



# HISTORIC RESOURCES ADVISORY COMMITTEE AGENDA

March 06, 2024 at 5:00 PM

City Hall Conf. Room 224/Zoom Webinar

<https://juneau.zoom.us/j/84463047223>

**A. CALL TO ORDER**

**B. LAND ACKNOWLEDGEMENT**

We acknowledge the Áak'w Kwaan and T'aakú Kwaan as the original owners and inhabitants of the City & Borough of Juneau. We are grateful to be here in your ancestral homeland as we come to you from areas of Alaska and beyond. We are thankful that you have permitted us to live here and make this land our home. Gunalchéesh.

**C. ROLL CALL**

**D. APPROVAL OF AGENDA**

**E. APPROVAL OF MINUTES**

[1.](#) 02.22.2024 HRAC draft minutes

**F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**G. OLD BUSINESS**

2. Annual Report
3. Telephone Hill
- [4.](#) Section 106 Letter
- [5.](#) 203 W. 3rd Street Letter
6. 211 Dixon Letter
7. 214 Dixon Street Letter
8. 128 Dixon Street Letter
9. 124 Dixon Street Letter
10. 125 Dixon Street Letter
11. 135/139 W. 2nd Street Letter

**H. NEW BUSINESS**

- [12.](#) HDDR 455 S. Franklin Street (AHR# JUN-183 / CBJ #A-19)
- [13.](#) Letter to CBJ Tourism Manager

**I. STAFF REPORTS**

**J. COMMITTEE MEMBER COMMENTS AND QUESTIONS**

**K. NEXT MEETING DATE - April 3, 2024**

**L. SUPPLEMENTAL MATERIALS**

**M. ADJOURNMENT**

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: [city.clerk@juneau.gov](mailto:city.clerk@juneau.gov).





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## **Historic Resources Advisory Committee Agenda**

February 22, 2024 at 5:00pm City Hall Conference

### **DRAFT MINUTES**

#### **A. CALL TO ORDER**

- a. The meeting was called to order at 5:06pm by Vice Chair Shannon Crossley.

#### **B. LAND ACKNOWLEDGEMENT**

#### **C. ROLL CALL**

- a. Members present: Shannon Crossley, Zane Jones (recused), Eric Moots, Dorene Lorenz, Don Harris, Jerriek Hope-Lang, Chuck Smythe, Gary Gillette, Steve Winker
- b. Staff Present: Forrest Courtney, CCD Staff Liaison; Nick Druvystein, Engineering Associate; Dan Bleidorn, Lands and Resources Manager.

#### **D. APPROVAL OF AGENDA**

- a. Vice Chair Crossley requested that the committee take public comment on Agenda item Telephone Hill before we have our discussion on the topic. Ms. Lorenz also requested an addition of Introduction of New Members before we approved minutes. Mr. Moots motioned to approve the agenda with these additions. The agenda was unanimously approved.

#### **E. INTRODUCTION OF NEW MEMBERS**

- a. Mr. Winker and Mr. Hope-Lang introduced themselves to the committee.

#### **F. APPROVAL OF MINUTES**

##### **a. 01.10.2024 HRAC draft minutes**

##### **b. 01.10.2024 HRAC Annual Retreat draft minutes**

- i. Mr. Moots motioned to unanimously approve both draft minutes presented. Ms. Lorenz seconded the motion. The minutes were approved unanimously.

#### **G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

- a. There was no public participation on non-agenda items.

#### **H. AGENDA TOPICS**

##### **a. New Business**

##### **i. Telephone Hill**

##### **1. PUBLIC PARTICIPATION ON ALL SUBTOPICS**

- a. Josh Adams, downtown resident, expressed his discontent with the City Assembly approving Option C of the Telephone Hill survey without public support. He is worried the city will demolish historic buildings on Telephone Hill. Mr. Adams stands behind HRAC writing a letter to the Assembly.

Fred Triem, downtown resident, would like to see Telephone Hill designated as a historic district as exists in Sitka and Seattle.

Page Bridges, Gastineau Avenue resident, knows the heartache of losing a historic home in Juneau and does not want to see it happen again to Telephone Hill. She believes it might be illegal for the city to use the land privately. Ms. Bridges also believes that building on Telephone Hill will disturb all of downtown Juneau.

Skip Gray, Twin Lakes resident, thanked HRAC for sending a letter to the Assembly. He does not respect the decision of the Assembly to pursue option C of the Telephone Hill Survey and believes HRAC should make its opinion known by writing another letter requesting a full Section 106 to the Assembly.

Shoshana Segilman, Telephone Hill resident, expressed concern over the number of new housing options that are not affordable in Juneau. She believes if the city would like to build dense housing on Telephone Hill, there should be a survey of housing options already available in Juneau. Ms. Segilman would like the city to pump the breaks on any potential demolition of Telephone Hill.

## 2. **STAFF REPORT ON TELEPHONE HILL**

a. Nick Druvystein and Dan Bleidorn came to the board to answer any questions the committee had for the Engineering or Lands Department.

Ms. Lorenz asked Mr. Druvystein if the intention of CBJ was to demolish all buildings currently on Telephone Hill to construct high-density housing, without any of the homes remaining in place. Mr. Druvystein said yes, Option C, which the city had instructed him to begin preparing for did not include any of the buildings currently there. Mr. Winker asked Mr. Druvystein if the city is intending to complete the Section 106 report they had started. Mr. Druvystein said the city does not intend to continue with the Section 106.

Vice Chair Crossley gave clarification on what exactly a Section 106 would accomplish, which is only documentation of the building that is there. She also noted that if CBJ were to receive federal funds for any project on Telephone Hill, they must do a Section 106. Mr. Smith noted that the city did not fully comply with the 106 and truncated the process.

Mr. Hope-Lang asked Mr. Druvystein if the city would be managing the housing if built on Telephone Hill. Nick said it was too early to know.

Vice Chair Crossley expressed interest in going through each building on Telephone Hill to determine the historical value of each one.

Ms. Lorenz asked Mr. Druvystein if his department sees any historical value in Telephone Hill. Mr. Druvystein stated his department was aware of some value but did not find a substantial or significant amount to include in the report. Mr. Harris mentioned other buildings that were protected by Historical Townsite protections. Mr. Gillette expressed interest in getting Telephone Hill on the National Historic Registry.

Mr. Hope-Lang asked Mr. Druvystein if the city had a timeline for eviction and demolition of the buildings on Telephone Hill. Mr. Druvystein answered that he was not aware of a timeline at that moment.

Chair Jones (recused) commented that his company, in their report, did acknowledge and make comments towards the historical value of each individual home on Telephone Hill. Chair Jones also stated that it was his company's understanding that this report would be put out for public comment. Vice Chair Crossley asked Mr. Druvystein if the public comment period is still open. Mr. Druvystein said that the public comment period was still open, and the Assembly has chosen to move forward with Option C.

Ms. Lorenz asked Mr. Druvystein if there were any discussions or concerns about the city needing to backtrack to complete a Section 106, later in the process. Mr. Druvystein said there was not. Ms. Lorenz then asked Mr. Druvystein about how the city came to acquire the land. Mr. Druvystein deferred to Mr. Bleidorn. Mr. Bleidorn stated the city acquired the land through legislative action via a quitclaim deed. Ms. Lorenz asked Mr. Bleidorn if the city had purchased the land Telephone Hill was on before public comment or survey. Mr. Bleidorn stated it was, and the city had gained information from building the parking garage that is partially on that land. Ms. Lorenz asked Mr. Bleidorn if the city intends to demolish the buildings on Telephone Hill. He stated it was too early to know.

Mr. Hope-Lang asked if local dense and regional housing companies/organizations had been contacted by the city about the prospect of building on Telephone Hill. Mr. Druvystein stated there has not been to his knowledge.

Ms. Lorenz asked Mr. Bleidorn if the work of MRV Architects was complete. Mr. Bleidorn stated it is his belief that the company will finalize the reports they are currently working on and then their work will be complete.

### **3. Structural Report**

a. Mr. Gillette expressed concern that the structural report as presented focused too much on the structural value alone and not at all on the historical value. Vice Chair Crossley, Ms. Lorenz, Mr. Winker, and Mr. Smythe all expressed they also believed that statement to be true. Mr. Winker stated that many of the things listed in the structural report would be easily fixable if given the chance.

### **4. Section 106**

### **5. Historic Buildings Survey Update**

a. Ms. Lorenz made a motion that HRAC write a letter to the assembly encouraging them to complete the Section 106 that they do not intend to complete. Mr. Smythe asked to add a request to include a historical review of the

homes as well. With the amendment added to the motion, the motion passed unanimously. Vice Chair Crossley will craft this letter with a review from Ms. Lorenz, Mr. Smythe, and Mr. Gillette.

**I. STAFF REPORT**

- a. There were no staff reports.

**J. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS**

- a. Ms. Lorenz put forth the idea of doing a charrette for future planning of Telephone Hill. She believes the idea would let the public offer opinions or solutions meaningfully. Ms. Lorenz would like the city to return to discussions about Telephone Hill with that in mind.

Mr. Winker expressed that he did not believe the survey the city did on Telephone Hill did enough. The options presented to the public were very limited, and not many people responded to the survey outside of Telephone Hill.

**K. NEXT MEETING DATE – March 6, 2024**

**L. ADJOURNMENT**

- a. Mr. Moots motioned to adjourn. Ms. Lorenz seconded the motion. The meeting was adjourned at 6:50 p.m.

### **36 CFR PART 800 -- PROTECTION OF HISTORIC PROPERTIES (incorporating amendments effective August 5, 2004)**

#### **Subpart A -- Purposes and Participants**

Sec.

800.1 Purposes.

800.2 Participants in the Section 106 process.

#### **Subpart B -- The Section 106 Process**

800.3 Initiation of the section 106 process.

800.4 Identification of historic properties.

800.5 Assessment of adverse effects.

800.6 Resolution of adverse effects.

800.7 Failure to resolve adverse effects.

800.8 Coordination with the National Environmental Policy act.

800.9 Council review of Section 106 compliance.

800.10 Special requirements for protecting National Historic Landmarks.

800.11 Documentation standards.

800.12 Emergency situations.

800.13 Post-review discoveries.

#### **Subpart C -- Program Alternatives**

800.14 Federal agency program alternatives.

800.15 Tribal, State and Local Program Alternatives. (Reserved)

800.16 Definitions.

Appendix A – Criteria for Council involvement in reviewing individual section 106 cases

**Authority:** 16 U.S.C. 470s.

#### **Subpart A-Purposes and Participants**

##### **§ 800.1 Purposes.**

(a) *Purposes of the section 106 process.* Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of

project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

(b) *Relation to other provisions of the act.* Section 106 is related to other provisions of the act designed to further the national policy of historic preservation. References to those provisions are included in this part to identify circumstances where they may affect actions taken to meet section 106 requirements. Such provisions may have their own implementing regulations or guidelines and are not intended to be implemented by the procedures in this part except insofar as they relate to the section 106 process. Guidelines, policies and procedures issued by other agencies, including the Secretary, have been cited in this part for ease of access and are not incorporated by reference.

(c) *Timing.* The agency official must complete the section 106 process “prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license.” This does not prohibit agency official from conducting or authorizing nondestructive project planning activities before completing compliance with section 106, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties. The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.

##### **§ 800.2 Participants in the Section 106 process.**

(a) *Agency official.* It is the statutory obligation of the Federal agency to fulfill the requirements of section 106 and to ensure that an agency official with jurisdiction over an undertaking takes legal and financial responsibility for section 106 compliance in accordance with subpart B of this part. The agency official has approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of section 106 compliance. For the purposes of subpart C of this part, the agency official has the authority to commit the Federal agency to any obligation it may assume in the

implementation of a program alternative. The agency official may be a State, local, or tribal government official who has been delegated legal responsibility for compliance with section 106 in accordance with Federal law.

(1) *Professional standards.* Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archeological resources, to ensure that all actions taken by employees or contractors of the agency shall meet professional standards under regulations developed by the Secretary.

(2) *Lead Federal agency.* If more than one Federal agency is involved in an undertaking, some or all the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.

(3) *Use of contractors.* Consistent with applicable conflict of interest laws, the agency official may use the services of applicants, consultants, or designees to prepare information, analyses and recommendations under this part. The agency official remains legally responsible for all required findings and determinations. If a document or study is prepared by a non-Federal party, the agency official is responsible for ensuring that its content meets applicable standards and guidelines.

(4) *Consultation.* The agency official shall involve the consulting parties described in paragraph (c) of this section in findings and determinations made during the section 106 process. The agency official should plan consultations appropriate to the scale of the undertaking and the scope of Federal involvement and coordinated with other requirements of other statutes, as applicable, such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act and agency-specific legislation. The Council encourages the agency official to use to the extent possible existing agency procedures and mechanisms to fulfill the consultation requirements of this part.

(b) *Council.* The Council issues regulations to implement section 106,

provides guidance and advice on the application of the procedures in this part, and generally oversees the operation of the section 106 process. The Council also consults with and comments to agency officials on individual undertakings and programs that affect historic properties.

(1) *Council entry into the section 106 process.* When the Council determines that its involvement is necessary to ensure that the purposes of section 106 and the act are met, the Council may enter the section 106 process. Criteria guiding Council decisions to enter the section 106 process are found in appendix A to this part. The Council will document that the criteria have been met and notify the parties to the section 106 process as required by this part.

(2) *Council assistance.* Participants in the section 106 process may seek advice, guidance and assistance from the Council on the application of this part to specific undertakings, including the resolution of disagreements, whether or not the Council is formally involved in the review of the undertaking. If questions arise regarding the conduct of the section 106 process, participants are encouraged to obtain the Council's advice on completing the process.

(c) *Consulting parties.* The following parties have consultative roles in the section 106 process.

(1) *State historic preservation officer.*

(i) The State historic preservation officer (SHPO) reflects the interests of the State and its citizens in the preservation of their cultural heritage. In accordance with section 101(b)(3) of the act, the SHPO advises and assists Federal agencies in carrying out their section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taking into consideration at all levels of planning and development.

(ii) If an Indian tribe has assumed the functions of the SHPO in the section 106 process for undertakings on tribal lands, the SHPO shall participate as a consulting party if the undertaking takes place on tribal lands but affects historic properties off tribal lands, if requested in accordance with § 800.3(c)(1), or if the Indian tribe agrees to include the SHPO pursuant to § 800.3(f)(3).

(2) *Indian tribes and Native Hawaiian organizations.*

(i) *Consultation on tribal lands.*

(A) *Tribal historic preservation officer.* For a tribe that has assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the tribal historic preservation officer (THPO) appointed or designated in accordance with the act is the official representative for the purposes of section 106. The agency official shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or affecting historic properties on tribal lands.

(B) *Tribes that have not assumed SHPO functions.* When an Indian tribe has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the agency official shall consult with a representative designated by such Indian tribe in addition to the SHPO regarding undertakings occurring on or affecting historic properties on its tribal lands. Such Indian tribes have the same rights of consultation and concurrence that the THPOs are given throughout subpart B of this part, except that such consultations shall be in addition to and on the same basis as consultation with the SHPO.

(ii) *Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations.*

Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe or Native Hawaiian organization shall be a consulting party.

(A) The agency official shall ensure that consultation in the section 106 process provides the Indian tribe or Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects. It is the responsibility of the agency official to make a reasonable and good faith effort to identify Indian tribes and Native Hawaiian organizations that shall be consulted in the section 106 process. Consultation should commence early in the planning process, in order to identify and discuss relevant

preservation issues and resolve concerns about the confidentiality of information on historic properties.

(B) The Federal Government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies or limits the exercise of any such rights.

(C) Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government or the governing body of a Native Hawaiian organization. Consultation with Indian tribes and Native Hawaiian organizations should be conducted in a manner sensitive to the concerns and needs of the Indian tribe or Native Hawaiian organization.

(D) When Indian tribes and Native Hawaiian organizations attach religious and cultural significance to historic properties off tribal lands, section 101(d)(6)(B) of the act requires Federal agencies to consult with such Indian tribes and Native Hawaiian organizations in the section 106 process. Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations and should consider that when complying with the procedures in this part.

(E) An Indian tribe or a Native Hawaiian organization may enter into an agreement with an agency official that specifies how they will carry out responsibilities under this part, including concerns over the confidentiality of information. An agreement may cover all aspects of tribal participation in the section 106 process, provided that no modification may be made in the roles of other parties to the section 106 process without their consent. An agreement may grant the Indian tribe or Native Hawaiian organization additional rights to participate or concur in agency decisions in the section 106 process beyond those specified in subpart B of this part. The agency official shall

provide a copy of any such agreement to the Council and the appropriate SHPOs.

(F) An Indian tribe that has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act may notify the agency official in writing that it is waiving its rights under § 800.6(c)(1) to execute a memorandum of agreement.

(3) *Representatives of local governments.* A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party. Under other provisions of Federal law, the local government may be authorized to act as the agency official for purposes of section 106.

(4) *Applicants for Federal assistance, permits, licenses and other approvals.* An applicant for Federal assistance or for a Federal permit, license or other approval is entitled to participate as a consulting party as defined in this part. The agency official may authorize an applicant or group of applicants to initiate consultation with the SHPO/THPO and others, but remains legally responsible for all findings and determinations charged to the agency official. The agency official shall notify the SHPO/THPO when an applicant or group of applicants is so authorized. A Federal agency may authorize all applicants in a specific program pursuant to this section by providing notice to all SHPO/THPOs. Federal agencies that provide authorizations to applicants remain responsible for their government to government relationships with Indian tribes.

(5) *Additional consulting parties.* Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

(d) *The public.*

(1) *Nature of involvement.* The views of the public are essential to informed Federal decisionmaking in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and

the relationship of the Federal involvement to the undertaking.

(2) *Providing notice and information.* The agency official must, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decisionmaking.

(3) *Use of agency procedures.* The agency official may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart.

## **Subpart B-The section 106 Process**

### **§ 800.3 Initiation of the section 106 process.**

(a) *Establish undertaking.* The agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) *No potential to cause effects.* If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

(2) *Program alternatives.* If the review of the undertaking is governed by a Federal agency program alternative established under § 800.14 or a programmatic agreement in existence before January 11, 2001, the agency official shall follow the program alternative.

(b) *Coordinate with other reviews.* The agency official should coordinate the steps of the section 106 process, as appropriate, with the overall planning schedule for the undertaking and with any reviews required under other authorities such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act and agency-specific legislation, such as section 4(f) of the Department of

Transportation Act. Where consistent with the procedures in this subpart, the agency official may use information developed for other reviews under Federal, State or tribal law to meet the requirements of section 106.

(c) *Identify the appropriate SHPO and/or THPO.* As part of its initial planning, the agency official shall determine the appropriate SHPO or SHPOs to be involved in the section 106 process. The agency official shall also determine whether the undertaking may occur on or affect historic properties on any tribal lands and, if so, whether a THPO has assumed the duties of the SHPO. The agency official shall then initiate consultation with the appropriate officer or officers.

(1) *Tribal assumption of SHPO responsibilities.* Where an Indian tribe has assumed the section 106 responsibilities of the SHPO on tribal lands pursuant to section 101(d)(2) of the act, consultation for undertakings occurring on tribal land or for effects on tribal land is with the THPO for the Indian tribe in lieu of the SHPO. Section 101(d)(2)(D)(iii) of the act authorizes owners of properties on tribal lands which are neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe to request the SHPO to participate in the section 106 process in addition to the THPO.

