Appendix N I-205 Toll Project Historic and Archaeological Resources Technical Memorandum

Historic and Archaeological Resources Technical Memorandum

Date	February 2023
To	Carol Snead (ODOT)
From	WSP and HDR
CC	Mandy Putney (ODOT), Heather Wills (WSP), Nicole McDermott (WSP)
Subject	Historic and Archaeological Resources Technical Memorandum

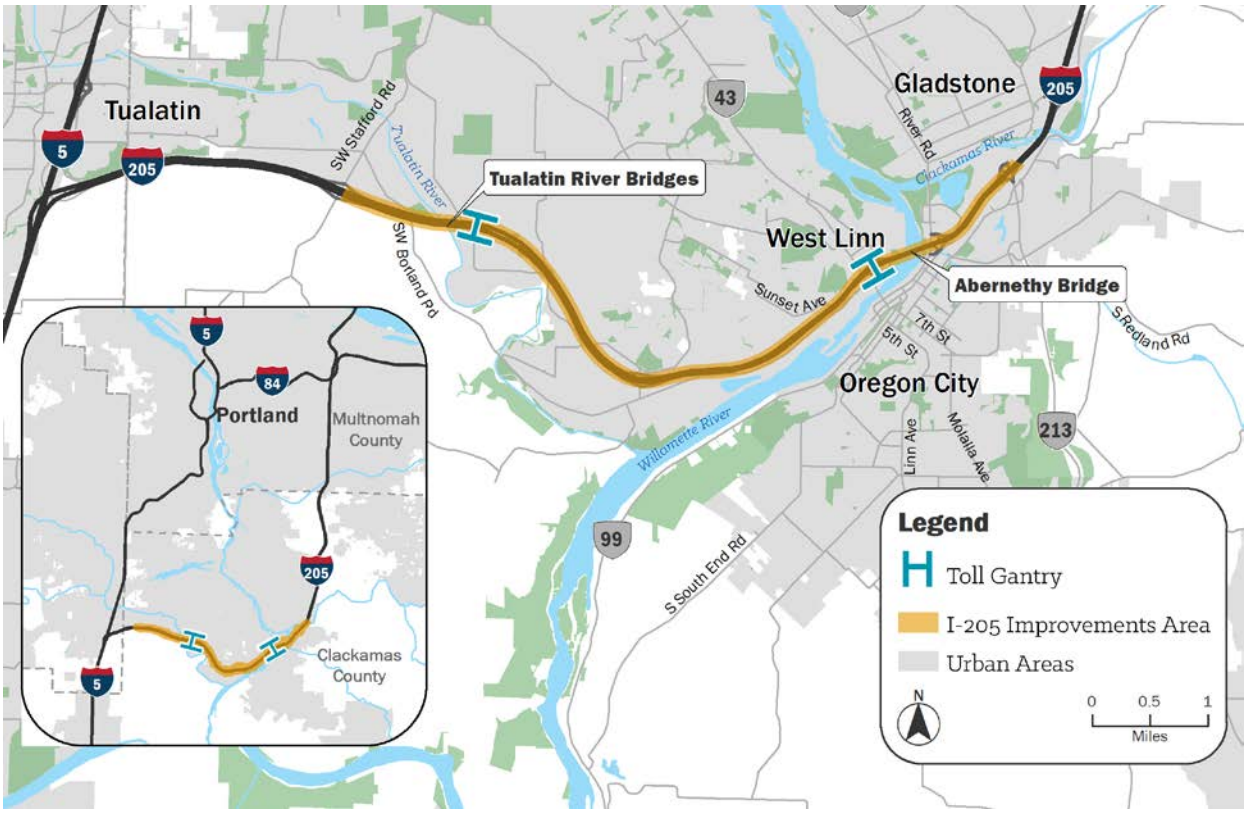
1 Introduction

This technical memorandum supports the I-205 Toll Project Environmental Assessment developed by the Oregon Department of Transportation (ODOT) in partnership with the Federal Highway Administration (FHWA). ODOT proposes to use variable-rate tolls[1] on the Interstate 205 (I-205) Abernethy Bridge and Tualatin River Bridges to raise revenue for construction of planned improvements to I-205 from Stafford Road to Oregon Route (OR) 213, including seismic upgrades and widening, and to manage congestion. The environmental assessment evaluates the effects of variable-rate tolls and the toll-funded I-205 improvements (together, the "Project") on the human and natural environment in accordance with the National Environmental Policy Act (NEPA). The Project area is illustrated in Figure 1-1.

