of the human remains is in question, a physical anthropologist experienced in the analysis of human remains shall examine them. The physical anthropologist shall document, analyze, and photograph the remains so that an independent assessment of racial identity can be made. The physical anthropologist shall be afforded no more than 30 days time to conduct his or her analysis.
- E. If the human remains are determined to be of Native American origin, FHWA and DOT&PF in the spirit of NAGPRA (NAGPRA only applies to federal land) will follow NAGPRA regulations and procedures set forth in 43 CFR 10.
- F. If the human remains are not Native American, and a determination has been made by AST and SME that a death investigation is not warranted, then FHWA and DOT&PF in consultation with SME, will identify, locate and inform descendants of the deceased. If no descendants are found, the supervising archaeologist shall obtain a Burial Transit Permit from the Alaska State Bureau of Vital Statistics, and re-inter the remains in a designated area.

V. Deliverables

A. Data Recovery Report

- 1. The DOT&PF shall require that a summary of the findings resulting from the data recovery provided for in Stipulation II is submitted to DOT&PF by the end of the year in which the fieldwork was completed. The DOT&PF shall ensure that the findings summary is provided to FHWA, BIA, and SHPO.
- 2. The DOT&PF shall require that a draft archeological report resulting from the data recovery provided for in Stipulation II is submitted to DOT&PF within one year after completion of fieldwork.

3. The DOT&PF shall ensure that the draft data recovery report is submitted to FHWA, BIA, and SHPO. The SHPO and BIA shall have 30 days to review and comment. The DOT&PF shall ensure that any comments received during the review period are addressed and that a final report addressing all comments is filed with SHPO and BIA within eighteen months after completion of all data recovery.
4. The DOT&PF shall ensure that the report meets contemporary professional standards and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (FR Vol. 48, No. 190, pp. 44734-44737).

B. Construction Monitoring Cultural Resource Security Plan

1. The DOT&PF shall provide the Signatories with an anticipated design and construction schedule in order that they are able to develop in consultation with DOT&PF an appropriate cultural resource security plan. The DOT&PF shall require that the cultural resource security plan be implemented in coordination with any construction actions that could disturb the Kotzebue Archaeological District.
2. The DOT&PF shall ensure that the draft cultural resource security plan is submitted to FHWA and SHPO. The SHPO shall have 30 days to review and comment. The DOT&PF shall ensure that any comments received during the review period are addressed and that the final cultural resource security plan is filed with SHPO and included within the As Advertised Construction Plans and Specifications for the project.

C. Construction Monitoring Report

1. The DOT&PF shall require that a draft archaeological report resulting from the construction monitoring provided for in Stipulation III is submitted to DOT&PF within one year after completion of fieldwork.
2. The DOT&PF shall ensure that the draft monitoring report is submitted to FHWA and SHPO. The SHPO shall have 30 days to review and comment. The DOT&PF shall ensure that any comments received during the review period are addressed and that a final report addressing all comments is filed with SHPO and BIA within eighteen months after completion of all archaeological construction monitoring.
3. The DOT&PF shall ensure that the report meets contemporary professional standards and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (FR Vol. 48, No. 190, pp. 44734-44737).

D. Interpretive Signage

1. The DOT&PF shall require that the draft interpretive panels provided for in Stipulation II are submitted to DOT&PF prior to the project's Authority to Advertise.
2. The DOT&PF shall ensure that the graphics for the draft interpretive panels are submitted to FHWA, the Tribe, Kikiktagruk Inupiat Corporation, NANA Regional Corporation, the City of Kotzebue, and SHPO.
3. The SHPO and the Concurring Parties shall have 30 days to review and comment. The DOT&PF shall ensure that any comments received during the review period are addressed, and verify that the signs are completed and installed at the proposed observation deck.

VI. Professional Qualifications

All archeological fieldwork shall be conducted by an archeologist(s) meeting the qualifications of the Secretary of the Interior's Standards and Guidelines (FR Vol. 48, No. 190, pp. 44738-44739). The technical expertise of the professional shall be an appropriate match for the fieldwork.