(2) *Undertakings involving more than one State.* If more than one State is involved in an undertaking, the involved SHPOs may agree to designate a lead SHPO to act on their behalf in the section 106 process, including taking actions that would conclude the section 106 process under this subpart.

(3) *Conducting consultation.* The agency official should consult with the SHPO/THPO in a manner appropriate to the agency planning process for the undertaking and to the nature of the undertaking and its effects on historic properties.

(4) *Failure of the SHPO/THPO to respond.* If the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official may either proceed to the next step in the process based on the finding or determination or consult with the Council in lieu of the SHPO/THPO. If the SHPO/THPO re-enters the section 106 process, the agency official shall continue the consultation without being required to reconsider previous findings or determinations.



(d) *Consultation on tribal lands.*

Where the Indian tribe has not assumed the responsibilities of the SHPO on tribal lands, consultation with the Indian tribe regarding undertakings occurring on such tribe's lands or effects on such tribal lands shall be in addition to and on the same basis as consultation with the SHPO. If the SHPO has withdrawn from the process, the agency official may complete the section 106 process with the Indian tribe and the Council, as appropriate. An Indian tribe may enter into an agreement with a SHPO or SHPOs specifying the SHPO's participation in the section 106 process for undertakings occurring on or affecting historic properties on tribal lands.

(e) *Plan to involve the public.* In consultation with the SHPO/THPO, the agency official shall plan for involving the public in the section 106 process. The agency official shall identify the appropriate points for seeking public input and for notifying the public of proposed actions, consistent with § 800.2(d).

(f) *Identify other consulting parties.* In consultation with the SHPO/THPO, the agency official shall identify any other parties entitled to be consulting parties and invite them to participate as such in the section 106 process. The agency official may invite others to participate as consulting parties as the section 106 process moves forward.

(1) *Involving local governments and applicants.* The agency official shall invite any local governments or applicants that are entitled to be consulting parties under § 800.2(c).

(2) *Involving Indian tribes and Native Hawaiian organizations.* The agency official shall make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. Such Indian tribe or Native Hawaiian organization that requests in writing to be a consulting party shall be one.

(3) *Requests to be consulting parties.* The agency official shall consider all written requests of individuals and organizations to participate as consulting parties and, in consultation with the SHPO/THPO and any Indian tribe upon whose tribal lands an undertaking occurs or affects historic properties, determine which should be consulting parties.

(g) *Expediting consultation.* A consultation by the agency official with the SHPO/THPO and other consulting parties may address multiple steps in §§ 800.3 through 800.6 where the agency official and the SHPO/THPO agree it is appropriate as long as the consulting parties and the public have an adequate opportunity to express their views as provided in § 800.2(d).

**§ 800.4 Identification of historic properties.**

(a) *Determine scope of identification efforts.* In consultation with the SHPO/THPO, the agency official shall:

(1) Determine and document the area of potential effects, as defined in § 800.16(d);

(2) Review existing information on historic properties within the area of potential effects, including any data concerning possible historic properties not yet identified;

(3) Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties; and

(4) Gather information from any Indian tribe or Native Hawaiian organization identified pursuant to § 800.3(f) to assist in identifying properties, including those located off tribal lands, which may be of religious and cultural significance to them and may be eligible for the National Register, recognizing that an Indian tribe or Native Hawaiian organization may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. The agency official should address concerns raised about confidentiality pursuant to § 800.11(c).

(b) *Identify historic properties.* Based on the information gathered under paragraph (a) of this section, and in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to properties within the area of potential effects, the agency official shall take the steps necessary to identify historic properties within the area of potential effects.

(1) *Level of effort.* The agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews,

sample field investigation, and field survey. The agency official shall take into account past planning, research and studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. The Secretary's Standards and Guidelines for Identification provide guidance on this subject. The agency official should also consider other applicable professional, State, tribal and local laws, standards and guidelines. The agency official shall take into account any confidentiality concerns raised by Indian tribes or Native Hawaiian organizations during the identification process.

(2) *Phased identification and evaluation.* Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and evaluation efforts. The agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a memorandum of agreement executed pursuant to § 800.6, a programmatic agreement executed pursuant to § 800.14 (b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to § 800.8. The process should establish the likely presence of historic properties within the area of potential effects for each alternative or inaccessible area through background research, consultation and an appropriate level of field investigation, taking into account the number of alternatives under consideration, the magnitude of the undertaking and its likely effects, and the views of the SHPO/THPO and any other consulting parties. As specific aspects or locations of an alternative are refined or access is gained, the agency official shall proceed with the identification and evaluation of historic properties in accordance with paragraphs (b)(1) and (c) of this section.

(c) *Evaluate historic significance.*

(1) *Apply National Register criteria.* In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified properties and guided by the Secretary's Standards and Guidelines for Evaluation, the agency official shall



apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility. The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible. The agency official shall acknowledge that Indian tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.

(2) *Determine whether a property is eligible.* If the agency official determines any of the National Register criteria are met and the SHPO/THPO agrees, the property shall be considered eligible for the National Register for section 106 purposes. If the agency official determines the criteria are not met and the SHPO/THPO agrees, the property shall be considered not eligible. If the agency official and the SHPO/THPO do not agree, or if the Council or the Secretary so request, the agency official shall obtain a determination of eligibility from the Secretary pursuant to 36 CFR part 63. If an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to a property off tribal lands does not agree, it may ask the Council to request the agency official to obtain a determination of eligibility.

(d) *Results of identification and evaluation.*

(1) *No historic properties affected.* If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in § 800.16(i), the agency official shall provide documentation of this finding, as set forth in § 800.11(d), to the SHPO/THPO. The agency official shall notify all consulting parties, including Indian tribes and Native Hawaiian organizations, and make the documentation available for public inspection prior to approving the undertaking.

(i) If the SHPO/THPO, or the Council if it has entered the section 106 process, does not object within 30 days of receipt of an adequately documented finding, the agency official's responsibilities under section 106 are fulfilled.

(ii) If the SHPO/THPO objects within 30 days of receipt of an adequately documented finding, the agency official shall either consult with the objecting party to resolve the disagreement, or forward the finding and supporting documentation to the Council and request that the Council review the finding pursuant to paragraphs (d)(1)(iv)(A) through (d)(1)(iv)(C) of this section. When an agency official forwards such requests for review to the Council, the agency official shall concurrently notify all consulting parties that such a request has been made and make the request documentation available to the public.

(iii) During the SHPO/THPO 30 day review period, the Council may object to the finding and provide its opinion regarding the finding to the agency official and, if the Council determines the issue warrants it, the head of the agency. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The agency shall then proceed according to paragraphs (d)(1)(iv)(B) and (d)(1)(iv)(C) of this section.

(iv)(A) Upon receipt of the request under paragraph (d)(1)(ii) of this section, the Council will have 30 days in which to review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the finding. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. If the Council does not respond within 30 days of receipt of the request, the agency official's responsibilities under section 106 are fulfilled.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion before the agency reaches a final decision on the finding.

(C) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall then prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in

accordance with the revised finding. If the final decision of the agency is to affirm the initial agency finding of no historic properties affected, once the summary of the decision has been sent to the Council, the SHPO/THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(D) The Council shall retain a record of agency responses to Council opinions on their findings of no historic properties affected. The Council shall make this information available to the public.

(2) *Historic properties affected.* If the agency official finds that there are historic properties which may be affected by the undertaking, the agency official shall notify all consulting parties, including Indian tribes or Native Hawaiian organizations, invite their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

#### **§ 800.5 Assessment of adverse effects.**

(a) *Apply criteria of adverse effect.* In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the agency official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The agency official shall consider any views concerning such effects which have been provided by consulting parties and the public.

(1) *Criteria of adverse effect.* An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

(2) *Examples of adverse effects.*

Adverse effects on historic properties include, but are not limited to:

(i) Physical destruction of or damage to all or part of the property;

(ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;

(iii) Removal of the property from its historic location;

(iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;

(v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

(vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

(vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

(3) *Phased application of criteria.* Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process in applying the criteria of adverse effect consistent with phased identification and evaluation efforts conducted pursuant to § 800.4(b)(2).

(b) *Finding of no adverse effect.* The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

(c) *Consulting party review.* If the agency official proposes a finding of no adverse effect, the agency official shall notify all consulting parties of the finding and provide them with the documentation specified in § 800.11(e). The SHPO/THPO shall have 30 days from receipt to review the finding.

(1) *Agreement with, or no objection to, finding.* Unless the Council is reviewing the finding pursuant to paragraph (c)(3) of this section, the agency official may proceed after the close of the 30 day review period if the SHPO/THPO has agreed with the finding or has not provided a response, and no consulting party has objected. The agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section.

(2) *Disagreement with finding.*

(i) If within the 30 day review period the SHPO/THPO or any consulting party notifies the agency official in writing that it disagrees with the finding and specifies the reasons for the disagreement in the notification, the agency official shall either consult with the party to resolve the disagreement, or request the Council to review the finding pursuant to paragraphs (c)(3)(i) and (c)(3)(ii) of this section. The agency official shall include with such request the documentation specified in § 800.11(e). The agency official shall also concurrently notify all consulting parties that such a submission has been made and make the submission documentation available to the public.

(ii) If within the 30 day review period the Council provides the agency official and, if the Council determines the issue warrants it, the head of the agency, with a written opinion objecting to the finding, the agency shall then proceed according to paragraph (c)(3)(ii) of this section. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part.

(iii) The agency official should seek the concurrence of any Indian tribe or Native Hawaiian organization that has made known to the agency official that it attaches religious and cultural significance to a historic property subject to the finding. If such Indian tribe or Native Hawaiian organization disagrees with the finding, it may within the 30 day review period specify the reasons for disagreeing with the finding and request the Council to review and object to the finding pursuant to paragraph (c)(2)(ii) of this section.

(3) *Council review of findings.*

(i) When a finding is submitted to the Council pursuant to paragraph (c)(2)(i) of this section, the Council shall review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with its opinion as to whether the adverse effect criteria have

been correctly applied. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The Council will provide its opinion within 15 days of receiving the documented finding from the agency official. The Council at its discretion may extend that time period for 15 days, in which case it shall notify the agency of such extension prior to the end of the initial 15 day period. If the Council does not respond within the applicable time period, the agency official's responsibilities under section 106 are fulfilled.

(ii)(A) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion in reaching a final decision on the finding.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in accordance with the revised finding. If the final decision of the agency is to affirm the initial finding of no adverse effect, once the summary of the decision has been sent to the Council, the SHPO/THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(C) The Council shall retain a record of agency responses to Council opinions on their findings of no adverse effects. The Council shall make this information available to the public.

(d) *Results of assessment.*

(1) *No adverse effect.* The agency official shall maintain a record of the finding and provide information on the finding to the public on request, consistent with the confidentiality provisions of § 800.11(c). Implementation of the undertaking in accordance with the finding as documented fulfills the agency official's responsibilities under section 106 and this part. If the agency official will not conduct the undertaking as proposed in the finding, the agency official shall reopen consultation under paragraph (a) of this section.

(2) *Adverse effect.* If an adverse effect is found, the agency official shall consult further to resolve the adverse effect pursuant to § 800.6.

#### **§ 800.6 Resolution of adverse effects.**

(a) *Continue consultation.* The agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.

(1) *Notify the Council and determine Council participation.* The agency official shall notify the Council of the adverse effect finding by providing the documentation specified in § 800.11(e).

(i) The notice shall invite the Council to participate in the consultation when:

(A) The agency official wants the Council to participate;

(B) The undertaking has an adverse effect upon a National Historic Landmark; or

(C) A programmatic agreement under § 800.14(b) will be prepared;

(ii) The SHPO/THPO, an Indian tribe or Native Hawaiian organization, or any other consulting party may at any time independently request the Council to participate in the consultation.

(iii) The Council shall advise the agency official and all consulting parties whether it will participate within 15 days of receipt of notice or other request. Prior to entering the process, the Council shall provide written notice to the agency official and the consulting parties that its decision to participate meets the criteria set forth in appendix A to this part. The Council shall also advise the head of the agency of its decision to enter the process. Consultation with Council participation is conducted in accordance with paragraph (b)(2) of this section.

(iv) If the Council does not join the consultation, the agency official shall proceed with consultation in accordance with paragraph (b)(1) of this section.

(2) *Involve consulting parties.* In addition to the consulting parties identified under § 800.3(f), the agency official, the SHPO/THPO and the Council, if participating, may agree to invite other individuals or organizations to become consulting parties. The agency official shall invite any individual or organization that will assume a specific role or responsibility

in a memorandum of agreement to participate as a consulting party.

(3) *Provide documentation.* The agency official shall provide to all consulting parties the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c), and such other documentation as may be developed during the consultation to resolve adverse effects.

(4) *Involve the public.* The agency official shall make information available to the public, including the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c). The agency official shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking. The agency official should use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation. The agency official should also consider the extent of notice and information concerning historic preservation issues afforded the public at earlier steps in the section 106 process to determine the appropriate level of public involvement when resolving adverse effects so that the standards of § 800.2(d) are met.

(5) *Restrictions on disclosure of information.* Section 304 of the act and other authorities may limit the disclosure of information under paragraphs (a)(3) and (a)(4) of this section. If an Indian tribe or Native Hawaiian organization objects to the disclosure of information or if the agency official believes that there are other reasons to withhold information, the agency official shall comply with § 800.11(c) regarding the disclosure of such information.

(b) *Resolve adverse effects.*

(1) *Resolution without the Council.*

(i) The agency official shall consult with the SHPO/THPO and other consulting parties to seek ways to avoid, minimize or mitigate the adverse effects.

(ii) The agency official may use standard treatments established by the Council under § 800.14(d) as a basis for a memorandum of agreement.

(iii) If the Council decides to join the consultation, the agency official shall follow paragraph (b)(2) of this section.

(iv) If the agency official and the SHPO/THPO agree on how the adverse

effects will be resolved, they shall execute a memorandum of agreement. The agency official must submit a copy of the executed memorandum of agreement, along with the documentation specified in § 800.11(f), to the Council prior to approving the undertaking in order to meet the requirements of section 106 and this subpart.

(v) If the agency official, and the SHPO/THPO fail to agree on the terms of a memorandum of agreement, the agency official shall request the Council to join the consultation and provide the Council with the documentation set forth in § 800.11(g). If the Council decides to join the consultation, the agency official shall proceed in accordance with paragraph (b)(2) of this section. If the Council decides not to join the consultation, the Council will notify the agency and proceed to comment in accordance with § 800.7(c).

(2) *Resolution with Council participation.* If the Council decides to participate in the consultation, the agency official shall consult with the SHPO/THPO, the Council, and other consulting parties, including Indian tribes and Native Hawaiian organizations under § 800.2(c)(3), to seek ways to avoid, minimize or mitigate the adverse effects. If the agency official, the SHPO/THPO, and the Council agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement.

(c) *Memorandum of agreement.* A memorandum of agreement executed and implemented pursuant to this section evidences the agency official's compliance with section 106 and this part and shall govern the undertaking and all of its parts. The agency official shall ensure that the undertaking is carried out in accordance with the memorandum of agreement.

(1) *Signatories.* The signatories have sole authority to execute, amend or terminate the agreement in accordance with this subpart.

(i) The agency official and the SHPO/THPO are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(1) of this section.

(ii) The agency official, the SHPO/THPO, and the Council are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(2) of this section.

(iii) The agency official and the Council are signatories to a

memorandum of agreement executed pursuant to § 800.7(a)(2).

(2) *Invited signatories.*

(i) The agency official may invite additional parties to be signatories to a memorandum of agreement. Any such party that signs the memorandum of agreement shall have the same rights with regard to seeking amendment or termination of the memorandum of agreement as other signatories.

(ii) The agency official may invite an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties located off tribal lands to be a signatory to a memorandum of agreement concerning such properties.

(iii) The agency official should invite any party that assumes a responsibility under a memorandum of agreement to be a signatory.

(iv) The refusal of any party invited to become a signatory to a memorandum of agreement pursuant to paragraph (c)(2) of this section does not invalidate the memorandum of agreement.

(3) *Concurrence by others.* The agency official may invite all consulting parties to concur in the memorandum of agreement. The signatories may agree to invite others to concur. The refusal of any party invited to concur in the memorandum of agreement does not invalidate the memorandum of agreement.

(4) *Reports on implementation.* Where the signatories agree it is appropriate, a memorandum of agreement shall include a provision for monitoring and reporting on its implementation.

(5) *Duration.* A memorandum of agreement shall include provisions for termination and for reconsideration of terms if the undertaking has not been implemented within a specified time.

(6) *Discoveries.* Where the signatories agree it is appropriate, a memorandum of agreement shall include provisions to deal with the subsequent discovery or identification of additional historic properties affected by the undertaking.

(7) *Amendments.* The signatories to a memorandum of agreement may amend it. If the Council was not a signatory to the original agreement and the signatories execute an amended agreement, the agency official shall file it with the Council.

(8) *Termination.* If any signatory determines that the terms of a memorandum of agreement cannot be or are not being carried out, the signatories

shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it. The agency official shall either execute a memorandum of agreement with signatories under paragraph (c)(1) of this section or request the comments of the Council under § 800.7(a).

(9) *Copies.* The agency official shall provide each consulting party with a copy of any memorandum of agreement executed pursuant to this subpart.

**§ 800.7 Failure to resolve adverse effects.**

(a) *Termination of consultation.* After consulting to resolve adverse effects pursuant to § 800.6(b)(2), the agency official, the SHPO/THPO, or the Council may determine that further consultation will not be productive and terminate consultation. Any party that terminates consultation shall notify the other consulting parties and provide them the reasons for terminating in writing.

(1) If the agency official terminates consultation, the head of the agency or an Assistant Secretary or other officer with major department-wide or agency-wide responsibilities shall request that the Council comment pursuant to paragraph (c) of this section and shall notify all consulting parties of the request.

(2) If the SHPO terminates consultation, the agency official and the Council may execute a memorandum of agreement without the SHPO's involvement.

(3) If a THPO terminates consultation regarding an undertaking occurring on or affecting historic properties on its tribal lands, the Council shall comment pursuant to paragraph (c) of this section.

(4) If the Council terminates consultation, the Council shall notify the agency official, the agency's Federal preservation officer and all consulting parties of the termination and comment under paragraph (c) of this section. The Council may consult with the agency's Federal preservation officer prior to terminating consultation to seek to resolve issues concerning the undertaking and its effects on historic properties.

(b) *Comments without termination.* The Council may determine that it is appropriate to provide additional advisory comments upon an undertaking for which a memorandum of agreement will be executed. The Council shall provide them to the

agency official when it executes the memorandum of agreement.

(c) *Comments by the Council.*

(1) *Preparation.* The Council shall provide an opportunity for the agency official, all consulting parties, and the public to provide their views within the time frame for developing its comments. Upon request of the Council, the agency official shall provide additional existing information concerning the undertaking and assist the Council in arranging an onsite inspection and an opportunity for public participation.

(2) *Timing.* The Council shall transmit its comments within 45 days of receipt of a request under paragraph (a)(1) or (a)(3) of this section or § 800.8(c)(3), or termination by the Council under § 800.6(b)(1)(v) or paragraph (a)(4) of this section, unless otherwise agreed to by the agency official.

(3) *Transmittal.* The Council shall provide its comments to the head of the agency requesting comment with copies to the agency official, the agency's Federal preservation officer, all consulting parties, and others as appropriate.

