APPENDIX E: SECTION 106 CONSULTATION DOCUMENTATION AND DRAFT MEMORANDUM OF AGREEMENT



Department of Natural Resources

DIVISION OF PARKS AND OUTDOOR RECREATION
Office of History & Archaeology

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July 1, 2025

File No: 3130-1R FAA / 2019-01376

Kendall D. Campbell
Regional Tribal Consultation Official
Cultural Resources Environmental Protection Specialist
Federal Aviation Administration
222 West 7th Avenue, MS #14
Anchorage, Alaska 99513
Kendall.D.Campbell@faa.gov

Subject: New Sitka Seaplane Base

Dear Ms. Campbell:

The Alaska State Historic Preservation Office (AK SHPO) received your correspondence on May 23, 2025 (dated May 14, 2025). Following our review of your letter and the report titled *Cultural Resource Report: New Sitka Seaplane Base*, our office concurs with the following determinations of eligibility (Table 1) for listing in the National Register of Historic Places (NRHP).

Table 1. Determinations of Eligibility

No.	AHRS#	Street Address/Site Name	FAA Determination	AK SHPO Comment
1	SIT-01115	Japonski Island Observation Post and Gun Emplacement	Remains Eligible	Concur
2	SIT-01124	Rockery Wall, Trench Features, and Depressions	Not Eligible	Concur
3	SIT-01172	Historic Sitka Seaplane Base	Not Eligible	Concur

Our office appreciates the analysis to assess the association of the various features – natural and cultural – identified within the area of potential effects. We have no objections to the proposed revision to SIT-01115, which includes updating the historic property's name, Japonski Island Observation Post and Gun Emplacement.

Additionally, we reviewed the subject undertaking pursuant to Section 106 of the National Historic Preservation Act. Following our review, we concur that a finding of historic properties adversely affected remains appropriate for the proposed undertaking. We also agree that destruction of SIT-01115 would constitute a physical use of a Section 4(f) property.

Thank you for the opportunity to comment. We look forward to continuing consultation to resolve adverse effects through the Memorandum of Agreement development process. Please contact me at sarah.meitl@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,

Sarah Meitl

Deputy State Historic Preservation Officer

SJM

1 MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL AVIATION 2 ADMINISTRATION, 3 4 **AND** 5 THE ALASKA STATE HISTORIC PRESERVATION **OFFICER** 6 7 **PURSUANT TO 36 CFR 800** 8 REGARDING FEDERAL FUNDING FOR THE SITKA SEAPLANE BASE ON JAPONSKI ISLAND 9 10 Airport Improvement Project Grant #: 3-02-0488-001-2019 11 12 **PREAMBLE** WHEREAS, the Federal Aviation Administration (FAA) Alaskan Region Airports Division, has 13 received an application for federal assistance from the City and Borough of Sitka (CBS) to construct 14 a new seaplane base and support facilities (Attachment A: *Project Maps*, Figure 1); and 15 WHEREAS, the FAA has determined that the allocation of federal funds for the Project constitutes 16 an undertaking and that the proposed undertaking has the potential to cause effects to historic 17 18 properties subject to review under Section 106 of the National Historic Preservation Act (NHPA), as defined in 36 CFR 800.16; and 19 WHEREAS, the FAA has consulted with the Alaska State Historic Preservation Officer (SHPO) 20 pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the NHPA (54 U.S.C. § 21 22 306108); and WHEREAS, the FAA, in consultation with the SHPO, initially defined the area of potential effects 23 (APE) for the Project as including Project areas subject to ground disturbance, vibration, visual 24 effects, increased traffic, and offshore areas within 250 feet of Project components (Attachment A: 25 26 Project Maps, Figure 2) and expanded the APE in 2024 to include the decommissioning of the old Seaplane Base and the 65 dB DNL noise contour (Attachment A: Project Maps, Figure 3 and Figure 27 4); and 28 29 WHEREAS, the FAA has consulted with the National Park Service (NPS), which administers the National Historic Landmark (NHL) program for the Secretary of the Interior (SOI), and participates 30 in the consultation process when an undertaking may potentially have an adverse effect on an NHL: 31 32 and 33 WHEREAS, the FAA sponsored a cultural resources survey of the APE in 2021 which documented

¹ Ground disturbing activities are defined as any disruption of topsoil or sediments (e.g., trenching), clearing of vegetation, grubbing, ground leveling activities, placement of fill or equipment staging on undisturbed soils. This definition does not include blasting or removal of bedrock.

