



U.S. Department
of Transportation

**Federal Highway
Administration**

Western Federal Lands Highway Division
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Vancouver, WA 98661
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October 16, 2012

In Reply Refer To: HFL-17

Re: AK DEN 2009(13), Tevyar'aq Railway Tram Project
Tevyar'aq Tram NRHP Eligibility, Section 106 Determination of Effect and Section 4(f) de minimis Finding

To whom it may concern:

In an October 5, 2012 letter, the Alaska State Historic Preservation Office (SHPO) stated that it is unable to concur with the FHWA's determination that the Tevyar'aq Railway Tram (MAR-00083) is not eligible for the National Register of Historic Places (NRHP) and believe that the Tevyar'aq Railway Tram, the tram route and the surrounding landscape may be potentially eligible for the NRHP. The SHPO suggested that the FHWA could continue with the proposed project by assuming the Tevyar'aq Railway Tram is eligible for the NRHP and by making a determination that the proposed project will result in no adverse effect because the proposed project will replace the physical elements of the Tevyar'aq Railway Tram that have been altered through time.

The FHWA agrees with the SHPO that the Tevyar'aq Railway Tram (MAR-00083), the tram route and the surrounding landscape may be potentially eligible for the NRHP. Assuming that the Tevyar'aq Railway Tram (MAR-00083), the tram route and the surrounding landscape are eligible for the NRHP, the FHWA has determined that the proposed Tevyar'aq Railway Tram Project will not alter any of the characteristics of the Tevyar'aq Railway Tram (MAR-00083), the tram route and the surrounding landscape that potentially qualify them for inclusion in the NRHP. The proposed project will replace the physical elements of the Tevyar'aq Railway Tram that have been altered through time and therefore lack physical integrity. Therefore, the FHWA has determined that the proposed Tevyar'aq Railway Tram Project will result in No Adverse Effect on the assumed and potentially eligible Tevyar'aq Railway Tram (MAR-00083), the tram route and the surrounding landscape. The FHWA requested the SHPO's concurrence with this No Adverse Effect determination.

Section 4(f) of the Department of Transportation Act of 1966 affords protection of public or privately-owned historic (NRHP listed or eligible) sites. Assuming that the Tevyar'aq Railway Tram (MAR-00083), the tram route and the surrounding landscape are eligible for the NRHP, the Tevyar'aq Railway Tram (MAR-00083), the tram route and the surrounding landscape qualify as Section 4(f) properties. The proposed Tevyar'aq Railway Tram Project will use the Tevyar'aq Railway Tram (MAR-00083), the tram route and the surrounding landscape by incorporating these Section 4(f) properties into a transportation facility. The FHWA has determined that this use will have a *de minimis* (minimal) impact to these Section 4(f) properties based on the assumed SHPO written concurrence with the FHWA's Section 106 No Adverse Effect determination.

Please contact me if you have any concerns, questions, or should you require any additional information. I can be reached at the above address, by phone at (360) 619-7636, or by e-mail at michael.schurke@dot.gov.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michael Schurke".

Michael Schurke, MA, RPA
FHWA Archaeologist