South elevation, Superintendent's House and Barracks
2011

2011

North (with doors) and west (with windows) elevations
2011

Superintendent's Office north & east elevations
2011

2011

Pump shelter south of Pier
2011

Fuel filters shelter west of Experimental Lab.
2011

South & east elevations of USAF Test Lab
2011

Asphalt pad is overgrown between raised control panels (right) and Building 7 (background).
Hatch to underground compartments under foundation
2011

Building T-408 adjacent to Pier entrance.
2011

Building T-408 west & south elevations.
2011

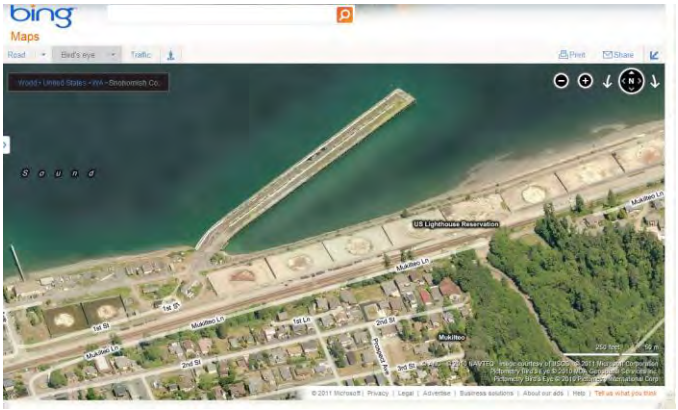
2011

2011

Possible compressor and associated machinery in T-408.
2011

2011

2011



Aerial view 2010.
Tank farm along shoreline and Pier.
2010

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

DEC 11 2003

Dr. Allyson Brooks
Washington State Office of Archaeology and Historic Preservation
1063 S. Capital Way, Suite 106
PO Box 48343
Olympia, Washington 98504-8343

Dear Dr. Brooks:

The purpose of this letter is to notify you that the Mukilteo Multimodal Facility Project (Figure 1) in Mukilteo, Washington, proposed by the Washington State Ferries (WSF) will be a Federal undertaking. As such, the project is subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and associated implementing regulations 36 CFR 800. Per Subpart A, Section 800.2(a)(3) and 800.2(c)(4) of these regulations, FTA is authorizing WSF, as an applicant for Federal assistance, to prepare information, analyses, and recommendations regarding Section 106 consultation for this project. The delegated authority does not extend to making determinations, such as the area of potential effects or consulting parties.

The Federal Transit Administration (FTA) and WSF are currently preparing an Environmental Assessment (EA) for the Mukilteo Multimodal Facility Project. The EA will be considering a range of alternatives, which are currently undergoing development. We will be sharing information with your office throughout the process.

Our Section 106 strategy is to use the procedures for public involvement associated with the National Environmental Policy Act. Therefore, we will include the cultural resources documentation and associated impact assessment data within the EA. Technical reports and similarly required supporting information will also be contained within or referenced as an appendix to the EA.

Below is an overview of the project, information on the project history, description of the proposed areas of potential effect (APE) and potential effects from the proposed project that may affect cultural resources and historic buildings and/or structures.

WSF Project Overview

WSF has two primary objectives for this project: 1) to construct a ferry terminal at Mukilteo that provides seamless and safe connections for ferry riders from Whidbey Island to the bus, rail, bicycle, pedestrian and automobile travel modes, and 2) to develop

a multimodal facility that promotes use of HOV and non-motorized transportation modes and is compatible with the natural environment and community needs.

Components of the multimodal site and building program include:

- Two Operating Ferry Slips
- Secure Vehicle Holding for Two "Boatloads"
- Overhead Passenger Loading Connection to Ferries and to Commuter Rail
- Four Toll Booths
- Secure Walk-on Passenger Waiting
- Passenger Circulation, Security Screening & Ticketing Control
- Passenger Amenities Including Restrooms, Vending & Information
- Potential Commercial Concessions
- Staff Facilities Including Agents Area & Crew Room
- Support Facilities Including Storage & Mechanical/Electrical Rooms
- Transit Center with Seven Bus Bays

WSF's Mukilteo Multimodal project has been referred to as a "project within a project". Figure 4 illustrates conceptually how WSF's multimodal project fits into the overall scheme to redevelop the Mukilteo Tank Farm property.

Project History

In 1954, the present ferry terminal was constructed at the existing location (see Figure 2), and it was expanded in 1954 and again in 1992.

Over the years, ferry traffic has increased dramatically and the current facility is overtaxed. During peak times, traffic waiting to board a ferry backs up out of the ferry holding area into a lane for ferry traffic along the shoulder of SR 525, causing congestion and making local traffic circulation difficult.

In the mid-1990's, the City of Mukilteo led a planning effort that culminated in 1995 with the Mukilteo Multimodal Terminal and Access Study SEPA Programmatic EIS. Both draft and final Programmatic EIS's were published in 1995. The EIS studied a proposal for a "multimodal" terminal that would co-locate ferry, transit and commuter rail services. The City's EIS process selected a preferred location – the Central Waterfront Site – on the Mukilteo Tank Farm property for the multimodal terminal (See Figure 2 for proposed location of the ferry terminal). The Tank Farm property lies along the waterfront east of the existing ferry terminal (Figure 3).

However, as previously stated, the current NEPA EA will not be limited to the SEPA EIS preferred alternative, but will consider a variety of alternatives.

Archeological Resource APE and Potential Effects

The proposed APE for archeological resources is defined in the following areas (see Figure 2):

Tank Farm
The APE for the Tank Farm was determined by the horizontal extent of the proposed multimodal project boundary and the potential vertical distance for clearing, grading, and construction (see Figure 2). Not all of the site would be excavated, and excavation would occur in localized areas (e.g., utility installation). The extent of excavation below the existing surface at the site is estimated to be between 5 and 10 feet. However, construction of columns to support an overhead passenger loading facility could require the use of 6 to 10-foot diameter drilled shafts, which may require drilling up to 100 feet in depth.

Excavation and grading on the site could potentially un-earth cultural resources. Potential archaeological resources may include remnants of an old lumber mill that operated on the site in the early 1900s; however, during demolition of the facility in 1931, remaining structures were destroyed by fire.

Existing Ferry Terminal
WSF would likely remove many of the in-water structures (wingwalls, towers, and floating dolphin) at the existing WSF ferry terminal, and there is a potential that removal of these in-water structures could uncover archaeological resources.

WSDOT Right of Way
WSF may modify a portion of property east of the Tank Farm property for habitat enhancements or public access. Any earth moving activities could uncover archaeological resources.

Historic Buildings and Structures APE and Potential Effects
The APE for historic buildings and structures was defined based on known and possible historic buildings and structures and the proximity of the proposed WSF ferry terminal to these known or potential buildings and structures. It is possible that construction could result in the removal of historic buildings and structures located on the Tank Farm. In addition, construction may result in vibrations, which may affect the historic buildings and structures that remain onsite.

With this letter, we request your concurrence in the proposed APE and would like to hear about any issues you may see regarding historic properties in the study area. FTA and WSF will consult with you during this undertaking in compliance with the requirements of Section 106. Please call me at (206) 220-7953 if you have any questions. We look forward to your reply.

Sincerely,

Jennifer Bowman

Jennifer Bowman
Community Planner

Cc: Nicole McIntosh – WSF Project Manager
Lynn Larson – LAAS
Tracey McKenzie – Anchor Environmental

STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

December 19, 2011

Mr. Richard F. Krochalis
Regional Administrator
Federal Transit Administration
915 Second Avenue
Federal Building, Suite 3142
Seattle, Washington 98174-1002

In future correspondence please refer to:
Log: 040110-29-FTA
Property: Mukilteo Multimodal Project II
Re: NOT Eligible

Dear Mr. Krochalis:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The above referenced property has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. My review is based upon documentation contained in your communication.

We have reviewed the properties surveyed within the Area of Potential Effects by your professional consultant and concur with their findings that they are not currently listed in the Washington Heritage Register or National Register of Historic Places. Those properties are NOT ELIGIBLE for the National Register of Historic Places under criterion C. As a result of this finding, further contact with DAHP is not necessary. However, if additional information on the property becomes available, or if any archaeological resources are uncovered during construction, please halt work in the area of discovery and contact the appropriate Native American Tribes and DAHP for further consultation.

Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,

Russell Holter
Project Compliance Reviewer
(360) 586-3533
russell.holter@dahp.wa.gov

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

**915 Second Avenue
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Seattle, WA 98174
206-220-7954
206-220-7959(fax)**

June 12, 2012

Honorable Cliff Cultee
Lummi Nation
2616 Kwina Road
Bellingham, Washington 98226

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairman Cultee:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

Consistent with the NHPA, FTA has determined that the Preferred Alternative is an undertaking that would result in an adverse effect on historic resources. **This letter invites the Lummi Nation to confirm its interest in participating as a consulting party under Section 101(d)(6)(B) of the NHPA in the resolution of adverse effects on historic and cultural resources.** We request your formal response to the participation invitation by July 10.

If you wish to participate as a consulting party, please be aware that **FTA and WSDOT will host a pre-consultation meeting focusing on the Preferred Alternative and recent design refinements on Tuesday, June 26, from 1:00 p.m. - 2:30 p.m. at Mukilteo City Hall.** At that meeting, we will outline our approach and a proposed schedule for developing a Memorandum of Agreement (MOA) with DAHP and the other consulting parties. We would benefit from your presence, but will have a call-in number for those who cannot attend.

