

# Programmatic Agreement Annual Report for 2020

## Sterling Highway Milepost 45-60 Project

STP-F-021-2(15)/Z530140000



Prepared for:



Alaska Department of Transportation and Public Facilities,  
Central Region

**PREPARED BY**



HDR Alaska, Inc.  
2525 C Street, Suite 500  
Anchorage, AK 99503

**AUTHORS**

Sean Teeter, M.A.  
Kris Farmen, M.A.

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*The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated November 3, 2017, and executed by FHWA and DOT&PF.*

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## List of Attachments

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## Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
AHRS	Alaska Heritage Resources Survey
AJA	Alaska Journal of Anthropology
APE	Area of Potential Effects
Booklet	soft-cover booklet
DOT&PF	Alaska Department of Transportation and Public Facilities
FHWA	Federal Highway Administration
Forest Service	United States Forest Service, U.S. Department of Agriculture
HDR	HDR Alaska, Inc.
KIT	Kenaitze Indian Tribe
MOU	Memorandum of Understanding
NRHP	National Register of Historic Places
PA	Programmatic Agreement
PQI	Professional Qualified Individual
Project	Sterling Highway Milepost 45–60 Project
Publication	Professional Publication
ROD	Record of Decision
ROW	right-of-way
SHPO	State Historic Preservation Officer
SOL	Statute of Limitations
STP	Shovel test pit
Treatment Plan	Amended Data Recovery/Historic Properties Treatment Plan
UAMN	University of Alaska Museum of the North
USFWS	U.S. Fish and Wildlife Service

# 1.0 Introduction

The Alaska Department of Transportation and Public Facilities (DOT&PF) is proposing to reconstruct and realign the Sterling Highway between Mileposts 45 and 60 (Project). The Project is funded by the Federal Highway Administration (FHWA) and is therefore considered a federal undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations found in 36 Code of Federal Regulations 800.

DOT&PF and FHWA have found, with concurrence from the Alaska State Historic Preservation Officer (SHPO), that construction of the Project will have adverse effects on historic properties, including sites associated with Alaska Heritage Resources Survey (AHRS) site KEN-00156/SEW-00282 (the “Sqilantnu Archaeological District”). DOT&PF and FHWA have prepared a Programmatic Agreement (PA) to resolve those adverse effects (DOT&PF 2018). The PA was executed in March 2018 by the following Signatories: DOT&PF; FHWA; the Advisory Council on Historic Preservation (ACHP); the Alaska SHPO; the Kenaitze Indian Tribe (KIT); Cook Inlet Region, Inc.; the United States Forest Service, U.S. Department of Agriculture (Forest Service); and the U.S. Fish and Wildlife Service (USFWS).

HDR, Alaska, Inc. (HDR), prepared this document under contract to DOT&PF in accordance with PA Stipulation IX, *Reporting and PA Review*, which requires DOT&PF to submit an Annual Report to the PA Signatories on the progress and implementation of the PA stipulations. Per this stipulation, DOT&PF is required to submit the Annual Report to the Signatories on or before January 31 each year. This Annual Report fulfills that obligation and addresses the following topics:

- Progress on construction of the highway;
- Progress in archaeological construction monitoring under Stipulation IV;
- Progress in mitigation measures under Stipulation V;
- Progress in artifact curation under Stipulation VIII;
- Problems or unexpected issues encountered during the year;
- Sequence and timeframe of future PA actions not completed in the reporting year; and
- Proposed modifications to the implementation of the PA.

## 2.0 Progress on Construction of the Highway

DOT&PF preconstruction efforts on behalf of the Project in 2020 consisted of mechanized and hand clearing of vegetation in portions of the DOT&PF right-of-way (ROW) and geotechnical borehole and test pit excavation. Mechanized clearing totaled 124.82 acres; hand clearing totaled 24.23 acres. The geotechnical program resulted in the excavation of 174 boreholes and 105 test pits. Most of these activities occurred outside of high-sensitivity areas as defined on archaeological sensitivity maps (Attachment A). Geotechnical work did not occur in high-sensitivity areas, with the exception of boreholes drilled into previously disturbed pavement of the existing roadway at the western extent of the Project. Mechanized clearing required archaeological monitoring in high-sensitivity locations on two occasions. Archaeological monitoring efforts are discussed in Section 3.0 and Section 7.4.