This technical memorandum describes the existing conditions for historic and archaeological resources, discusses the impacts and benefits the Project would have on those conditions, and identifies measures to avoid, minimize, and/or mitigate adverse effects.

1 Variable-rate tolls are fees charged to use a road or bridge that vary based on time of day and that can be used as a strategy to shift demand to less congested times of day.

Figure 1-1. I-205 Toll Project Area



2 Project Alternatives

ODOT evaluated two alternatives in the I-205 Toll Project Environmental Assessment and this technical memorandum:

- No Build Alternative
- Build Alternative

Figure 2-1 depicts the existing condition and the proposed lane configuration of I-205 through the Project area for the No Build Alternative and Build Alternative.

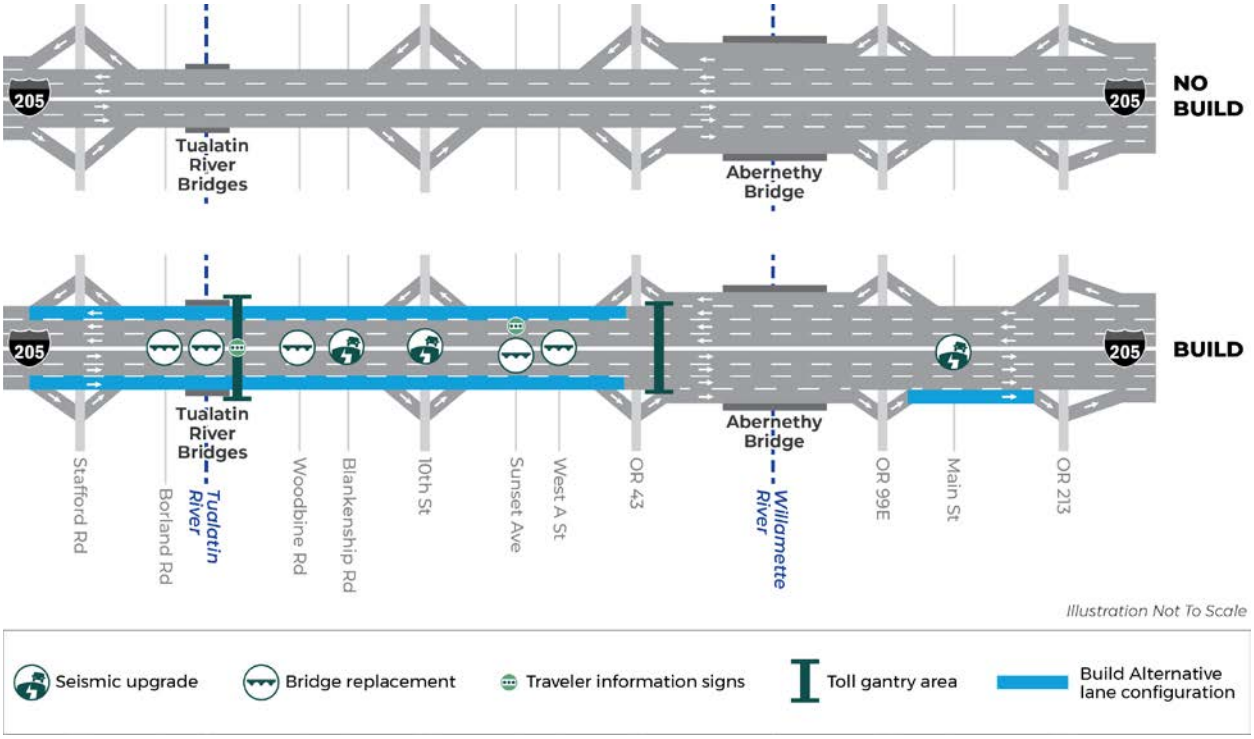
2.1 No Build Alternative

NEPA regulations require an evaluation of a No Build Alternative to provide a baseline to compare with the potential effects of a Build Alternative. The No Build Alternative consists of existing transportation infrastructure and any planned improvements that would occur regardless of the Project. The No Build Alternative includes the I-205: Phase 1A Project (reconstruction of the Abernethy Bridge with added auxiliary lanes and improvements to the adjacent interchanges at OR 43 and OR 99E) as a previously approved project that would be constructed by 2025. Under the No Build Alternative, tolling would not be implemented and the toll-funded widening and seismic improvements on I-205 between Stafford Road and OR 213 would not be constructed.

2.2 Build Alternative

Under the Build Alternative, drivers of vehicles on I-205 would be assessed a toll for crossing the Abernethy Bridge (between OR 43 and OR 99E) and for crossing the Tualatin River Bridges (between Stafford Road and 10th Street). The Build Alternative includes construction of a third through lane in each direction of I-205 between the Stafford Road interchange and the OR 43 interchange, a northbound auxiliary lane between OR 99E and OR 213, toll gantries and supporting infrastructure, as well as replacement of or seismic upgrades to multiple bridges along I-205 (shown schematically in Figure 2-1).

Figure 2-1. Schematic Diagrams of No Build and Build Alternatives



The following sections provide a more detailed description of the Build Alternative.

2.2.1 Bridge Tolls: Abernethy and Tualatin River Bridges