OVERVIEW

The basis for FTA's determination of effect and the documentation of previous efforts to identify potentially affected resources and avoidance alternatives were detailed in the Mukilteo Multimodal Project Draft EIS. The Lummi Nation received a copy of that document and its supporting documents, including the Cultural Resources Discipline Report, in January 2012. The Draft EIS concluded that all the alternatives had potential adverse effects on historic resources.

The WSDOT Preferred Alternative (Elliot Point 2) would remove the existing ferry terminal facilities and construct a new ferry terminal with integrated multimodal facilities on the Mukilteo Tank Farm—a nearby waterfront parcel that is currently vacant and previously used for industrial and military purposes. The new facility would include a new berth for the ferry, passenger and maintenance

buildings, toll booths, holding lanes for vehicles, a transit center, parking areas, walkways, and a shoreline esplanade. The project would also improve and extend connecting roadways to the site, and provide lighting and utilities at the site. Some existing or remnant facilities and buildings would be removed, as would the existing ferry terminal facilities.

While several historic properties are within the area to be redeveloped, project designers have been able to site many of the necessary improvements above or outside the known limits of archaeological resources in the area. Since publishing the Draft EIS, WSDOT has identified additional design refinements to Elliot Point 2 to further minimize the risk of disturbance.

Following is a brief overview of Section 106 consultation, the role of the consulting parties, the historic properties that this project might affect, and a look at next steps in the process.

SECTION 106 CONSULTATION

The regulations that implement Section 106 of the NHPA require the responsible federal agency, in this case FTA, to follow procedures for meeting its legal obligation to assess the effects of its actions, called undertakings, on historic properties. "Historic properties" are historic and archaeological resources that are listed in or eligible for listing in the National Register of Historic Places. The agency must consider the effects of the undertaking in consultation with parties that have a demonstrated legal or economic interest in the undertaking, or a concern about the undertaking's effects on historic properties. These parties are called the "consulting parties" in the Section 106 regulations. FTA is inviting you to participate in the Section 106 consultation process as a consulting party.

ROLE OF THE CONSULTING PARTIES

Consulting parties play an important role in the Section 106 process. The federal agency must identify the consulting parties, invite them into the consultation process, and listen to their concerns about, and ideas for, resolving adverse effects. Consultation is defined as "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."

As a consulting party, you will have the opportunity to help FTA and WSDOT resolve the adverse effects of the undertaking on historic properties by suggesting ideas that you think the agency should consider. The ideas may concern avoidance, minimization, or mitigation of the project's potential adverse effects. Even though the federal agency is not required to adopt these ideas, the process allows the consulting parties to influence the agency's decisions about what it will do to meet the legal requirements and to achieve the best possible preservation outcome. In this manner, the agency can balance the needs of the undertaking with its responsibility to be a good steward of the community's historic properties. Ultimately, the NHPA requires that the appropriate parties will develop an MOA that seeks to resolve adverse effects on historic properties by detailing *adverse effect resolution*, stipulating *measures to avoid adverse effects*, and including a *treatment plan to guide actions* during future design and construction activities.

ANTICIPATED ADVERSE EFFECTS FOR THE MUKILTEO MULTIMODAL PROJECT

Based on the Draft EIS and its accompanying Cultural Resources Discipline Report, FTA has determined the Mukilteo Multimodal Project would adversely affect at least one of several historically significant properties within the project Area of Potential Effects:

45SN108 – Point Elliott Treaty Site (PETS); determined National Register of Historic Places (NRHP) eligible per Criteria A, B, and D
45SN393 – Mukilteo Shoreline Site (MSS); determined NRHP eligible per Criterion D
45SN404 – Old Mukilteo Townsite (OMT); determined NRHP eligible per Criterion D

Old Mukilteo Townsite

We anticipate direct adverse effects on this property arising from the construction of retaining walls on the First Street extension, installation of stormwater ponds and other facilities,

installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects on the Old Mukilteo Townsite.

Point Elliott Treaty Site
The EIS did not identify likely adverse effects on the Point Elliott Treaty Site. However, fill would help avoid any potential effects on archaeological resources relating to the treaty signing. In addition, due to the sensitivity of the site to tribal members, the project could also employ context-sensitive design, public education, and/or commemorative project elements. The goal would be to recognize the importance of the site to tribes and avoid adversely affecting characteristics related to broad historical patterns and significant persons.

Mukilteo Shoreline Site
Adverse effects would come from disturbing the artifacts within this site. To resolve them, the project intends to (a) avoid the known horizontal and vertical limits of the site, and (b) place engineered fill to encapsulate and protect areas within the site. Still, we recognize that construction activities could intersect with intact or sensitive materials that were not anticipated, such as site limit extensions or within previously disturbed areas.

NEXT STEPS

As noted above, to brief potential consulting parties, **FTA and WSDOT will host a pre-consultation meeting on Tuesday, June 26, from 1:00 p.m. - 2:30 p.m. at Mukilteo City Hall.** At that meeting, we will outline our proposed approach and schedule for developing an MOA with DAHP and the other consulting parties. In-person attendance would be ideal, but we will provide a call-in number if you cannot attend in person.

We anticipate formal MOA development meetings and coordination to begin in mid-July and hope to circulate a draft MOA by late 2012. The signed MOA will be included in the project's Record of Decision (ROD), which FTA expects to prepare after releasing the Final EIS in spring 2013.

Please confirm whether you would like to participate in the MOA process and let us know whether you would like to attend the June 26 meeting.

Please contact me if you have any questions. You may also contact Dan Drais of FTA at 206.220.4465 or daniel.drais@dot.gov; Michael Chidley, WSDOT Cultural Resources Specialist, at 206.440.4525 or chidlem@wsdot.wa.gov; or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. You can find more information about the Preferred Alternative at www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

Thank you again for continuing to consult with us on this important project.

Sincerely,

R.F. Krochalis
Regional Administrator

cc: Lena Tso, Lummi Cultural Resources
Allyson Brooks, State Historic Preservation Officer

Paul Krueger, WSDOT Project Environmental Manager

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

**915 Second Avenue
Suite 3142
Seattle, WA 98174
206-220-7954
206-220-7959(fax)**

June 12, 2012

Honorable Virginia Cross
Muckleshoot Indian Tribe
39015 172nd Avenue Southeast
Auburn, Washington 98092

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairwoman Cross:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

Consistent with the NHPA, FTA has determined that the Preferred Alternative is an undertaking that would result in an adverse effect on historic resources. **This letter invites the Muckleshoot Indian Tribe to confirm its interest in participating as a consulting party under Section 101(d)(6)(B) of the NHPA in the resolution of adverse effects on historic and cultural resources.** We request your formal response to the participation invitation by July 10.

If you wish to participate as a consulting party, please be aware that **FTA and WSDOT will host a pre-consultation meeting focusing on the Preferred Alternative and recent design refinements on Tuesday, June 26, from 1:00 p.m. - 2:30 p.m. at Mukilteo City Hall.** At that meeting, we will outline our approach and a proposed schedule for developing a Memorandum of Agreement (MOA) with DAHP and the other consulting parties. We would benefit from your presence, but will have a call-in number for those who cannot attend.

OVERVIEW

The basis for FTA's determination of effect and the documentation of previous efforts to identify potentially affected resources and avoidance alternatives were detailed in the Mukilteo Multimodal Project Draft EIS. The Muckleshoot Indian Tribe received a copy of that document and its supporting documents, including the Cultural Resources Discipline Report, in January 2012. The Draft EIS concluded that all the alternatives had potential adverse effects on historic resources.

The WSDOT Preferred Alternative (Elliot Point 2) would remove the existing ferry terminal facilities and construct a new ferry terminal with integrated multimodal facilities on the Mukilteo Tank Farm—a nearby waterfront parcel that is currently vacant and previously used for industrial and military purposes. The new facility would include a new berth for the ferry, passenger and maintenance

buildings, toll booths, holding lanes for vehicles, a transit center, parking areas, walkways, and a shoreline esplanade. The project would also improve and extend connecting roadways to the site, and provide lighting and utilities at the site. Some existing or remnant facilities and buildings would be removed, as would the existing ferry terminal facilities.

While several historic properties are within the area to be redeveloped, project designers have been able to site many of the necessary improvements above or outside the known limits of archaeological resources in the area. Since publishing the Draft EIS, WSDOT has identified additional design refinements to Elliot Point 2 to further minimize the risk of disturbance.

Following is a brief overview of Section 106 consultation, the role of the consulting parties, the historic properties that this project might affect, and a look at next steps in the process.

SECTION 106 CONSULTATION

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Old Mukilteo Townsite

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installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects on the Old Mukilteo Townsite.

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NEXT STEPS

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Please contact me if you have any questions. You may also contact Dan Drais of FTA at 206.220.4465 or daniel.drais@dot.gov; Michael Chidley, WSDOT Cultural Resources Specialist, at 206.440.4525 or chidlem@wsdot.wa.gov; or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. You can find more information about the Preferred Alternative at www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

Thank you again for continuing to consult with us on this important project.

