

PROGRAMMATIC AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION,
AND THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES,
REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT
PURSUANT TO 23 CFR PART 771 FOR THE RECREATIONAL TRAILS PROGRAM

The U.S. Department of Transportation, Federal Highway Administration, Alaska Division (FHWA), and the Alaska Department of Natural Resources (AKDNR), have developed this Programmatic Agreement to establish the procedures for environmental processing for the Recreational Trails Program projects pursuant to the National Environmental Policy Act (NEPA) and 23 CFR 771.

APPLICABILITY - This Programmatic Agreement applies to all eligible Recreational Trail Program projects that are administered through AKDNR, Division of Parks and Outdoor Recreation, and funded by the FHWA as authorized and codified under 23 U.S.C. 206.

STIPULATIONS-This Agreement establishes three stipulations under which individual Recreational Trail Program Projects may be reviewed, documented, and approved in accordance with the NEPA and 23 CFR 771.

STIPULATION 1 - Consistent with 23 CFR 771.117(c), the FHWA has determined that some Recreational Trail Program activities have either no effect or minimal effect to the environment. Therefore, the following activities may be designated as Categorical Exclusions (CE) without completion of an Environmental Review Checklist:

1. Purchase of trail maintenance equipment, materials, and supplies;
2. Rehabilitation contained within the footprints of existing trails and trailhead facilities, including resurfacing or improving the trail facility surfaces;
3. Regrading within the footprint of existing trail and/or parking areas;
4. Striping and/or re-striping of existing trail facilities;
5. Development and distribution of educational materials;
6. Replacement, renovation, and/or rehabilitation of existing signs, kiosks, and markers;
7. New installation of signs, kiosks and markers at, and along, existing facilities;
8. Winter trail grooming;
9. Minor alterations to existing facilities in order to make them accessible to people of different abilities (Example: replacement of stairs with ramps, installing hand rails, etc.);

The AKDNR Division of Parks and Outdoor Recreation shall document and certify to FHWA the applicability of Stipulation 1 to individual projects at the time of request for project authorization.

STIPULATION 2-Consistent with 23 CFR 771.117(c) and (d), the FHWA has determined that the following eligible Recreational Trails Program activities may cause minimal, but non-significant, effects to the environment:

1. Property acquisitions, including trail easements;
2. Rehabilitation or replacement of bridges using existing footings, embankments, and piers;
3. Installation of fencing, guardrails, retaining walls, and berms;
4. Construction of new bicycle and pedestrian trails, lanes, paths, and facilities;
5. Brushing and clearing beyond the footprints of existing trails;
6. Repair of existing drainage features;
7. Minor trail reroutes on state or borough trails to ensure safe passage due to natural events such as wash-outs and slides;
8. Landscaping of existing facilities;
9. Permanent installation of ancillary facilities (such as water fountains, restrooms, bike racks, lighting, public seating and picnic benches, tent platforms, bear resistant lockers and trash receptacles);
10. New trailhead construction and access driveways;

The AKDNR Division of Parks and Outdoor Recreation shall certify and send applicant-completed Environmental Review Checklists (Attached) to FHWA for consultation and approval prior to the request for project authorization.

STIPULATION 3- For any proposed project that has potential to significantly affect the environment, AKDNR Division of Parks and Outdoor Recreation shall consult with FHWA to determine the appropriate environmental class of action, as well as the extent and type of environmental studies. The AKDNR Division of Parks and Outdoor Recreation shall consult with the FHWA on any proposed project that has any of the following conditions:

1. The project involves significant environmental impacts as described in 23 CFR 771.117(a);
2. The project involves unusual circumstances as described in 23 CFR 771.117(6);
3. The project involves new trails and trail related facilities over 10 miles long at new locations;
4. The project involves the acquisition of property held in Federal trust;
5. The project adversely affects a historic property;
6. The project involves Federally listed Threatened and Endangered Species or their critical habitat;
7. The project involves more than 3 acres of wetlands;
8. The project involves work encroaching on a regulatory floodway or work affecting the base floodplain (100-year flood) of a watercourse or lake;
9. The project requires a U.S. Coast Guard bridge permit;
10. The project is motorized or diverse and is within an air quality non-attainment or maintenance area;
11. The project is motorized or diverse and generates noise impacts;
12. The project involves a known hazardous material site;
13. Trail reroutes on municipal or tribal trails to ensure safe passage due to natural events such as wash-outs and slides.

For projects meeting the conditions of Stipulation 3, AKDNR Division of Parks and Outdoor Recreation shall forward applicant-completed Environmental Review Checklists (Attachment A), to facilitate consultation with the FHWA.

AMENDMENTS - This Programmatic Agreement may be amended at any time, provided the AKDNR and FHWA agree to the amendment and ample notice to make program adjustments is afforded.

TERMINATION - The AKDNR or FHWA may elect to terminate this Programmatic Agreement at any time, provided thirty-day written notice is provided in advance of the termination.

DURATION - This agreement shall remain in effect until September 30, 2028, unless otherwise amended or terminated.

Sandra A. Garcia-Aline
Division Administrator
Federal Highway Administration

Date



John Boyle
Commissioner
Alaska Department of Natural Resources

9/25/2023

Date