VII. Curation

With the exception of items recovered from federally restricted townsite lots, all artifacts, faunal remains, field notes, and related materials recovered shall remain the property of the State of Alaska. Materials owned by the State of Alaska shall be accessioned to the University of Alaska Fairbanks Museum. Pursuant to 25 CFR 262.8, archaeological resources recovered from federally restricted townsite lots shall remain the property of the landowners.

VIII. Review

The Signatories shall review this MOA two years from its execution date, or prior to the development of the construction monitoring cultural resource security plan (in accordance with Stipulation V.B), and biannually thereafter. Any amendments to this MOA recommended during the review shall be considered in accordance with CFR 800.6(c)(7). If the review results in a recommendation to terminate the MOA, termination of the MOA shall be considered in accordance with 36 CFR 800.6(c)(8).

IX. Dispute Resolution

- A. Should any Signatory to this agreement object within thirty (30) days from receipt to any report provided for review or actions proposed pursuant to this agreement, FHWA shall notify the Signatories prior to implementing such changes. If any

Signatory objects to the changes, FHWA shall consult with the objecting Signatory to resolve the objection.

- B. At any time during implementation of the measures stipulated in this agreement, should an objection to any such measure or its manner of implementation be raised, FHWA shall take the objection into account and consult as needed to resolve the objection.

X. Amendments

Any signatory party to this MOA may request that the other signatory parties consider an amendment, whereupon they shall consult to consider such amendment pursuant to 36 CFR 800.6(c)(7). Amendments shall be executed in the same manner as the original MOA.

XI. Duration

This MOA shall continue in full force and effect until December 31, 2015. At any time DOT&PF may request FHWA, BIA, and SHPO in writing to review DOT&PF's project schedule and consider an extension or modification of this MOA. No extension or modification shall be effective unless all Signatories to the MOA have agreed to it in writing.

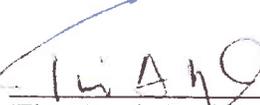
XII. Termination

Any signatory party to this MOA may terminate it by providing thirty (30) days notice to the other signatory parties. The remaining signatory parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, FHWA will seek the comments of the ACHP pursuant to 36 CFR 800.7.

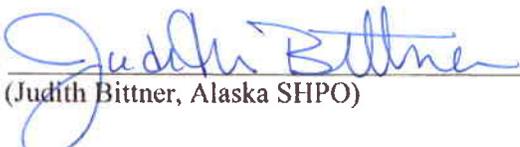
Execution and Implementation of this MOA evidences that the FHWA has consulted with SHPO and BIA on the Kotzebue Shore Avenue Reconstruction project and has taken into account the project's effects on historic properties in accordance with its Section 106 responsibilities.

SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION

BY:  DATE: 8.16.07
(Tim Haugh, Environmental and Right of Way Programs Manager)

ALASKA STATE HISTORIC PRESERVATION OFFICER

BY: 
(Judith Bittner, Alaska SHPO)

DATE: 8-16-07

INVITED SIGNATORIES:

BUREAU OF INDIAN AFFAIRS

BY:  Acting
for (Ricky Hoff, Alaska Regional Archaeologist)

DATE: 8/16/07

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

BY: 
(Dave Bloom, P.E., Northern Region Preconstruction Engineer)

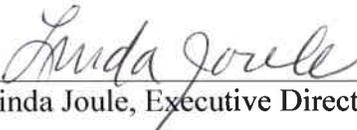
DATE: 8/14/07

CONCURRING PARTIES:

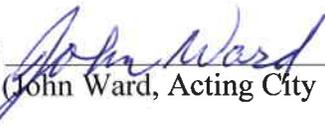
KIKIKTAGRUK INUPIAT CORPORTATION

BY:  DATE: 10-9-07
(Tim Schuerch, President and CEO)

NATIVE VILLAGE OF KOTZEBUE

BY:  DATE: 10/2/07
(Linda Joule, Executive Director)

CITY OF KOTZEBUE

BY:  DATE: 10-2-07
(John Ward, Acting City Manager)