Sincerely,

R.F. Krochalis
for Regional Administrator

cc: Laura Murphy, Muckleshoot Cultural Resources
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Suite 3142
Seattle, WA 98174
206-220-7954
206-220-7959(fax)

June 12, 2012

Honorable Tom Wooten
Samish Indian Nation
PO Box 217
Anacortes, Washington 98221

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairman Wooten:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

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OVERVIEW

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45SN404 – Old Mukilteo Townsite (OMT); determined NRHP eligible per Criterion D

Old Mukilteo Townsite

We anticipate direct adverse effects on this property arising from the construction of retaining walls on the First Street extension, installation of stormwater ponds and other facilities,

installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects on the Old Mukilteo Townsite.

Point Elliott Treaty Site
The EIS did not identify likely adverse effects on the Point Elliott Treaty Site. However, fill would help avoid any potential effects on archaeological resources relating to the treaty signing. In addition, due to the sensitivity of the site to tribal members, the project could also employ context-sensitive design, public education, and/or commemorative project elements. The goal would be to recognize the importance of the site to tribes and avoid adversely affecting characteristics related to broad historical patterns and significant persons.

Mukilteo Shoreline Site
Adverse effects would come from disturbing the artifacts within this site. To resolve them, the project intends to (a) avoid the known horizontal and vertical limits of the site, and (b) place engineered fill to encapsulate and protect areas within the site. Still, we recognize that construction activities could intersect with intact or sensitive materials that were not anticipated, such as site limit extensions or within previously disturbed areas.

NEXT STEPS

As noted above, to brief potential consulting parties, **FTA and WSDOT will host a pre-consultation meeting on Tuesday, June 26, from 1:00 p.m. - 2:30 p.m. at Mukilteo City Hall.** At that meeting, we will outline our proposed approach and schedule for developing an MOA with DAHP and the other consulting parties. In-person attendance would be ideal, but we will provide a call-in number if you cannot attend in person.

We anticipate formal MOA development meetings and coordination to begin in mid-July and hope to circulate a draft MOA by late 2012. The signed MOA will be included in the project's Record of Decision (ROD), which FTA expects to prepare after releasing the Final EIS in spring 2013.

Please confirm whether you would like to participate in the MOA process and let us know whether you would like to attend the June 26 meeting.

Please contact me if you have any questions. You may also contact Dan Drais of FTA at 206.220.4465 or daniel.drais@dot.gov; Michael Chidley, WSDOT Cultural Resources Specialist, at 206.440.4525 or chidlem@wsdot.wa.gov; or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. You can find more information about the Preferred Alternative at www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

Thank you again for continuing to consult with us on this important project.

Sincerely,

Kenneth A. Ackerman

for R.F. Krochalis
Regional Administrator

cc: Jackie Ferry, Samish Cultural Resources
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

**915 Second Avenue
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206-220-7954
206-220-7959(fax)**

June 12, 2012

Honorable Janice Mabee
Sauk-Suiattle Indian Tribe
5318 Chief Brown Lane
Darrington, Washington 98241

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairwoman Mabee:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

Consistent with the NHPA, FTA has determined that the Preferred Alternative is an undertaking that would result in an adverse effect on historic resources. **This letter invites the Sauk-Suiattle Indian Tribe to confirm its interest in participating as a consulting party under Section 101(d)(6)(B) of the NHPA in the resolution of adverse effects on historic and cultural resources.** We request your formal response to the participation invitation by July 10.

If you wish to participate as a consulting party, please be aware that **FTA and WSDOT will host a pre-consultation meeting focusing on the Preferred Alternative and recent design refinements on Tuesday, June 26, from 1:00 p.m. - 2:30 p.m. at Mukilteo City Hall.** At that meeting, we will outline our approach and a proposed schedule for developing a Memorandum of Agreement (MOA) with DAHP and the other consulting parties. We would benefit from your presence, but will have a call-in number for those who cannot attend.

OVERVIEW

The basis for FTA's determination of effect and the documentation of previous efforts to identify potentially affected resources and avoidance alternatives were detailed in the Mukilteo Multimodal Project Draft EIS. The Sauk-Suiattle Indian Tribe received a copy of that document and its supporting documents, including the Cultural Resources Discipline Report, in January 2012. The Draft EIS concluded that all the alternatives had potential adverse effects on historic resources.

The WSDOT Preferred Alternative (Elliot Point 2) would remove the existing ferry terminal facilities and construct a new ferry terminal with integrated multimodal facilities on the Mukilteo Tank Farm—a nearby waterfront parcel that is currently vacant and previously used for industrial and military purposes. The new facility would include a new berth for the ferry, passenger and maintenance

buildings, toll booths, holding lanes for vehicles, a transit center, parking areas, walkways, and a shoreline esplanade. The project would also improve and extend connecting roadways to the site, and provide lighting and utilities at the site. Some existing or remnant facilities and buildings would be removed, as would the existing ferry terminal facilities.

While several historic properties are within the area to be redeveloped, project designers have been able to site many of the necessary improvements above or outside the known limits of archaeological resources in the area. Since publishing the Draft EIS, WSDOT has identified additional design refinements to Elliot Point 2 to further minimize the risk of disturbance.

Following is a brief overview of Section 106 consultation, the role of the consulting parties, the historic properties that this project might affect, and a look at next steps in the process.

SECTION 106 CONSULTATION

The regulations that implement Section 106 of the NHPA require the responsible federal agency, in this case FTA, to follow procedures for meeting its legal obligation to assess the effects of its actions, called undertakings, on historic properties. "Historic properties" are historic and archaeological resources that are listed in or eligible for listing in the National Register of Historic Places. The agency must consider the effects of the undertaking in consultation with parties that have a demonstrated legal or economic interest in the undertaking, or a concern about the undertaking's effects on historic properties. These parties are called the "consulting parties" in the Section 106 regulations. FTA is inviting you to participate in the Section 106 consultation process as a consulting party.

ROLE OF THE CONSULTING PARTIES

Consulting parties play an important role in the Section 106 process. The federal agency must identify the consulting parties, invite them into the consultation process, and listen to their concerns about, and ideas for, resolving adverse effects. Consultation is defined as "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."

As a consulting party, you will have the opportunity to help FTA and WSDOT resolve the adverse effects of the undertaking on historic properties by suggesting ideas that you think the agency should consider. The ideas may concern avoidance, minimization, or mitigation of the project's potential adverse effects. Even though the federal agency is not required to adopt these ideas, the process allows the consulting parties to influence the agency's decisions about what it will do to meet the legal requirements and to achieve the best possible preservation outcome. In this manner, the agency can balance the needs of the undertaking with its responsibility to be a good steward of the community's historic properties. Ultimately, the NHPA requires that the appropriate parties will develop an MOA that seeks to resolve adverse effects on historic properties by detailing *adverse effect resolution*, stipulating *measures to avoid adverse effects*, and including a *treatment plan to guide actions* during future design and construction activities.

ANTICIPATED ADVERSE EFFECTS FOR THE MUKILTEO MULTIMODAL PROJECT

Based on the Draft EIS and its accompanying Cultural Resources Discipline Report, FTA has determined the Mukilteo Multimodal Project would adversely affect at least one of several historically significant properties within the project Area of Potential Effects:

45SN108 – Point Elliott Treaty Site (PETS); determined National Register of Historic Places (NRHP) eligible per Criteria A, B, and D
45SN393 – Mukilteo Shoreline Site (MSS); determined NRHP eligible per Criterion D
45SN404 – Old Mukilteo Townsite (OMT); determined NRHP eligible per Criterion D

Old Mukilteo Townsite

We anticipate direct adverse effects on this property arising from the construction of retaining walls on the First Street extension, installation of stormwater ponds and other facilities,

installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects on the Old Mukilteo Townsite.

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NEXT STEPS

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Please confirm whether you would like to participate in the MOA process and let us know whether you would like to attend the June 26 meeting.

Please contact me if you have any questions. You may also contact Dan Drais of FTA at 206.220.4465 or daniel.drais@dot.gov; Michael Chidley, WSDOT Cultural Resources Specialist, at 206.440.4525 or chidlem@wsdot.wa.gov; or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. You can find more information about the Preferred Alternative at www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

Thank you again for continuing to consult with us on this important project.

Sincerely,

R.F. Krochalis
Regional Administrator

cc: Norma Joseph, Sauk-Suiattle Cultural Resources
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

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June 12, 2012

Honorable Shelley Burch
Snoqualmie Indian Tribe
PO Box 969
Snoqualmie, Washington 98065

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairwoman Burch:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

Consistent with the NHPA, FTA has determined that the Preferred Alternative is an undertaking that would result in an adverse effect on historic resources. **This letter invites the Snoqualmie Indian Tribe to confirm its interest in participating as a consulting party under Section 101(d)(6)(B) of the NHPA in the resolution of adverse effects on historic and cultural resources.** We request your formal response to the participation invitation by July 10.

If you wish to participate as a consulting party, please be aware that **FTA and WSDOT will host a pre-consultation meeting focusing on the Preferred Alternative and recent design refinements on Tuesday, June 26, from 1:00 p.m. - 2:30 p.m. at Mukilteo City Hall.** At that meeting, we will outline our approach and a proposed schedule for developing a Memorandum of Agreement (MOA) with DAHP and the other consulting parties. We would benefit from your presence, but will have a call-in number for those who cannot attend.

OVERVIEW

The basis for FTA's determination of effect and the documentation of previous efforts to identify potentially affected resources and avoidance alternatives were detailed in the Mukilteo Multimodal Project Draft EIS. The Snoqualmie Indian Tribe received a copy of that document and its supporting documents, including the Cultural Resources Discipline Report, in January 2012. The Draft EIS concluded that all the alternatives had potential adverse effects on historic resources.