## 3.0 Progress in Archaeological Construction Monitoring

According to PA Stipulation IV, *Archaeological Construction Monitoring*, the PA Signatories have identified areas where cultural resources are known or have a high potential to exist (see PA Appendix C, *Archaeological Monitoring Plan*). DOT&PF shall ensure that a Secretary of the Interior-qualified Supervisory Archaeological Monitor will be on-site during earth-moving activities associated with excavation in these areas unless the Supervisory Archaeological Monitor determines after field observations and consultation with the Signatories (in accordance with the *Archaeological Monitoring Plan*) that monitoring is not necessary.

The *Archaeological Monitoring Plan* outlines activities to be conducted prior to construction activities (PA Appendix C, *Archaeological Monitoring Plan*, Sections V.A.1–4). These activities are listed in Table 3-1.

**Table 3-1. Archaeological Construction Monitoring Activities**

Construction Monitoring Activities	Progress / Timeframe
<p>DOT&amp;PF shall develop and distribute <b>maps exhibiting areas that contain or have high sensitivity for cultural resources</b> in Project ground-disturbing locations to Archaeological and Tribal Observers of the PA Signatories. Signatories and Monitors will have 60 days to provide comments on the archaeological sensitivity area maps.</p>	<p>Draft Sensitivity Maps were submitted to Signatories on December 31, 2019.</p> <p>Signatories had until February 28, 2020, to provide comment. Comments were received and incorporated into an updated version of the Sensitivity Maps. The maps were distributed in April 2020 and were included in the cultural awareness training packet.</p> <p>HDR updated the sensitivity maps based on the newest Project alignment and the results of the 2020 field effort. The revised maps are included as Attachment A</p>
<p>DOT&amp;PF or its qualified consultant shall acquire any <b>necessary permits for conducting monitoring activities</b> from the appropriate land managing agency and/or private landowner.</p>	<p>Prior to construction/monitoring activities.</p> <p>Monitoring permits were acquired from the Alaska Office of History and Archaeology and Forest Service for the 2020 field season.</p>
<p>The DOT&amp;PF Project Engineer, the DOT&amp;PF Professionally Qualified Individual (PQI), Archaeological Monitor(s), and Tribal Observers shall organize and participate in a <b>pre-construction meeting</b> with the Construction Contractor and their subcontractors to explain the PA stipulations for the Project and the procedures to follow if Project personnel inadvertently discover or affect historic properties or human remains. The meeting will also discuss the roles and authorities of the Archaeological Monitor(s) and Tribal Observers.</p> <p>The DOT&amp;PF PQI or the Supervisory Archaeological Monitor shall conduct cultural awareness training to ensure that construction personnel understand the terms of the PA and the types of resources that could be inadvertently discovered or affected during Project activities.</p>	<p>The pre-construction meeting was held on March 31, 2020, jointly with the cultural awareness training, as allowed under Appendix C, V.A.3.</p>



Construction Monitoring Activities	Progress / Timeframe
<p>Archaeological Monitors will flag or guide the <b>placement of construction fencing around historic properties as “avoidance areas”</b> for construction personnel.</p>	<p>Archaeological monitors placed flagging in an avoidance zone around SEW-01439 in consultation with the clearing contractor and the DOT&amp;PF PQI on June 6, 2020.</p>

The Project required two instances of archaeological construction monitoring during the 2020 field season. The first took place on August 3, 2020, under the observance of the KIT Tribal Monitor, Norma Johnson. Ms. Johnson monitored tree felling and removal work near AHRS site SEW-01439. The second instance happened on September 11, 2020 near AHRS site SEW-00973. Both Ms. Johnson and HDR archaeologist Sean Teeter were present at the jobsite to observe the impacts of tree felling and removal near AHRS site SEW-00973.