NANA REGIONAL CORPORATION

BY: _____ DATE: _____
(Marie Greene, President and CEO)

NORTHWEST ARCTIC BOROUGH

BY: _____ DATE: _____
(Martha Whiting, Mayor)

APPENDIX A

Kotzebue Shore Avenue Rehabilitation Project No. HP-0002(109)/60788 Data Recovery Plan

The Kotzebue Archaeological District (KTZ-036, henceforth District) is interpreted as covering the portion of the Baldwin Peninsula on the west side of Kotzebue Lagoon in northwest Alaska. Previous archeological investigations indicate the cultural midden material is related to cultural developments of the last 1000 years, and possibly to the Norton tradition.

Site Definition in Project Area of Potential Effect (APE): The proposed project is located along Shore Avenue that runs along the shore of Kotzebue Sound from Lake Street north approximately 4,400 feet to the Crowley dock. Shore Avenue was created by fill materials placed over the original beach front. Oral history and previous archaeological investigations in Kotzebue indicated that the area immediately east of Shore Avenue was the last beach ridge developed in the past. This beach ridge, and several inland to the east, was the location of proto-historic and prehistoric habitation sites. The archaeological deposits under Shore Avenue were from activities conducted at the interface of Kotzebue Sound and those habitations. The beach front along Shore Avenue has been subjected to erosion from storms, and portions of the road have been rebuilt. It is uncertain exactly how much of the original beach containing archaeological deposits has survived the years of erosion. Previous testing has shown there are intact, undisturbed cultural deposits under the inland portion of Shore Avenue.

Project Effect: The undertaking will cause an adverse affect on the District because it will require ground disturbing activities along Shore Avenue.

Research Questions: Much of what we know about the prehistoric record for the Kotzebue Archaeological District is derived from the works of Giddings (1952, 1957, 1967) and VanStone (1955). Their investigations, consistent with the techniques and practices of the time they did their work, were concerned with establishing the general cultural historic framework for the Kotzebue area and interpreting its relationship within a poorly defined regional framework. Both pioneering archaeologists excavated whole houses, generally assuming that the contents were contemporaneous and with little concern with artifact distribution as indicators of activity areas or other cultural processes. Most subsequent work in Kotzebue was project specific, focused on human remains, but with little emphasis on synthesis or better defining the nature of the Kotzebue Archaeological District. The data recovery project for this undertaking will likely provide data that can be used to address the following research questions.

1. The specific nature of the cultural chronology at Kotzebue has only been modestly elucidated. Giddings relied on the dendrochronology record he had developed for the Kobuk River and Kotzebue Sound area for dating of his finds. While dendrochronology provides an excellent dating techniques for the period for which a record has been developed, both Giddings and VanStone lumped their assemblages together as

contemporaneous. Can careful and controlled excavations provide basic assemblage information through time? What is the period of occupation represented by the archaeological deposits along Shore Avenue? Can the acquisition of materials for radiocarbon dating allow us to better understand the time depth represented by the archaeological deposits as well as to place the district in the regional framework?

2. Much more extensive excavations have occurred at the Cape Krusenstern National Monument located approximately 30 miles north of Kotzebue. Can the collection from data recovery at Kotzebue be used for comparison with the collections from Krusenstern to enrich our understanding of regional similarities and differences expressed by the two districts?
3. No systematic analysis of faunal remains has been conducted for Kotzebue. Can systematic collection of faunal materials from excavations provide insights of the subsistence economy of the District through time? Is there evidence of changes in subsistence activities carried out in the District? Is there evidence concerning seasonality of harvesting and use of the area?
4. The information obtained on cultural chronology and seasonality can be compared with information from Cape Krusenstern and other sites in the area to discuss settlement patterns of the region. Is there archaeological evidence along Shore Avenue for prehistoric settlement patterns?
5. Can the archaeological data from the district, combined with ethnographic and ethnohistorical information for the area, be used to better understand development of ethnographic peoples of the area during the last 2000 or more years?
6. The earliest Europeans or Euroamericans to visit Kotzebue Sound identified a regional trade fair that was generally held at Susulak near the mouth of the Noatak River or where the modern community of Kotzebue is now located. Can the excavations at Kotzebue provide evidence for trade in both the prehistoric and historic periods?