The WSDOT Preferred Alternative (Elliot Point 2) would remove the existing ferry terminal facilities and construct a new ferry terminal with integrated multimodal facilities on the Mukilteo Tank Farm—a nearby waterfront parcel that is currently vacant and previously used for industrial and military purposes. The new facility would include a new berth for the ferry, passenger and maintenance

buildings, toll booths, holding lanes for vehicles, a transit center, parking areas, walkways, and a shoreline esplanade. The project would also improve and extend connecting roadways to the site, and provide lighting and utilities at the site. Some existing or remnant facilities and buildings would be removed, as would the existing ferry terminal facilities.

While several historic properties are within the area to be redeveloped, project designers have been able to site many of the necessary improvements above or outside the known limits of archaeological resources in the area. Since publishing the Draft EIS, WSDOT has identified additional design refinements to Elliot Point 2 to further minimize the risk of disturbance.

Following is a brief overview of Section 106 consultation, the role of the consulting parties, the historic properties that this project might affect, and a look at next steps in the process.

SECTION 106 CONSULTATION

The regulations that implement Section 106 of the NHPA require the responsible federal agency, in this case FTA, to follow procedures for meeting its legal obligation to assess the effects of its actions, called undertakings, on historic properties. "Historic properties" are historic and archaeological resources that are listed in or eligible for listing in the National Register of Historic Places. The agency must consider the effects of the undertaking in consultation with parties that have a demonstrated legal or economic interest in the undertaking, or a concern about the undertaking's effects on historic properties. These parties are called the "consulting parties" in the Section 106 regulations. FTA is inviting you to participate in the Section 106 consultation process as a consulting party.

ROLE OF THE CONSULTING PARTIES

Consulting parties play an important role in the Section 106 process. The federal agency must identify the consulting parties, invite them into the consultation process, and listen to their concerns about, and ideas for, resolving adverse effects. Consultation is defined as "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."

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ANTICIPATED ADVERSE EFFECTS FOR THE MUKILTEO MULTIMODAL PROJECT

Based on the Draft EIS and its accompanying Cultural Resources Discipline Report, FTA has determined the Mukilteo Multimodal Project would adversely affect at least one of several historically significant properties within the project Area of Potential Effects:

45SN108 – Point Elliott Treaty Site (PETS); determined National Register of Historic Places (NRHP) eligible per Criteria A, B, and D
45SN393 – Mukilteo Shoreline Site (MSS); determined NRHP eligible per Criterion D
45SN404 – Old Mukilteo Townsite (OMT); determined NRHP eligible per Criterion D

Old Mukilteo Townsite

We anticipate direct adverse effects on this property arising from the construction of retaining walls on the First Street extension, installation of stormwater ponds and other facilities,

installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects on the Old Mukilteo Townsite.

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Please contact me if you have any questions. You may also contact Dan Drais of FTA at 206.220.4465 or daniel.drais@dot.gov; Michael Chidley, WSDOT Cultural Resources Specialist, at 206.440.4525 or chidlem@wsdot.wa.gov; or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. You can find more information about the Preferred Alternative at www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

Thank you again for continuing to consult with us on this important project.

Sincerely,

for R.F. Krochalis
Regional Administrator

cc: Steven Mullin-Moses, Snoqualmie Cultural Resources
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

**915 Second Avenue
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206-220-7954
206-220-7959(fax)**

June 12, 2012

Honorable Shawn Yanity
Stillaguamish Tribe of Indians
3310 Smokey Point Drive
Arlington, Washington 98223

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairman Yanity:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

Consistent with the NHPA, FTA has determined that the Preferred Alternative is an undertaking that would result in an adverse effect on historic resources. **This letter invites the Stillaguamish Tribe of Indians to confirm its interest in participating as a consulting party under Section 101(d)(6)(B) of the NHPA in the resolution of adverse effects on historic and cultural resources.** We request your formal response to the participation invitation by July 10.

If you wish to participate as a consulting party, please be aware that **FTA and WSDOT will host a pre-consultation meeting focusing on the Preferred Alternative and recent design refinements on Tuesday, June 26, from 1:00 p.m. - 2:30 p.m. at Mukilteo City Hall.** At that meeting, we will outline our approach and a proposed schedule for developing a Memorandum of Agreement (MOA) with DAHP and the other consulting parties. We would benefit from your presence, but will have a call-in number for those who cannot attend.

OVERVIEW

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The WSDOT Preferred Alternative (Elliot Point 2) would remove the existing ferry terminal facilities and construct a new ferry terminal with integrated multimodal facilities on the Mukilteo Tank Farm—a nearby waterfront parcel that is currently vacant and previously used for industrial and military purposes. The new facility would include a new berth for the ferry, passenger and maintenance

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Following is a brief overview of Section 106 consultation, the role of the consulting parties, the historic properties that this project might affect, and a look at next steps in the process.

SECTION 106 CONSULTATION

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ROLE OF THE CONSULTING PARTIES

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ANTICIPATED ADVERSE EFFECTS FOR THE MUKILTEO MULTIMODAL PROJECT

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Old Mukilteo Townsite

We anticipate direct adverse effects on this property arising from the construction of retaining walls on the First Street extension, installation of stormwater ponds and other facilities,

installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects on the Old Mukilteo Townsite.

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Thank you again for continuing to consult with us on this important project.

Sincerely,

for R.F. Krochalis
Regional Administrator

cc: John Harvey, Stillaguamish Cultural Resources
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

**915 Second Avenue
Suite 3142
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206-220-7954
206-220-7959(fax)**

June 7, 2012

Honorable Leonard Forsman
The Suquamish Tribe
PO Box 498
Suquamish, Washington 98392

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairman Forsman:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

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OVERVIEW

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ANTICIPATED ADVERSE EFFECTS FOR THE MUKILTEO MULTIMODAL PROJECT

Based on the Draft EIS and its accompanying Cultural Resources Discipline Report, FTA has determined the Mukilteo Multimodal Project would adversely affect at least one of several historically significant properties within the project Area of Potential Effects:

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Old Mukilteo Townsite

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installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects on the Old Mukilteo Townsite.

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Thank you again for continuing to consult with us on this important project.

Sincerely,

for R.F. Krochalis
Regional Administrator

cc: Dennis Lewarch, Suquamish Cultural Resources
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

**915 Second Avenue
Suite 3142
Seattle, WA 98174
206-220-7954
206-220-7959(fax)**

June 12, 2012

Honorable Brian Cladoosby
Swinomish Indian Tribal Community
11430 Moorage Way
LaConner, Washington 98257

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairman Cladoosby:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

Consistent with the NHPA, FTA has determined that the Preferred Alternative is an undertaking that would result in an adverse effect on historic resources. **This letter invites the Swinomish Indian Tribal Community to confirm its interest in participating as a consulting party under Section 101(d)(6)(B) of the NHPA in the resolution of adverse effects on historic and cultural resources.** We request your formal response to the participation invitation by July 10.

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Thank you again for continuing to consult with us on this important project.

Sincerely,

Kenneth A Feldman

for R.F. Krochalis
Regional Administrator

cc: Larry Campbell, Swinomish Cultural Resources
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Suite 3142
Seattle, WA 98174
206-220-7954
206-220-7959(fax)

June 12, 2012

Honorable Melvin R. Sheldon, Jr.
Tulalip Tribes
6406 Marine Drive
Tulalip, Washington 98257

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairman Sheldon:

The Federal Transit Administration (FTA), in cooperation with the Washington State Department of Transportation, Ferries Division (WSF) is continuing the environmental review for the Mukilteo Multimodal Project in compliance with the National Environmental Policy Act (NEPA). Having published a Draft Environmental Impact Statement (Draft EIS), and having considered the analysis it described as well as tribal, agency and public comments on it, the Washington State Department of Transportation (WSDOT) has selected Elliott Point 2 as the Preferred Alternative. FTA and WSDOT are now working on the Final EIS and related consultations, including the National Historic Preservation Act (NHPA).

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Sincerely,

for R.F. Krochalis
Regional Administrator

cc: Hank Gobin, Tulalip Cultural Resources Manager
Richard Young, Tulalip Environmental Programs Manager
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
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915 Second Avenue
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June 12, 2012

Honorable Jennifer Washington
Upper Skagit Indian Tribe
25944 Community Plaza Way
Sedro-Woolley, Washington 98284

**RE: Mukilteo Multimodal Project
Invitation to Participate as a Consulting Party under Section 106 of the National Historic Preservation Act**

Dear Chairwoman Washington:

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Sincerely,

for R.F. Krochalis
Regional Administrator

cc: Scott Schuyler, Upper Skagit Cultural Resources
Allyson Brooks, State Historic Preservation Officer

STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

June 13, 2012

Mr. Richard F. Krochalis
Regional Administrator
Federal Transit Administration
915 Second Avenue
Federal Building, Suite 3142
Seattle, Washington 98174-1002

In future correspondence please refer to:
Log: 040110-29-FTA
Property: Mukilteo Multimodal Project II
Re: Concurrence with Adverse Effect Determination

Dear Mr. Krochalis:

Thank you for contacting the Department of Archaeology and Historic Preservation (DAHP). We have reviewed the materials you provided for this project. We concur with your determination that the project, as proposed, will have an adverse effect on one or more National Register of Historic Places eligible properties.

We look forward to further consultation and the development of a Memorandum of Agreement (MOA) to address this Adverse Effect.