SEW-01439 and SEW-00973 are prehistoric sites with one or more surface depressions. During construction activities, the buffers placed by archaeological monitors around each site remained intact or were deemed unnecessary; the depressions were not disturbed by tree removal. The archaeological monitors did not identify any previously unrecorded features, sites, or other cultural resources within the activity area. No significant cultural resources were impacted by construction activities.

## 4.0 Progress on Mitigation Measures

PA Stipulation V, *Mitigation*, outlines the mitigation measures that have been identified in the PA. Table 4-1 lists each mitigation measure and its progress status or anticipated timeframe for completion.

**Table 4-1. Progress in Mitigation Measures**

Mitigation Measures	Progress / Timeframe
<p>FHWA and DOT&amp;PF shall develop a <b>Data Recovery/Historic Properties Treatment Plan</b> in consultation with the Signatories. The Treatment Plan is to be updated following selection of the build alternative.</p>	<p>A Draft Amended Data Recovery/ Historic Properties Treatment Plan (Treatment Plan) was developed and submitted to Signatories in January 2020; the document was finalized and re-submitted in April 2020.</p> <p>HDR is currently updating the Treatment Plan with site-specific information. This document will be distributed to Signatories in spring 2021.</p>
<p>DOT&amp;PF shall complete <b>data recovery fieldwork</b> for historic properties identified in the Treatment Plan prior to construction activities that may adversely affect historic properties.</p>	<p>Site boundary delineation fieldwork and additional pedestrian survey were completed in 2020 according to the requirements of the Treatment Plan. Data recovery fieldwork is scheduled for 2021.</p>
<p>DOT&amp;PF shall develop a <b>professional publication</b> (Publication) that compiles and summarizes available ethnographic, archaeological, scientific, and other literature, accounts, studies, and research products associated with the Sqilantnu Archeological District.</p>	<p>Publication will be drafted within 2 years following the end of the Statute of Limitations (SOL) period for the FHWA Record of Decision (ROD) (FHWA 2018). The ROD SOL period ended November 5, 2018.</p> <p>The Publication has been drafted and submitted to the PA Signatories for review. Comments are due by May 31, 2021.</p>
<p>Based on the contents of the Publication described above, DOT&amp;PF shall develop a <b>public education booklet</b> intended for the general public.</p>	<p>To be developed within 1 year following completion of the Publication described above.</p> <p>The public education booklet (Booklet) is scheduled for development in 2021.</p>
<p>DOT&amp;PF shall prepare or sponsor the preparation of a <b>formal National Register of Historic Places (NRHP) nomination</b> for the Sqilantnu Archeological District based on the results of the Publication.</p>	<p>To be completed within two years following completion of the Publication described above.</p> <p>DOT&amp;PF will begin the nomination process in 2021 for completion in 2022.</p>
<p>DOT&amp;PF and FHWA will work with PA Signatories during design to identify locations and content for Interpretative Signage.</p>	<p>Consultation will occur during design phase of the project.</p>



Mitigation Measures	Progress / Timeframe
<p>DOT&amp;PF shall coordinate with Signatories and provide funding for <b>Dena'ina Oral Histories Digitization</b>, including digitizing, translating, transcribing, publishing, and distributing previously acquired Dena'ina oral histories currently on cassettes, on CDs, and in written form.</p>	<p>PA does not specify timeframe for digitization of the oral histories. However, work has already begun on the Dena'ina Oral Histories Digitization. An inventory of previous archival work is necessary to avoid duplication of previous efforts. DOT&amp;PF will continue to coordinate with Signatories on the timeframe.</p>
<p>DOT&amp;PF shall <b>re-investigate the adversely affected segment of the Bean Creek Trail</b> located in the Direct Area of Potential Effects (APE), the segment located at the temporary trail crossing, and the trail segment that would be permanently rerouted.</p>	<p>To be completed concurrent with data recovery efforts in PA Stipulation V.A.1 and in the Amended Treatment Plan.  Completed during 2020 field survey.</p>
<p>DOT&amp;PF shall ensure <b>public access</b> to and the continued usability of the Bean Creek Trail during construction.</p>	<p>To be conducted during construction.</p>
<p>DOT&amp;PF shall reroute Bean Creek Trail, in coordination with the Forest Service, approximately 450 feet west of its current location. The alignment of the <b>rerouted trail is subject to an archaeological survey</b> to ensure that no archaeological sites would be impacted.</p>	<p>Prior to construction of trail realignment.  Rerouted trail alignment was surveyed during the 2020 field season.</p>
<p>DOT&amp;PF shall provide an <b>interpretive display</b> with a historic mining theme at the trailhead to be built west of the Juneau Creek Bridge for the Resurrection Pass Trail and along the Bean Creek Trail at a location determined by the Forest Service.</p>	<p>Display panels are to be installed at the time of trail and trailhead construction. DOT&amp;PF will work with PA Signatories during design to identify locations and content for appropriate signage.</p>