- 34 the Japonski Island Observation Post and Gun Emplacement (SIT-01115), and FAA has determined,
- and SHPO concurred, that SIT-01115 is eligible for listing in the National Register of Historic Places
- 36 (NRHP); and
- 37 WHEREAS, in 2022 archaeological monitoring of geotechnical investigations resulted in the
- 38 identification of four additional features in the APE recorded as SIT-01124; and
- 39 WHEREAS, additional concerns for the presence of human remains raised by the STA resulted in a
- second cultural resources survey of the Project APE in 2024, which documented additional features
- assigned to SIT-01124, and in 2025 the FAA determined, and SHPO concurred, that SIT-01124 is
- 42 not eligible for listing in the NRHP; and
- WHEREAS, the FAA determined, and SHPO concurred, that the existing Sitka Seaplane Base (SIT-
- 44 01172) is not eligible for listing in the NRHP; and
- WHEREAS, a review of the AHRS indicates no historic properties are within the 65 dB DNL noise
- 46 contour; and
- WHEREAS, the FAA determined that the undertaking will result in an adverse effect to SIT-01115
- as a result of demolition of SIT-01115 due to it being in the direct path of the proposed seaplane haul-
- 49 out ramp; and
- 50 WHEREAS, the FAA has determined that the undertaking will result in adverse indirect visual
- 51 effects to the adjacent Sitka Naval Operating Base and U.S. Army Coastal Defenses NHL (SIT-
- 52 00079); and
- WHEREAS, the FAA has consulted with the Alaska (SHPO) on the determination of effect and
- 54 SHPO concurred on July 1, 2025; and
- WHEREAS, the FAA consulted with the National Park Service on the indirect effects to the NHL
- and NPS has agreed to participate in the development of this agreement, and will be invited to sign
- 57 the agreement as a Concurring Party; and
- 58 WHEREAS, the FAA invited the Central Council of Tlingit & Haida Indian Tribes of Alaska, the
- 59 Sitka Tribe of Alaska, the Yakutat Tlingit Tribe, the Hoonah Indian Association, the Organized
- Village of Kake, and Sealaska Corporation to consult on the Project as part of the Section 106 process;
- 61 and
- 62 WHEREAS, the FAA has consulted with the Sitka Tribe of Alaska (STA) in accordance with
- consultation requirements as set forth in 36 CFR Section 800.2(c)(2) as it relates to sites of traditional
- 64 religious and cultural importance within the Project APE, and have invited STA to sign this
- agreement as a Concurring Party; and
- 66 WHEREAS, the FAA acknowledges that the STA and their Tribal citizens have direct historic and
- ethnographic affiliation with the lands comprising the proposed seaplane base property; and
- 68 **WHEREAS,** consultation with the STA indicated that there remains the potential for the inadvertent

- 69 discovery of artifacts, or burials/human remains on the upland portion of the Project APE resulting
- in implementation of an archaeological monitoring and inadvertent discovery plan during 70
- 71 geotechnical investigations in 2022; and
- 72 WHEREAS, this Memorandum of Agreement (MOA) includes a process to address post-Section
- 106 review discoveries and establishes a process to mitigate direct adverse effects to SIT-01115 and 73
- minimize visual effects to SIT-00079 during construction activities, pursuant to 36 CFR 800.13(a)(2); 74
- 75 and
- 76 WHEREAS, the CBS, as an applicant for federal assistance, has participated in consultation pursuant
- to 36 CFR 800 and shall be responsible for administering and implementing the stipulations of this 77
- agreement for, in coordination with, and under the direction of the FAA, and FAA has invited them 78
- to sign this agreement as an Invited Signatory; and 79
- WHEREAS, in accordance with 36 CFR 800.6(a)(1), the FAA notified the Advisory Council on 80
- Historic Preservation (ACHP) of its adverse effect determination with the specified documentation 81
- 82 and the ACHP declined to participate in the consultation on May 4, 2021.
- 83 NOW, THEREFORE, FAA, SHPO, and CBS (collectively "Signatories") hereby agree, and STA
- and NPS concur, that the undertaking shall be implemented in accordance with the following 84
- stipulations. 85