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4). These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,

Matthew Sterner, M.A.
Transportation Archaeologist
(360) 586-3082
matthew.sterner@dahp.wa.gov

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

June 14, 2012

Reid Nelson
Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Ave NW, Suite 803
Old Post Office Building
Washington D.C. 20004

**RE: Mukilteo Multimodal Project
Invitation to Participate in Section 106 Process
Supporting Documentation**

Dear Mr. Nelson:

This letter supplements FTA's June 4, 2012 letter inviting ACHP to consider participating in the resolution of adverse effects for the Mukilteo Multimodal Project in Snohomish County, Washington. The Federal Transit Administration (FTA) and the Washington State Department of Transportation (WSDOT), Ferries Division (WSF), are preparing the Final Environmental Impact Statement (EIS) and Section 106 documentation for the project.

In accordance with ACHP's guidance for the invitation to participate, this letter attaches a summary of views provided by consulting parties and the public regarding historic resources, along with copies of the letters themselves. The summary is based on a published Draft EIS Public Involvement and Comment Summary Report released in April 2012, following the public review and comment period for the Draft EIS. The summary is also available at: http://www.wsdot.wa.gov/Projects/Ferries/mukilteoterminal/multimodal/

We have also enclosed a copy of FTA's invitation to tribes, agencies and community groups to participate as consulting parties in the Section 106 consultation process. As these letters all contain the same information about the project, affected resources and the consultation process, we have enclosed only one example, but can provide each letter if you wish. The invited parties include:

City of Everett Historical Commission
Historic Everett
Japanese American Issei Pioneer Museum
Japanese Cultural and Community Center
Lummi Nation
Muckleshoot Indian Tribe
Mukilteo Historic Society
Samish Indian Nation
Sauk-Suiattle Indian Tribe
Snohomish County Historic Preservation Commission
Snoqualmie Indian Tribe
Stillaguamish Tribe of Indians
Suquamish Tribe

Swinomish Indian Tribal Community
Tulalip Tribes
U.S. Air Force
U.S. Army Corps of Engineers
Upper Skagit Indian Tribe

We invite you to review, in addition to these materials, Appendix A of the Draft EIS. It contains the other detailed correspondence relevant to the Section 106 process up to the date of the Draft EIS, including determinations of eligibility as well as the project's Area of Potential Effect. ACHP received a copy of the Draft EIS in January 2012, or you may consult it on the project website at: www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

If you have any questions, please contact me at 206.220.4465 or at daniel.drais@dot.gov. You may also contact Michael Chidley, WSDOT Cultural Resources Specialist 206.440.4525 or at chidlem@wsdot.wa.gov, or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. Additional information about the project and its Preferred Alternative, as well as a summary of public comments received during the Draft EIS review period earlier this year can be found at:
http://www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/

Sincerely,

Daniel G. Drais
Federal Transit Administration, Region X

Enclosures (2)

cc (by email): Louise Brodnitz, ACHP
Allyson Brooks, State Historic Preservation Officer

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

June 4, 2012

Mr. Reid Nelson
Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Ave NW, Suite 803
Old Post Office Building
Washington D.C. 20004-2501

RE: Notice of Adverse Effects and Invitation to Participate in Section 106 Process for the Mukilteo Multimodal Project (Snohomish County, Washington)

Dear Mr. Reid:

The Federal Transit Administration (FTA) and the Washington State Department of Transportation, Ferries Division (WSF), are preparing the Final Environmental Impact Statement (EIS) and related documentation for the Mukilteo Multimodal Project in Snohomish County, Washington. The project would remove an existing ferry terminal and construct a new ferry terminal with integrated multimodal facilities on a nearby waterfront parcel that is currently vacant and was previously used for industrial and military purposes. FTA is the federal lead agency under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA).

FTA has determined the Preferred Alternative (Elliot Point 2 Alternative) for the Mukilteo Multimodal Project is an undertaking that would result in an adverse effect to historic resources. FTA has requested concurrence from the Washington State Historic Preservation Officer (SHPO) and is initiating consultation on the resolution of adverse effects in compliance with Section 106.

The Mukilteo Multimodal Project Draft EIS (January 2012) details the basis for our effect determination, and documents our efforts to identify potentially affected resources and avoidance alternatives. As a cooperating agency under NEPA and pursuant to its role under the NHPA, ACHP received a copy of the Draft EIS and its supporting documents, including the Cultural Resources Discipline Report. The Draft EIS concluded that all of the alternatives being considered might adversely affect historic resources.

In accordance with Section 106 regulations, we are notifying the ACHP of our determination of an adverse effect and our intent to develop a Memorandum of Agreement to resolve adverse

effects through avoidance, minimization, compensation or other mitigation measures. FTA, WSDOT, the Washington SHPO and invited Native American Tribes are continuing consultations on the project measures that will be documented in a Memorandum of Agreement (MOA). We expect to begin formal MOA consultation meetings in mid-July 2012. We expect the MOA to be available as a draft for review by late 2012, and hope to have it executed in early 2013. The Final EIS should be released in spring 2013.

The Mukilteo Multimodal Project effects that prompt FTA's notice to ACHP fall within 36 CFR 800, Appendix A, section (c)(1): substantial impacts on historic properties. FTA has determined the project would have adverse effects on one or more of three resources that have been determined eligible for the National Register of Historic Places (NRHP). None of the properties is currently listed or are identified as a National Landmark. Other criteria that the ACHP might use to determine its interest in participating in the consultation do not appear to be present. Although the sites include properties of high cultural and historic significance to Native American Tribes, there do not appear to be unresolvable disputes among the consulting parties, and the EIS and Section 106 processes have involved extensive coordination to date. There do not appear to be unusual policy or procedural implications.

Historic Properties Affected
45SN404 – Old Mukilteo Townsite (OMT); determined NRHP eligible per Criterion D
45SN108 – Point Elliott Treaty Site; determined NRHP eligible per Criteria A, B and D
45SN393 – Mukilteo Shoreline Site (MSS); determined NRHP eligible per Criterion D

Continuing consultation is required to determine the appropriateness, adequacy, scale, schedule, and methodology for resolving or avoiding adverse effects to these properties. As directed by the NHPA, a Memorandum of Agreement will be developed that seeks to resolve adverse effects to historic properties by detailing adverse effect resolution, stipulating measures to avoid adverse effects, and including a treatment plan to guide actions during future design and construction activities.

Old Mukilteo Townsite
We anticipate direct adverse effects to this property arising from the construction of retaining walls on the First Street extension, installation of stormwater ponds and other facilities, installation of utilities, and potential foundation footings. Avoidance through further design may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects to Old Mukilteo Townsite.

Point Elliott Treaty Site
While the EIS did not identify likely adverse effects to the Point Elliott Treaty Site, fill would help avoid even unlikely potential effects to archaeological resources relating to the treaty signing. In addition, due to the sensitivity of the site to tribal members, the project could also employ context-sensitive design, public education, and/or commemorative project elements. The goal would be to recognize the importance of the site to tribes and avoid adversely affecting characteristics related to broad historical patterns and significant persons.

Mukilteo Shoreline Site

Adverse effects would come from disturbing the artifacts within this site. To resolve them, the project intends to (a) avoid the known horizontal and vertical limits of the site, and (b) place engineered fill to encapsulate and protect areas within the site. Still, we recognize that construction activities could intersect with intact or sensitive materials that were not anticipated, such as site limit extensions or within areas interpreted as previously disturbed.

The signed MOA will be included in the project's Record of Decision (ROD), which is anticipated to be developed by summer 2013. The MOA development and proposal process will focus on (1) the avoidance, minimization and mitigation measures for historic properties with adverse effects, (2) resolving the known, unavoidable adverse effects primarily through mitigation, and (3) on determining the phased or programmatic process by which the appropriate parties will implement the remaining property identification, significance evaluation, effects assessment and resolution of adverse effects.

We look forward to your decision on hearing whether the ACHP wishes to participate in developing the project's MOA. If possible, we would like to receive your reply within 30 days. Having determined the Preferred Alternative, we are anxious to start working with the consulting parties on the resolution of adverse effects.

If you have any questions, please contact Dan Drais of my office at 206.220.4465 or at daniel.drais@dot.gov. You may also contact Michael Chidley, WSDOT Cultural Resources Specialist 206.440.4525 or at chidlem@wsdot.wa.gov, or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. Additional information about the project and its Preferred Alternative, as well as a summary of public comments received during the Draft EIS review period earlier this year can be found at: http://www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/

Sincerely,

Linda M. Gehrke

for

R. F. Krochalis
Regional Administrator
Federal Transit Administration, Region X

Enclosures

cc: Louise Brodnitz, ACHP
David Moseley, Washington State Ferries

U.S. Department
of Transportation
**Federal Transit
Administration**

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Alaska, Idaho, Oregon,
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206-220-7959 (fax)

June 4, 2012

Dr. Allyson Brooks
State Historic Preservation Officer
Department of Archaeological and Historic Preservation
PO Box 48343
Olympia, WA
98504-8343

Re: Washington State Ferries Mukilteo Multimodal Project
Determination of Adverse Effect and
Request for Concurrence
DAHP Log # 040110-29-FTA

Dear Dr. Brooks:

Consistent with the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) has determined the Preferred Alternative (Elliot Point 2 Alternative) for the Mukilteo Multimodal Project is an undertaking that would result in an adverse effect to historic resources. The basis for that determination is summarized below. FTA and the Washington State Department of Transportation, Ferries Division (WSF) request your written concurrence with this determination.

