



Oregon

Kate Brown, Governor

Department of Transportation

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December 22, 2022

Christine Curran
Deputy State Historic Preservation Officer
State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97310-1271

*Clackamas, Washington
Counties*

*Canby, Oregon City, Sherwood
Quads*

*T2S, R1W, Sec 25;
T2S, R1E, Sec 27-30, 34-36;
T2S, R2E, Sec 20, 29-31*

Subject: **Request for Concurrence
Finding of No Adverse Effect
I-205 Toll Project
Clackamas and Washington Counties, Oregon
ODOT Key No. 21371
Federal-Aid No. SA00(225)
SHPO Case No. 20-0864**

Dear Ms. Curran

The Oregon Department of Transportation (ODOT), in cooperation with the Federal Highway Administration (FHWA), prepared the following letter in compliance with Section 106 of the National Historic Preservation Act. The letter includes a combined Finding of No Adverse Effect for historic properties (built environment and archaeological resources) for the I-205 Tolling Project.

Project Description:

ODOT, in partnership with FHWA, proposes to initiate tolling on I-205 (the East Portland Freeway) in Clackamas and Washington Counties, Oregon (Figure 1). With the I-205 Toll Project (Key No. 21371), the I-205 Abernethy Bridge, which crosses the Willamette River, and the I-205 bridges over the Tualatin River would become tolled facilities. The I-205 Toll Project would raise revenue for another project, I-205: Stafford Rd.–OR99E, Key No. 19786, which has been divided into phases for construction. Phase 1A of the 19786 project has financing and is currently under construction: it involves reconstruction of the I-205 Abernethy Bridge and adjacent interchanges. The remaining phases of the 19786 project are now included in the I-205 Toll Project. All work for the current I-205 Toll Project will be restricted to the area of potential effects (APE) studied as part of the 19786 project (SHPO Case No. 17-0757), but as it is a new undertaking, will require independent Section 106 compliance.

Consulting Parties:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of Siletz Indians
Confederated Tribes of the Warm Springs Reservation of Oregon

Summary of Resources Present:

Archaeological Resources: Archaeological sites 35CL9, 35CL13 and 35CL19 lie partly within the project corridor. Multiple archaeological surveys have been conducted that overlap parts of the APE (Darby 2007; Fagan et al. 1998; Helzer and Connolly 2003; Helzer and Dexter 2004; Kent 1977; Lehman and Finley 2009; Oetting 2010; Pettigrew and Bryson 1983; Punke et al. 2013; Reese and White 2003; Seagrave 2014; Smits and Fagan 2005; and Smits et al. 2007). A comprehensive survey of the original planned 19786 APE and subsequent expansions were conducted in May and August of 2017 (Connolly 2017b, 2017c) and in January of 2018 (Connolly 2018a). Additional subsurface exploratory of testing was also conducted at some localities along the corridor (Connolly 2017a; Connolly 2018b).

As part of cultural resources compliance for the 19786 project, Connolly (2017a, 2017b, 2017c, 2018a, 2018b) conducted pedestrian survey and exploratory subsurface investigations. These investigations revisited sites 35CL9, 35CL13, and 35CL19, and identified site 35CL416 and four isolate artifacts. In sum, 156 30x30cm exploratory probes were excavated in 11 localities and 19 50x50cm test units were excavated within the boundaries of 35CL13 and 35CL1. These investigations indicated that the portions of sites 35CL13 and 35CL19 within the APE were destroyed during construction of the bridge in the late 1960s.

The exploratory probing identified one historic site, 35CL416, two cultural isolates (one historic and one prehistoric) at Locality 5, and two prehistoric isolates were identified in sediments mixed with indeterminate age material at localities 3 and 14. Site 35CL416 is a dispersed dumping area likely used by an adjacent neighborhood that was removed by the I-205 construction. Few temporally-diagnostic artifacts were identified, and those exhibited a broad date range from the ca. 1890s to the 1950s. The 19786 finding of effect document determined site 35CL416 to be ineligible to the National Register, as well as all four isolates, to which SHPO gave concurrence on August 17, 2018 (SHPO Case No. 17-0757).