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STIPULATIONS 86

- 87 In accordance with the scope and objectives of this agreement, the FAA, in coordination with
- CBS, shall ensure that the following stipulations are implemented: 88

I. 89 **Scope and Objectives**

- The primary purpose of this agreement is to ensure FAA's continued compliance with the implementing regulations of Section 106 of the NHPA (36 CFR 800) throughout the
- duration of ground disturbing and construction activities associated with development of 92
- the Project. 93
- This agreement defines FAA's avoidance and mitigation responsibilities for known 94
- historic properties that may be adversely affected by the Project. 95
- 96 This agreement establishes protocols in advance of construction for the treatment of inadvertent discoveries that may occur during construction, to ensure that clear procedures, 97 roles, responsibilities, and authorities regarding those discoveries have been delineated. 98

II. **Professional Qualifications Standards**

100 Unless otherwise specified, all actions prescribed by this MOA that involve the identification, evaluation, analysis, recording, treatment, monitoring, or disposition for historic properties, 101 or that involve reporting or documentation of such actions in the form of reports, forms, or 102 103 other records, shall be carried out by or under the direct supervision of a person or persons

- who meet at a minimum the SOI Professional Qualifications Standards (48 FR 44738-44739;
 Appendix A to 36 CFR 61) in the appropriate discipline. FAA and CBS shall ensure that
 consultants retained for services pursuant to this agreement meet these standards.
- 107 FAA and CBS shall ensure that all methods employed and reports resulting from implementation of this MOA meet contemporary standards of practice, including the SOI 108 Guidelines for Archaeological Documentation (48 FR 44734-44737), SOI Standards and 109 Guidelines for Archaeology and Historic Preservation (NPS 1983), and OHA Preservation 110 Series No. 3, Cultural Resource Investigation Reports: Outline (OHA 2023), No. 8, Review 111 and Compliance Program Guidelines for Section 106 Consultation with the State Historic 112 Preservation Office (OHA 2018), and No. 16, Inadvertent Discovery and Unanticipated 113 Effects (OHA 2022). 114

III. Measures to Avoid Adverse Visual Effects to the Sitka Naval Operating Base and U.S. Army Coastal Defenses NHL

- To avoid intrusive visual effects to SIT-00079, CBS has modified the Project design to lower the elevation of the site and incorporate vegetative screening buffers along the eastern boundary of the Project site. The vegetative buffer has been incorporated into the Airport Layout Plan which depicts existing and future facilities of an airport and serves as a blueprint for airport development.
- CBS will develop a Vegetative Screening Plan that includes plans to design, install, and maintain vegetative screening that 1) provides a sufficient visual buffer between SIT-00079 and the Project; and 2) is consistent with naturally occurring vegetation in the area. The Vegetative Screening Plan will also include measures to be taken if vegetation fails. CBS will submit a draft Vegetative Screening Plan to the FAA, SHPO, and NPS as part of the 65% design package for the Project. FAA, SHPO, and NPS shall have a 30-day review and comment period. FAA will consider comments received for modification to the Vegetative Screening Plan and CBS will provide written responses to any questions or concerns regarding the appropriateness of the proposal.
- Should changes be made to Project design or proposed vegetative screening, CBS will submit
 a revised Vegetative Screening Plan with the 95% design package to the FAA, SHPO, and
 NPS, for a 30-day review and comment period. FAA will consider comments received and
 CBS will provide written responses to any questions or concerns regarding the
 appropriateness of the proposed vegetative screening.