(4) *Response to Council comment.* The head of the agency shall take into account the Council's comments in reaching a final decision on the undertaking. Section 110(l) of the act directs that the head of the agency shall document this decision and may not delegate his or her responsibilities pursuant to section 106. Documenting the agency head's decision shall include:

(i) Preparing a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's comments and providing it to the Council prior to approval of the undertaking;

(ii) Providing a copy of the summary to all consulting parties; and

(iii) Notifying the public and making the record available for public inspection.

**§ 800.8 Coordination With the National Environmental Policy Act.**

(a) *General principles.*

(1) *Early coordination.* Federal agencies are encouraged to coordinate compliance with section 106 and the procedures in this part with any steps taken to meet the requirements of the National Environmental Policy Act (NEPA). Agencies should consider their section 106 responsibilities as early as possible in the NEPA process, and plan

their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner. The determination of whether an undertaking is a “major Federal action significantly affecting the quality of the human environment,” and therefore requires preparation of an environmental impact statement (EIS) under NEPA, should include consideration of the undertaking’s likely effects on historic properties. A finding of adverse effect on a historic property does not necessarily require an EIS under NEPA.

(2) *Consulting party roles.* SHPO/THPOs, Indian tribes and Native Hawaiian organizations, other consulting parties, and organizations and individuals who may be concerned with the possible effects of an agency action on historic properties should be prepared to consult with agencies early in the NEPA process, when the purpose of and need for the proposed action as well as the widest possible range of alternatives are under consideration.

(3) *Inclusion of historic preservation issues.* Agency officials should ensure that preparation of an environmental assessment (EA) and finding of no significant impact (FONSI) or an EIS and record of decision (ROD) includes appropriate scoping, identification of historic properties, assessment of effects upon them, and consultation leading to resolution of any adverse effects.

(b) *Actions categorically excluded under NEPA.* If a project, activity or program is categorically excluded from NEPA review under an agency’s NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under section 106 pursuant to § 800.3(a). If so, the agency official shall proceed with section 106 review in accordance with the procedures in this subpart.

(c) *Use of the NEPA process for section 106 purposes.* An agency official may use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with section 106 in lieu of the procedures set forth in §§ 800.3 through 800.6 if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the following standards are met.

(1) *Standards for developing environmental documents to comply with Section 106.* During preparation of the EA or draft EIS (DEIS) the agency official shall:

(i) Identify consulting parties either pursuant to § 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);

(ii) Identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5, provided that the scope and timing of these steps may be phased to reflect the agency official’s consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors;

(iii) Consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents;

(iv) Involve the public in accordance with the agency’s published NEPA procedures; and

(v) Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.

(2) *Review of environmental documents.*

(i) The agency official shall submit the EA, DEIS or EIS to the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.

(ii) Prior to or within the time allowed for public comment on the document, a SHPO/THPO, an Indian tribe or Native Hawaiian organization, another consulting party or the Council may object to the agency official that preparation of the EA, DEIS or EIS has not met the standards set forth in paragraph (c)(1) of this section or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS or EIS is inadequate. If the agency official receives such an objection, the agency official shall refer the matter to the Council.

(3) *Resolution of objections.* Within 30 days of the agency official’s referral of an objection under paragraph (c)(2)(ii) of this section, the Council shall review the objection and notify the agency as to its opinion on the objection.

(i) If the Council agrees with the objection:

(A) The Council shall provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council’s opinion regarding the objection. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council’s opinion in reaching a final decision on the issue of the objection.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council’s opinion, and provide it to the Council. The head of the agency may delegate his or her duties under this paragraph to the agency’s senior Policy Official. If the agency official’s initial decision regarding the matter that is the subject of the objection will be revised, the agency official shall proceed in accordance with the revised decision. If the final decision of the agency is to affirm the initial agency decision, once the summary of the final decision has been sent to the Council, the agency official shall continue its compliance with this section.

(ii) If the Council disagrees with the objection, the Council shall so notify the agency official, in which case the agency official shall continue its compliance with this section.

(iii) If the Council fails to respond to the objection within the 30 day period, the agency official shall continue its compliance with this section.

(4) *Approval of the undertaking.* If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects in accordance with paragraph (c)(1)(v) of this section. The agency official’s responsibilities under section 106 and the procedures in this

subpart shall then be satisfied when either:

(i) a binding commitment to such proposed measures is incorporated in (A) the ROD, if such measures were proposed in a DEIS or EIS; or

(B) an MOA drafted in compliance with § 800.6(c); or

(ii) the Council has commented under § 800.7 and received the agency's response to such comments.

(5) *Modification of the undertaking.* If the undertaking is modified after approval of the FONSI or the ROD in a manner that changes the undertaking or alters its effects on historic properties, or if the agency official fails to ensure that the measures to avoid, minimize or mitigate adverse effects (as specified in either the FONSI or the ROD, or in the binding commitment adopted pursuant to paragraph (c)(4) of this section) are carried out, the agency official shall notify the Council and all consulting parties that supplemental environmental documents will be prepared in compliance with NEPA or that the procedures in §§ 800.3 through 800.6 will be followed as necessary.

#### **§ 800.9 Council review of section 106 compliance.**

(a) *Assessment of agency official compliance for individual undertakings.* The Council may provide to the agency official its advisory opinion regarding the substance of any finding, determination or decision or regarding the adequacy of the agency official's compliance with the procedures under this part. The Council may provide such advice at any time at the request of any individual, agency or organization or on its own initiative. The agency official shall consider the views of the Council in reaching a decision on the matter in question.

(b) *Agency foreclosure of the Council's opportunity to comment.* Where an agency official has failed to complete the requirements of section 106 in accordance with the procedures in this part prior to the approval of an undertaking, the Council's opportunity to comment may be foreclosed. The Council may review a case to determine whether a foreclosure has occurred. The Council shall notify the agency official and the agency's Federal preservation officer and allow 30 days for the agency official to provide information as to whether foreclosure has occurred. If the Council determines foreclosure has occurred, the Council shall transmit the determination to the

agency official and the head of the agency. The Council shall also make the determination available to the public and any parties known to be interested in the undertaking and its effects upon historic properties.

(c) *Intentional adverse effects by applicants.*

(1) *Agency responsibility.* Section 110(k) of the act prohibits a Federal agency from granting a loan, loan guarantee, permit, license or other assistance to an applicant who, with intent to avoid the requirements of section 106, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. Guidance issued by the Secretary pursuant to section 110 of the act governs its implementation.

(2) *Consultation with the Council.* When an agency official determines, based on the actions of an applicant, that section 110(k) is applicable and that circumstances may justify granting the assistance, the agency official shall notify the Council and provide documentation specifying the circumstances under which the adverse effects to the historic property occurred and the degree of damage to the integrity of the property. This documentation shall include any views obtained from the applicant, SHPO/THPO, an Indian tribe if the undertaking occurs on or affects historic properties on tribal lands, and other parties known to be interested in the undertaking.

(i) Within thirty days of receiving the agency official's notification, unless otherwise agreed to by the agency official, the Council shall provide the agency official with its opinion as to whether circumstances justify granting assistance to the applicant and any possible mitigation of the adverse effects.

(ii) The agency official shall consider the Council's opinion in making a decision on whether to grant assistance to the applicant, and shall notify the Council, the SHPO/THPO, and other parties known to be interested in the undertaking prior to granting the assistance.

(3) *Compliance with Section 106.* If an agency official, after consulting with

the Council, determines to grant the assistance, the agency official shall comply with §§ 800.3 through 800.6 to take into account the effects of the undertaking on any historic properties.

(d) *Evaluation of Section 106 operations.* The Council may evaluate the operation of the section 106 process by periodic reviews of how participants have fulfilled their legal responsibilities and how effectively the outcomes reached advance the purposes of the act.

(1) *Information from participants.* Section 203 of the act authorizes the Council to obtain information from Federal agencies necessary to conduct evaluation of the section 106 process. The agency official shall make documentation of agency policies, operating procedures and actions taken to comply with section 106 available to the Council upon request. The Council may request available information and documentation from other participants in the section 106 process.

(2) *Improving the operation of section 106.* Based upon any evaluation of the section 106 process, the Council may make recommendations to participants, the heads of Federal agencies, and the Secretary of actions to improve the efficiency and effectiveness of the process. Where the Council determines that an agency official or a SHPO/THPO has failed to properly carry out the responsibilities assigned under the process in this part, the Council may participate in individual case reviews conducted under such process in addition to the SHPO/THPO for such period that it determines is necessary to improve performance or correct deficiencies. If the Council finds a pattern of failure by a Federal agency in carrying out its responsibilities under section 106, the Council may review the policies and programs of the agency related to historic preservation pursuant to section 202(a)(6) of the act and recommend methods to improve the effectiveness, coordination, and consistency of those policies and programs with section 106.

#### **§ 800.10 Special requirements for protecting National Historic Landmarks.**

(a) *Statutory requirement.* Section 110(f) of the act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. When

commenting on such undertakings, the Council shall use the process set forth in §§ 800.6 through 800.7 and give special consideration to protecting National Historic Landmarks as specified in this section.

(b) *Resolution of adverse effects.* The agency official shall request the Council to participate in any consultation to resolve adverse effects on National Historic Landmarks conducted under § 800.6.

(c) *Involvement of the Secretary.* The agency official shall notify the Secretary of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect. The Council may request a report from the Secretary under section 213 of the act to assist in the consultation.

(d) *Report of outcome.* When the Council participates in consultation under this section, it shall report the outcome of the section 106 process, providing its written comments or any memoranda of agreement to which it is a signatory, to the Secretary and the head of the agency responsible for the undertaking.

#### **§ 800.11 Documentation standards.**

(a) *Adequacy of documentation.* The agency official shall ensure that a determination, finding, or agreement under the procedures in this subpart is supported by sufficient documentation to enable any reviewing parties to understand its basis. The agency official shall provide such documentation to the extent permitted by law and within available funds. When an agency official is conducting phased identification or evaluation under this subpart, the documentation standards regarding description of historic properties may be applied flexibly. If the Council, or the SHPO/THPO when the Council is not involved, determines the applicable documentation standards are not met, the Council or the SHPO/THPO, as appropriate, shall notify the agency official and specify the information needed to meet the standard. At the request of the agency official or any of the consulting parties, the Council shall review any disputes over whether documentation standards are met and provide its views to the agency official and the consulting parties.

(b) *Format.* The agency official may use documentation prepared to comply with other laws to fulfill the

requirements of the procedures in this subpart, if that documentation meets the standards of this section.

(c) *Confidentiality.*

(1) *Authority to withhold information.* Section 304 of the act provides that the head of a Federal agency or other public official receiving grant assistance pursuant to the act, after consultation with the Secretary, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to these criteria, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purposes of carrying out the act.

(2) *Consultation with the Council.* When the information in question has been developed in the course of an agency's compliance with this part, the Secretary shall consult with the Council in reaching determinations on the withholding and release of information. The Federal agency shall provide the Council with available information, including views of the SHPO/THPO, Indian tribes and Native Hawaiian organizations, related to the confidentiality concern. The Council shall advise the Secretary and the Federal agency within 30 days of receipt of adequate documentation.

(3) *Other authorities affecting confidentiality.* Other Federal laws and program requirements may limit public access to information concerning an undertaking and its effects on historic properties. Where applicable, those authorities shall govern public access to information developed in the section 106 process and may authorize the agency official to protect the privacy of non-governmental applicants.

(d) *Finding of no historic properties affected.* Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;

(2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to § 800.4(b); and

(3) The basis for determining that no historic properties are present or affected.

(e) *Finding of no adverse effect or adverse effect.* Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

(2) A description of the steps taken to identify historic properties;

(3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;

(4) A description of the undertaking's effects on historic properties;

(5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and

(6) Copies or summaries of any views provided by consulting parties and the public.

(f) *Memorandum of agreement.* When a memorandum of agreement is filed with the Council, the documentation shall include, any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1), an evaluation of any measures considered to avoid or minimize the undertaking's adverse effects and a summary of the views of consulting parties and the public.

(g) *Requests for comment without a memorandum of agreement.* Documentation shall include:

(1) A description and evaluation of any alternatives or mitigation measures that the agency official proposes to resolve the undertaking's adverse effects;

(2) A description of any reasonable alternatives or mitigation measures that were considered but not chosen, and the reasons for their rejection;

(3) Copies or summaries of any views submitted to the agency official concerning the adverse effects of the undertaking on historic properties and alternatives to reduce or avoid those effects; and

(4) Any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1).

#### **§ 800.12 Emergency situations.**



(a) *Agency procedures.* The agency official, in consultation with the appropriate SHPOs/THPOs, affected Indian tribes and Native Hawaiian organizations, and the Council, is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or which respond to other immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of §§ 800.3 through 800.6.

(b) *Alternatives to agency procedures.* In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property, and the agency has not developed procedures pursuant to paragraph (a) of this section, the agency official may comply with section 106 by:

(1) Following a programmatic agreement developed pursuant to § 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or

(2) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within seven days of notification. If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.

(c) *Local governments responsible for section 106 compliance.* When a local government official serves as the agency official for section 106 compliance, paragraphs (a) and (b) of this section also apply to an imminent threat to public health or safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within seven days, the agency official shall comply with §§ 800.3 through 800.6.

(d) *Applicability.* This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of section 106 and this part.

#### **§ 800.13 Post-review discoveries.**

(a) *Planning for subsequent discoveries.*

(1) *Using a programmatic agreement.* An agency official may develop a programmatic agreement pursuant to § 800.14(b) to govern the actions to be taken when historic properties are discovered during the implementation of an undertaking.

(2) *Using agreement documents.* When the agency official's identification efforts in accordance with § 800.4 indicate that historic properties are likely to be discovered during implementation of an undertaking and no programmatic agreement has been developed pursuant to paragraph (a)(1) of this section, the agency official shall include in any finding of no adverse effect or memorandum of agreement a process to resolve any adverse effects upon such properties. Actions in conformance with the process satisfy the agency official's responsibilities under section 106 and this part.

(b) *Discoveries without prior planning.* If historic properties are discovered or unanticipated effects on historic properties found after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section, the agency official shall make reasonable efforts to avoid, minimize or mitigate adverse effects to such properties and:

(1) If the agency official has not approved the undertaking or if construction on an approved undertaking has not commenced, consult to resolve adverse effects pursuant to § 800.6; or

(2) If the agency official, the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property agree that such property is of value solely for its scientific, prehistoric, historic or archeological data, the agency official may comply with the

Archeological and Historic Preservation Act instead of the procedures in this part and provide the Council, the SHPO/THPO, and the Indian tribe or Native Hawaiian organization with a report on the actions within a reasonable time after they are completed; or

(3) If the agency official has approved the undertaking and construction has commenced, determine actions that the agency official can take to resolve adverse effects, and notify the SHPO/THPO, any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property, and the Council within 48 hours of the discovery. The notification shall describe the agency official's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council shall respond within 48 hours of the notification. The agency official shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The agency official shall provide the SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council a report of the actions when they are completed.

(c) *Eligibility of properties.* The agency official, in consultation with the SHPO/THPO, may assume a newly-discovered property to be eligible for the National Register for purposes of section 106. The agency official shall specify the National Register criteria used to assume the property's eligibility so that information can be used in the resolution of adverse effects.

(d) *Discoveries on tribal lands.* If historic properties are discovered on tribal lands, or there are unanticipated effects on historic properties found on tribal lands, after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section and construction has commenced, the agency official shall comply with applicable tribal regulations and procedures and obtain the concurrence of the Indian tribe on the proposed action.

#### **Subpart C-Program Alternatives**

##### **§ 800.14 Federal agency program alternatives.**



(a) *Alternate procedures.* An agency official may develop procedures to implement section 106 and substitute them for all or part of subpart B of this part if they are consistent with the Council's regulations pursuant to section 110(a)(2)(E) of the act.

(1) *Development of procedures.* The agency official shall consult with the Council, the National Conference of State Historic Preservation Officers or individual SHPO/THPOs, as appropriate, and Indian tribes and Native Hawaiian organizations, as specified in paragraph (f) of this section, in the development of alternate procedures, publish notice of the availability of proposed alternate procedures in the Federal Register and take other appropriate steps to seek public input during the development of alternate procedures.

(2) *Council review.* The agency official shall submit the proposed alternate procedures to the Council for a 60-day review period. If the Council finds the procedures to be consistent with this part, it shall notify the agency official and the agency official may adopt them as final alternate procedures.

(3) *Notice.* The agency official shall notify the parties with which it has consulted and publish notice of final alternate procedures in the Federal Register.

(4) *Legal effect.* Alternate procedures adopted pursuant to this subpart substitute for the Council's regulations for the purposes of the agency's compliance with section 106, except that where an Indian tribe has entered into an agreement with the Council to substitute tribal historic preservation regulations for the Council's regulations under section 101(d)(5) of the act, the agency shall follow those regulations in lieu of the agency's procedures regarding undertakings on tribal lands. Prior to the Council entering into such agreements, the Council will provide Federal agencies notice and opportunity to comment on the proposed substitute tribal regulations.

(b) *Programmatic agreements.* The Council and the agency official may negotiate a programmatic agreement to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings.

(1) *Use of programmatic agreements.* A programmatic agreement may be used:

(i) When effects on historic properties are similar and repetitive or are multi-State or regional in scope;

(ii) When effects on historic properties cannot be fully determined prior to approval of an undertaking;

(iii) When nonfederal parties are delegated major decisionmaking responsibilities;

(iv) Where routine management activities are undertaken at Federal installations, facilities, or other land-management units; or

(v) Where other circumstances warrant a departure from the normal section 106 process.

(2) *Developing programmatic agreements for agency programs.*

(i) The consultation shall involve, as appropriate, SHPO/THPOs, the National Conference of State Historic Preservation Officers (NCSHPO), Indian tribes and Native Hawaiian organizations, other Federal agencies, and members of the public. If the programmatic agreement has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the agency official shall also follow paragraph (f) of this section.

(ii) *Public Participation.* The agency official shall arrange for public participation appropriate to the subject matter and the scope of the program and in accordance with subpart A of this part. The agency official shall consider the nature of the program and its likely effects on historic properties and take steps to involve the individuals, organizations and entities likely to be interested.

(iii) *Effect.* The programmatic agreement shall take effect when executed by the Council, the agency official and the appropriate SHPOs/THPOs when the programmatic agreement concerns a specific region or the president of NCSHPO when NCSHPO has participated in the consultation. A programmatic agreement shall take effect on tribal lands only when the THPO, Indian tribe or a designated representative of the tribe is a signatory to the agreement. Compliance with the procedures established by an approved programmatic agreement satisfies the agency's section 106 responsibilities for all individual undertakings of the program covered by the agreement until

it expires or is terminated by the agency, the president of NCSHPO when a signatory, or the Council. Termination by an individual SHPO/THPO shall only terminate the application of a regional programmatic agreement within the jurisdiction of the SHPO/THPO. If a THPO assumes the responsibilities of a SHPO pursuant to section 101(d)(2) of the act and the SHPO is signatory to programmatic agreement, the THPO assumes the role of a signatory, including the right to terminate a regional programmatic agreement on lands under the jurisdiction of the tribe.

(iv) *Notice.* The agency official shall notify the parties with which it has consulted that a programmatic agreement has been executed under paragraph (b) of this section, provide appropriate public notice before it takes effect, and make any internal agency procedures implementing the agreement readily available to the Council, SHPO/THPOs, and the public.