As design of the project advanced, the APE was expanded in June 2018. Therefore, in July, 2018, OSMA conducted pedestrian survey of two small parcels at MP 2 and 7.4, exploratory subsurface probing of two areas identified as high probability in Connolly (2018b), and test excavations in three areas under the Abernethy Bridge within archaeological sites 35CL9, 35CL13 and 35CL19 (Connolly 2018c). The additional

pedestrian survey and exploratory probing failed to identify any archaeological materials and no further work was recommended. Test excavations within 35CL9 and 35CL13 identified historic and pre-contact artifacts within clearly mixed and redeposited fill. No evidence of intact site deposits were encountered and no further work was recommended. Test excavations within site 35CL19 suggested that intact deposits may be present within the concrete-curbed location of the former Abernethy Elm tree. This area is outside of project impact areas and will be protected by a no-work zone in project plans and flagged in the field during construction. No further work was recommended at site 35CL19. However, since archaeological sites 35CL9, 35CL13 and 35CL19 extend beyond the project limits, the proposed undertaking was determined to have No Adverse Effect on those properties, a finding that SHPO concurred on August 17, 2018 (SHPO Case No. 17-0757).

The current undertaking includes the addition of tolling gantries that lie within the 19786 APE. Construction will include everything originally proposed for the 19786 project with the exception of the widening of the Abernethy Bridge and modifications to adjacent interchanges, which are currently under construction. Otherwise the scope of the project remains the same, as does the project finding of effect.

Built Environment Resources: ODOT contracted with the consulting firm HDR to prepare Section 106 compliance documentation for built resources on the I-205: Stafford Rd.–OR99E, Key No. 19786. ODOT and HDR historians identified eight built historic resources in the project APE that were potentially eligible for the National Register of Historic Places (Gratrek 2017a). Upon evaluation of these resources, HDR and ODOT concluded that three of the built historic resources (two individual dwellings and one apartment building) had irretrievable integrity loss and were not eligible for the National Register. In addition, two dwellings were eligible for the National Register as part of a potential historic residential district. Finally, the McLean House, the Historic West Linn City Hall, and the Lynn View Apartments were individually eligible for the National Register. There are no other built historic properties in the project APE that were documented as eligible for or listed in the National Register. On August 17, 2018, the SHPO concurred on Findings of No Adverse Effect for the five National Register-eligible properties noted here. Also on August 17, 2018, the SHPO concurred on the Joint Finding of No Adverse Effect for the I-205: Stafford Rd.–OR99E Project, Key No. 19786.

In addition to work cleared under the previous project, the I-205 Toll Project will install toll gantries and supporting infrastructure at two locations on I-205 in the APE—near the Tualatin River bridges and near the Abernethy Bridge. Upon evaluation of the I-205 Toll Project effects on the five National Register-eligible properties in the APE, ODOT historians recommend that the tolling improvements portion of the project will have a No Effect on any of them. Because of this, the I-205 Toll Project can be cleared through Stipulation 5 B5 of the 2011 programmatic agreement among FHWA, the Advisory Council on Historic Preservation, the Oregon State Historic Preservation Office, and

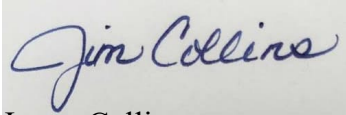
ODOT regarding implementing Section 106 of the National Historic Preservation Act for the Federal-Aid Highway Program in Oregon. Stipulation 5 B5 addresses “modernization of an existing highway by widening or other improvements provided such improvements occur entirely within the limits of the disturbed right-of-way and no cultural resources are present.

Finding of Effect:

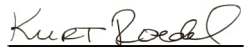
Application of Section 106 Criteria for Identification and Evaluation of Historic Properties [36 CFR 800.4(d)] indicates a finding of “No Adverse Effect” for the I-205 Tolling Project, based on the findings outlined above. ODOT, acting as an agent of FHWA, requests your concurrence with a FINDING OF NO ADVERSE EFFECT on historic properties for the project.

If you have any questions, please contact Tobin C. Bottman, RPA, ODOT Archaeologist, at (503) 986-3783; Robert W. Hadlow, Ph.D., ODOT Senior Historian, at (503) 731-8239. You can reach me at (503) 957-3595.

Sincerely,



James Collins
NEPA & Cultural Resources Unit Manager

<i>The State Historic Preservation Office concurs that the I-205 Tolling Project will have a No-Adverse Effect on Historic Properties (Archaeology).</i>	
	12/23/2022
SHPO Official (Archaeology)	Date
<i>The State Historic Preservation Office concurs that the I-205 Tolling Project will have a No-Adverse Effect on Historic Properties (Built Environment).</i>	
<u>Built Environment has been cleared under the 2011 PA through Stipulation 5 B5.</u>	
SHPO Official (Built Environment)	Date

Copies To:

Chris Bailey, Confederated Tribes of the Grand Ronde Community of Oregon
Casey Barney, Confederated Tribes and Bands of the Yakama Nation
Robert Brunoe, Confederated Tribes of the Warm Springs Reservation of Oregon
Robert Kentta, Confederated Tribes of Siletz Indians
Tobin C. Bottman, ODOT Archaeologist
Robert W. Hadlow, ODOT Senior Historian
Carol Snead, ODOT Region 1 Environmental Project Manager

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2017c Cultural Resource Survey of the I-205: Stafford Road-OR 99E Section, Supplemental Pedestrian Survey Clackamas County. University of Oregon Museum of Natural & Cultural History Report 2017-053, on file at the Oregon State Historic Preservation Office, Salem.