Methods for Field Work and Analysis: Two components of mitigation have been identified for the Kotzebue Shore Avenue project, data recovery and monitoring during the ground disturbing activities associated with construction. Data recovery is discussed here, with monitoring discussed in Appendix B.

A cultural resource security plan will be in place prior to excavation. The security plan is intended to insure the protection of cultural resources during data recovery. The security of the cultural resources during the excavation period as well as during laboratory analysis will be provided. Security during excavation may include fencing of the excavation area, 24 hour presence on the excavation site by the crew, and/or the presence of security personnel. The cultural resources recovered during laboratory analysis will be housed at the secure Office of History and Archaeology's laboratory in Anchorage.

Due to the preliminary nature of the information obtained by the testing conducted in 2001, data recovery will have two phases and be accomplished from trenches originating on the beach ridge continuing into the road. The purpose of the trenches is to better define the archaeological deposits that extend from the beach ridge towards the water under the road.

Phase 1 will include the excavation of a trench in the northern portion of the project area involving restricted townsite lots at 711 Shore Avenue (U.S. Survey No. 2083, Tract 7, Block 1, Lots 21 and 22), and identification of additional areas for Phase 2 trenching. It is anticipated that two trenches will be excavated during Phase 2, however, this is subject to the recommendations developed by the supervising archaeologist during Phase 1.

Identification of the Phase 2 trenching areas will be accomplished by consultation with land owners along Shore Avenue, the results of the Phase 1 excavation, and through additional shovel testing to verify the presence of archaeological deposits at potential trench locations. The number of trenches is negotiable in case access to locations is limited by landowners or limited space availability due to the dense nature of structures along Shore Avenue, or that the Signatories agree that more intensive work in fewer areas is warranted by the research potential. The supervising archaeologist will provide the Phase 2 data recovery recommendations to the Signatories for review and approval to fulfill the data recovery obligations. This phased process of refinement of the data recovery plan may occur during the initial field season or involve additional work the following year upon approval of the signatory parties.

All testing, excavation, and data recovery will be done by or be under the supervision of an archeologist(s) meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology (48 FR 44738). The effort shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44734-37) and the Advisory Council on Historic Preservation's Treatment of Archaeological Properties: A Handbook, 1980.

Data Recording and Excavation: Excavation will be with shovels and trowels. Use of screens and screen size is left to the Archaeologist's discretion. Natural stratigraphic levels can be used when they are discernible. However, when such natural levels cannot be determined, a standard 10 cm level shall be used. Testing and excavation will continue until sterile deposits are encountered.

Testing and excavation shall be referenced to roadway stationing and/or by GPS locates, and mapped on the project plan sheets. Site datums shall be established with reference to survey data. Documentation of provenience must be in reference to a permanent datum established in Kotzebue. Otherwise an alternate existing datum, such as a USGS benchmark, will be used. Artifact location will be measured, both vertically and horizontally, to this datum. Measurements of depth below ground surface or position relative to project survey points will be acceptable if a project survey exists that establishes a topographic map for the project area with contour intervals. Provenience data will be recorded in field notebooks and on the artifact storage bags so that it is safely associated with the artifact.

All faunal and cultural/artifactual materials will be recovered and collected in bags according to stratigraphic levels. A sketch plan will be made of any features, significant association of archaeological materials, or human remains should they be encountered on the site. An inventory of recovered materials will be recorded in the field.

Photographs will be taken of any features in situ and to document significant finds and will include a scale. Photographs will be taken with both conventional and digital equipment. A photo log describing the direction or location of the shot, date, photographer, and content of each photo will be kept. Field notes and associated documentation will be accorded the same care in terms of cataloging and curation as any other part of the collection.