136 IV. Mitigation Measures for the Resolution of Adverse Effects on the Japonski Island 137 Observation Post and Gun Emplacement (SIT-01115)

• To resolve adverse effects to SIT-01115, CBS, or a contractor on its behalf, will record the physical characteristics and measurements of SIT-01115 in a standard NPS documentation style; specifically, a Modified Level IV Historic American Building Survey (HABS) documentation including the production of a short-form history of the property and accurate scaled drawings of the structure and its environs.

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- CBS, or a contractor on its behalf, will coordinate with the NPS and the HABS Regional Coordinator to ensure a permanent record of the structure and its characteristics are preserved in perpetuity.
- The documentation generated through the HABS process may be incorporated into other preservation media (e.g., signage, pamphlets, online exhibits), disseminated to interested parties and institutions.
- Concurrent with the Modified Level IV HABS documentation of SIT-01115 above, the spatial inter-relationships of feature components of SIT-0115 will be recorded and mapped using survey-grade GPS equipment. Documentation may include use of three-dimensional scanning equipment, as applicable.
- CBS, or consultants hired on their behalf, will assemble the HABS documentation and mapping of the WWII features within the APE into a technical report and provide to FAA for review and approval. Following FAA approval, CBS will provide copies of the report and data to the Alaska Office of History and Archaeology Historic (OHA), the NPS, and other interested consulting parties no later than one year after the field data has been collected.

V. Measures to Minimize Adverse Effects to Unknown Archaeological Materials and Inadvertent Disturbance of Human Remains

- To address post-Section 106 discoveries and resolve any adverse effects to archaeological materials or inadvertent disturbance of human remains which may be present within the Project APE.
- The FAA and CBS shall ensure that an archaeological monitor who meets the SOI's Professional Qualification Standards for Archaeology shall be present during ground disturbing activities within upland Project areas.
- CBS will offer to hire a tribal monitor for archaeological monitoring activities, to be designated by STA.
- FAA, in coordination with CBS, has developed a *Cultural Resources Monitoring and Inadvertent Discovery Plan* in consultation with SHPO, NPS, and STA (Attachment B). The Plan is consistent with the OHA Preservation Series No. 15 *Monitoring Guidelines* (OHA 2018) and OHA Preservation Series No. 16 *Inadvertent Discovery and Unanticipated Effects* (OHA 2022).
- The purpose of the *Cultural Resources Monitoring and Inadvertent Discovery Plan* is to describe the activities associated with archaeological monitoring, identify the roles and responsibilities of Project participants, and to provide clear and concise guidance for Project personnel that addresses the actions to be taken in the event that human remains or archaeological, historic, or cultural materials, are discovered during monitored ground disturbing activities associated with the Project.

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- CBS shall require that a preconstruction meeting employing a presentation provided by FAA is conducted among the CBS Project Manager, the Construction Contractor/Onsite Supervisor, the Archaeological Monitor and the Tribal Monitor to discuss the terms and conditions of the *Cultural Resources Monitoring and Inadvertent Discovery Plan* (Attachment B).
- CBS, or consultants hired on their behalf, shall prepare a report, meeting contemporary professional standards and the *SOI Standards and Guidelines for Archaeological Documentation* (48 FR 44734-44737) following the completion of monitoring activities by the Archaeological Monitor and provide a draft to FAA for review and approval. Following FAA approval, CBS shall ensure that the final report is provided to all consulting parties within one (1) year after completion of all archaeological monitoring.

VI. Inadvertent Discoveries of Cultural Resources

- If previously unidentified cultural resources (including artifacts, structures, or features) are encountered, the FAA shall require CBS or its contractor to implement the Inadvertent Discovery protocols contained in Appendix B of this MOA.
- In the event that FAA determine the inadvertent discovery is eligible for the NRHP, and SHPO concurs, the FAA shall develop actions to resolve any adverse effects, consistent with the *SOI Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), through consultation amongst the FAA, CBS, SHPO, STA, and consulting parties. The FAA and CBS shall ensure that the resolution measures are implemented.