## 5.0 Progress in Artifact Curation

PA Stipulation VIII, *Curation*, outlines the curation guidelines for artifacts collected during the course of the Project. The Curation Plan is included as PA Appendix H. The Curation Plan clarifies ownership and disposition of artifacts and materials. It also addresses the disposition of artifacts, faunal materials, and/or samples that archaeologists collected for the Project, along with photographs, field notes, and other related materials from activities covered by the PA. Table 5-1 summarizes the procedures outlined in the Curation Plan.

**Table 5-1. Artifact Curation Procedures**

Curation Procedures	Progress / Timeframe
<p>Following selection of an alternative for the Project, the <b>Data Recovery/Historic Properties Treatment Plan will be updated</b> and will include information on the maintenance and treatment of collections prior to disposition at the University of Alaska Museum of the North (UAMN) or other approved curation facility.</p>	<p>To be completed following approval of Authority to Proceed through Final Plans, Specifications, and Estimate by FHWA.</p> <p>Maintenance and treatment information was added to Section 8.2 of Treatment Plan for PA Signatory review and comment in January 2020. No comments were received by PA Signatories on this section.</p>
<p><b>A curation agreement with the UAMN and the appropriate land-managing agency and/or owner will be developed.</b> The curation agreement will follow the procedures outlined in the Curation Plan (Appendix H of the PA) regarding such matters as ownership, curation funding, and reporting.</p>	<p>Prior to any activities that may require archaeological curation.</p> <p>The UAMN Memorandum of Understanding (MOU) Curation Agreement was used for 2020 Field Permits. Curation agreements for data recovery activities will be part of 2021 permit applications.</p>
<p><b>DOT&amp;PF and the UAMN have a MOU (DOT&amp;PF 2013)</b> in place regarding the curation of collections from State lands (included as Appendix H of the PA).</p>	<p>Per the MOU (II.A), the document reached the end of its 5-year review period in January 2019. DOT&amp;PF and the UAMN reviewed the agreement and extended the MOU for an additional 10 years.</p>

### Artifacts Collected During the 2020 Field Season

Two specimens were collected during the 2020 field effort: a small piece of calcined bone recovered from a positive shovel test pit (STP) at KEN-00744, and a sample of fire-cracked rock from a positive STP at KEN-00402. The calcined bone from KEN-00744 was located on USFWS land; the fire-cracked rock from KEN-00402 was located on the DOT&PF ROW. These items are currently being stored at the HDR office at 2525 C St. Suite 500, Anchorage, AK, 99503, pending accession by the UAMN as set out in the MOU between DOT&PF and UAMN.

In order to use Project time and funds more efficiently, DOT&PF intends to store this artifact in its current location so that it may be accessioned by UAMN with other artifacts expected to be recovered during the 2021 data recovery effort.

## 6.0 Problems or Unexpected Issues Encountered During the Year

The COVID-19 pandemic resulted in complications to archaeological fieldwork during the 2020 season. No field staff were diagnosed with COVID-19 during the 2020 fieldwork, but field safety protocols required additional planning. Field staff followed all COVID-19 safety guidelines issued by the Centers for Disease Control, the State of Alaska, and DOT&PF. While necessary for safety guidelines, these requirements did add additional burdens in terms of time and logistics. None of this, however, affected the timely execution of the fieldwork.