In the event that human remains are discovered, excavations shall continue only to the extent necessary to verify that the remains are human. After verification, excavations in the vicinity shall cease and the DOT&PF Construction Resident Engineer shall be notified. All work shall proceed as defined in and in accordance to Stipulation IV of the Memorandum of Agreement (MOA). All human remains shall be treated with utmost respect and in the spirit of the Native American Graves Protection and Repatriation Act (NAGPRA). In consultation with the appropriate agency and Tribal officials identified in Appendix C and if determined necessary, any human remains and associated objects will be reburied at a site identified within Kotzebue in a manner as directed by the appropriate parties.

A report meeting the Secretary of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79) will be written for the project (see MOA Stipulation V). This report will include, at minimum, a description of the project, project setting, archaeological and historic background, summary of field work, results of lab investigations if carried out, basic professional artifact analysis as appropriate, summary recommendations to guide further work in the Kotzebue Archaeological District, references, scaled maps of any features found, photographs, and any appropriate appendices.

Curation: With the exception of items recovered from federally restricted townsite lots, all artifacts, faunal remains, field notes, and related materials recovered shall remain the property of the State of Alaska. Materials owned by the State of Alaska shall be accessioned to the University of Alaska Fairbanks Museum. Pursuant to 25 CFR 262.8, archaeological resources recovered from federally restricted townsite lots shall remain the property of the landowners.

APPENDIX B

Kotzebue Shore Avenue
Project No. HP-0002(109)/60788
Archaeological Construction Monitoring

After completion of the fieldwork component of the data recovery program provided for in the Memorandum of Agreement (MOA) Stipulation II and detailed in Appendix A, project activities that could disturb the Kotzebue Archaeological District will be monitored to ensure recordation and recovery of cultural features and artifacts, or any human remains and associated objects of cultural patrimony. The archaeological construction monitoring will be conducted in conjunction with an approved construction monitoring cultural resource security plan developed according to MOA Stipulation V.B.

The following protocol will be adhered to unless the data recovery program, as described in Appendix A, yields an unexpected discovery or an unanticipated effect. In such case, the MOA Signatories will reconvene to consider an amendment per MOA Stipulation X.

An archaeological monitor shall be on site during all earth moving activities associated with excavation unless the archaeologist determines after field observations and consultation with the Signatories that monitoring is not necessary. The supervising archaeologist shall be authorized to halt construction in a specific location, or to redirect work to other locations, while recovering human remains, sacred objects, items of cultural patrimony, and unusual or unique cultural features and artifacts. The archaeologist shall inspect sediments as they are removed and the stratigraphy exposed, and will have the authority to temporarily stop the digging to more carefully inspect the back dirt or the trench stratigraphy.

If human remains are encountered, they shall be treated in accordance with MOA Stipulation IV and as detailed in Appendix A. All work shall stop adjacent to the discovery, with the area of work stoppage being adequate to provide for the security, protection, and integrity of the remains. Construction shall resume in the area of the discovery only after proper removal of the human remains.

The locations of unusual or unique cultural features and artifacts shall be rapidly recorded in three-dimensional space using photography, paper records, and removed to the extent deemed appropriate by the archeologist. No more than one (1) hour shall be expended on the clearing and recordation of any given feature without the express permission of the DOT&PF Construction Resident Engineer.

All monitoring shall be done by or under the supervision of an archaeologist(s) meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (48 FR 44738).

Report: A report meeting the Secretary of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79) shall be written for the project in accordance with MOA Stipulation V.C. This report will include, at minimum, a summary of the monitoring field work, description of the project setting, results of lab investigations if carried out, basic

professional artifact analysis as appropriate, summary recommendations to guide further work in the Kotzebue Archaeological District, references, scaled sketch plans of any features found, photographs, and any appropriate appendices.

The DOT&PF shall require that a draft archaeological report resulting from the construction monitoring provided for in MOA Stipulation III is submitted to DOT&PF within one year after completion of fieldwork.

The DOT&PF shall ensure that the draft monitoring report is submitted to FHWA and SHPO. The SHPO shall have 30 days to review and comment. The DOT&PF shall ensure that any comments received during the review period are addressed and that a final report addressing all comments is filed with SHPO within eighteen months after completion of all archaeological construction monitoring.