VII. Curation

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- Any materials collected as part of archaeological monitoring efforts shall be curated at the CBS' (landowner) expense, in accordance with 36 CFR 79, at the University of Alaska Museum of the North under an approved provisional curation agreement, or at another repository within the State as determined by FAA and CBS in consultation with consulting parties.
- Conservation costs may include, but are not limited to, curation fees charged by approved institutions, acquisition of archival materials, shipping, cleaning, rehousing, and any other conservation action determined necessary by a qualified conservator or considered common/ethical practice by cultural resources professionals.
- Should archaeological materials consist of artifacts of Alaska Native affiliation, CBS will consult with STA as to the appropriate disposition of those materials. STA may request that CBS relinquish ownership of the materials to STA, at which point CBS will provide documentation of the transfer of materials to the Tribe.

213 VIII. Unanticipated Effects

• In the event that a previously known property will be affected or has been affected in an

- unanticipated manner, all activity will cease within 50 feet of the property to avoid or minimize harm to the property.
- Should a consulting party observe unanticipated effects to historic properties, the consulting party will notify the FAA and CBS within 48 hours of observing the unanticipated effects. The FAA shall consult with SHPO and the consulting party to identify the effects.
- FAA shall assess the unanticipated effects. Consistent with 36 C.F.R. § 800.5(b) and (d)(1), the FAA may determine that there is no adverse effect on historic properties if the observed effects would not meet the Criteria of Adverse Effect at 36 CFR 800.5(a)(1).
- If the unanticipated effects are determined to be adverse, FAA shall consult with CBS and SHPO (and other consulting parties, as appropriate) pursuant to 36 CFR 800.13 to determine if adverse effects can be avoided by alteration of construction methods or the installation of protective measures.
- If adverse effects cannot be avoided, FAA shall develop actions to resolve the adverse effects, consistent with the *SOI Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), through consultation amongst the FAA, CBS, SHPO, and other consulting parties, as appropriate. The FAA and CBS shall ensure that the resolution measures are implemented.

IX. Treatment of Human Remains

- In the event that human remains are encountered during Project construction activities, FAA and CBS shall ensure that they are at all times treated with dignity and respect, in a manner consistent with the ACHP's *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* (https://www.achp.gov/sites/default/files/policies/2023-07/PolicyStatementonBurialSitesHumanRemainsandFuneraryObjects30June2023.pdf).
 - Should human remains be encountered, work will be stopped at once in the vicinity of the discovery and a buffer zone created, to be determined at the discretion of the SOI-qualified Archaeological Monitor, to prevent further disturbance. The Archaeological Monitor (or Onsite Supervisor, if monitor is not present) shall immediately secure the area in accordance with Attachment B, *Cultural Resources Monitoring and Inadvertent Discovery Plan*, initiate notification to parties listed in Attachment C, *Human Remains Contacts*, and follow the procedures listed in Attachment D, *Sitka Seaplane Base Security and Media Plan*.
 - To the greatest extent possible and provided there are no legal or jurisdictional issues to the contrary, the FAA and CBS shall work with STA to transfer control of any indigenous human remains to STA in an expedited and respectful manner.

X. Confidentiality

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• Pursuant to 36 CFR 800.11(c), the consulting parties to this MOA agree not to divulge to the public, media, or other outside parties the specific location of the discovery, names of the deceased or descendants (if determined), or specific details about the remains or artifacts themselves, should human remains or artifacts of Alaska Native affiliation be discovered. All consulting parties shall follow the authorized protocols for press releases, media interviews, or other public communications outlined in Attachment D: Sitka Seaplane Base Security and Media Plan to this agreement.

XI. Review and Reporting Timeline

- The FAA and CBS shall arrange a meeting to review this agreement one (1) year from its execution date and annually thereafter until completion of site preparation and soil disturbance. The FAA and CBS shall submit an annual letter status update to all parties one (1) month prior to the date of the annual review. Any amendments to this agreement 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 agreement, termination of the agreement shall be considered in accordance with 36 CFR 800.6(c)(8).
- The Vegetative Screening Plan will be submitted for a 30 day review period at the completion of the 65% design. The revised Vegetative Screening Plan will be submitted for a 30 day review period at completion of the 95% design. See III for complete deliverable details.
- The Modified Level IV HABS report will be approved by FAA and provided to the OHA within one year of data collection. See IV for complete deliverable details.
- The Archaeological Monitoring Report will be approved by FAA and provided to all consulting parties within one year of completion of all archaeological monitoring. See V for complete deliverable details.