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2017e Section 106 Documentation Form, Historic West Linn City Hall, 22825 Willamette Drive, West Linn, OR. I-205: Stafford Road to OR 99E Corridor Widening & Abernethy Bridge Seismic Retrofit/Widening. ODOT Key No. 19786, Federal-Aid No. S064(057).

2017f Section 106 Documentation Form, Lynn View Apartments, 22840 Willamette Drive, West Linn, OR. I-205: Stafford Road to OR 99E Corridor Widening & Abernethy Bridge Seismic Retrofit/Widening. ODOT Key No. 19786, Federal-Aid No. S064(057).

2017g Section 106 Documentation Form, Reiman, Roland and Bessie, House, 1987 King Street (also 5253 West A Street), West Linn, OR. I-205: Stafford Road to OR 99E Corridor Widening & Abernethy Bridge Seismic Retrofit/Widening. ODOT Key No. 19786, Federal-Aid No. S064(057).

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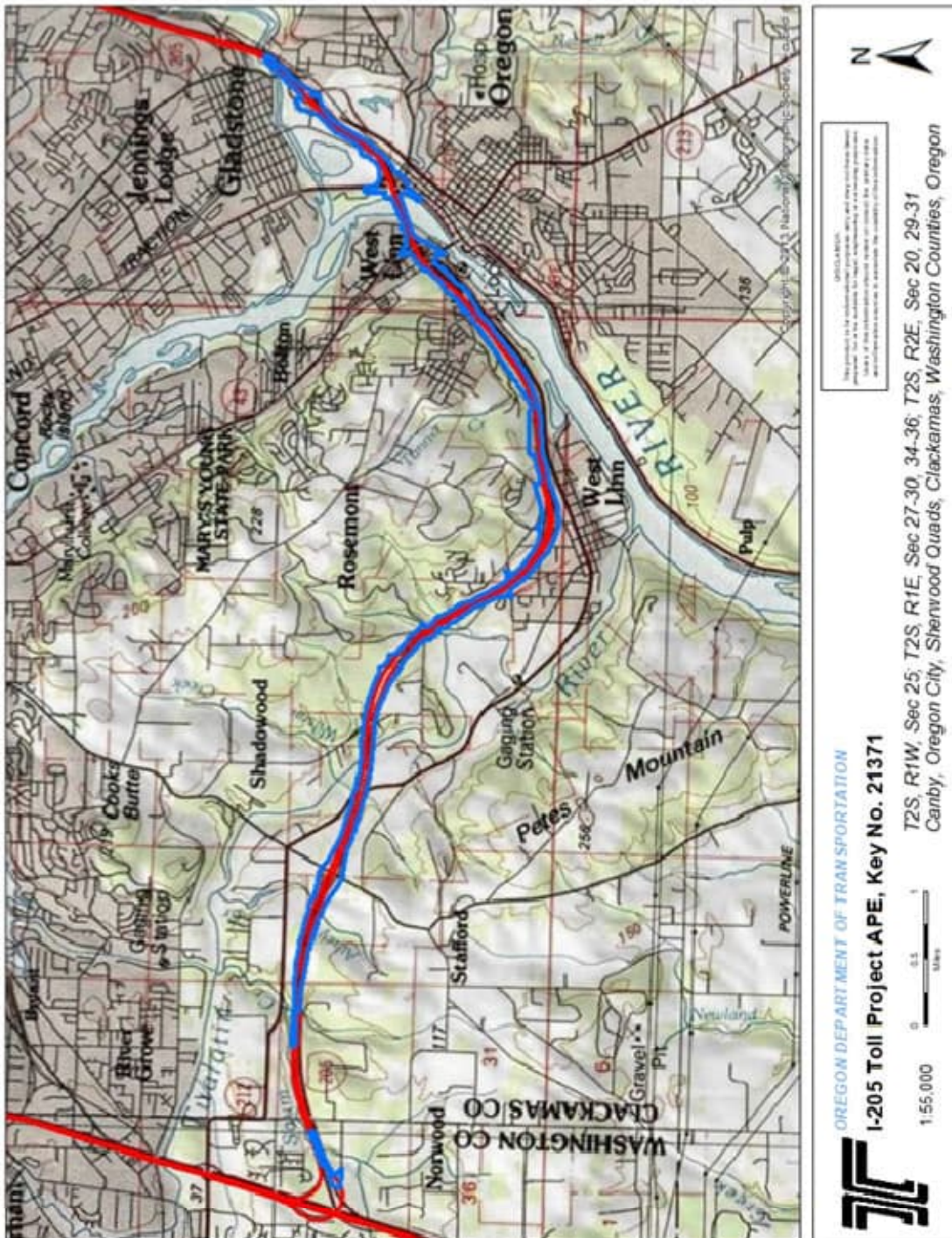