Under the Build Alternative, ODOT could begin tolling as early as December 2024, before the completion of construction of Project improvements to I-205. Two areas have been identified for placement of the toll gantries and supporting infrastructure. The toll gantries and supporting infrastructure would be located entirely within the existing I-205 right-of-way. Tolling would consist of an all-electronic system that would automatically collect tolls from vehicles traveling on the highway. Toll gantries would consist of vertical columns on the outside of the travel lanes and a horizontal structure that spans the travel lanes; electronic tolling equipment would be attached to the horizontal structure.

2.2.2 Improvements to I-205

Under the Build Alternative, a 7-mile portion of I-205 would be widened between Stafford Road and OR 213, with added through lanes between Stafford Road and OR 43, and a northbound auxiliary lane from

OR 99E to OR 213. Eight bridges between Stafford Road and OR 213 would be replaced or reconstructed to withstand a major seismic event. New drainage facilities would be installed in both directions of I-205.

Bridge Reconstructions and Replacements

The following bridges would be reconstructed with foundation improvements and substructure upgrades for seismic resiliency but would not be replaced:

- Northbound I-205 bridge over Blankenship Road – Mile Post (MP) 5.84
- Southbound I-205 bridge over Blankenship Road – MP 5.90
- Northbound I-205 bridge over 10th Street (West Linn) – MP 6.40
- Southbound I-205 bridge over 10th Street (West Linn) – MP 6.42
- I-205 bridge over Main Street (Oregon City) – MP 9.51

The following bridges would be replaced to meet seismic design standards and to facilitate the widening of I-205:

- Northbound I-205 bridge over SW Borland Road – MP 3.82
- Southbound I-205 bridge over SW Borland Road – MP 3.81
- Northbound I-205 bridge over the Tualatin River – MP 4.1
- Southbound I-205 bridge over the Tualatin River – MP 4.08
- Northbound I-205 bridge over Woodbine Road – MP 5.14
- Southbound I-205 bridge over Woodbine Road – MP 5.19
- Sunset Avenue (West Linn) bridge over I-205 – MP 8.28
- West A Street (West Linn) bridge over I-205 – MP 8.64

The I-205 bridges over 10th Street and Blankenship Road would be widened and raised to meet the proposed new highway grade. The I-205 bridges over the Tualatin River and SW Borland Road would be replaced on a new alignment between the existing northbound and southbound directions to accommodate construction. The I-205 bridges over Woodbine Road would be replaced on the existing alignment and raised to meet the proposed new highway grade. The Broadway Street Bridge over I-205 would be removed to enhance the function of the OR 43 interchange.