(v) If the Council determines that the terms of a programmatic agreement are not being carried out, or if such an agreement is terminated, the agency official shall comply with subpart B of this part with regard to individual undertakings of the program covered by the agreement.

(3) *Developing programmatic agreements for complex or multiple undertakings.* Consultation to develop a programmatic agreement for dealing with the potential adverse effects of complex projects or multiple undertakings shall follow § 800.6. If consultation pertains to an activity involving multiple undertakings and the parties fail to reach agreement, then the agency official shall comply with the provisions of subpart B of this part for each individual undertaking.

(4) *Prototype programmatic agreements.* The Council may designate an agreement document as a prototype programmatic agreement that may be used for the same type of program or undertaking in more than one case or area. When an agency official uses such a prototype programmatic agreement, the agency official may develop and execute the agreement with the appropriate SHPO/THPO and the agreement shall become final without need for Council participation in consultation or Council signature.

(c) *Exempted categories.*

(1) *Criteria for establishing.* The Council or an agency official may propose a program or category of undertakings that may be exempted

from review under the provisions of subpart B of this part, if the program or category meets the following criteria:

- (i) The actions within the program or category would otherwise qualify as "undertakings" as defined in § 800.16;
- (ii) The potential effects of the undertakings within the program or category upon historic properties are foreseeable and likely to be minimal or not adverse; and
- (iii) Exemption of the program or category is consistent with the purposes of the act.

(2) *Public participation.* The proponent of the exemption shall arrange for public participation appropriate to the subject matter and the scope of the exemption and in accordance with the standards in subpart A of this part. The proponent of the exemption shall consider the nature of the exemption and its likely effects on historic properties and take steps to involve individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs.* The proponent of the exemption shall notify and consider the views of the SHPOs/THPOs on the exemption.

(4) *Consultation with Indian tribes and Native Hawaiian organizations.* If the exempted program or category of undertakings has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council review of proposed exemptions.* The Council shall review an exemption proposal that is supported by documentation describing the program or category for which the exemption is sought, demonstrating that the criteria of paragraph (c)(1) of this section have been met, describing the methods used to seek the views of the public, and summarizing any views submitted by the SHPO/THPOs, the public, and any others consulted. Unless it requests further information, the Council shall approve or reject the proposed exemption within 30 days of receipt, and thereafter notify the relevant agency official and SHPO/THPOs of the decision. The decision shall be based on the consistency of the exemption with the purposes of the act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic

properties in accordance with section 214 of the act.

(6) *Legal consequences.* Any undertaking that falls within an approved exempted program or category shall require no further review pursuant to subpart B of this part, unless the agency official or the Council determines that there are circumstances under which the normally excluded undertaking should be reviewed under subpart B of this part.

(7) *Termination.* The Council may terminate an exemption at the request of the agency official or when the Council determines that the exemption no longer meets the criteria of paragraph (c)(1) of this section. The Council shall notify the agency official 30 days before termination becomes effective.

(8) *Notice.* The proponent of the exemption shall publish notice of any approved exemption in the Federal Register.

(d) *Standard treatments.*

(1) *Establishment.* The Council, on its own initiative or at the request of another party, may establish standard methods for the treatment of a category of historic properties, a category of undertakings, or a category of effects on historic properties to assist Federal agencies in satisfying the requirements of subpart B of this part. The Council shall publish notice of standard treatments in the Federal Register.

(2) *Public participation.* The Council shall arrange for public participation appropriate to the subject matter and the scope of the standard treatment and consistent with subpart A of this part. The Council shall consider the nature of the standard treatment and its likely effects on historic properties and the individuals, organizations and entities likely to be interested. Where an agency official has proposed a standard treatment, the Council may request the agency official to arrange for public involvement.

(3) *Consultation with SHPOs/THPOs.* The Council shall notify and consider the views of SHPOs/THPOs on the proposed standard treatment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations.* If the proposed standard treatment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Termination.* The Council may terminate a standard treatment by publication of a notice in the Federal Register 30 days before the termination takes effect.

(e) *Program comments.* An agency official may request the Council to comment on a category of undertakings in lieu of conducting individual reviews under §§ 800.4 through 800.6. The Council may provide program comments at its own initiative.

(1) *Agency request.* The agency official shall identify the category of undertakings, specify the likely effects on historic properties, specify the steps the agency official will take to ensure that the effects are taken into account, identify the time period for which the comment is requested and summarize any views submitted by the public.

(2) *Public participation.* The agency official shall arrange for public participation appropriate to the subject matter and the scope of the category and in accordance with the standards in subpart A of this part. The agency official shall consider the nature of the undertakings and their likely effects on historic properties and the individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs.* The Council shall notify and consider the views of SHPOs/THPOs on the proposed program comment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations.* If the program comment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council action.* Unless the Council requests additional documentation, notifies the agency official that it will decline to comment, or obtains the consent of the agency official to extend the period for providing comment, the Council shall comment to the agency official within 45 days of the request.

(i) If the Council comments, the agency official shall take into account the comments of the Council in carrying out the undertakings within the category and publish notice in the Federal Register of the Council's comments and steps the agency will take to ensure that effects to historic properties are taken into account.

(ii) If the Council declines to comment, the agency official shall continue to comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(6) *Withdrawal of comment.* If the Council determines that the consideration of historic properties is not being carried out in a manner consistent with the program comment, the Council may withdraw the comment and the agency official shall comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(f) *Consultation with Indian tribes and Native Hawaiian organizations when developing program alternatives.* Whenever an agency official proposes a program alternative pursuant to paragraphs (a) through (e) of this section, the agency official shall ensure that development of the program alternative includes appropriate government-to-government consultation with affected Indian tribes and consultation with affected Native Hawaiian organizations.

(1) *Identifying affected Indian tribes and Native Hawaiian organizations.* If any undertaking covered by a proposed program alternative has the potential to affect historic properties on tribal lands, the agency official shall identify and consult with the Indian tribes having jurisdiction over such lands. If a proposed program alternative has the potential to affect historic properties of religious and cultural significance to an Indian tribe or a Native Hawaiian organization which are located off tribal lands, the agency official shall identify those Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to such properties and consult with them. When a proposed program alternative has nationwide applicability, the agency official shall identify an appropriate government to government consultation with Indian tribes and consult with Native Hawaiian organizations in accordance with existing Executive orders, Presidential memoranda and applicable provisions of law.

(2) *Results of consultation.* The agency official shall provide summaries of the views, along with copies of any written comments, provided by affected Indian tribes and Native Hawaiian organizations to the Council as part of the documentation for the proposed program alternative. The agency official and the Council shall take those views

into account in reaching a final decision on the proposed program alternative.

#### **§ 800.15 Tribal, State, and local program alternatives. (Reserved)**

#### **§ 800.16 Definitions.**

(a) *Act* means the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470w-6.

(b) *Agency* means agency as defined in 5 U.S.C. 551.

(c) *Approval of the expenditure of funds* means any final agency decision authorizing or permitting the expenditure of Federal funds or financial assistance on an undertaking, including any agency decision that may be subject to an administrative appeal.

(d) *Area of potential effects* means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

(e) *Comment* means the findings and recommendations of the Council formally provided in writing to the head of a Federal agency under section 106.

(f) *Consultation* means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

(g) *Council* means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

(h) *Day or days* means calendar days.

(i) *Effect* means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

(j) *Foreclosure* means an action taken by an agency official that effectively precludes the Council from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking.

(k) *Head of the agency* means the chief official of the Federal agency responsible for all aspects of the agency's actions. If a State, local or tribal government has assumed or has

been delegated responsibility for section 106 compliance, the head of that unit of government shall be considered the head of the agency.

(l)(1) *Historic property* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

(2) The term *eligible for inclusion in the National Register* includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

(m) *Indian tribe* means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(n) *Local government* means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.

(o) *Memorandum of agreement* means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

(p) *National Historic Landmark* means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

(q) *National Register* means the National Register of Historic Places maintained by the Secretary of the Interior.

(r) *National Register criteria* means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR part 60).

(s)(1) *Native Hawaiian organization* means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of

historic preservation that are significant to Native Hawaiians.

(2) *Native Hawaiian* means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(t) *Programmatic agreement* means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with § 800.14(b).

(u) *Secretary* means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.

(v) *State Historic Preservation Officer (SHPO)* means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

(w) *Tribal Historic Preservation Officer (THPO)* means the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

(x) *Tribal lands* means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

(y) *Undertaking* means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

(z) *Senior policy official* means the senior policy level official designated by the head of the agency pursuant to section 3(e) of Executive Order 13287.

#### **Appendix A to Part 800 -- Criteria for Council Involvement in Reviewing Individual section 106 Cases**

(a) *Introduction.* This appendix sets forth the criteria that will be used by the Council to determine whether to enter an individual section 106 review that it normally would not be involved in.

(b) *General policy.* The Council may choose to exercise its authorities under

the section 106 regulations to participate in an individual project pursuant to the following criteria. However, the Council will not always elect to participate even though one or more of the criteria may be met.

(c) *Specific criteria.* The Council is likely to enter the section 106 process at the steps specified in the regulations in this part when an undertaking:

(1) *Has substantial impacts on important historic properties.* This may include adverse effects on properties that possess a national level of significance or on properties that are of unusual or noteworthy importance or are a rare property type; or adverse effects to large numbers of historic properties, such as impacts to multiple properties within a historic district.

(2) *Presents important questions of policy or interpretation.* This may include questions about how the Council's regulations are being applied or interpreted, including possible foreclosure or anticipatory demolition situations; situations where the outcome will set a precedent affecting Council policies or program goals; or the development of programmatic agreements that alter the way the section 106 process is applied to a group or type of undertakings.

(3) *Has the potential for presenting procedural problems.* This may include cases with substantial public controversy that is related to historic preservation issues; with disputes among or about consulting parties which the Council's involvement could help resolve; that are involved or likely to be involved in litigation on the basis of section 106; or carried out by a Federal agency, in a State or locality, or on tribal lands where the Council has previously identified problems with section 106 compliance pursuant to § 800.9(d)(2).

(4) *Presents issues of concern to Indian tribes or Native Hawaiian organizations.* This may include cases where there have been concerns raised about the identification of, evaluation of or assessment of effects on historic properties to which an Indian tribe or Native Hawaiian organization attaches religious and cultural significance; where an Indian tribe or Native Hawaiian organization has requested Council involvement to assist in the resolution of adverse effects; or where there are questions relating to policy, interpretation or precedent under section 106 or its relation to other

authorities, such as the Native American Graves Protection and Repatriation Act.



# Telephone Hill

## Historic Building Survey: Update (Draft)

Juneau, Alaska 2023



NORTHERN LAND USE RESEARCH  
ALASKA, LLC  
*Specialists in Cultural Resource Management*

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This historic building survey and inventory was completed during the fall of 2023. It presents updates to the Telephone Hill Historic Site and Structures Survey of 1984.

Nearly forty years have passed since the last survey was completed, and MRV found that little modification has occurred since then. Some of the homes show signs of weathering and are in significant need of upkeep and maintenance. Compared to the 1984 report, this report highlights additional findings of historic value and current conditions. This report, like the 1984 report, also recognizes not only the individual houses as historically significant, but the collections of houses forming a historic district\*. Telephone Hill as a neighborhood has a history of both positive and negative connotations, with the negative connotations previously most often left unmentioned. This report gives focus to both positive and negative historic connotations, in particular with its location as a strategic position of topographic power in the formation of Juneau and the Alaska Government.

### Project Purpose

The City and Borough of Juneau (CBJ) contracted First Forty Feet with MRV Architects as consultant to perform a historic condition survey of the Telephone Hill Neighborhood and its houses. MRV Architects carried out multiple site visits to photograph and document the historic condition of the houses and neighborhood of Telephone Hill. The primary goal of the work is to update the 1984 Historic Survey completed by the Alaska Archives Resource and Records Management. This document is not a replacement.

The CBJ consultant team of First Forty Feet, MRV, and Northern Land Use Research Alaska have reviewed the report findings and have found historic value to note. This report gives a brief overview of the historic context in which the houses and neighborhood was built. It provides a general, initial assessment of the properties current retention of historic value. This assessment is meant to inform CBJ on future steps of a formal Determination of Eligibility (DOE).

### Methodology

The project team began by consulting the previous Telephone Hill Historic Site and Structures Survey of 1984. They then gathered imagery and information over the course of several site visits, creating, to the best of their ability, a direct comparison in photography.

From the photos and site visits, architectural descriptions were written. Each description includes an overview of lot size, information gathered from the City and Borough of Juneau's GIS parcel viewer and the CBJ Community Development Department's (CDD) Street and Property Atlas, updates, if necessary, on lot locations, and rough dimensions of each dwelling. The descriptions also note current conditions of the dwelling in relation to historic periods of significance including updated siding, windows, and roof lines.

Statements of significance were constructed based on the 1984 survey, additional images gathered by the Juneau-Douglas City Museum, and contemporary site visits conducted by MRV Architects.

\*Historically, the City and Borough of Juneau has referred to historic districts as neighborhoods. Moving forward, this document refers to the Telephone Hill historic district as a neighborhood.



This survey provides an initial and general assessment of the integrity of the residences of the Telephone Hill neighborhood using criteria outlined in the *National Parks Service's National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation*, the *National Parks Service's National Register Bulletin 24, Guideline for Local Surveys: A Basis for Preservation Planning*, the *National Parks Service's National Register Bulletin 16A, How to Complete the National Register Registration Form*, and the *Alaska Office of History and Archaeology's Alaska Historic Building Surveys Manual and Style Guide*.

This survey acts to aid in CBJ's goal of assessing the significance and integrity of the Telephone Hill neighborhood as a whole rather than just the significance of each individual property. Per CBJ's request, however, a statement of significance including historic information, context, and an assessment of how and why the property does or does not meet National Register Criteria A, B, C, and D, has been included. The Criteria is defined as follows:

- A. An association with events that made a significant contribution to broad patterns of history;
- B. An association with the lives of persons significant to the past;
- C. Embody distinctive architectural characteristics of a type, period, method of construction, or that represent the works of a master or contain high artistic merit;
- D. Informational potential of the resource (generally archaeology)

In addition to assessment of a residence's compliance or noncompliance with National Register Criteria A, B, C, and D, CBJ has requested a discussion of the National Register's seven aspects of integrity associated with each residence. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling, and association; they are defined as follows:

Integrity is the ability of a property to convey its significance...To retain historic integrity a property will always possess several, and usually most of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance.

**Location:** Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened.

**Design:** Design is the combination of elements that create the form, plan, space, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture.

**Setting:** Setting is the physical environment of a historic property. ... setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space.



**Materials:** Materials are the physical elements that were combined or deposited a particular period of time and in a particular pattern or configuration to form a historic property...A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved...a property whose historic features and materials have been lost and then reconstructed is usually not eligible.

**Workmanship:** Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory... Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles.

**\*Feeling:** Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

**\*Association:** Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer.

\*Because feeling and association depend on individual perceptions, their retention alone is never sufficient to support eligibility of a property for the National Register.

The National Register's definitions of a contributing and noncontributing resource is as follows:

A contributing building, site, structure, or object adds to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because a) it was present during the period of significance, and possess historic integrity reflecting its character at that time or is capable of yielding important information about the period, or b) it independently meets the National Register criteria.

A noncontributing building, site, structure, or object does not add to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because a) it was not present during the period of significance, b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or c) it does not independently meet the National Register criteria. ("National Parks Service's National Register Bulletin 24" 1985)

As previously stated, this document is meant to provide CBJ with the necessary context to make an informed decision regarding Determinations of Eligibility (DOE). These DOEs will pertain to both the residences as individual properties and their contributions to the eligibility of Telephone Hill as a Historic District.

The National Register's definition of a District is as follows:

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. ("National Parks Service's National Register Bulletin 15" 1997)

Districts must comply with the following criteria as outlined by the National Register.

### **Concentration, Linkage, & Continuity of Features**

A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties...

### **Significance**

A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archaeological, engineering, or cultural values. Therefore, districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D.

### **Types of Features**

A district can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity.

### **Geographical Boundaries**

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

("National Parks Service's National Register Bulletin 15" 1997)

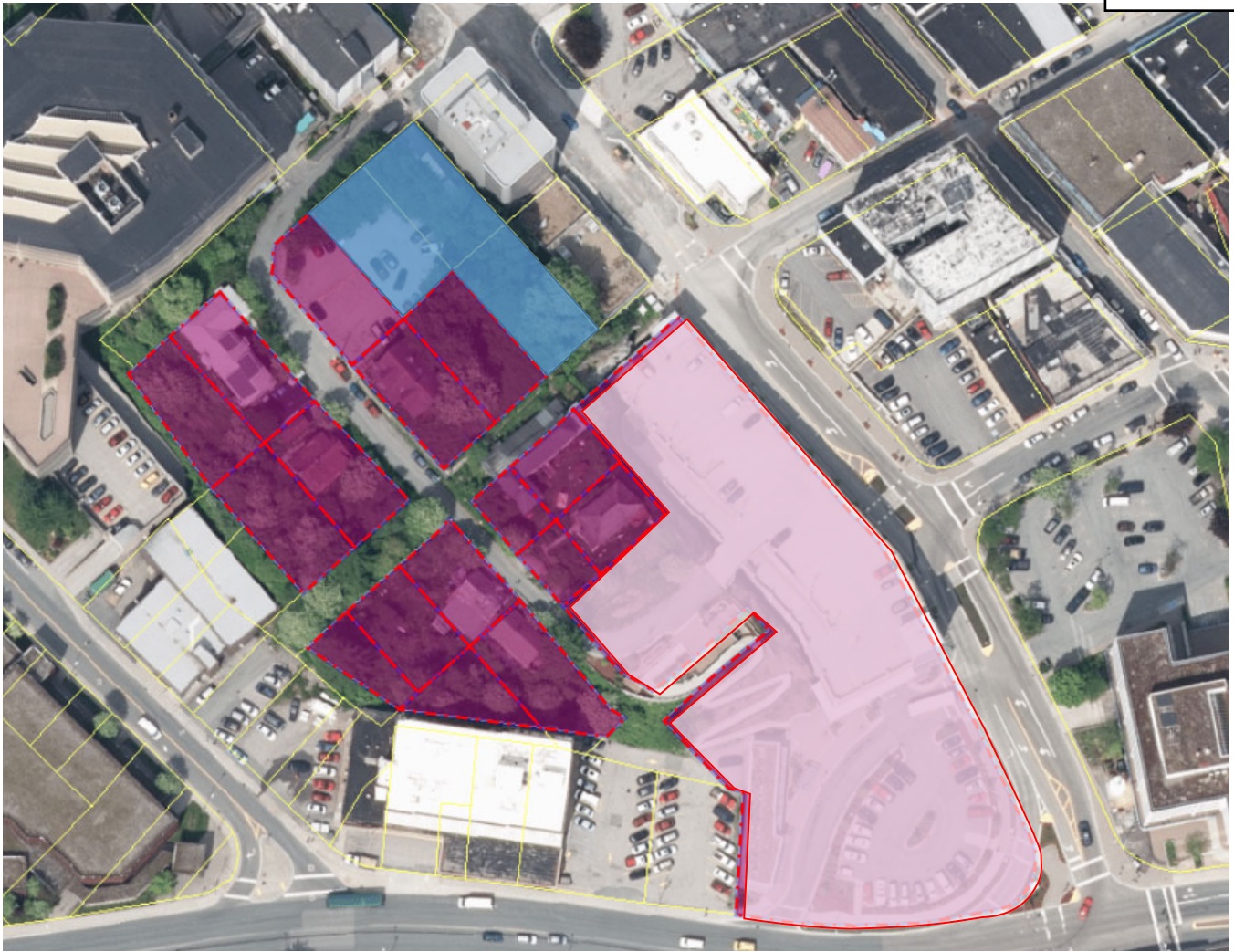


Image courtesy of the CDD Planning Department

## Telephone Hill Planning Area

### Description of Survey Area

The survey area, depicted above in magenta, consists of Blocks 1, 6, D, and E. It contains 16 Lots which, according to the CDD Street and Property Atlas, have been consolidated numerically, accommodating the seven residences that occupy multiple lots. At the time of the 1984 Survey, structures in the areas highlighted above in pink and blue were included. These structures, numbering 5, no longer exist.