Figure 1. Project APE.

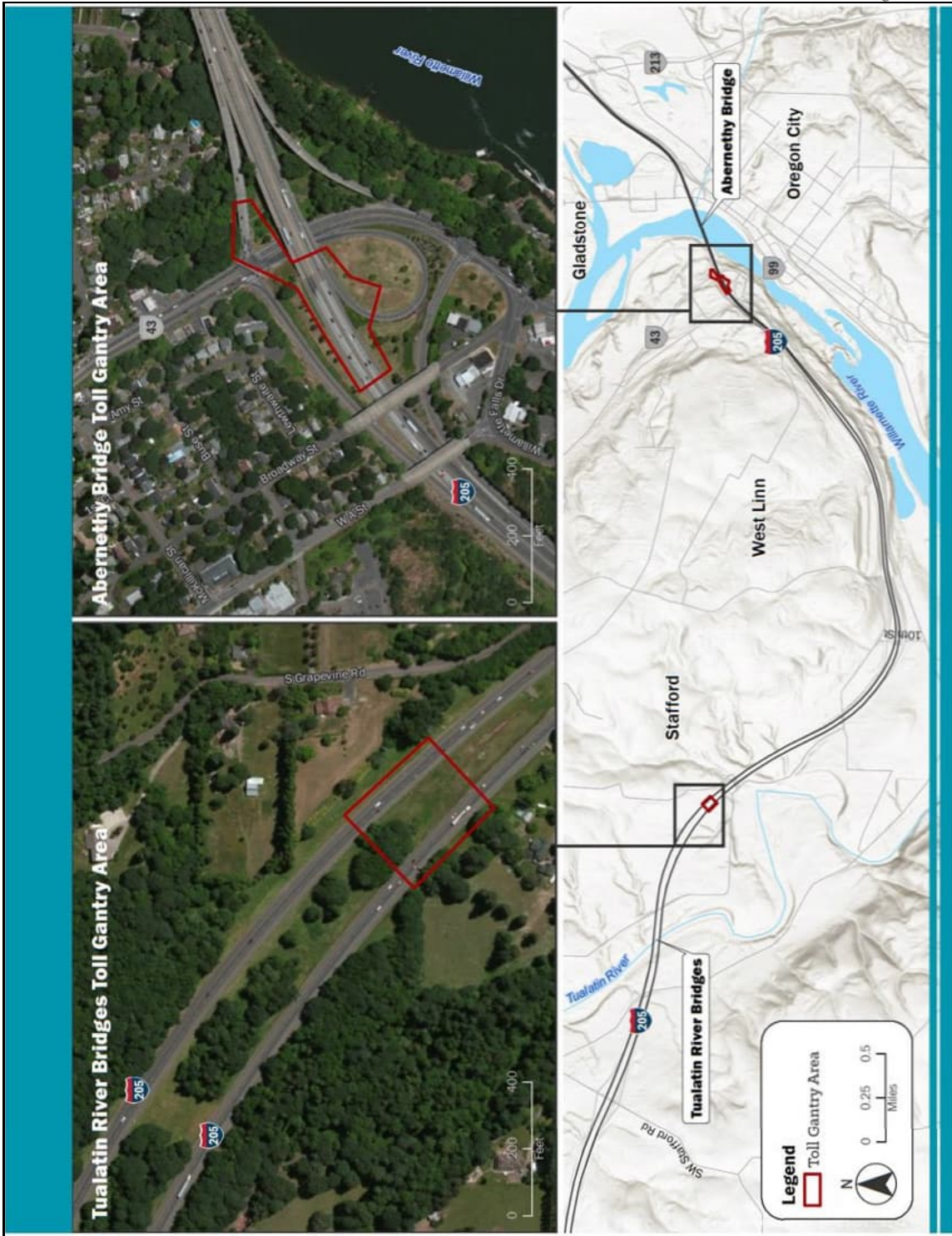


Figure 2. Toll gantry locations.