2.2.3 Construction

Construction of the Build Alternative is expected to last approximately 4 years, beginning in late 2023 with construction of toll gantries and toll-related infrastructure and continuing from 2024 through 2027 with construction of I-205 widening and seismic improvements. Most toll-related construction would be conducted alongside I-205 within the existing right-of-way. For highway widening, it is anticipated that construction would be sequenced to widen one direction of I-205 at a time, enabling traffic to be moved to a temporary alignment while the remaining widening work is completed. Construction activities would include adding temporary crossover lanes to enable access to the temporary traffic configurations during roadway widening. Staging areas for construction equipment and supplies for the Build Alternative would be located primarily in the median of I-205 in ODOT right-of-way.

3 Regulatory Framework

The following federal, state, and local laws, regulations, plans, policies, and guidance documents informed the assessment of the historic and archaeological resources:

- Federal
  - National Environmental Policy Act of 1969
  - Federal Highway Administration NEPA-implementing regulations, Environmental Impact and Related Procedures (23 Code of Federal Regulation [CFR] Part 771)
  - Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C Section 470 et seq. (Implementing regulations are in 36 CFR 800)
  - American Indian Religious Freedom Act of 1978, 42 United States Code (U.S.C.) Section 1996
  - Section 4(f) of the U.S. Department of Transportation Act of 1966 49 U.S.C. Section 101 et seq. (implementing regulations for Section 4(f) are 23 CFR 774)
  - Council on Environmental Quality regulations (40 CFR Parts 1500–1508)
- State
  - Oregon's Statewide Planning Goals and Guidelines (Oregon Administrative Rule (OAR) 660-015-0000)
  - Oregon Highway Plan, 1999
  - ODOT Environmental Impact Statement Annotated Template, 2010
  - Oregon Standards Specifications for Construction, 2021
  - Oregon Revised Statute (ORS) 358.905-358.961, Archaeological Objects and Sites
  - ORS 97.740-97.760, Indian Graves and Protected Objects
  - ORS 358.653, Protection of Publicly Owned Historic Properties
  - ORS 390.235-390.240, Permits and Conditions for Excavation or Removal of Archaeological or Historical Material; Removal without Permit; and Mediation and Arbitration of Disputes (implementing regulations are included in OAR 736-051)
  - Oregon's Removal-Fill Law (ORS 196.795-990)
- Regional and Local
  - Clackamas County Zoning and Development Ordinance
  - City of West Linn Comprehensive Plan, Community Development Code, and applicable neighborhood plans
  - Oregon City Comprehensive Plan and Municipal Code

4 Methodology

4.1 General Approach

The Project team evaluated the affected environment (existing conditions), potential effects under the No Build Alternative and Build Alternative, and mitigation measures for the historical and archeological resources.

4.2 Area of Potential Effects

The Area of Potential Effects (APE) for historic and archaeological resources is defined as the area within 100 feet of the edge of the existing I-205 right-of-way between the Stafford Road and OR 213 interchanges, as well as extensions along Sunset Avenue, West A Street, Broadway Street, and properties along Territorial Drive north of I-205.

4.3 Describing the Affected Environment

Historic and archaeological resource documentation prepared for the I-205 Improvements Project 2018 Documented Categorical Exclusion was reviewed, including the Historic Resources Technical Report (HDR 2018), Determinations of Eligibility, and Findings of Effect.

These baseline reports identified and reviewed previously recorded archaeological resources, records on file at the Oregon Archaeological Records Remote Access database managed by the Oregon State Historic Preservation Office (SHPO). The records search included identifying archaeological resources that were documented by professional and amateur archaeologists or were recorded based on anecdotal information from local residents.

