

State of Alaska Comments – Pebble Project Preliminary Draft EIS, Section 4.8 – Historic Properties

Agency	Comment No.	Section, Paragraph, and Page #	Cooperating Agency Comment (and Purpose of Comment)	Proposed Resolution (Additions or Deletion of Text)	Response
DNR/ DPOR/ OHA	1		Use of Appendix C: 36 CFR 800 are the implementing regulations for the National Historic Preservation Act. As a result of consultation for Section 106, it was determined that 36 CFR 800 are the appropriate regulations to follow for Section 106 compliance for the Pebble Project as USACE will be fulfilling collective responsibilities as lead federal agency.	Amend 3.8 to indicate that 36 CFR 800 will be followed for Section 106 compliance and revise this section to reflect 36 CFR 800 definitions and process.	Section has been edited to include 36 CFR 800 regulations in conjunction with Appendix C. The USACE looks forward to resolving these issues with SHPO and the ACHP during the Section 106 process.
DNR/ DPOR/ OHA	2		Compliance under Section 106 will use Area of Potential Effect (APE) as USCG and BSEE need to use 36 CFR 800. Any reference to Permit Area will be for internal USACE use.	Revise this section to use APE instead of Permit Area.	Section revised to use both the APE and the Permit Area.
DNR/ DPOR/ OHA	3		Cultural resources cover a wider range of resources than historic properties and additional consideration for those resources may be necessary outside of the Section 106 process.	The Section 106 PA addresses historic properties and very rarely treats resources that are not eligible to the National Register of Historic Places. Recommend adding language and consideration of cultural resources that will not be historic properties under Section 106.	A wide variety of cultural resources that may or may not be eligible are discussed in Sections 3.7 and 4.7.