All of the dwellings are rental properties; most have been subdivided to accommodate multiple residents.

5 buildings included in the 1984 survey are no longer extant:

- Juneau Motor Company (11 Egan Drive)
- Kodzoff House (107 - 109 West First Street)
- Percy Reynolds House (116 West First Street)
- Alexander House (120 West First Street)
- Engstrom Building (125 West Third Street)

1 building included in the 1984 survey does not affect the proposed survey results:

- Juneau and Douglas Telephone Company (204 Main Street)

### Eligible Buildings within Telephone Hill Planning Area

AHRS Code	CBJ Code	Address	Historic Name	Date
JUN-070	D-02	135 W. Second Street	Edward Webster House	1882
JUN-291	D-03	214 Dixon Street	Bosch-Carrigan House	1913/1914
JUN-292	D-04	203 W. Third Street	Peterson-Kasnick House	c. 1898
JUN-293	D-05	211 Dixon Street	Bayless-Powers House	1913
JUN-294	D-06	128 Dixon Street	Martin-Johnston House	1931
JUN-295	D-07	125 Dixon Street	Worthen-Hurley House	1914
JUN-296	D-08	124 Dixon Street	Augustus Brown House	c. 1915

### Buildings by Date of Construction

AHRS Code	CBJ Code	Address	Historic Name	Date
JUN-070	D-02	135 W. Second Street	Edward Webster House	1882
JUN-292	D-04	203 W. Third Street	Peterson-Kasnick House	c. 1898
JUN-293	D-05	211 Dixon Street	Bayless-Powers House	1913
JUN-291	D-03	214 Dixon Street	Bosch-Carrigan House	1913/ 1914
JUN-295	D-07	125 Dixon Street	Worthen-Hurley House	1914
JUN-296	D-08	124 Dixon Street	Augustus Brown House	c. 1915
JUN-294	D-06	128 Dixon Street	Martin-Johnston House	1931



Prior to settler occupation of Juneau, the area now known as Telephone Hill served as an outer barrier to the fish-rich Dzantik'i Héeni (Gold Creek) Delta. Made up of low bedrock, the original Áak'w Village sat at its base. The hill itself was known as Dzantik'i, meaning "flounder" in reference to its shape ("Haa Léelk'w Hás Aaní Saax'u" 2012).

In 1881, the United States Navy established a government reservation and military post on the northern portion of the hill. Later, it became the site of two government courthouses, thus giving it its first settler name: Courthouse Hill. The first courthouse was constructed in 1893; following a fire in 1898, the second was constructed in 1904 (Image A). Eventually that courthouse was razed to make way for the current State Office Building.

As occupation of Telephone Hill began in 1881, it is associated with some of Juneau's oldest history, including the Juneau Townsite Survey which spanned from 1881 to 1894. Telephone or Courthouse Hill was home to some of Juneau's earliest settlers. Richard Harris, co-founder of the Juneau Townsite, built a home and owned several lots; the Harris family maintained their ownership of Telephone Hill property until the 1950s. John G. Peterson, who staked several mining claims in the Eagle River District during the initial Gold Rush, also constructed a home here and owned a couple of lots.

Edward Webster, a businessman whose family established the first stamp mill in the Juneau Gold Belt, created the Juneau and Douglas Telephone Company in 1893 with Frank Bach. The company was located in an addition on his home on Courthouse Hill. It was the demand and subsequent contribution of the Juneau and Douglas Telephone Company to the growth, development, and historic relationship of the neighborhood with the rest of Juneau that prompted a name change for the portion of the hill south of Third Street.

Additional historic context on Telephone Hill can be found in the *Cultural Resource Desktop Assessment* produced by Norther Land Use Research Alaska, LLC.



A. Image depicting the second courthouse and some early residences, 1915. Image Courtesy of Juneau-Douglas City Museum, (90.20.011)

## Periods of Significance

Telephone Hill's period of significance, in relation to the structures that currently occupy it, spans from 1881 to 1939. This includes, as defined by CDD, the Initial Development Era (1880-1911), the Territorial Government and Beginning Mining Era (1912-1920), and the Peak Mining and Gold Mining Era (1921-1939).

### Initial Development Era (1880-1911)

The United States Navy, in an effort to add to "the friendly feeling now prevailing towards the whites", visited Aanchgaltsóow, the primary Áak'w village, in 1880 to explain that valuable minerals had been found and they were anticipating "a large immigration in the spring" (Rockwell 1881b).

Come the summer of 1881, the U.S. Navy began an expulsion of the Tlingit from the settlement. Naval records state that this removal was carried out to prevent conflict between the settlers and Tlingit people. In a letter to Commander Henry Glass who was stationed in Sitka, Alaska, Lieutenant Commander Rockwell writes, "I have caused those Indians who were camped on the beach to remove to other places, outside of town limits, and they have established two villages, on each side of the town, near the water" (Rockwell 1881b).

Mary O. Reynolds further described the settlers' developments in Juneau, writing for the *San Francisco Examiner*, Dec. 18, 1881:

"This little camp, whose site a year previous to the time of which I write had never been visited by white men, now consists of nearly a hundred homes, and bids fair to double its size before another year shall have rolled around. On the eastern side of the town lies a little hill [Telephone Hill] upon which is situated the military post, where a Gatling gun commands a most comprehensive view of the town and also of the Áak'w village on the opposite side of the hill.

The Auks had formerly occupied the site upon which Harrisburg [Juneau] now stands, but were subsequently invited to remove themselves around the point..."

Shortly after this report, the oldest of the surviving houses on Telephone Hill was constructed, followed by two courthouses, the second a replacement of the first. The establishment of the courthouses on the hill generated the site's first settler name: Courthouse Hill. Of the surveyed dwellings, two were constructed during the Initial Development Era.

### Territorial Government and Beginning Mining Era (1912-1920)

With the passage of the Second Organic Act of 1912, the Territory of Alaska was created and Juneau was confirmed as the capital. The development of the Alaska Juneau Gold Mining Company and the expansion of the Alaska Gastineau Mining Company during this time instigated population boom, growing 86% from 1910 to 1920.

Edward Webster, a resident of the southern portion of Courthouse Hill, and Frank Bach expanded their Juneau and Douglas Telephone Company during this time to service the growing population. Webster gained sole ownership of the company and its operation was moved to an addition in his Courthouse

Hill home. This move prompted the adoption of "Telephone Hill" for the portion of the hill Third Street. During this time, four of the seven surveyed dwellings were constructed.

### Peak Mining and Gold Mining Era (1921-1939)

During this time, the Juneau Townsite experienced significant development, but only one of the seven surveyed dwellings was constructed. This era marked the beginning of relatively little change on Telephone Hill.



B. Image depicting early Telephone Hill dwellings, 1891. Image Courtesy of Juneau-Douglas City Museum, (2006.38.058)



D-02: Edward Webster House



West Facade; Higher roofline reflects the initial, two-story house. Lower roofline shows later renovation encompassing the original house.  
Edward Webster House, 2023

**AHRS#:** JUN-070

**Historic Name:** Edward Webster House

**Period of Significance:** Initial Development Era 1883-1911

**Location Description or Address:** 135-139 W Second Street

**Architectural Style:** Eclectic-Classic Box

**Architectural Description:**

135 W Second Street is situated on Lot 7 in Block 1; having undergone a consolidation of two separate lots, Lots 7 and 8 became Lot 7 in the 2012 CBJ Street and Property Atlas, with a subsequent revision in April 2021. The lot is rectangular in shape and measures 100' x 50'.

The initial design of the residence was a two-story, hipped roof, classic box house. Various phases



of construction have left their mark on the property. Around 1890, a one-story shed-roof was constructed on the north facade. In 1946, an enclosed 10'x17' hip-roofed sun porch was added, contributing to the evolution of the architectural style. In its current state, the two story, L-Shaped dwelling has an imitation-brick asphalt shingle exterior that conceals the original clapboard siding.

The windows showcase the different stages of the house's development. The older and original sections feature a mix of double-hung sash and fixed multi-lite windows, some with sidelites. Modifications over time have seen the introduction of picture windows, replacing certain original windows and contributing a contemporary element to the structure. On the south facade, a large picture window now occupies the space where a bay window once stood.

Some of the original storm windows have been retained, underscoring a partial preservation of the structure's historical features. The main entrance, located on the north facade, is accessed through an enclosed porch featuring a multi-pane door with sidelites.

A staircase that used to connect the residences sun porch to the rest of the city along 2nd Street has been removed in the time since the 1984 survey.

**Statement of Significance:** 135 W Second Street was constructed in 1882, associating it with the Initial Development Era of Juneau, and dating it as one of the earliest homes in the area (Criteria A). Its original owner, Edward Webster, was the co-founder of the Juneau and Douglas Telephone Company (Criteria B). After gaining sole ownership, the company was operated out of the residence from 1915 to 1958. It was the first commercial telephone service in Alaska. To determine eligibility of the property for the National Register, a formal Determination of Eligibility will need to be completed. At that time, properties would be examined for retention of the seven aspects of integrity.

**Criterion: A, B**

- A. An association with events that made a significant contribution to broad patterns of history;
- B. An association with the lives of persons significant to the past; ("National Parks Service's National Register Bulletin 24" 1985)



Enclosed sun porch, added in 1946.  
Edward Webster House, 2023





North Facade, main entrance  
Edward Webster House, 2023



Asphalt-shingle siding covers the original clapboard siding. Therefore the residence does not retain the key exterior materials dating from the period of its historic significance.  
Edward Webster House, 2023



D-03: Bosch-Carrigan House



East Facade  
Bosch-Carrigan House, 2023

**AHRS#:** JUN-291

**Historic Name:** Bosch-Carrigan House

**Period of Significance:** Territorial Government/Beginning Mining Era 1912-1920

**Location Description or Address:** 214 Dixon Street

**Architectural Style:** Late Victorian/Queen Anne

**Architectural Description:**

214 Dixon Street is located on Lots 3 and 4 in Block D; the combined lots result in a 100'x100' square footprint. The dwelling, measuring 1 ½ stories and 28'x34', is designed in a decorated pioneer farmhouse style.

The architectural features include a steeply pitched gable roof with boxed cornices, details such as

scalloped/fish scale siding on the gable ends, and original shingle siding.

The dwelling incorporates shed dormers on both gable slopes, with the southern dormer being a contemporary addition. The windows showcase a variety of styles, including double-hung sash, fixed sash, multi-lite, picture, and casement windows. Some windows feature a diagonal leaded glass pattern.

Throughout the evolution of the property, certain windows have been replaced. Notably, a decorative bay window on the south facade has been substituted with a large picture window, contributing a contemporary element to the structure. Additional fixed-sash windows have been added on the front and rear facades.

A wood deck and concrete walkway have been installed on the north and east facades.

**Statement of Significance:** 214 Dixon Street was constructed in 1913-14, associating it with the Territorial Government and Beginning Mining Era of Juneau (Criteria A). Its original owner, William Bosch, owned the Old Stand Saloon on Front Street. The dwelling retains aspects of architectural significance such as the scalloped siding and original shingle siding, indicative of its Late Victorian/Queen Anne Style (Criteria C). To determine eligibility of the property for the National Register, a formal Determination of Eligibility will need to be completed. At that time, properties would be examined for retention of the seven aspects of integrity.

**Criterion: A, C**

- A. An association with events that made a significant contribution to broad patterns of history;
- C. Embody distinctive architectural characteristics of a type, period, method of construction, or that represent the works of a master or contain high artistic merit; ("National Parks Service's National Register Bulletin 24" 1985)



Original scalloped/fish scale siding retained  
Bosch-Carrigan House, 2023





Contemporary additions include the picture windows  
and dormer on the south facade  
Bosch-Carrigan House, 2023

D-04: Peterson-Kasnick House



East Facade. Additions have encompassed the original residence.  
Peterson-Kasnick House, 2023

**AHRS#:** JUN-292

**Historic Name:** Peterson-Kasnick House

**Period of Significance:** Initial Development Era 1883-1911

**Location Description or Address:** 203 W. Third Street

**Architectural Style:** Eclectic

**Architectural Description:**

203 West Third Street is situated on Lots 5 & 6 in Block D; the combined lots form a 100'x100' square property. The L-shaped structure, measuring 26' x 68', currently functions as a multi-family dwelling. It comprises a large main floor apartment, three efficiency apartments in the basement, and a single unit within the original portion predating 1898. The cumulative effect of various additions over time has resulted in an eclectic architectural style.



The northern section of the residence encompasses John Peterson's original building, characterized by a hip roof intersecting with the gable roof of a later addition. Both the roof and the main level are covered with shake shingles. Shed-style dormers facing east and west are present on the gable roof of the primary addition.

The facades exhibit a diversity of window styles. Notably, the south facade of the northern section features picture windows with sidelites, while double-hung sash windows adorn all three facades of the original structure. The addition introduces a mix of double-hung sash, casement, and fixed single-pane windows.

Entrances to the three basement apartments are distributed on the east, south, and west facades. The west facade accommodates a deck and a brick chimney that extends the full 1 ½ story height.

**Statement of Significance:** 203 W. Third Street was constructed circa 1898, associating it with the Initial Development Era of Juneau (Criteria A). It's original owner, John G. Peterson, "established 11 mining claims in the Eagle River District and owned a tin-metal shop on Front Street from 1915-1916" (City and Borough of Juneau). Shortly after being sold to William and Dorothy Johnson in 1944, the original 20'x24' dwelling underwent "extensive" alterations until it was sold to Joe and Aletha Henri in 1965. The Henri's made further alterations, bringing the house to its current 26'x68' size. To determine eligibility of the property for the National Register, a formal Determination of Eligibility will need to be completed. At that time, properties would be examined for retention of the seven aspects of integrity.

#### Criterion: A

- A. An association with events that made a significant contribution to broad patterns of history;  
("National Parks Service's National Register Bulletin 24" 1985)



West Facade. Contemporary decks added to allow access to the three basement apartments. The dormer is also a contemporary addition.  
Peterson-Kasnick House, 2023





South Facade featuring a contemporary picture window and an entrance to one of the three basement units. Shake-Shingle siding covers the entire residence. Peterson-Kasnick House, 2023



D-05: Bayless-Powers House



South Facade. Original, double-hung sash windows and original cedar shake siding retained. Wooden gutter has been replicated and replaced in the 1980s.  
Bayless-Powers House, 2023

**AHRS#:** JUN-293

**Historic Name:** Bayless-Powers House

**Period of Significance:** Territorial Government/Beginning Mining Era 1912-1920

**Location Description or Address:** 211 Dixon Street

**Architectural Style:** Late 19th and Early 20th C. American Movements/Bungalow/Craftsman

**Architectural Description:**

211 Dixon Street is situated on Lots 1 and 2 in Block 6, collectively forming a 100' x 100' square footprint. This 1 ½ story multi-family dwelling, spanning 30'x44.5', adheres to the Craftsman-Shingle architectural style.

The structure's post-and-beam frame is enveloped in cedar shakes, resting on a poured concrete

foundation. A gabled roof with extended eaves and fascia boards is covered with composite. The west facade features two gabled dormers. The original double-hung sash windows, adorned with upper multi-lites, are symmetrically arranged on all facades. Some of the original wood storm windows remain.

Throughout its history, 211 Dixon Street has seen some maintenance. According to a local resident, the property underwent a painting process in the mid to late 1990s. Additionally, the wooden gutters, a unique feature of the residence, have been replaced twice within the last 30 years.

**Statement of Significance:** 211 Dixon Street was constructed in 1913 associating it with the Territorial Government and Beginning Mining Era of Juneau (Criteria A). It is a Craftsman-Shingle dwelling; the exterior of the home has been unaltered (Criteria C). Its original owners, Claire and Edward Bayless, purchased the lot from Juneau co-founder Richard T. Harris. Bayless operated a law library on the premises before selling the house to Thomas J. McCaul (Criteria B). In 1941 Senna Paul Powers purchased Lots 1 and 2. In the time of her ownership, the house was converted into a multi-family dwelling with three units. To determine eligibility of the property for the National Register, a formal Determination of Eligibility will need to be completed. At that time, properties would be examined for retention of the seven aspects of integrity.

**Criterion:** A, B, C

- A. An association with events that made a significant contribution to broad patterns of history;
- B. An association with the lives of persons significant to the past;
- C. Embody distinctive architectural characteristics of a type, period, method of construction, or that represent the works of a master or contain high artistic merit; ("National Parks Service's National Register Bulletin 24" 1985)



West and South Facades.  
Bayless-Powers House, 2023





Main entrance  
Bayless-Powers House, 2023

D-06: Martin-Johnston House



East Facade. Contemporary windows replace originals. Contemporary wooden deck added.  
Martin-Johnston House, 2023

**AHRS#:** JUN-294

**Historic Name:** Martin-Johnston House

**Period of Significance:** Peak Gold Mining Era 1921-1939

**Location Description or Address:** 128 Dixon Street

**Architectural Style:** Late 19th and Early 20th C. Revivals/Tudor Revival

**Architectural Description:**

128 Dixon Street is situated on Lots 5, 6, and 7 in Block E, collectively forming an irregular shape measuring approximately 80' x 115'. The residence, characterized as an eclectic dwelling, primarily comprises a 1 ½ story main section measuring 31' x 22.5'.

Its architectural features include a steeply pitched wood-shingled gable roof, modest overhangs, and an



overlapping front gable. A linked-top, cement block chimney situated along the south facade replaced with a metal chimney since the 1984 Survey.

Access to the main entrance is facilitated by a contemporary wood deck on the north facade, leading to the basement apartment via steps. The exterior is adorned with wood shingles, and symmetrically placed double-hung sash windows contribute to the overall facade composition.

**Statement of Significance:** 128 Dixon Street was constructed in 1931 associating it with the Peak Gold Mining Era of Juneau (Criteria A). It was constructed for Ralph and Mildred Martin by a local contractor James Larson (Carrigan, Johnston 1983). Martin worked for the Alaska Electric Light and Power Company for 25 years (Bayers Collection 1947). The Johnstons purchased the home from Mildred Martin in 1950. It was sold again in 1981 to Homan-McDowell. To determine eligibility of the property for the National Register, a formal Determination of Eligibility will need to be completed. At that time, properties would be examined for retention of the seven aspects of integrity.