The Mukilteo Multimodal Project Draft EIS (January 2012) details the basis for our effect determination, and documents our efforts to identify potentially affected resources and avoidance alternatives. As a cooperating agency under the National Environmental Policy Act and pursuant to its role under the NHPA, DAHP received a copy of the Draft EIS and its supporting documents, including the Cultural Resources Discipline Report. The Draft EIS concluded that all of the alternatives being considered might adversely affect historic resources.

Consultation to Resolve Adverse Effects
Having reached a project-level determination of adverse effect, FTA and WSF are now initiating consultation to resolve the project's adverse effects to specific historic properties. We are advising the Advisory Council for Historic Preservation of the determination and our intent to prepare a Memorandum of Agreement (MOA). We are simultaneously inviting the participation of other parties who have indicated an interest in the project and the potentially affected resources. These parties include the following federally recognized Tribes that have been acting as cooperating agencies in the environmental review and coordination to date: the Samish Indian Tribe, the Stillaguamish Tribe of Washington, the Suquamish Indian Tribe of the Port Madison Reservation, and the Tulalip Tribes of the Tulalip Reservation.

We have also been consulting with other tribes who chose not to participate as cooperating agencies. They received copies of the EIS and invitations to comment on it, and we will be inviting them to participate in preparing the MOA. These tribes include the Lummi Tribe of the Lummi Reservation, the Muckleshoot Indian Tribe of Washington, Nooksack Indian Tribe of Washington, Sauk-Suiattle Indian Tribe of Washington, Snoqualmie Tribe, Swinomish Indians of the Swinomish Reservation, and Upper Skagit Indian Tribe of Washington.

We have also been in contact with other parties that may have in interest in the project's historic resources, and have attached to this letter a list of the additional parties FTA anticipates inviting to participate.

Project Summary
The WSDOT Preferred Alternative (Elliot Point 2) would remove the existing ferry terminal facilities and construct a new ferry terminal with integrated multimodal facilities on the Mukilteo Tank Farm, a nearby waterfront parcel that is currently vacant and was previously used for industrial and military purposes. The new facility would include the development of a new berth for the ferry, passenger and maintenance buildings, toll booths, holding lanes for vehicles, a transit center, parking areas, walkways, and a shoreline esplanade. The project would also improve and extend connecting roadways to the site, and provide lighting and utilities to the site. Some existing or remnant facilities and buildings would be removed, as would the existing ferry terminal facilities.

While several historic properties are within the area to be redeveloped, project designers have been able to site many of the necessary improvements above or outside the known limits of archaeological resources in the area. Since publishing the Draft EIS, WSDOT has identified additional design refinements to Elliot Point 2 to further minimize the risk of disturbance.

Historic Properties Affected
45SN404 – Old Mukilteo Townsite (OMT); determined NRHP eligible per Criterion D
45SN108 – Point Elliott Treaty Site (PETS); determined National Register of Historic Places (NRHP) eligible per Criteria A, B, and D
45SN393 – Mukilteo Shoreline Site (MSS); determined NRHP eligible per Criterion D

Continuing consultation is required to determine the appropriateness, adequacy, scale, schedule, and methodology for resolving or avoiding adverse effects to these properties. As directed by the NHPA, a Memorandum of Agreement will be developed that seeks to resolve adverse effects to historic properties by detailing *adverse effect resolution*, stipulating *measures to avoid adverse effects*, and including a *treatment plan to guide actions* during future design and construction activities.

Old Mukilteo Townsite
We anticipate direct adverse effects to this property arising from the construction of retaining walls on the First Street extension, installation of stormwater ponds and other facilities, installation of utilities, and potential foundation footings for retaining walls. Avoidance may be an option for some elements, such as utilities, and data recovery would also be an option for resolution of other adverse effects to Old Mukilteo Townsite.

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The EIS did not identify likely adverse effects to the Point Elliott Treaty Site. However, fill would help avoid any potential effects to archaeological resources relating to the treaty signing. In addition, due to the sensitivity of the site to tribal members, the project could also employ context-sensitive design, public education, and/or commemorative project elements. The goal would be to recognize the

importance of the site to tribes and avoid adversely affecting characteristics related to broad historical patterns and significant persons.

Mukilteo Shoreline Site
Adverse effects would come from disturbing the artifacts within this site. To resolve them, the project intends to (a) avoid the known horizontal and vertical limits of the site, and (b) place engineered fill to encapsulate and protect areas within the site. Still, we recognize that construction activities could intersect with intact or sensitive materials that were not anticipated, such as site limit extensions or within previously disturbed areas.

Request for Concurrence
FTA requests your concurrence with the Adverse Effect Determination within 30 days. As always, we would appreciate any comments or suggestions relating to the participation of other consulting parties in developing an MOA. We will keep you informed about the project on a regular basis, and will provide you with all correspondence between us and the identified Native American tribes and other interested parties.

We are asking other invited consulting parties to respond with their interest in participating no later than July 9 to allow us to initiate formal consultation and allow multiple opportunities for the participants to develop the MOA approach.

To brief DAHP staff, Tribes, and other invited parties, FTA and WSDOT will host a pre-consultation meeting focusing on the Preferred Alternative and recent design refinements during the week of June 25th. We will send a separate invitation to that event. At that meeting, we plan to outline our approach to resolving adverse effects and offer a proposed schedule for developing an MOA with DAHP and the other consulting parties. We anticipate formal MOA coordination to begin in mid-July.

Thank you for your ongoing help with this project. If you have any questions, please contact Dan Drais of my office at 206.220.4465 or at daniel.drais@dot.gov. You may also contact Michael Chidley, WSDOT Cultural Resources Specialist 206.440.4525 or at chidlem@wsdot.wa.gov, or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. Additional information about the project and its Preferred Alternative, as well as a summary of public comments received during the Draft EIS review period earlier this year can be found at: http://www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

Sincerely,

Linda M Gehrke

R.F. Krochalis
Regional Administrator

cc: Nicole McIntosh, WSF

Attachment 1
Potential Additional Consulting Parties – Section 106 Process

In addition to DAHP and interested federally-recognized tribes that have already been invited to participate in the Section 106 process, the following organizations have been identified as potentially interested consulting parties for the Mukilteo Multimodal Project.

Yoshiaki G. Takemura
Japanese American Issei Pioneer Museum
36001 Hood Canal Drive NE
Hansville, WA 98340

Bif Brigman
Japanese Cultural & Community Center of Washington
1414 South Weller Street
Seattle, WA 98144

The Honorable Cecile Hansen
Duwamish Tribe
4717 W. Marginal Way
Seattle , WA 98106

The Honorable Mike Evans
Snohomish Tribe of Indians
11014 19th Avenue SE, Suite 8, PMB 101
Everett WA 98208

Valerie Steel, President
Historic Everett
2112 Rucker Avenue #8
Everett, WA 98201

Jan Meston
City of Everett Historical Commission
2930 Wetmore Avenue, Suite 8-A
Everett, WA 98201

Wendy Becker
Snohomish County Historic Preservation Commission
3000 Rockefeller, MS 411
Everett, WA 98201

Lisa Romo, President
Mukilteo Historic Society
304 Lincoln Avenue, Suite 101
Mukilteo, WA 98275

Chris Jenkins
Regulatory Branch Cultural Resource Program Manager
US Army Corps of Engineers - Seattle District
4735 East Marginal Way South
Seattle, WA 98124-3755

Doug Allbright
US Air Force HQ AMC/A7PI
507 Symington Drive
Scott AFB IL 62225-5022

U.S. Department
of Transportation
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June 4, 2012

Dr. Allyson Brooks
State Historic Preservation Officer
Department of Archaeological and Historic Preservation
PO Box 48343
Olympia, WA
98504-8343

Re: Washington State Ferries Mukilteo Multimodal Project
Determination of Adverse Effect and
Request for Concurrence
DAHP Log # 040110-29-FTA

Dear Dr. Brooks:

Consistent with the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) has determined the Preferred Alternative (Elliot Point 2 Alternative) for the Mukilteo Multimodal Project is an undertaking that would result in an adverse effect to historic resources. The basis for that determination is summarized below. FTA and the Washington State Department of Transportation, Ferries Division (WSF) request your written concurrence with this determination.

The Mukilteo Multimodal Project Draft EIS (January 2012) details the basis for our effect determination, and documents our efforts to identify potentially affected resources and avoidance alternatives. As a cooperating agency under the National Environmental Policy Act and pursuant to its role under the NHPA, DAHP received a copy of the Draft EIS and its supporting documents, including the Cultural Resources Discipline Report. The Draft EIS concluded that all of the alternatives being considered might adversely affect historic resources.

Consultation to Resolve Adverse Effects
Having reached a project-level determination of adverse effect, FTA and WSF are now initiating consultation to resolve the project's adverse effects to specific historic properties. We are advising the Advisory Council for Historic Preservation of the determination and our intent to prepare a Memorandum of Agreement (MOA). We are simultaneously inviting the participation of other parties who have indicated an interest in the project and the potentially affected resources. These parties include the following federally recognized Tribes that have been acting as cooperating agencies in the environmental review and coordination to date: the Samish Indian Tribe, the Stillaguamish Tribe of Washington, the Suquamish Indian Tribe of the Port Madison Reservation, and the Tulalip Tribes of the Tulalip Reservation.