Curation: Field notes, samples, artifacts, photographs, and other collected data shall be curated according to Stipulation VII.

APPENDIX C

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

State Medical Examiner:

Dr. Frank Fallico
4500 S. Boniface Pkwy
Anchorage, Alaska 99508-1264
Phone: (907) 334-2200
Fax: (907) 334-2216

Alaska Bureau of Vital Statistics:

Sue Faulkner
Juneau, Alaska
Phone: (907) 465-2143

Alaska State Troopers, Kotzebue:

Sergeant Karl Main
Phone: (907) 442-3222
Fax: (907) 442-3221

Alaska Court System, Kotzebue:

Magistrate Karen Bendler
P.O. Box 317
Kotzebue, AK 99752-0317
Phone: (907) 442-3208

AST Criminal Investigation Bureau:

Lt. Nils Monsen, Phone: (907) 269-5648
Investigator Dave Johnson, Phone: (907) 269-5058

Kotzebue IRA Council:

Linda Joule, Executive Director: (907) 442-3467
Pete Schaeffer or Ian Erlich, Co-Chairmen: (907) 442-3467

Kikiktagruk Inupiat Corporation:

Timothy Schuerch, President
Phone: (907) 442-3165
Fax: (907) 442-2165

State Historic Preservation Officer (SHPO):

Judy Bittner
Phone: (907) 269-8721
Fax: (907) 269-8908



Preserving America's Heritage

January 25, 2007

Mr. Tim Haugh
Environmental Program Manager
Alaska Division
Federal Highway Administration
709 West Ninth Street, Room 851
P.O. Box 21648
Juneau, AK 99802

Re: Proposed Kotzebue Shore Avenue Reconstruction Project
Kotzebue, Alaska
File #: HP-0002(109/60788)

Dear Mr. Haugh:

The Advisory Council on Historic Preservation (ACHP) recently received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed in or eligible for listing in the National Register of Historic Places. This letter is to inform you that the ACHP has decided not to participate in consultation for this undertaking. However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or another party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA) and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact me at 202-606-8522 or via e-mail at clegard@achp.gov.

Sincerely,

Carol Legard
FHWA Liaison
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



DEC-07-2006 THU 10:19 AM OHA PARKS DNR

FAX NO. 1 907 269 8908

P. 01

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY

FRANK H. MURKOWSKI, GOVERNOR

550 W 7th Ave, SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 263-8721
FAX: (907) 269-8908

November 30, 2006

File No.: 3130-1R FHWA
3330-6N KTZ-250
3330-6N KTZ-284

Edrie Vinson
Environmental Program Manager
Federal Highway Administration
PO Box 21648
Juneau, AK 99802

Post-it™ Fax Note	7671	Date	12/7	# of pages	3
To	Bruce	From	Laurie		
Co./Dept.		Co.			
Phone #		Phone #	269-6229		
Fax #	451-5103	Fax #			

Subject: Kotzebue Road - Shore Avenue

Dear Ms. Vinson:

This office received the additional information that we requested about the undertaking at Shore Avenue in Kotzebue on October 30, 2006. We reviewed this undertaking for potential impacts to historic and archaeological resources pursuant to Section 106 of the National Historic Preservation Act. We concur with your determination that Shore Avenue Historic District (KTZ-250) is not eligible for inclusion in the National Register of Historic Places. We do not concur that the Lena Norton House (KTZ-284) is eligible.

In order to provide the Federal Highway Administration with guidance on assessing historic properties and districts, we will explain the process that we took to reach the above conclusions. We considered the analysis provided by your office that depicted character defining features and aspects of integrity. After reviewing the information, we decided to conduct an independent evaluation of the contributing and non-contributing elements of the Kotzebue Shore Avenue Historic District. We used the submitted character defining features and added others to facilitate our evaluation.