**Criterion: A**

- A. An association with events that made a significant contribution to broad patterns of history;  
("National Parks Service's National Register Bulletin 24" 1985)



East Facade. Retention of diagonal leaded glass patterned window.  
Martin-Johnston House, 2023



South Facade. A metal chimney has since replaced the original cement block chimney.  
Martin-Johnston House, 2023



D-07: Worthen-Hurley House



West Facade. Cedar shingles cover original clapboard siding. The large, picture windows in the upper left are part of the open porch that was enclosed in the 1950s.  
Worthen-Hurley House, 2023

**AHRS#:** JUN-295

**Historic Name:** Worthen-Hurley House

**Period of Significance:** Territorial Government/Beginning Mining Era 1912-1920

**Location Description or Address:** 125 Dixon Street

**Architectural Style:** Late 19th and Early 20th C. American Movements/Bungalow/Craftsman

**Architectural Description:**

125 Dixon Street is located on Lot 8 in Block 1, formerly recognized as separate Lots 6 & 7 and later consolidated as per the 2012 CBJ Street and Property Atlas, revised in April 2021. The lot measures 100' x 50'. The one-story, 24' x 44' rectangular bungalow incorporates an above-grade basement.

The dwelling features a hip roof with flared eaves and exposed rafter ends. A brick chimney along the

ridgeline is an original element of the structure. Cedar shingles now cover the original clap. Additional contemporary elements include two decks with steps added to the east and west facades.

The windows on the house consist of double-hung sash, with a fixed-sash diamond-shaped window on the front facade. Other windows are fixed single-sash, with several incorporating sidelites. On the west facade, there is a 6' x 13' shed roof, initially serving as an open porch before being enclosed in the 1950s.

**Statement of Significance:** 125 Dixon Street was constructed in 1914 associating it with the Territorial Government and Beginning Mining Era of Juneau (Criteria A). The house is adjacent to the Edward Webster House; H.S. Worthen, a friend of the Websters and president of Worthen Lumber Mill, was allowed to build on the Websters' property so long as they "retained ownership". To determine eligibility of the property for the National Register, a formal Determination of Eligibility will need to be completed. At that time, properties would be examined for retention of the seven aspects of integrity.

#### Criterion: A

- A. An association with events that made a significant contribution to broad patterns of history;  
("National Parks Service's National Register Bulletin 24" 1985)







West Facade. Stairs and decks are contemporary additions.  
Worthen-Hurley House, 2023

D-08: Augustus Brown House



South and East Facades.  
Augustus-Brown House, 2023

**AHRS#:** JUN-296

**Historic Name:** Augustus Brown House

**Period of Significance:** Territorial Government/Beginning Mining Era 1912-1920

**Location Description or Address:** 124 Dixon Street

**Architectural Style:** Pioneer Farmhouse

**Architectural Description:**

124 Dixon Street occupies Lots 3 and 4 in Block E, creating a triangular shaped lot measuring 114' x 118' x 150'. The 1 ½ story wood frame structure spans 33' x 23' and features a steeply pitched composition shingle gable roof and a cinder-block chimney along the ridgeline.

The exterior of the house is currently clad in vinyl siding; it is unclear if this contemporary addition was



installed directly over the previously documented asphalt composition siding and whether wood siding is still intact beneath these layers. A stucco finish covers the partial basement.

Fixed-sash windows with sidelites are placed under the gable eaves on both the north and south facades. Additionally, two double-hung sash windows are located on the main and basement levels. The south facade features a picture window with sidelites and a small, polygonal window.

The two entrances to the residence are situated on the northeast and west facades, connected by a small porch.

**Statement of Significance:** 124 Dixon Street was constructed circa 1915 associating it with the Territorial Government and Beginning Mining Era of Juneau (Criteria A). In the late 1880s, Augustus Brown obtained the property; according to local records, however, the lot has no significant value until 1913. "Brown was reportedly on his way to the Klondike gold fields when he arrived in Juneau, but readily became a permanent fixture in town." Assumed to have lived off rental income and an estate allowance from England, he left \$30,000 for the construction of an indoor pool upon his death in 1949. To determine eligibility of the property for the National Register, a formal Determination of Eligibility will need to be completed. At that time, properties would be examined for retention of the seven aspects of integrity.

#### Criterion: A

- A. An association with events that made a significant contribution to broad patterns of history;  
("National Parks Service's National Register Bulletin 24" 1985)



South Facade. Contemporary vinyl siding clads the residence.  
Augustus-Brown House, 2023



South Facade. Picture windows are placed under the gable and at the main level of the residence.  
Augustus-Brown House, 2023

City and Borough of Juneau Planning Department. (2023). Juneau Townsite Historic Building Survey.

Juneau-Douglas City Museum Document File 98.20.011

National Park Service, "How to Apply the National Register Criteria for Evaluation," National Register Bulletin, no. 15 (1997): 11-47

National Park Service, "How to Complete the National Register Registration Form," National Register Bulletin, 16A (1997): 1-73

National Park Service, "Guidelines for Local Surveys: A Basis for Preservation Planning," National Register Bulletin, no. 24 (1985): 1-50

Reynolds, Mary O.

From the Notebook of a San Francisco Lady. San Francisco Examiner, December 18, 1881. In *A Rough and Tumble Country: Juneau's Origins as Alaska's First Gold Mining Boomtown As Described by Eyewitnesses, 1880-1881*, ed. by Chris Allan and Mark Kirchoff. 2020. Printed in Fairbanks, AK, by the Editors

Rickman, Summer. Alaska Historic Buildings Survey Manual & Style Guide. Anchorage, Alaska: Office of History and Archaeology Report no. 162, 2016

Rockwell, C.H., Lieutenant Commander of Military Post at Rockwell, AK

1881a. Letter to Letter to Commander Henry Glass, U.S.S. Jamestown, Sitka, AK. (May 29, 1881) In Report of the United States Naval Officers Cruising in Alaska Waters 1880-1882.

1881b. Letter to Letter to Commander Henry Glass, U.S.S. Jamestown, Sitka, AK (June 25, 1881) In Report of the United States Naval Officers Cruising in Alaska Waters 1880-1882.

Thornton, Thomas F. Haa Léelk'w Hás Aaní Saax'ú *Our Grandparents' Names on the Land*. Sealaska Heritage Institute, 2012.



## Inventory of Telephone Hill Structures (Updated 2023)

Historic Name	Address	Block #	Lot #	Owner	Construction Date	Style	AHRS	Remarks
Edward Webster House	135 W. Second Street	1	7	CBJ	1882	Eclectic-Classic Box	JUN-070	Alterations belie significance.
Bosch-Carrigan House	214 Dixon Street	D	3 & 4	CBJ	1913/1914	Late Victorian/ Queen Anne	JUN-291	Moderately maintained example of building type.
Peterson-Kasnack House	203 W. Third Street	D	5 & 6	CBJ	c. 1898	Eclectic	JUN-292	Alterations belie significance.
Bayless-Powers House	211 Dixon Street	6	1 & 2	CBJ	1913	Late 19th/Early 20th C. American Movements/Bungalow/Craftsman	JUN-293	Maintained example of building type.
Martin-Johnston House	128 Dixon Street	E	5, 6, & 7	CBJ	1931	Late 19th/Early 20th C. Revivals/ Tudor Revival	JUN-294	Common, national architectural style; significant work needed to restore.
Worthen-Hurley House	125 Dixon Street	1	8	CBJ	1914	Late 19th/Early 20th C. American Movements/Bungalow/Craftsman	JUN-295	Common, national architectural style; significant work needed to restore.
Augustus Brown House	124 Dixon Street	E	3 & 4	CBJ	c. 1915	Pioneer Farmhouse	JUN-296	Common, national architectural style. Historic materials have not been maintained

# Inventory of Telephone Hill Structures (1984 Survey)

NAME	ADDRESS	BLOCK#	LOT#	OWNER	CONSTRUCTION DATE	STYLE	AHRS	REMARKS
Alexander House	120 West First Street	1	1	Southeastern Newspaper Corporation	1939	Eclectic Bungalow	Yes	Lacks historical, architectural significance
Augustus Brown House	124 Dixon Street	E	2,3,4	Southeastern Newspaper Corporation	circa 1915	Pioneer Farmhouse	Yes	Good example of building type
Bayless- Powers House	211 Dixon Street	6	1,2	Senna Powers	1913	Craftsman- Shingle	Yes	Major architectural significance
Bosch- Carrigan House	214 Dixon Street	D	3,4	Roy and Verna Carrigan	1913-1914	Decorated Pioneer Farmhouse	Yes	Major architectural significance
Edward Webster House	135-139 West Second Street	1	7,8	Robert E. Hurley	1882	Eclectic- Classic Box	AHRS JUN- 070	Major historical significance; altered beyond recognition
Engstrom Building	125 West Third Street	6	6,7	Allan A. Engstrom	1951	Stepped Commercial	No	Lacks historical, architectural significance
Juneau and Douglas Telephone Company	204 Main Street	6	3,4	Continental Telephone System	1956	Industrial Box	No	Lacks historical, architectural significance

### Inventory of Telephone Hill Structures (1984 Survey)

Juneau Motor Company	11 Egan Drive	F	7,8	Juneau Motor Company, Inc.	1958; 1965	Utilitarian Commercial	No	Lacks historical, architectural, significance
Kodzoff House	107-109 West First Street	F	5,6	Anita Kodzoff	circa 1900	Pioneer Bungalow	Yes	Fair example of building type
Martin-Johnston House	128 Dixon Street	E	5,6,7	Homan-McDowell	1931	Tudor-Builder	Yes	Moderate architectural significance
Percy Reynolds House	116 West First Street	1	2	Southeastern Newspaper Corporation	1939	Eclectic	Yes	Lacks historical, architectural significance
Peterson-Kasnick House	203 West Third Street	D	5,6	Fred and Rachel Kasnick	circa 1898	Eclectic	Yes	Altered beyond recognition
Worthen-Hurley House	125 Dixon Street	1	6,7	Robert E. Hurley	1914	Rectangular Bungalow	Yes	Moderate historical, architectural significance



# APPLICATION FOR DOWNTOWN HISTORIC DISTRICT DESIGN REVIEW

Section H, Item 12.

See reverse side for more information regarding the review process and the materials required.

**NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.**

## HISTORICAL STATUS OF STRUCTURE

- ☒ CONTRIBUTING PROPERTY WITHIN THE HISTORIC DISTRICT ☐ NON-CONTRIBUTING PROPERTY WITHIN THE HISTORIC DISTRICT
- ☐ LANDMARK PROPERTY OUTSIDE THE HISTORIC DISTRICT

DOES THIS PROJECT REQUIRE A BUILDING PERMIT? ☒ YES ☐ NO

## WHAT BEST DESCRIBES THIS PROJECT?

- ☐ **TYPE A** - MINOR ALTERATION NOT ALTERING BUILDING STRUCTURE OR FOOTPRINT (Ex: window replacement; canopy replacement)
- ☒ **TYPE B** - ALTERATION THAT WILL ALTER THE BUILDING STRUCTURE OR FOOTPRINT (Ex: removing recessed entryway; adding addition to existing building)
- ☐ **TYPE C** - NEW CONSTRUCTION

HAVE YOU SUBMITTED A NARRATIVE THAT EXPLAINS THE PROJECT? ☒ YES ☐ NO

### TYPE A

The narrative should include the following information:

- How the project will meet the applicable design standards and guidelines.
- If the project is unable to meet the design standards and guidelines, please explain why.
- Will the project impact or alter any significant exterior features of the structure? If yes, please describe which features will be impacted or altered.
- Will the project be a restoration or replacement?
- Will the project effect the placement of outdoor mechanical equipment?

### TYPE B & C

The narrative should include the following information:

- How the project will meet the applicable design standards and guidelines.
- If the project is unable to meet the design standards and guidelines, please explain why.
- Will the project impact or alter any significant exterior features of the structure? If yes, please describe which features will be impacted or altered.
- Will the project effect the placement of outdoor mechanical equipment?

## ADDITIONAL MATERIALS REQUIRED

### TYPE A

- A list of materials that will be used
- Manufacturer's data on all visible fixtures that are part of the project showing size, form, color and method of installation.
- An elevation drawing drawn to scale showing architectural details such as doorways, windows, canopy, etc.

### TYPE B & C

- A list of materials that will be used
- Manufacturer's data on all visible fixtures that are part of the project showing size, form, color and method of installation.
- An elevation drawing drawn to scale showing architectural details such as doorways, windows, canopy, etc. The elevation drawing must be stamped by a licensed engineer or architect.
- A site plan of the property drawn to scale, clearly showing streets, existing structures and all proposed changes. The site plan must be stamped by a licensed engineer or architect.

## **Diamonds International – Juneau Retail Store Entry Remodel**

**455 South Franklin Street**  
**Year Built: 1898**

### **Project Objective:**

To create a more inviting entry and improve site lines into the street level retail store that is now Tanzanite International (Owned and operated by Diamonds International). Most existing features of the building are to be preserved including all elements above the existing marquee, the marquee itself, and the building addition at the south side of the property.

The north corner of the street level has been recessed from the street significantly with a column “retaking” the building corner. A 5070 door pair in this recess serves as one of the two existing entries to the building. The second entry is within a moderate sized recess parallel to the street.

### **Option 1 Narrative:**

The new entry design pushes the exterior wall back to the sidewalk, reintroducing that “solid wall” element seen throughout most of Juneau’s Historic District. The proposed recessed entry, however, is not small to the standards of the Late Victorian Style. Rather it is a large bi-folding door system with one panel having the swing style opening with panic hardware to meet egress. The door system would be made of wood and factory painted to match the existing green color of the trim elements. When the doors are in the closed position, they will create that sense of large display windows that span between the supporting structure. The recessed door is flanked by storefront display windows. The window at the South is existing and to remain as there is a steel column and bracing there supporting the structure and the marquee. The new wood window at the North will match the existing one at the south to give the recessed entry that flanked storefront look of the Late Victorian Style.

### **Option 2 Narrative:**

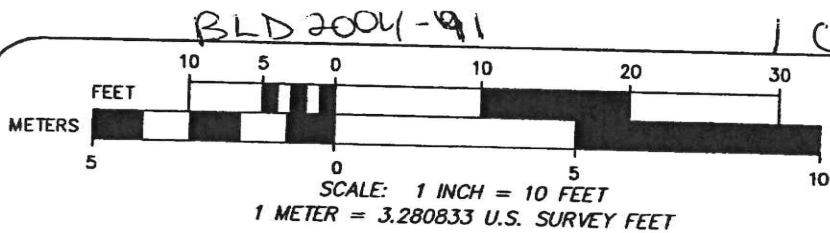
This option further maintains existing building elements than in option 1. The north recessed entry, entry door, and column are maintained. The small flanking display window “bump out” has been removed allowing for a larger entry door. This entry door is proposed as a bi-folding door system like in Option 1. A swing door pair with sidelite could also be used in lieu of the bi-fold door system.

### **Materials:**

All proposed building elements are to match existing in material, color and profile, including the 1x12 wood base trim, MDO plywood siding, and the wood window, door, and bulkhead trim. New doors are proposed to be made with wood and factory painted to match existing green accent color. New windows are to be wood. The continued use of wood siding, trim, doors and windows match that used in the Late Victorian Style.

\*There is no existing outdoor mechanical equipment that would be effected in either design option.



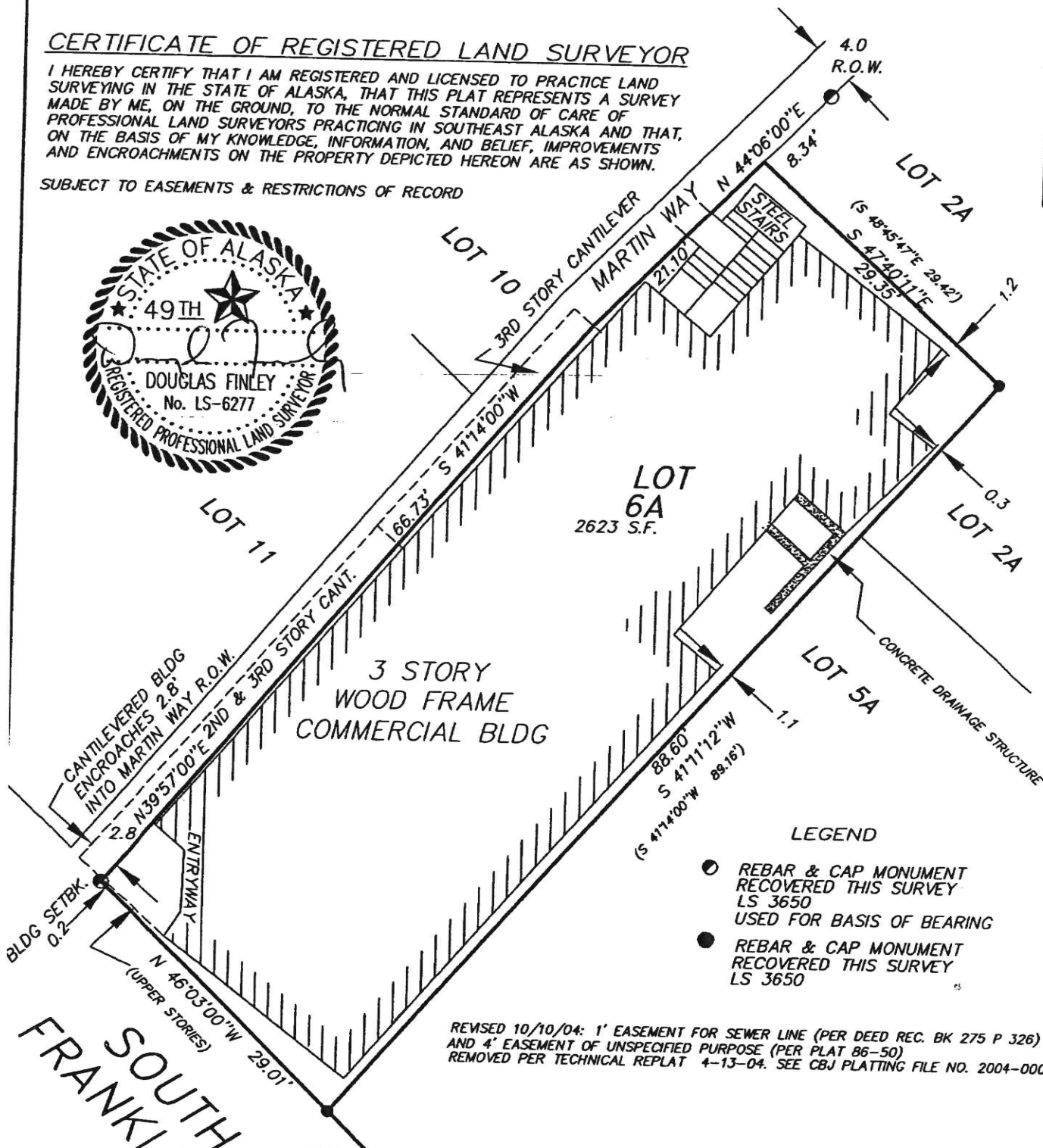


BASIS OF BEARINGS THIS SURVEY:  
COMPUTED, N41°13'12"E 96.12"  
FD. 96.05' (SEE LEGEND)

**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I HEREBY CERTIFY THAT I AM REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, ON THE GROUND, TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN SOUTHEAST ALASKA AND THAT, ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, IMPROVEMENTS AND ENCROACHMENTS ON THE PROPERTY DEPICTED HEREON ARE AS SHOWN.

SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD



**LEGEND**

- REBAR & CAP MONUMENT RECOVERED THIS SURVEY LS 3650 USED FOR BASIS OF BEARING
- REBAR & CAP MONUMENT RECOVERED THIS SURVEY LS 3650

REVISED 10/10/04: 1' EASEMENT FOR SEWER LINE (PER DEED REC. BK 275 P 326) AND 4' EASEMENT OF UNSPECIFIED PURPOSE (PER PLAT 86-50) REMOVED PER TECHNICAL REPLAT 4-13-04. SEE CBJ PLATTING FILE NO. 2004-00013.