In June 2020, the archaeology field crew encountered construction personnel conducting vegetation clearing with motorized equipment in a high-sensitivity area along the Bean Creek Trail. The crew observed areas that had been cleared of vegetation with a tracked vehicle on either side of the trail. The field crew leader flagged down the clearing crew and compared sensitivity maps with a plan set; apparently, the most recent version of the sensitivity maps had not been incorporated into the plan. Fortunately, this area was outside of the Sqilantnu Archaeological District in an area that had been identified as high sensitivity due to its proximity to the Bean Creek Trail. The archaeological field crew completed survey in the area prior to the resumption of vegetation clearing. No cultural resources were identified in the area. The incident highlights the need for continued clear communication regarding Sensitivity Maps and their incorporation into construction planning.

## 7.0 Progress on PA Actions

### 7.1 Annual Meeting

DOT&PF shall coordinate an annual Project Update Meeting with all parties to the PA to be held by the end of March 2021 (per PA Stipulation IX., *Reporting and PA Review*). DOT&PF shall notify the ACHP 30 days prior to the meeting. The ACHP may participate at its discretion.

- Project Update Meeting will be held via videoconference in Anchorage 60 days after the issuance of the Annual Report (March 31, 2021). Participants will be given 30 days' advance notice of the meeting.

### 7.2 Mid-Year Meeting

DOT&PF shall coordinate a mid-year Project Update Meeting with all parties to the PA. This meeting will be held via videoconference; participants will be given 30 days' advance notice of the meeting.

### 7.3 Data Recovery and Other Field Efforts

The goal of data recovery is to recover data from the sites within the direct APE through systematic archaeological excavation and analyses before partial or complete destruction of the sites' cultural remains by Project construction activities. Field efforts in 2020 included pedestrian surveys and subsurface site boundary delineation. HDR archaeologists conducted pedestrian survey in locations identified in the Treatment Plan as requiring additional survey due to lack of high precision GPS at the time of original survey (e.g. pre-2005) and in previously unsurveyed areas. HDR archaeologists conducted subsurface boundary delineation in portions of the Project area adjacent to or including archaeological sites.

Data recovery activities are anticipated for the 2021 field season based on the Project construction schedule. Based on updated Project design, additional boundary delineation fieldwork may be required as part of data recovery efforts. The results of the 2020 field survey and boundary delineation are described in a draft fieldwork report submitted to consulting parties on January 4, 2020 (Teeter et al. 2020).

HDR, under contract to DOT&PF, is overseeing completion of a Data Recovery Plan that outlines data recovery efforts proposed for 2021. The Data Recovery Plan is a supplement to the Treatment Plan and will be provided to the Signatories for review in early spring 2021.

## 7.4 Archaeological Construction Monitoring and Pre-Construction Meetings

As detailed in Section 3.0, prior to excavation in areas identified as highly sensitive for containing cultural resources, the DOT&PF Project Engineer, the DOT&PF PQI, Archaeological Monitor(s), and Tribal Observer(s) shall organize and participate in a pre-construction meeting with the Construction Contractor and subcontractors to explain PA stipulations, procedures for inadvertent discovery of or effects on cultural resources or human remains, and the roles of Archaeological Monitor(s) and Tribal Observers. The DOT&PF PQI or the Supervisory Archaeological Monitor will also conduct on-site cultural awareness training to ensure that construction personnel understand the terms of the PA and the types of resources that could be encountered during Project activities. Prior to initiation of construction activities, Archaeological Monitors will flag or guide the placement of construction fencing around historic properties as “avoidance areas” for construction personnel.

DOT&PF anticipates multiple contractors and multiple pre-construction meetings to be held prior to construction on various Project segments. DOT&PF shall provide written and electronic notice to Signatories at least 15 days prior to the meetings. The pre-construction meetings will be held in conjunction with the on-site cultural resources awareness training. Avoidance areas shall be flagged prior to construction activities at the discretion of the Archaeological Monitor(s).

HDR updated the sensitivity maps based on the newest Project alignment and the results of the 2020 field effort. The revised maps are included as Attachment A.