To identify previously recorded historic structures, the Project Team reviewed pertinent registers, databases, and websites maintained at the local, state, and federal levels. These sources included county tax data, the Oregon SHPO's Historic Sites Database, the National Register of Historic Places, and previous survey records.

The research was supplemented by published historical and cartographic materials to provide an overview of the developmental history of the APE, including maps prepared by the Sanborn Fire Insurance Company, General Land Office, U.S. Geological Survey, and Metsker Maps. The Project Team also reviewed historic-era aerial photographs taken of the APE available from the Clackamas County Tax Assessor.

As part of the development of the Documented Categorical Exclusion for the I-205 Improvements Project, a survey was conducted in 2017 to identify historic resources in the Project's APE. Pedestrian surveys and subsurface exploratory probing were conducted in 2017 and 2018 in areas identified as having a high probability of archaeological resources.

The Project Team has coordinated with multiple consulting parties at the local, state, and federal levels, including the Cities of Oregon City and West Linn, the Oregon SHPO, the U.S. Army Corps of Engineers, the National Park Service, FHWA, Portland General Electric, Clackamas County, and the Clackamas

County Historic Review Board. FHWA has delegated tribal consultation responsibilities to ODOT as part of the NEPA process. Tribal consultation was initiated in 2017 and is ongoing with the following tribes: Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Indians; and Confederated Tribes of the Warm Springs Reservation of Oregon. Native properties of traditional religious and cultural significance were identified during the consultation period between the affected tribes and ODOT.

4.4 Effect Assessment Methods

The impacts analysis evaluated short-term (construction) direct effects, long-term direct effects, and cumulative effects for historic and archaeological resources as described in the following sections. No indirect effects on historic and archaeological resources were identified from the No Build Alternative and Build Alternative.

4.4.1 Direct Effects Assessment Methods

The analysis of direct short-term effects on historic resources that would occur during Project construction considered the potential for increased noise, road vibration, traffic, and air pollution to temporarily change the setting and defining characteristics of historic resources. The analysis of direct long-term effects on historic resources resulting from the Project considered the potential for construction activities to disturb or destroy pre-contact and historic-era archaeological resources on a permanent basis and for Project elements to permanently alter the viewsheds, setting, and/or defining characteristics of historic resources.

4.4.2 Cumulative Effects Assessment Methods

The *I-205 Toll Project Cumulative Impacts Technical Report* includes an analysis of the Project's potential to contribute to cumulative effects on historic and archaeological resources. Therefore, cumulative effects are not discussed in this technical memorandum.

4.5 Mitigation Approach

The Project would avoid and/or mitigate most anticipated impacts. Mitigation measures, if required, were developed using applicable agency-based regulations and guidance for those agencies with jurisdiction.

5 Affected Environment

Historic resources are buildings, structures, sites, or places older than 45 years of age and significant in history, architecture, and/or culture. Archaeological resources include the physical remains of human activity that are 50 years of age or older and that provide important information about the past. In accordance with Section 106 of the National Historic Preservation Act of 1966, FHWA and ODOT must consider the effects of the Project on these resources.

The APE for the Project includes the areas along I-205 that would be affected by construction activities and new structures associated with the Build Alternative, as shown in Figure 5-1. ODOT conducted a survey in 2017 that identified 34 historic resources in the Project's APE, five of which are considered eligible for listing on the National Register of Historic Places (listed in Table 5-1) (HDR 2018).