PLAT SHOWING "AS-BUILT" SURVEY **LOT 6A**  
"PLAT OF LOT 6A, LOT 5A AND LOT 2A, A RESUBDIVISION OF LOTS 6,5,4, AND 2, BLOCK 3, ADDITION TO THE JUNEAU TOWNSITE WITHIN US SURVEY NO. 7A" JUNEAU, ALASKA RECORDING DISTRICT

DOUGLAS FINLEY LAND SURVEYING

820 6TH STREET - JUNEAU, ALASKA (907) 586-4253

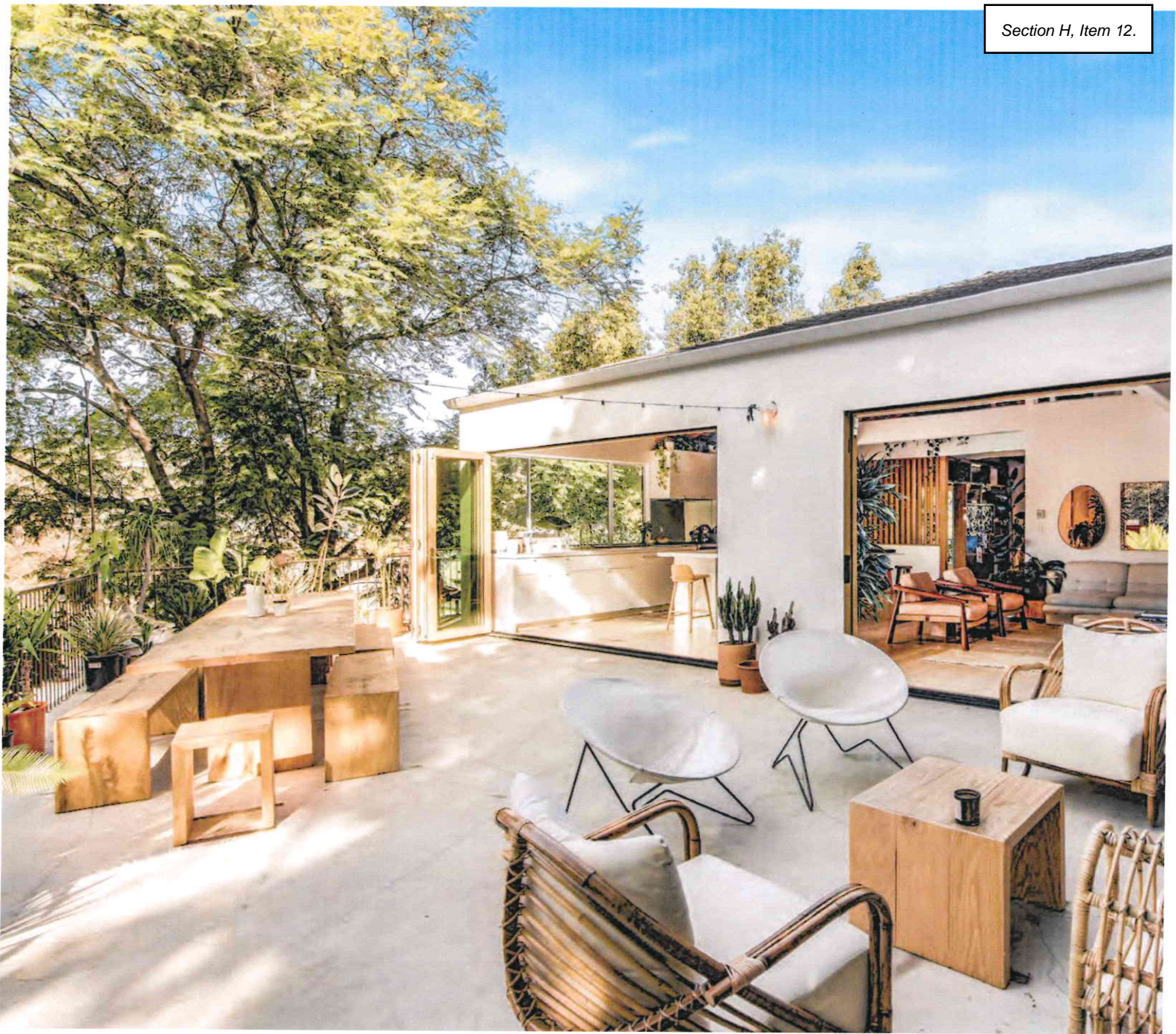
DATE: 8/02/04

DRAWN BY: DF

PROJ. No.: 04-424-B1

SCALE: 1" = 10'

SOUTH FRANKLIN ST.  
RECEIVED  
OCT 27 2004  
PERMIT CENTER / CDD



# FOLDING DOOR SYSTEMS

AG MILLWORKS FOLDING SYSTEMS can dramatically expand your living space, opening entire walls to the outdoors as they fold completely out of the way. Our novel design options create amazing folding door systems that will compliment any space.

Custom-crafted with the highest quality materials, AG Millworks builds folding door systems with innovative functionality. By choosing to create a system that includes an odd number of doors in any direction, you can decide to have a convenient **"daily door"** that swings open easily without needing to open and fold the entire door system.

Our expansive and innovative design, luxury craftsmanship, energy performance, and unmatched customer support makes AG Millworks the natural choice for folding door systems.





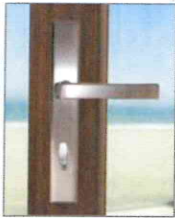
## FEATURES

- ALUMINUM CLAD/WOOD, ALL-WOOD, OR SOLID ACCOYA
- 19 DIFFERENT WOOD SPECIES
- CUSTOM SIZES AVAILABLE
- FACTORY INSTALLED SCREEN SYSTEM
- MULTIPLE CONFIGURATIONS UP TO 64'W
- BIG DAYLIGHT PANELS - UP TO 4'W AND 13'H
- AVAILABLE IN SLIMLINE | ultra-modern, EURO | contemporary OR TRADITIONAL | classic STILES AND RAILS
- TITLE 24 COMPLIANT ENERGY PERFORMANCE
- MULTIPLE HARDWARE OPTIONS AND FINISHES
- MULTI-POINT LOCKING SYSTEM
- RAISED, FLUSH, AND ADA SILL OPTIONS
- TOP HUNG FOR EFFORTLESS OPERATION
- OPTIONAL TRUE AND SIMULATED DIVIDED LITES
- VARIOUS GLASS OPTIONS
- COMMERCIAL OPTIONS AVAILABLE
- CONVENIENT "DAILY DOOR" SWINGS OPEN WITHOUT NEEDING TO OPEN AND FOLD THE ENTIRE DOOR SYSTEM.



HARDWARE

AG Millworks offers an array of hardware styles and finishes that are well-designed for ease of use with durable craftsmanship for long-lasting quality. Special order options are also available.



DALLAS  
HANDLE

- Available Finishes:
- Rustic Umber
  - Matte Black
  - Satin Nickel



VERONA  
HANDLE

- Available Finishes:
- Rustic Umber
  - Matte Black
  - Satin Nickel
  - White



SHOOTBOLT  
HANDLE

- Available Finishes:
- Bronze
  - Black
  - Brushed Chrome

SILL OPTIONS

AG Millworks offers multiple sill styles to accommodate your design needs: Raised, flush, and ADA compliant sills in multiple finishes to match any space.



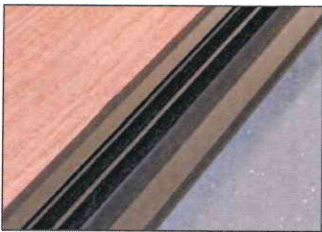
RAISED ALUMINUM SILL  
(SQUARE)

- Available Finishes:
- Bronze Anodized
  - Clear Anodized



RAISED ALUMINUM SILL  
(ROUND)

- Available Finishes:
- Bronze Anodized
  - Clear Anodized



ULTRA GUIDE TRACK

- Available Finishes:
- Bronze Anodized
  - Clear Anodized



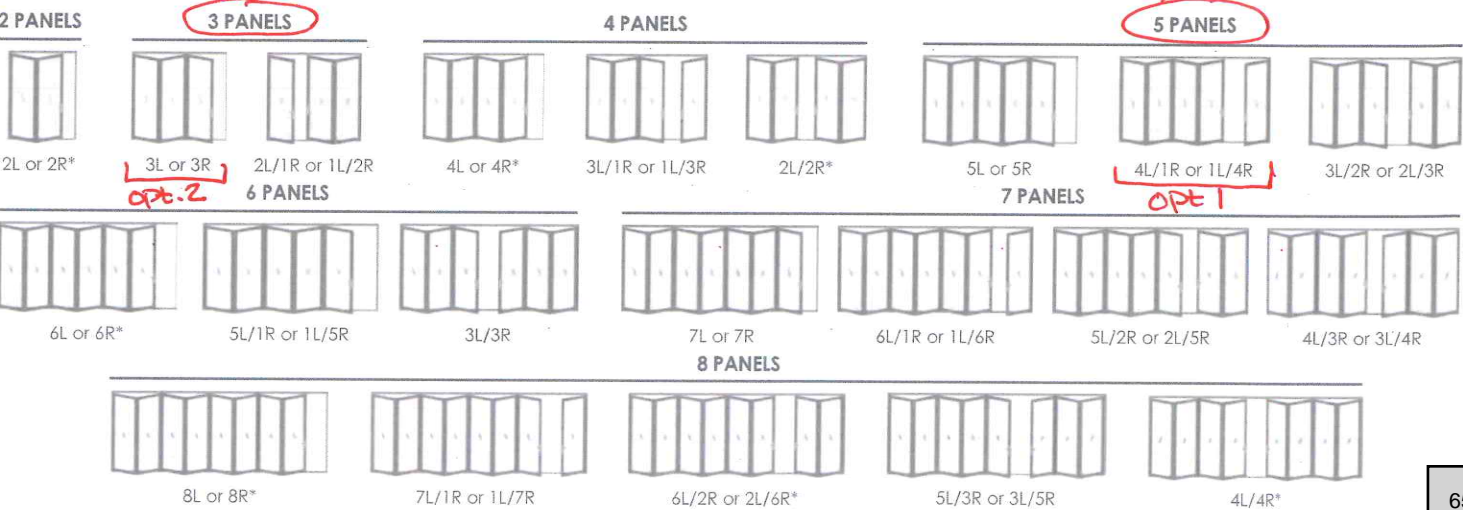
ADA ULTRA GUIDE TRACK

- Available Finishes:
- Bronze Anodized
  - Clear Anodized

SIZING & CONFIGURATIONS

Each AG Millworks folding system is custom and made-to-order. Folding systems are available up to 64' wide. Our big daylight system is the biggest in the industry: maximum panel sizes of 4' wide and 13' tall.

Folding systems are available in over 70 different configurations, up to 16 panels, 8 in each direction. Below are samples of popular configuration options.



\*No access from exterior and "daily door" not available with these configurations.

## FOLDING SYSTEM MATERIAL COMPARISON

MATERIAL	CLAD/WOOD	ALL-WOOD	SOLID ACCOYA WOOD
<b>PANEL CONSTRUCTION</b>	ALUMINUM CLAD EXTERIOR WITH LVL CORE AND WOOD INTERIOR	WOOD EXTERIOR WITH LVL CORE AND WOOD INTERIOR	SOLID ACCOYA WOOD
U-VALUE <b>SLIMLINE STILES &amp; RAILS</b> LoE 366 WITH ARGON IG	.29	N/A	N/A
U-VALUE <b>EURO STILES &amp; RAILS</b> LoE 366 WITH ARGON IG	.30	.28	.27
U-VALUE <b>TRADITIONAL STILES &amp; RAILS</b> LoE 366 WITH ARGON IG	.31*	.28	.27
<b>PANEL THICKNESS</b>	2-1/4"	2-1/4"	2-1/4"
<b>STILES &amp; RAILS OPTIONS</b>	SLIMLINE ultra-modern 2-1/2" Stiles & Rails with 3-7/16" Lock Stile	SLIMLINE ultra-modern 2-1/2" Stiles & Rails with 3-7/16" Lock Stile	SLIMLINE ultra-modern 2-1/2" Stiles & Rails with 3-7/16" Lock Stile
	EURO contemporary 3-7/16" Stiles & Rails	EURO contemporary 3-7/16" Stiles & Rails	EURO contemporary 3-7/16" Stiles & Rails
	TRADITIONAL classic 4-3/4" Top Rail/Stiles with 7" Bottom Rail option	TRADITIONAL classic 4-3/4" Top Rail/Stiles with 7" Bottom Rail option	TRADITIONAL classic 4-3/4" Top Rail/Stiles with 7" Bottom Rail option
<b>DIVIDED LITES</b>	SIMULATED DIVIDED LITES 5/8", 7/8", OR 1-1/8"	TRUE DIVIDED LITES 1-3/4" (Custom sizes available)	TRUE DIVIDED LITES 1-3/4" (Custom sizes available)
<b>STICKING TYPE</b>	SQUARE, BEVEL OR OVOLO	SQUARE, BEVEL OR OVOLO	SQUARE, BEVEL OR OVOLO
<b>AVAILABLE WOOD SPECIES</b>	19 WOOD SPECIES (See page 20)	19 WOOD SPECIES (See page 20)	ACCOYA
<b>PREFINISH AVAILABLE</b> (Prime, Paint or Stain)	YES	YES	YES
<b>LOCKING MECHANISM</b>	MULTI-POINT LOCK	MULTI-POINT LOCK	MULTI-POINT LOCK
<b>WARRANTY</b>	10-YEAR LIMITED WARRANTY	1-YEAR LIMITED WARRANTY	5-YEAR LIMITED WARRANTY

\*Add i89 coating to meet CA Title 24 Compliant Energy Performance

INVENTORY OF HISTORIC SITES AND STRUCTURES  
City and Borough of Juneau

AHRS#: JUN-183

CBJ #: A-19

HISTORIC NAME: Scandinavian Hotel/Summit Hotel

DATE(S): 1898

LOCATION: 455 S. Franklin Street

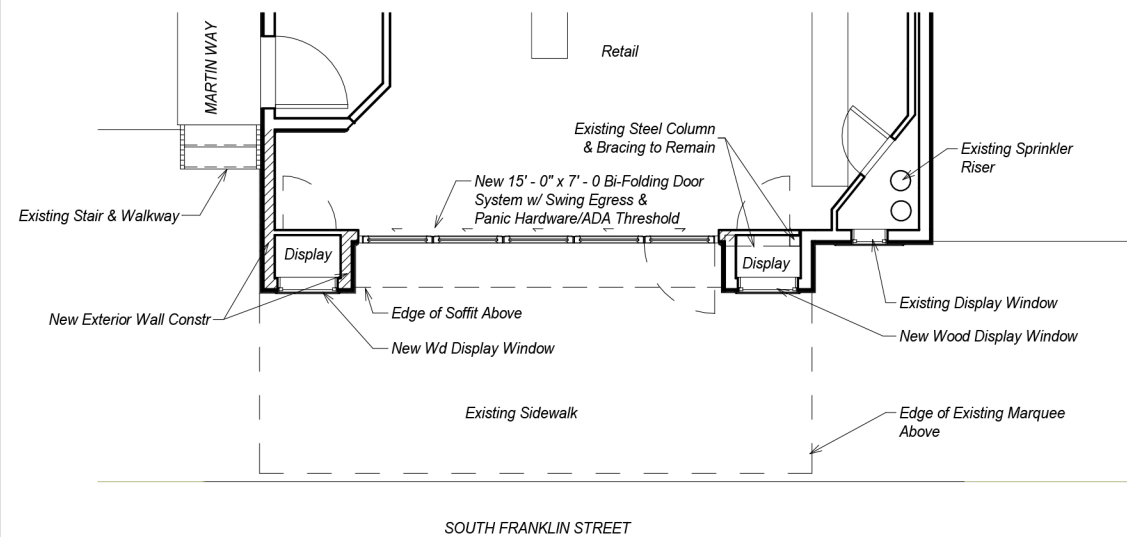
LOT/BLOCK #: Lot 3 Block G 7-A Addition

DESCRIPTION: 23'x67', flat roof, wood frame construction; cornice on front face below roof-line; front parapet, double-hung windows; original drop-siding covered with asphalt and metal siding and wood shingles.

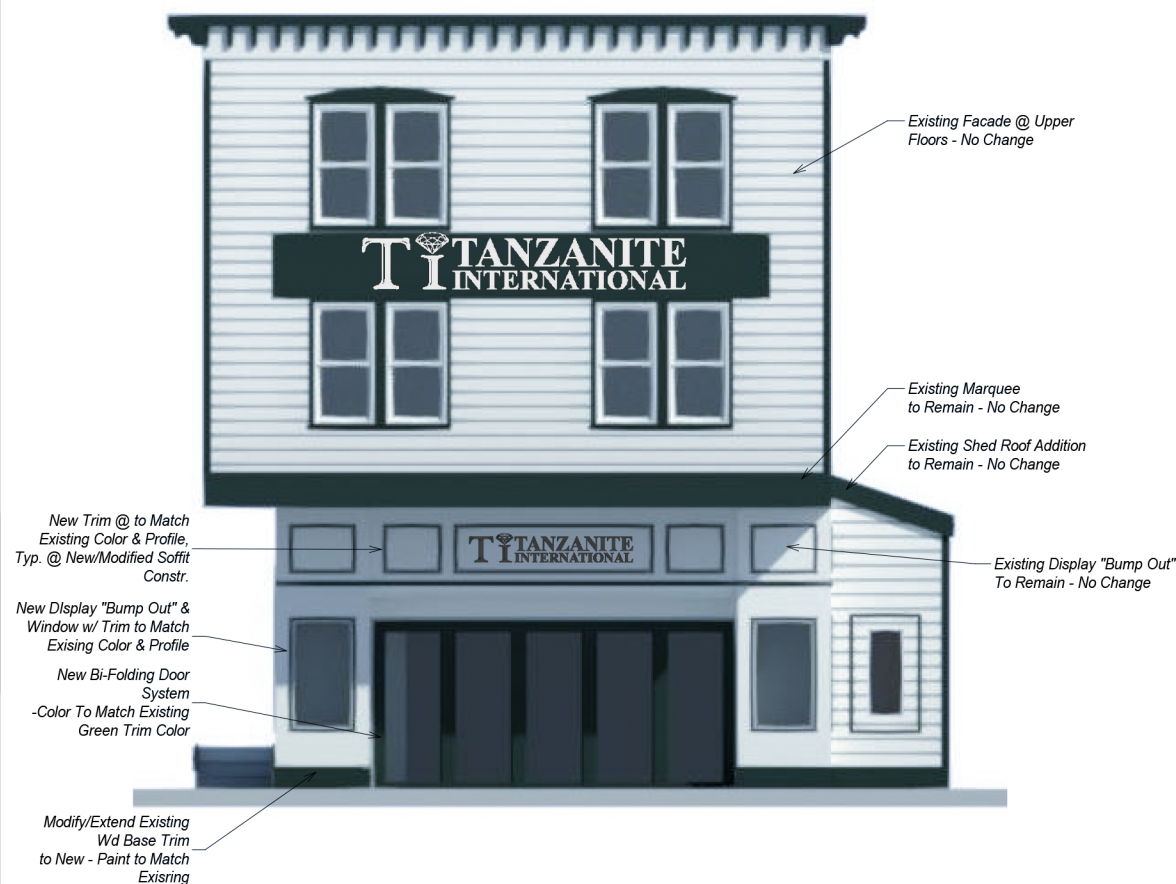
SIGNIFICANCE: Originally constructed as a boarding house in 1898. The business primarily served the Scandinavian community with rooms for rent and "authentic Scandinavian steam baths." Later converted into a hotel and a cafe.