First, we want to demonstrate how character defining features are used to evaluate integrity. All character defining features help answer questions about specific aspects of integrity. For example, the submitted spreadsheet had three streetscape character defining features that contributed to a buildings setting. Linear narrow lots, closeness of buildings and water facing buildings, all contribute to the buildings setting. However, the letter specified the setting of all the properties on Shore Avenue was not intact due to natural encroachment of the shoreline. This is one component of a building's setting and its modification does not completely diminish this aspect of integrity. It must be weighed against the features that are intact. In our view, these intact character defining features more accurately convey a property's setting and significance than the shoreline. Therefore many of the buildings that were identified as not having adequate setting would likely possess sufficient setting to convey their significance as a contributing element in a historic district.

(cont.)

DEC-07-2008 THU 10:19 AM OHA PARKS DNR

FAX NO. 1 907 269 8908

P. 02

State Historic Preservation Officer

Page 2 of 3

11/30/2006

Below are character defining features that we identified for the district and the aspects of integrity to which each contributes.

Character Defining Feature	Aspects of Integrity reflected
Linear narrow lot	Setting, feeling
Close proximity to other buildings	Setting, feeling
Orientated towards the water	Design, setting, feeling, association
Moderate to steeply pitched roof	Design
Unfinished appearance	Workmanship, design, materials, feeling
Non-accentuated front door	Design, workmanship, feeling
Minimal number of openings	Design, workmanship, feeling
Window towards the water	Design, workmanship, feeling, association
Minimal Ornamentation	Materials, design, feeling
Multiple cladding materials	Materials, design, feeling, workmanship
Shed roof entries	Design, workmanship
Shed roof additions	Design, workmanship
Rolled roofing or metal roof	Materials, workmanship, design
Multiple one-story additions	Design, workmanship, feeling
Metal Stove Pipe Chimney	Design, materials

Our office used these character defining features to identify properties from the period of significance that retain sufficient integrity to convey their significance. A great deal more buildings retain integrity according to our evaluation compared to the three identified by your office. Five buildings that stood during the period of significance did not have enough integrity to be counted as contributing features.

A factor in our evaluation was the amount of intrusive new construction in the historic district. We referred to photographs in our files to assess the amount of new construction and the effect it had on the potential historic district. In the future, all properties in a historic district regardless of age need to be documented. Documenting newer buildings in a historic district will help evaluate the district's integrity. The report did not include buildings less than 45 years old at the time of data gathering.

We also wanted to take this opportunity to address significance and context. Historic properties can be eligible at the local, state, or national levels. Exploration/Settlement and Community Planning and Development in rural Alaska are important areas of significance at the local level for many communities. The historic context related to these periods must be explored to then determine if the districts that exemplify this significance retain sufficient integrity.

Another issue of concern is photographs. Photographs in reports should depict the main elevation of a building or structure. District eligibility is difficult to assess, when photos of the main elevations and streetscapes are not included. If only one photograph of a property is included in a report, it must be the main elevation.

We hope this explanation will help the next time the National Register criteria are applied to buildings and districts of this type.

We look forward to working with you to develop a memorandum of agreement regarding mitigation of adverse effects to Kotzebue Archaeological District (KTZ-036). Archaeological investigations along the east side of Shore Avenue in 2001 indicated the presence of at least two prehistoric components. We do not currently know however, how far west the deposits extend nor the definite identity or ages of the cultures involved. Mitigation should include additional archaeological testing before project construction

DEC-07-2006 THU 10:20 AM OHA PARKS DNR

FAX NO. 1 907 269 8908

P. 03

State Historic Preservation Officer

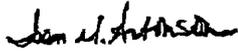
Page 3 of 3

11/30/2006

is initiated so that a more informed monitoring plan may be developed. Specifically, we recommend that at least three trenches be excavated that cross Shore Avenue, extending from within a lot east of the road westward to the edge of the beach. The testing phase should also include artifact and faunal analysis and radiocarbon dating.

Please contact Doug Gasek at 269-8726 or Stefanie Ludwig at 269-8720 if you have any questions or need further assistance.

Sincerely,



Judith E. Bittner
Deputy State Historic Preservation Officer

JEB:dfg