Table 5-1. Eligible Historic Resources in the Area of Potential Effects

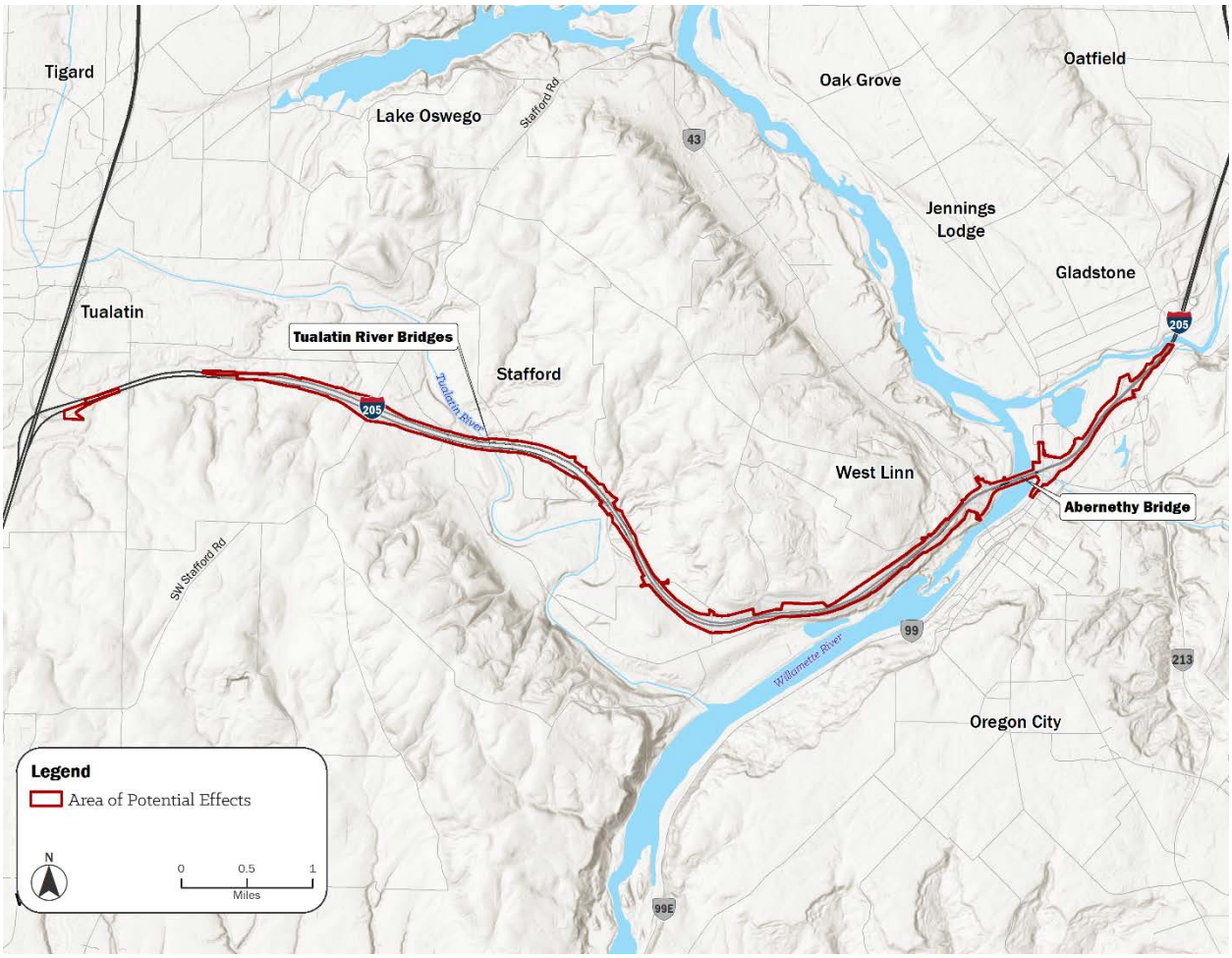
Property Name	Property Address
Burnham-Derr House	5345 Grove Street
McLean Park and House	5350 River Street
Hallowell-Robinson House	5370 Grove Street
Historic West Linn City Hall	22825 Willamette Drive
Lynn View Apartments	22840 Willamette Drive

Source: HDR 2018

McLean Park and House is an historic site that is individually eligible for listing, while the Historic West Linn City Hall and the Lynn View Apartments are eligible for listing as historic properties. The Burnham-Derr House and Hallowell-Robinson House are eligible for listing as part of a potential historic residential district. As shown in Figure 5-2, the five eligible historic resources are all located in West Linn near the Abernethy Bridge.