We have also been consulting with other tribes who chose not to participate as cooperating agencies. They received copies of the EIS and invitations to comment on it, and we will be inviting them to participate in preparing the MOA. These tribes include the Lummi Tribe of the Lummi Reservation, the Muckleshoot Indian Tribe of Washington, Nooksack Indian Tribe of Washington, Sauk-Suiattle Indian Tribe of Washington, Snoqualmie Tribe, Swinomish Indians of the Swinomish Reservation, and Upper Skagit Indian Tribe of Washington.

We have also been in contact with other parties that may have in interest in the project's historic resources, and have attached to this letter a list of the additional parties FTA anticipates inviting to participate.

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Request for Concurrence
FTA requests your concurrence with the Adverse Effect Determination within 30 days. As always, we would appreciate any comments or suggestions relating to the participation of other consulting parties in developing an MOA. We will keep you informed about the project on a regular basis, and will provide you with all correspondence between us and the identified Native American tribes and other interested parties.

We are asking other invited consulting parties to respond with their interest in participating no later than July 9 to allow us to initiate formal consultation and allow multiple opportunities for the participants to develop the MOA approach.

To brief DAHP staff, Tribes, and other invited parties, FTA and WSDOT will host a pre-consultation meeting focusing on the Preferred Alternative and recent design refinements during the week of June 25th. We will send a separate invitation to that event. At that meeting, we plan to outline our approach to resolving adverse effects and offer a proposed schedule for developing an MOA with DAHP and the other consulting parties. We anticipate formal MOA coordination to begin in mid-July.

Thank you for your ongoing help with this project. If you have any questions, please contact Dan Drais of my office at 206.220.4465 or at daniel.drais@dot.gov. You may also contact Michael Chidley, WSDOT Cultural Resources Specialist 206.440.4525 or at chidlem@wsdot.wa.gov, or Paul Krueger, WSDOT Project Environmental Manager, at 206.805.2892 or kruegep@wsdot.wa.gov. Additional information about the project and its Preferred Alternative, as well as a summary of public comments received during the Draft EIS review period earlier this year can be found at: http://www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/.

Sincerely,

Linda M Gehrke

R.F. Krochalis
Regional Administrator

cc: Nicole McIntosh, WSF

Attachment 1
Potential Additional Consulting Parties – Section 106 Process

In addition to DAHP and interested federally-recognized tribes that have already been invited to participate in the Section 106 process, the following organizations have been identified as potentially interested consulting parties for the Mukilteo Multimodal Project.

Yoshiaki G. Takemura
Japanese American Issei Pioneer Museum
36001 Hood Canal Drive NE
Hansville, WA 98340

Bif Brigman
Japanese Cultural & Community Center of Washington
1414 South Weller Street
Seattle, WA 98144

The Honorable Cecile Hansen
Duwamish Tribe
4717 W. Marginal Way
Seattle , WA 98106

The Honorable Mike Evans
Snohomish Tribe of Indians
11014 19th Avenue SE, Suite 8, PMB 101
Everett WA 98208

Valerie Steel, President
Historic Everett
2112 Rucker Avenue #8
Everett, WA 98201

Jan Meston
City of Everett Historical Commission
2930 Wetmore Avenue, Suite 8-A
Everett, WA 98201

Wendy Becker
Snohomish County Historic Preservation Commission
3000 Rockefeller, MS 411
Everett, WA 98201

Lisa Romo, President
Mukilteo Historic Society
304 Lincoln Avenue, Suite 101
Mukilteo, WA 98275

Chris Jenkins
Regulatory Branch Cultural Resource Program Manager
US Army Corps of Engineers - Seattle District
4735 East Marginal Way South
Seattle, WA 98124-3755

Doug Allbright
US Air Force HQ AMC/A7PI
507 Symington Drive
Scott AFB IL 62225-5022

SECTION 4(F) CORRESPONDENCE

PLANNING AND COMMUNITY DEVELOPMENT

Allan Giffen
Director

September 21, 2011
Mr. Paul Krueger, Project Environmental Manager
999 Third Avenue, Suite 2424
MS: NB 82-230
Seattle, WA 98104

RE: Preliminary Alternatives, Mukilteo Multimodal Project

Dear Mr. Krueger:

The City of Everett appreciates your invitation to a meeting held recently at the Port of Everett offices to discuss the preliminary alternatives prior to the issuance of a Draft Environmental Impact Statement (DEIS) for the Mukilteo Multimodal Project. We would like to offer comments specifically related to the alternative labeled Elliot Point 1, and recommend that the plan be revised to address the City of Everett's concerns related to public access prior to issuance of the DEIS.

Based on the recent meeting at the Port, it is our understanding that Elliot Point 1 is the preferred alternative. As depicted in the graphics on the WSDOT website for this alternative, the plan does not provide adequate public access to the Edgewater beach area located east of the project site. A portion of the project site is located within the City of Everett, and will be required to obtain a Shoreline Substantial Development Permit from the City of Everett. A part of the proposed project is located on property for which the City of Everett has previously issued a shoreline substantial development permit to the Port of Everett for the Mount Baker Terminal rail-barge pier. This shoreline permit required public access, including public parking, for access to the beach. The proposed Elliot Point 1 alternative has eliminated this public parking and has provided only for parking by Port of Everett employees who work at the rail barge pier. The City will require that the Elliot Point 1 Mukilteo Multimodal project provide public access in accordance with the public access required by shoreline permit SMA #04-005 issued to the Port of Everett (copy enclosed), including public parking.

The Meeting Summary from the Project Workshop Agency and Tribal Meeting dated June 10, 2010 contains numerous comments provided by staff from the Port of Everett, City of Everett and City of Mukilteo indicating the importance of maintaining public access to Edgewater beach. Unfortunately, the proposed plan does not incorporate the improvements needed to maintain

adequate public access. The proposed alternative severely restricts the public access that has been provided by approval of shoreline permit SMA #04-005. The fact that public access improvements have not yet been constructed is due to circumstances beyond the control of the permit applicant (Port of Everett). The Port has not gained ownership of the property for a variety of reasons. However, their obligation to construct the public access improvements has not been removed, and the proposed Elliot Point 1 alternative cannot remove this requirement.

The City of Everett respectfully requests that WSDOT revise this alternative to fully incorporate the public access requirements of shoreline permit SMA #04-005 as part of the project design before releasing the DEIS. WSDOT should coordinate plans with the Port of Everett to address its public access responsibilities for this project and ensure that there is no adverse impact to the ability of the public to gain access to the shoreline, including improvements within the City of Mukilteo that enable the public to access the shoreline within the City of Everett.

We would be pleased to meet with you and the project design team, and staff from the City of Mukilteo and Port of Everett to discuss public access in greater detail. Please contact Gerry Ervine, Land Use Planning Manager for the City of Everett, at (425) 257-7146 to schedule a meeting.

Sincerely,

Allan Giffen, Director
City of Everett
Planning and Community Development

Cc: Pat McClain, City of Everett Government Affairs
John Klekotka, Port of Everett
Heather McCartney, City of Mukilteo
Gerry Ervine, City of Everett Land Use Manager

Washington State Department of Transportation

Paula J. Hammond, P.E.
Secretary of Transportation

WSDOT Ferries Division (WSF)
2901 3rd Avenue, Suite 500
Seattle, WA 98121-3014

206-515-3400
TTY: 1-800-833-6388
www.wsdot.wa.gov/ferries

David H. Moseley
Assistant Secretary for
Washington State Ferries

October 19, 2011

Mr. Alan Giffen, Director
City of Everett, Planning and Community Development
2930 Wetmore Avenue, Suite 8-A
Everett, WA 98201

RE: Preliminary Alternatives, Mukilteo Multimodal Project

Dear Mr. Giffen:

Thank you for your recent letter with comments regarding the Mukilteo Multimodal Project alternative known as Elliot Point 1.

First, I'd like to clarify that WSDOT Ferries Division does not yet have a preferred alternative for this project. WSDOT plans to identify a preferred alternative early next year, after the public comment period on the Draft Environmental Impact Statement (EIS). However, the Port of Everett and City of Mukilteo have publicly expressed a preference for the Elliot Point 1 alternative.

We appreciate the clarification regarding how the Elliot Point 1 Alternative could impact the ability of the Port of Everett to fulfill City of Everett shoreline permit conditions for the Mount Baker Terminal.

The EIS analysis has been revised to be consistent with your statements about the importance of maintaining adequate parking and open public access to the Edgewater Beach area at the Port of Everett Mount Baker Terminal. In several areas, including land use and Section 4(f), the Draft EIS now notes that the original design for Elliot Point 1 would impact the Port's permit and the important functions of the public shoreline access area.

Based on your feedback, we are evaluating potential design changes that will retain the public access features, including parking, intended for this location under shoreline permit SMA #04-005.

Once we have developed one or more options for retaining the public access features of the Mount Baker Terminal, we will arrange another meeting to review them. Our goal is to have at least one viable option we can describe in the Draft EIS as a mitigation measure for the impact the Elliot Point 1 alternative would have on public access.

If you have any questions prior to the meeting, please feel free to contact me at 206-805-2892 or paul.krueger@wsdot.wa.gov.