274 XII. Dispute Resolution

• Should any signatory object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FAA shall consult with such party to resolve the objection. If FAA determines that the Section 106-related objection cannot be resolved through consultation, it shall request the further comments or staff level recommendations from the ACHP pursuant to 36 CFR 800.6(b). Any ACHP comment provided in response to such a request will be taken into account by FAA in accordance with 36 CFR 800.6(c)(2).

XIII. Amendments

• Any Signatory to this agreement may request that the other Signatories 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 this agreement.

XIV. Anti-Deficiency Act

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- The Anti-Deficiency Act, 31 U.S.C. § 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the Signatory Parties agree that any requirement for the obligation of funds arising from the terms of this MOA will be subject to the availability of appropriated funds for that purpose. The Stipulations contained in this MOA will not be interpreted as requiring the obligation or expenditure of funds in violation of the Anti-Deficiency Act.
 - If compliance with the Anti-Deficiency Act impairs FAA's ability to implement the Stipulations of this MOA, FAA will consult with the Signatory Parties to determine if an amendment is necessary to fully satisfy the stipulation herein.

XV. Duration

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This agreement shall be implemented upon final construction contracting to include the
stipulations in this MOA and continue in full force and effect for five years following
execution. At any time, CBS may request of the FAA and SHPO in writing to review
CBS's project schedule and consider an extension or modification of this agreement. No
extension or modification shall be effective unless all Signatories to the agreement have
agreed to it in writing.

XVI. Termination

- Any Signatory to this agreement may terminate it by providing thirty (30) days' notice to the other Signatories. The Signatories 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, FAA will seek the comments of ACHP pursuant to 36 CFR 800.7.
- Execution and Implementation of this agreement shall evidence, pursuant to 36 CFR 800.6(c),
- 309 that that FAA has consulted with SHPO, NPS, CBS, and the STA on the Sitka Seaplane Base Project,
- in accordance with Section 106 of the NHPA. It shall further evidence that the FAA has afforded the
- 311 ACHP an opportunity to comment on the Undertaking and its effects on historic properties, and that
- FAA has taken into account the effects of the Undertaking on historic properties.

313	SIGNATURE PAGES – SIGNATURIES
314	MEMORANDUM OF AGREEMENT
315	BETWEEN THE FEDERAL AVIATION ADMINISTRATION,
316	AND
317	THE ALASKA STATE HISTORIC PRESERVATION OFFICER
318	PURSUANT TO 36 CFR 800
319	REGARDING THE SITKA SEAPLANE BASE ON JAPONSKI ISLAND
320	SIGNATORY
321	Federal Aviation Administration
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323	By:
324	Name and Title
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326	DATE:
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329	SIGNATURE PAGES – SIGNATORIES
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338	SIGNATORY
339	ALASKA STATE HISTORIC PRESERVATION OFFICER
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341	By:
342	Sarah Meitl, Deputy State Historic Preservation Officer, Alaska State Historic Preservation Office
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344	DATE:
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347	SIGNATURE PAGES – INVITED SIGNATORIES
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356	INVITED SIGNATORY
357	CITY AND BOROUGH OF SITKA
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359	By:
360	Name and Title
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362	DATE:
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SIGNATURE PAGES – CONCURRING PARTIES MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL AVIATION ADMINISTRATION, **AND** THE ALASKA STATE HISTORIC PRESERVATION OFFICER **PURSUANT TO 36 CFR 800** REGARDING THE SITKA SEAPLANE BASE ON JAPONSKI ISLAND **CONCURRING PARTY** SITKA TRIBE OF ALASKA DATE:_

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394	CONCURRING PARTY
395	U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE
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397	By:
398	Jeff Mow, Acting Regional Director, National Park Service Interior Region 11
399	