Previous surveys documented multiple archaeological sites that lie partly within the APE; however, these sites are no longer intact or were determined not to be significant, and no other known archaeological sites are located in the APE (Connolly 2018).

Figure 5-1. Historic and Archaeological Resources Area of Potential Effects



Source: HDR 2018

Figure 5-2. Eligible Historic Resources Identified Within the Area of Potential Effects

Source: HDR 2018

6 Environmental Consequences

6.1 No Build Alternative

Under the No Build Alternative, no historic resources would be affected. No ground-disturbing activities would take place, avoiding any potential impacts on unidentified archaeological resources.

6.2 Build Alternative

6.2.1 Short-Term Effects

The Abernethy Bridge toll gantry area would be in the same vicinity as the five eligible historic resources; however, these resources would not be affected by the construction of the Build Alternative. Construction activities for the Abernethy Bridge toll gantries and supporting infrastructure would occur entirely within ODOT right-of-way and would not result in physical damages or alterations to any of the eligible historic

resources, nor would it result in any temporary effects (e.g., traffic detours, noise, visual elements, emissions, or dust) that would diminish the historic significance of the eligible historic resources.

Because no intact or significant archaeological resources were identified, no effects are anticipated as a result of the Build Alternative. An inadvertent discovery plan would be developed prior to construction that would describe steps to take if cultural resources are identified during construction of the Build Alternative. If archaeological resources are encountered during construction of the Build Alternative, all work in the vicinity of the finds would cease immediately and the Oregon SHPO, ODOT, affected tribes, and other appropriate parties and agencies would be promptly notified, and ORS 358.920 and 36 CFR 800.13 would be consulted to ensure compliance with applicable state and federal laws.

6.2.2 Long-Term Effects

No long-term effects on historic and archaeological resources are anticipated from the Build Alternative. The Project used Stipulation 4C of the 2011 Section 106 Programmatic Agreement (FHWA 2011), which allows ODOT to act on behalf of FHWA during Oregon SHPO consultation and provide documentation and evaluation of historic resources. Upon evaluation of the Project effects on the five eligible historic resources in the APE, ODOT issued a Finding of No Adverse Effect (36 CFR 800.5[b]) on historic resources for the Project and sent a letter to Oregon SHPO on December 22, 2022, requesting concurrence with this finding (Attachment A). Oregon SHPO concurred with ODOT's finding on December 23, 2022 (Attachment B).

6.3 Summary of Effects

Table 6-1 provides a comparison of anticipated effects on historic and archaeological resources by alternative.

Table 6-1. Summary of Historic and Archaeological Resources Effects by Alternative

Effects	No Build Alternative	Build Alternative
Short-Term	▪ None	▪ Potential discovery of previously unidentified archaeological resources
Long-Term	▪ None	▪ None

7 Avoidance, Minimization, and/or Mitigation Commitments

Construction contractors would be required to prepare and implement an inadvertent discovery plan that includes prescribed actions to be taken in the event that unanticipated cultural resources are discovered. There would be no long-term impacts related to historic and archaeological resources under the Build Alternative; therefore, no avoidance, minimization, and/or mitigation measures are proposed.

8 References

Connolly, Thomas J. 2018. *Exploratory Cultural Resource Survey of Locality 5 on the I-205L Stafford Road – OR99E Section, Clackamas County* (ODOT Key No. 19786; Museum Report 2018-010). Prepared by the Oregon State Museum of Anthropology for the Oregon Department of Transportation, Salem.

Federal Highway Administration (FHWA). 2011. *A Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Oregon State Historic Preservation Office and the Oregon Department of Transportation Regarding Implementing Section 106 of the National Historic Preservation Act for the Federal-Aid Highway Program in Oregon.* https://www.oregon.gov/ODOT/GeoEnvironmental/Docs_CulturalResource/Arch_00-02_ODOT-FHWA-Programmatic-Agree_2011.pdf. Accessed June 29, 2022.

HDR. 2018. *Historic Resources Technical Report. I-205: Stafford Road to OR 213 Corridor Widening & Abernethy Bridge Seismic Retrofit / Widening.*