## 7.5 Professional Publication

DOT&PF shall develop a professional publication that compiles and summarizes available ethnographic, archaeological, scientific, and other literature, accounts, studies, and research products associated with the Sqiłantnu Archeological District. The Publication will be drafted within 2 years following the end of the ROD SOL period. The SOL period ended November 5, 2018.

HDR, under contract to DOT&PF, has drafted the Publication and it has been submitted to the PA Signatories. Per the requirements of the PA, comments from Signatories are due within 120 days (May 31, 2021). The Publication may undergo further revisions at the behest of the AJA editorial board prior to acceptance.

## 7.6 Public Education Booklet

Based on the contents of the Publication, DOT&PF shall also develop a soft-cover booklet (Booklet) intended for the general public. DOT&PF will coordinate with the Signatories and the Kenai Peninsula and Anchorage school districts to identify the State Educational Standards expectations, and for their recommendations on the Booklet and an associated compendium of school-appropriate learning aides.

- DOT&PF anticipates completion of the draft Booklet during 2021.

## 7.7 National Register of Historical Places Nomination

DOT&PF shall prepare a formal NRHP nomination for the Sqilantnu Archaeological District based on the results of the Publication and provide it to the Russian River Land Act MOU Group.

- DOT&PF anticipates completion of the NRHP nomination during 2022.

## 7.8 Cultural Awareness Training

Prior to the initiation of construction activities on the Project, the DOT&PF Project Engineer, the DOT&PF PQI, Archaeological Monitor(s), and Tribal Monitors shall organize and participate in a pre-construction meeting with the Construction Contractor and their subcontractors to explain PA stipulations for the Project and the procedures to follow if Project personnel inadvertently discover or affect historic properties or human remains and to discuss the roles of the Archaeological Monitor(s) and Tribal Monitors.

- HDR, under contract to DOT&PF, provided this training by video during 2020, both as a response to the COVID-19 pandemic and so that construction contractors and subcontractors could include Cultural Awareness training with their other training courses.
- HDR, under contract to DOT&PF, anticipates conducting Cultural Awareness training by video for the 2021 season in early spring 2021.

## 7.9 Installation of Interpretive Signage

DOT&PF and FHWA will work with PA Signatories during design to identify locations and content for appropriate signage (e.g., notification that travelers are entering an historic district, interpretive signage at pull-outs or trailheads) and will erect agreed-to signage during construction.

- DOT&PF has not begun work on this PA action.

## 7.10 Dena'ina Oral Traditions Digitization

KIT Tribal Archaeologist Norma Johnson provided this update on the Dena'ina Oral Traditions Digitization in January 2021:

*Organization and inventory of the Kenaitze archives has begun. It is clear that it has been attempted many times before but never completed. No accurate notes or plans had been left behind by previous attempts by those archivists. A complete inventory must be taken to fully understand where things stand and what still needs to be done so that previous digitizing is not duplicated. KIT archives houses at least 9 different media types and hundreds if not thousands of hours of language, cultural events, elder interviews and tribal meetings. At this time, over 200 files are in queue to be cross checked to the recreated catalog.*

## 8.0 Proposed Modifications to the Implementation of This PA

No changes to the implementation of the PA are recommended at this time.