SOURCES: 7.





**1 Floor Plan**  
1/8" = 1'-0"



**2 Facade Elevation**  
1/2" = 1'-0"

OPTION 1 - Owner Preferred



Existing Conditions



Proposed Render

Section H, Item 12.

REVISIONS:

Diamonds International  
Juneau Retail Store Entry Remodel

STATUS:

**SCHEMATIC  
DESIGN**

DRAWN BY: NMG  
CHECKED BY: NMG  
DATE: 2.23.24  
PROJECT #: Project Number

**R&M**  
R&M ENGINEERING-KETCHIKAN, INC.  
7180 REVILLA ROAD, SUITE 300  
KETCHIKAN, ALASKA 99901  
PH: 907.225.7917  
www.ketchikanengineer.com

SHEET DESCRIPTION:

Main Floor Plan

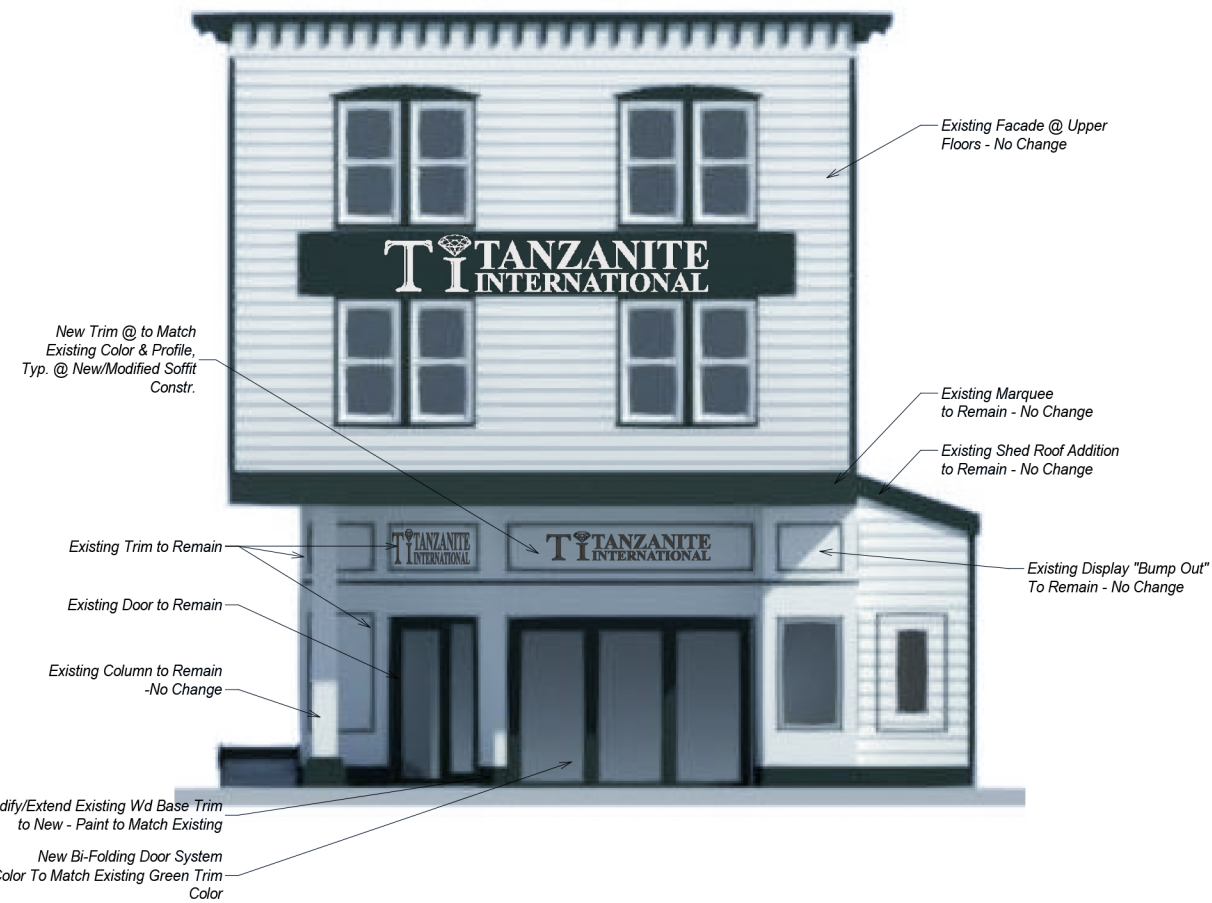
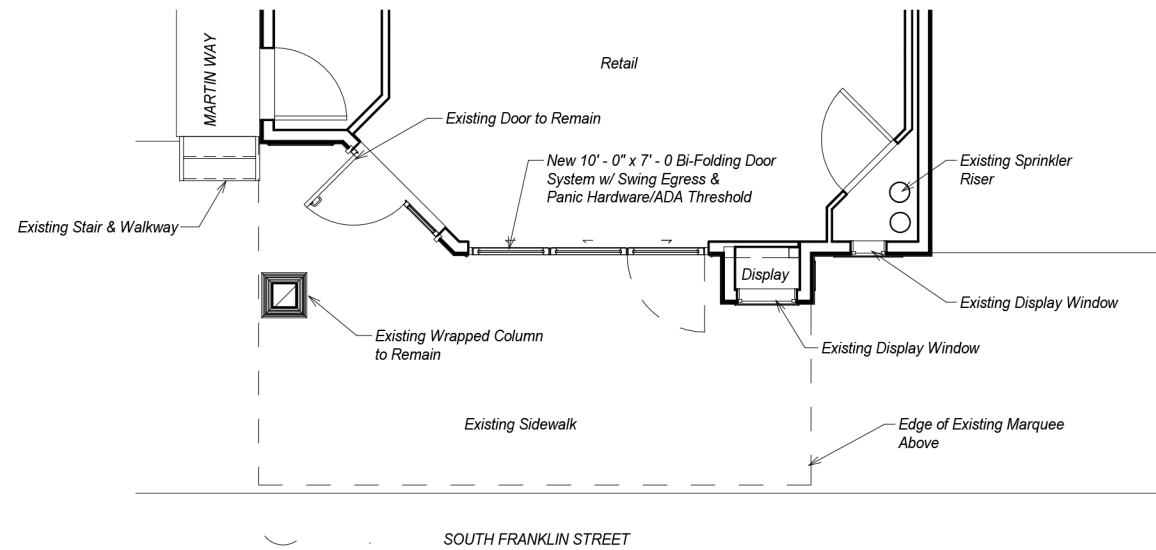
**A200**

SHEET:

06 of xx

68





**2 Facade Elevation**  
12" = 1'-0"

OPTION 2



Existing Conditions



Proposed Render

Section H, Item 12.

REVISIONS:

Diamonds International  
Juneau Retail Store Entry Remodel

STATUS:

Project Status

DRAWN BY: NMG  
CHECKED BY: NMG  
DATE: 2.23.24  
PROJECT #: Project Number

**R&M**  
R&M ENGINEERING-KETCHIKAN, INC.  
7180 REVILLA ROAD, SUITE 300  
KETCHIKAN, ALASKA 99901  
PH: 907.225.7917  
www.ketchikanengineer.com

SHEET DESCRIPTION:

Main Floor Plan

A200

SHEET:

06 of xx

69





**From:** [Nycole Gizinski](#)  
**To:** [Forrest Courtney](#)  
**Cc:** [maria.lewis@alaska.gov](mailto:maria.lewis@alaska.gov)  
**Subject:** RE: historic project in Juneau  
**Date:** Monday, February 26, 2024 9:09:47 AM  
**Attachments:** [DI-Juneau Option 2 Flat.pdf](#)  
[DI-Juneau Option 1 FLAT.pdf](#)

---

Hi Forrest/Maria!

Sorry I haven't had a chance to connect until now...I cannot seem to keep my head above water with my work load, and I am terribly behind. I attached two options I worked on and showed to the Client. They absolutely want to pursue Option 1 as the goal is to get the largest "opening" possible to grab to invite as many potential customers as possible.

I added an option 2 that doesn't change the façade too much in case we cannot get option 1 approved.

I think I missed the deadline for March's meeting, but hopefully this will get the ball rolling!

PS – I attached a historic photo that I found in the archives. It's the only photo that I found on the building (To be honest I am not even 100% sure it IS the building as there is no caption saying as such). If it is, the façade today looks like it has been through many changes. I have repeatedly asked the permits department (and filled out a public records request), but have received no reply on if there are old drawings/permits on the building that will give me more insight as to the structure hidden behind all the drywall. I'll be pestering them some more...

Nycole Gizinski, AIA  
Architect



**R&M ENGINEERING-KETCHIKAN, INC.**  
ENGINEERS ARCHITECTS SURVEYORS

**R&M Engineering-Ketchikan, Inc.**

7180 Revilla Rd, Suite 300

Ketchikan, AK 99900

907.225.7917

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**From:** Forrest Courtney <[Forrest.Courtney@juneau.gov](mailto:Forrest.Courtney@juneau.gov)>  
**Sent:** Friday, February 9, 2024 11:05 AM  
**To:** Nycole Gizinski <[nycole@rmketchikan.com](mailto:nycole@rmketchikan.com)>  
**Subject:** RE: historic project in Juneau



Hey Nycole,

It was a pleasure sitting down with you this morning.

I spoke with Maria from the State Historic Preservation Office (SHPO), and because the project is privately owned and funded, our local guidelines/standards are the only standards your clients will need to meet. Maria noted that they could investigate the tax incentive or hold off to wait for another round of funding opportunities, which could alleviate some costs. If you want to speak with Maria, here is her email: [maria.lewis@alaska.gov](mailto:maria.lewis@alaska.gov). She is incredibly helpful.

I've attached the 2004 As-Built, as well as a HDDR application. Feel free to let me know if there is anything else I can provide.

Looking forward to reviewing your submitted materials for the project!

Best,

**Forrest Courtney | Planner I**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4208



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*How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>*

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**From:** Nycole Gizinski <[nycole@rmketchikan.com](mailto:nycole@rmketchikan.com)>  
**Sent:** Wednesday, February 7, 2024 11:52 AM  
**To:** Forrest Courtney <[Forrest.Courtney@juneau.gov](mailto:Forrest.Courtney@juneau.gov)>  
**Subject:** RE: historic project in juneau

No worries...I will not be late and I think an hour of introductory meeting time should be sufficient. Just wanting to get my ducks in a row and show you the render that was generated from the owner to give a sense of the scope....  
And I need to get to the airport around that time anyway to fly back to Ketchikan!  
Nycole

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**From:** Forrest Courtney <[Forrest.Courtney@juneau.gov](mailto:Forrest.Courtney@juneau.gov)>  
**Sent:** Wednesday, February 7, 2024 11:50 AM  
**To:** Nycole Gizinski <[nycole@rmketchikan.com](mailto:nycole@rmketchikan.com)>  
**Subject:** RE: historic project in juneau

Absolutely, please know that 10 is a hard deadline as I have a meeting to attend then.

If you have no reservations about that, I'll send an invite.

Best,

**Forrest Courtney | Planner I**

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**From:** Nycole Gizinski <[nycole@rmketchikan.com](mailto:nycole@rmketchikan.com)>  
**Sent:** Wednesday, February 7, 2024 11:48 AM  
**To:** Forrest Courtney <[Forrest.Courtney@juneau.gov](mailto:Forrest.Courtney@juneau.gov)>  
**Subject:** RE: historic project in juneau

Oh this is just great news! Thank You! I could drop by from 9-10am Friday morning. Can we set it up for then?  
Nycole

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**From:** Forrest Courtney <[Forrest.Courtney@juneau.gov](mailto:Forrest.Courtney@juneau.gov)>  
**Sent:** Wednesday, February 7, 2024 11:46 AM  
**To:** Nycole Gizinski <[nycole@rmketchikan.com](mailto:nycole@rmketchikan.com)>  
**Subject:** RE: historic project in juneau

Good morning Nycole,

More than happy to help, and I appreciate you setting something up in advance.

Thursday availability: 2:00 PM - 4:00 PM

Friday availability: 9:00 AM – 10:00 AM and 11:00 AM – 1:00 PM

Let me know what time you’d like to come by, and we’ll get an appointment set up!

Best,

**Forrest Courtney | Planner I**

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**From:** Nycole Gizinski <[nycole@rmketchikan.com](mailto:nycole@rmketchikan.com)>  
**Sent:** Wednesday, February 7, 2024 9:48 AM  
**To:** Forrest Courtney <[Forrest.Courtney@juneau.gov](mailto:Forrest.Courtney@juneau.gov)>  
**Subject:** historic project in juneau

Hi Forrest,

I have been hired to work on permit drawings based on a design concept by the owner. It is altering the façade/entry to the Tanzanite International building at 455 Franklin (Former Scandinavian Hotel/Summit Hotel CBJ# A-19). This would be my first project done on a building listed on the register. I know this is last minute, but I am traveling to Juneau tomorrow afternoon (leaving Friday at 1:30) to take a look at the building. I was wondering if it might be possible to meet with you and go over the project scope, introduce you to what the client is seeking in doing, process for submitting, etc. If not, that’s fine, I can try to convene another time or through another method at a later date.

Hope all is well and thank you for your time.

Nycole Gizinski, AIA, NCARB  
Architect





7180 Revilla Rd, Suite 300  
Ketchikan, AK 99900  
907.225.7917

## FY25 Passenger Fee Proposal

	Direct Cost	Overhead	Total	Available Balance in CIP	Maritime Industry Zone	Notes:
<b>Debt Service: Juneau Cruise Terminal Docks</b>	<b>\$ 2,026,600</b>	<b>\$ -</b>	<b>\$ 2,026,600</b>	<b>\$ -</b>		
<b>CBJ Municipal Services</b>						
Police Support	\$ 1,067,600	\$ 12,300	\$ 1,079,900	\$ -	Areawide	municipal services allocation per the settlement
Ambulance/EMS Support	\$ 656,700	\$ 7,600	\$ 664,300	\$ -	Areawide	municipal services allocation per the settlement
Seawalk, Open Space and Restroom Maintenance	\$ 831,500	\$ 9,600	\$ 841,100	\$ -	Zone A	municipal services allocation per the settlement
Street Cleaning/Repair	\$ 339,200	\$ 3,900	\$ 343,100	\$ -	Zone A&B	municipal services allocation per the settlement
D&H - Port Management	\$ 275,000	\$ 3,200	\$ 278,200	\$ -	Zone A	municipal services allocation per the settlement
D&H - Port Customs Office Building Maintenance	\$ 142,000	\$ 1,600	\$ 143,600	\$ -	Zone A	Supports port offices and operations
D&H - Access Control Security	\$ 300,000	\$ 3,500	\$ 303,500	\$ -	Zone A	Security funding for public docks
Tourism Management	\$ 342,400	\$ 3,900	\$ 346,300	\$ -	Areawide	municipal services allocation per the settlement
<b>Total City Services</b>	<b>\$ 3,954,400</b>	<b>\$ 45,600</b>	<b>\$ 4,000,000</b>	<b>\$ -</b>		
<b>Third-Party Visitor Services by Assembly Grant</b>						
Travel Juneau - Visitor services program	\$ 171,000	\$ -	\$ 171,000	\$ -	Zone A	Visitor information center staffing and operations
Travel Juneau - Crossing guard program	\$ 358,800	\$ -	\$ 358,800	\$ -	Zone A	Crossing guards in Zone A
Tourism Best Management Practices (TBMP)	\$ 44,200	\$ -	\$ 44,200	\$ -	Areawide	Visitor management programming
<del>Downtown Business Association</del>	<del>\$ 90,000</del>	<del>\$ -</del>	<del>\$ 90,000</del>	<del>\$ -</del>	<del>Zone A</del>	No longer recommended in Manager's budget - did not receive financial breakdown requested
JEDC - Mobile Data Purchase	\$ 100,000	\$ -	\$ 100,000	\$ -	Areawide	Supports management projects including commercial recreation use study, USFS Tongass Managemen
AJ Dock - Access Control Security	\$ 150,000	\$ -	\$ 150,000	\$ -	Zone A	Security funding for private docks
AJ Dock - Restroom Maintenance	\$ 30,000	\$ -	\$ 30,000	\$ -	Zone A	Maintenance funding for private docks
Franklin Dock - Access Control Security	\$ 150,000	\$ -	\$ 150,000	\$ -	Zone A	Security funding for private docks
Franklin Dock - Restroom Maintenance	\$ 30,000	\$ -	\$ 30,000	\$ -	Zone A	Maintenance funding for private docks
<b>Total 3rd Party Services</b>	<b>\$ 1,124,000</b>	<b>\$ -</b>	<b>\$ 1,124,000</b>	<b>\$ -</b>		
<b>Capital Investments</b>						
Shore Power	\$ 5,000,000	\$ -	\$ 5,000,000	\$ 5,379,500	Zone A	Shore power at AS Dock
Overstreet Park and Canoe Statue Lighting		\$ -	\$ -	\$ -	Zone B	Seawalk improvements in Zone B - will update with dollar figure once quote received
Downtown Bearproof Garbage Cans	\$ 100,000	\$ -	\$ 100,000	\$ -	Zone A&B	Refurbishing equipment, mostly in Zone A
NOAA - Blubber Cortisol Study	\$ 160,000	\$ -	\$ 160,000	\$ -		Request by NOAA to support science-based management of whale watch industry
NOAA - Statter Harbor Signage	\$ 25,000	\$ -	\$ 25,000	\$ -		Request by NOAA to install interpretive signage at Statter Harbor
Marine Park Improvements	\$ 2,000,000	\$ -	\$ 2,000,000	\$ 1,695,700	Zone A	Zone A park renovation
Triangle Project (Claw Back)	\$ 1,000,000	\$ -	\$ 1,000,000	\$ -	Zone A	Repaying the General Fund for a seawalk repair project that was supposed to be funded with 2021 p
Capital Transit	\$ 1,000,000	\$ -	\$ 1,000,000	\$ -	Areawide	Supporting Capital Transit to absorb heavy use by visitors
Warner's Wharf Beautification	\$ 200,000	\$ -	\$ 200,000	\$ -	Zone A	Enhancement for South Franklin-Seawalk connection
Public Wi-Fi	\$ 1,000,000	\$ -	\$ 1,000,000	\$ -	Zone A&B	Public wifi in areas directly impacted when ships are in port (examples - booth vendors unable to ma
Archipelago Museum	\$ 500,000	\$ -	\$ 500,000	\$ 500,000	Zone A	Line item is to specifically to fund the restroom, visitor services, and port operations support portions
Revolving Loan Program	\$ 1,000,000	\$ -	\$ 1,000,000	\$ -		Program to assist tour operators in converting to cleaner technology
<b>Total Capital Investments</b>	<b>\$ 11,985,000</b>	<b>\$ -</b>	<b>\$ 11,985,000</b>	<b>\$ 7,575,200</b>		
<b>Total Proposed FY24 Passenger Fee Expenditures</b>	<b>\$ 19,090,000</b>	<b>\$ 45,600</b>	<b>\$ 19,135,600</b>	<b>\$ 7,575,200</b>		