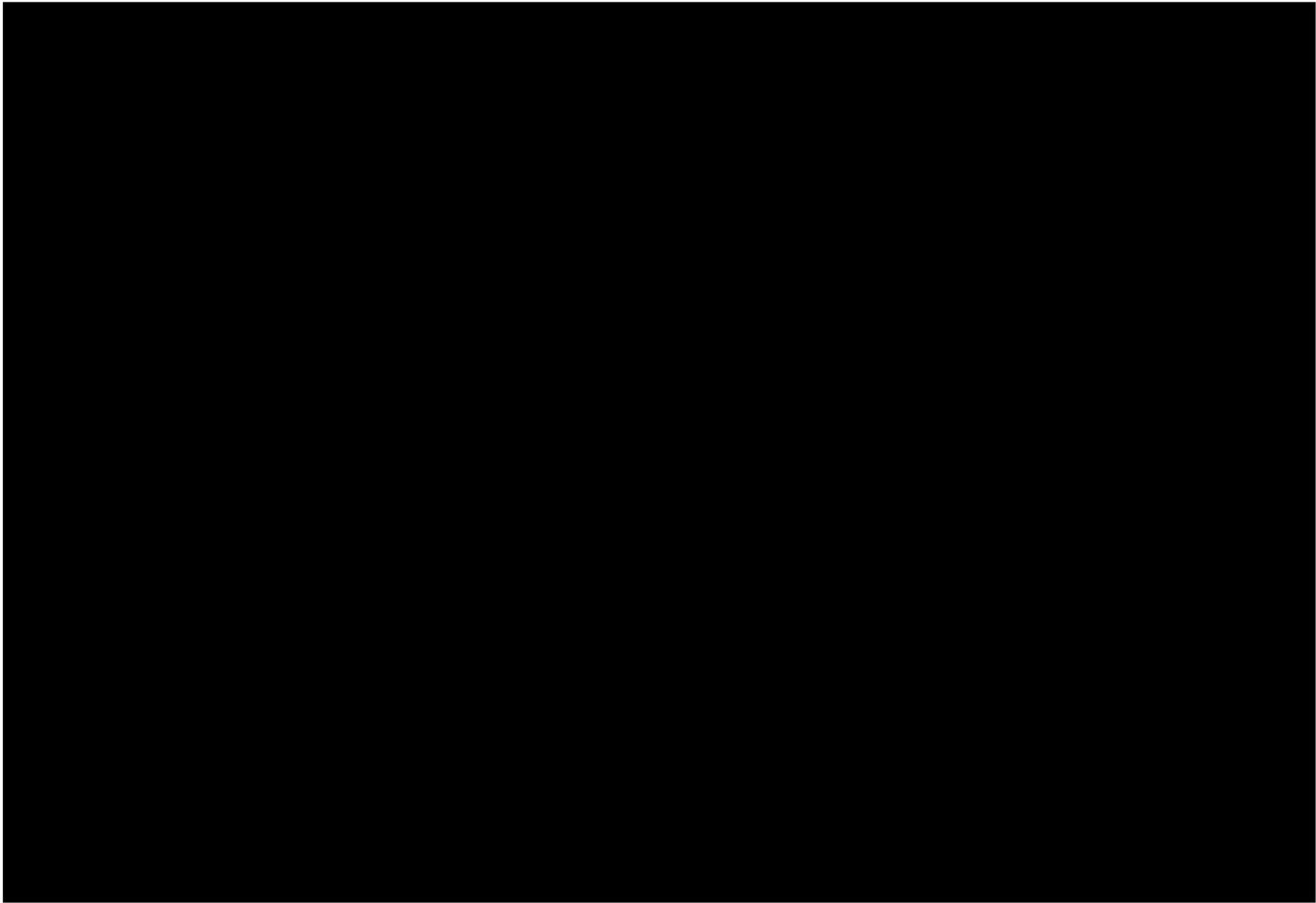
## 9.0 PA Signatory Contact Information





Table 2.1 - PA Signatory Control List

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## 10.0 References Cited

DOT&PF (Alaska Department of Transportation and Public Facilities)

- 2013 Memorandum of Understanding between the Department of Transportation and Public Facilities and the University of Alaska Museum of the North Fairbanks, Alaska. Updated January 31, 2019.
- 2018 Final Section 106 Programmatic Agreement for the DOT&PF Sterling Highway Milepost 45-60 Project. Project No. STP-F-021-2(15)/Z530140000. March.

FHWA (Federal Highway Administration)

- 2018 Record of Decision. Sterling Highway Milepost 45-60 Project. State Project No: 53014, Federal Project Number: STP-F-021-2(15).

Teeter, Sean, Kris Farnen, Kaitlyn Hosken, Robyn Miller, Hollis Reddington, and Travis Shinabarger

- 2020 DRAFT Cultural Resources Investigations Report DOT&PF Sterling Highway MP 45-60 Project Kenai Peninsula Borough, Alaska. Prepared for Alaska Department of Transportation and Public Facilities by HDR, Alaska, Inc., Anchorage.

Attachment A  
Revised Cultural Resources Sensitivity Map