Sincerely,

Paul Krueger

Paul Krueger
Project Environmental Manager
Mukilteo Multimodal Project
Washington State Department of Transportation

PK:pk

cc: Pat McClain, City of Everett Government Affairs
John Klekotka, Port of Everett
Heather McCartney, City of Mukilteo
Gerry Ervine, City of Everett Land Use Manager

CITY OF MUKILTEO

11930 Cyrus Way – Mukilteo, WA 98275

February 13, 2013

Ms. Nicole McIntosh, P.E.
WA State Ferries
2901 3rd Ave, Suite 500
Seattle, WA 98121-1042

RE: Agreement on replacement of Fishing Pier and Day Moorage related to the Relocation of the Mukilteo Ferry Terminal as proposed with the Preferred Alternative

Dear Ms. McIntosh:

The City of Mukilteo supports WSDOT's proposal to relocate the fishing pier and day moorage as part of the program to relocate the Mukilteo existing ferry terminal east to the former Mukilteo Tank Farm site. Given that the existing pier and moorage would need to be closed and reconstructed under any of the project's alternatives, we believe the relocation proposed by the Preferred Alternative is the best approach to minimize impacts and ensure that a fishing pier and moorage facility on the Mukilteo waterfront can remain available to the public as the project is implemented. It is our understanding, that the new location complements the overall project's efforts to restore public access along a larger section of the area's waterfront, and it will continue to be an important recreational amenity for the community. As such, this approach mitigates the 4(f) impacts noted in the removal of the existing terminal and POE fishing pier and day moorage once operations are transferred to the new terminal.

We are also supportive of the site plan modifications that allows for full buildout of the Port of Everett's Mount Baker Transfer Facility and Edgewater Beach recreational and parking amenities. We also encourage WSDOT to consider partnering with NOAA to combine the piers during your final design efforts.

We appreciate the efforts of FTA and WSF in making sure these recreational impacts were addressed early in the process.

Sincerely,

Joe Marine

Joe Marine
Mayor
(425) 263-8017
mayor@ci.mukilteo.wa.us

Port *of* Everett

March 15, 2013

Ms. Nicole McIntosh, P.E.
Washington State Ferries
2901 3rd Ave., Suite 500
Seattle, WA 98121-1042

RE: Agreement on Replacement of Fishing Pier and Day Moorage
Relocation of Mukilteo Ferry Terminal as Proposed with the Preferred Alternative

Dear Nicole:

The Port of Everett ("Port") supports WSDOT's proposal to relocate the fishing pier and day moorage as part of the program to relocate the Mukilteo existing ferry terminal east to the former Mukilteo Tank Farm site.

Given that the existing pier and moorage would need to be closed and reconstructed under any of the project's alternatives, we believe the relocation proposed by the Preferred Alternative is the best approach to minimize impacts and ensure that a fishing pier and moorage facility on the Mukilteo waterfront can remain available to the public as the project is implemented. It is our understanding, that the new location complements the overall project's efforts to restore public access along a larger section of the area's waterfront, and it will continue to be a recreational amenity. As such, we believe this approach mitigates the 4(f) impacts noted in the removal of the existing terminal and the Port's fishing pier and day moorage once operations are transferred to the new terminal.

We appreciate your efforts in making sure these recreational impacts were addressed early in the process.

Very truly yours,

Les Reardanz
Chief Administrative Officer

1205 Craftsman Way, Suite 200 • Everett, WA 98201 • Phone (425) 259-3164 • Fax (425) 252-7366
Web site: www.portofeverett.com • E-mail: gen@portofeverett.com • P.O. Box 538 • Everett, WA 98206

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

March 29, 2013

Dr. Willie R. Taylor, Director
Office of Environmental Policy and Compliance
United States Department of Interior
1849 C Street NW
Washington 20240 DC

Re: Section 4(f) Review of the Mukilteo Multimodal Project, Mukilteo, WA

Dear Dr. Taylor:

The Washington State Department of Transportation, Ferries Division (WSF) proposes to repair and expand or to replace its existing ferry terminal in Mukilteo, Washington. The Federal Transit Administration is the lead agency for the project's environmental review. Accordingly, we enclose for your office's review an electronic copy of the project's Section 4(f) Final Evaluation. The draft evaluation was circulated to the Department of Interior along with the project's draft Environmental Impact Statement (EIS) on January 29, 2012. The same disk includes the most recent administrative review draft of the Final EIS for your reviewer's reference.

FTA asks that you provide any comments on the Section 4(f) Evaluation within 60 days (by May 27, 2013).

Project summary. The project's Preferred Alternative is a new ferry terminal that will have improved connections to bus, rail, automobiles, bicyclists and pedestrians. Section 4(f) resources in the Preferred Alternative's footprint include one public fishing pier (with seasonal day moorage); a pre-contact archaeological site (a buried shell midden) evidencing Native American use of the area for perhaps 1,000 years; and a historic period archaeological site from the earliest European settlement of the town of Mukilteo. In addition, the project site is part of a larger area where representatives of the United States met with representatives of a number of Western Washington tribes to sign an important treaty in 1855. The Treaty of Point Elliott established reservations for these tribes, affected tribal claims to land, preserved the tribes' hunting, gathering and fishing rights in perpetuity, and promised to provide schools for the reservations.

FTA and WSF have negotiated a Memorandum of Agreement under Section 106 with the State Historic Preservation Officer, nine tribes, and several other interested parties. While the MOA is not yet executed, FTA and WSF have been working with the consulting parties since last August and plan to circulate the final draft this month. The ACHP has also participated in the MOA's development and FTA expects it to sign.

Summary of Section 4(f) evaluation. During project scoping in 2010, the project team assessed several alternative sites in Mukilteo and also took a hard look at moving the ferry terminal out of Mukilteo. Scoping results showed clearly that non-Mukilteo sites were neither feasible nor prudent. During project development, the team analyzed a variety of alternatives and configurations to avoid and

minimize impacts to Section 4(f) resources. The analysis included options that would restore or expand the terminal at the existing location, and alternatives at two nearby locations. Given the number and location of protected resources, the project's operational requirements, and the area's geographical and topographical constraints, FTA and WSF concluded that no feasible and prudent alternatives exist that would avoid impacts to all resources. Despite the efforts to avoid impacts, each of the alternatives considered in the EIS would use four Section 4(f) resources.

The most important results of the least-harm analysis were these:

- The Preferred Alternative best mitigates adverse impacts on the affected Section 4(f) properties. It includes features that benefit some of the affected properties, and its mitigation measures reduce the severity of the remaining harm to all properties. The mitigation measures are supported by the agencies with jurisdiction over each of the resources.

- The Preferred Alternative also best meets the project's purpose and need. It offers the best multimodal connections, resolves several serious traffic safety issues, improves loading/unloading efficiencies and reliability, is consistent with WSF's Long-Range Plan, and allows the facility to comply with Homeland Security requirements that the present facility cannot accommodate.

- The Preferred Alternative has environmental impacts that are less than or equal to those of the other alternatives, and offers at least equivalent benefits to other environmental resources. It addresses upland and in-water sources of contamination; it reduces the ferry system's impacts on the local transportation system and parking; it supports local land use plans; it avoids displacing an important local business; and it opens up the largest area of the waterfront to public use, access, and potential developments, consistent with the City of Mukilteo's plans.

Procedural status. WSF and FTA expect to publish the Final Environmental Impact Statement in May and to issue a Record of Decision (ROD) in July. The ROD will include FTA's final Section 4(f) finding for the Mukilteo Multimodal Project.

We look forward to receiving any comments you may have. Please submit them by May 27, 2013 to Dan Drais, FTA Environmental Protection Specialist (Daniel.drais@dot.gov). If you have questions, you may contact Mr. Drais at that address or at 206-220-4465. Thank you for your help with this project.

Sincerely,

R.F. Krochalis
Regional Administrator

Enclosures: Section 4(f) Evaluation
CD with electronic copy of draft FEIS and Section 4(f) Evaluation

cc: Allison O'Brien, DOI Regional Environmental Officer, Portland, OR
Paul Krueger, Washington State DOT

ESA CONSULTATION

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

October 26, 2012

Mr. Steve Landino
Washington State Habitat Director
National Marine Fisheries Service
510 Desmond Drive SE, Suite 103
Lacey, Washington 98503

**Re: Washington State Ferries Mukilteo Multimodal Project
ESA Formal Consultation and Biological Assessment**

Dear Mr. Landino:

The Washington State Department of Transportation Ferries Division (WSF), in cooperation with the Federal Transit Administration (FTA), proposes to move the Mukilteo Ferry Terminal from its current location to the former U.S. Department of Defense Fuel Supply Point facility, known as the Tank Farm property. The project is necessary to address safety and operational concerns at the terminal. WSF and FTA released a Draft Environmental Impact Statement (EIS) in January 2012 and are now preparing a Final EIS.

In the Preferred Alternative, the project would construct a new trestle and terminal building on the Tank Farm property. A large pier offshore from the proposed site would be removed and a navigation channel dredged through sediments under the pier. The existing terminal and fishing pier would also be removed. The fishing pier would be relocated to a site just west of the proposed terminal. First Street would be realigned and extended from SR525 to the new ferry terminal. Project construction is scheduled to begin in July 2015 and would take about two years.

As the lead federal agency, FTA requests formal consultation with the U.S. Fish and Wildlife Service under Section 7(a)(2) of the Endangered Species Act (ESA). The enclosed biological assessment (BA) was prepared on our behalf by WSF for listed species as required under Section 7(c). The BA makes the following effect determinations for the project:

May affect, likely to adversely affect southern resident (SR) killer whale distinct population segment (DPS);
May affect, likely to adversely affect SR killer whale DPS critical habitat;
May affect, likely to adversely affect humpback whale;
May affect, likely to adversely affect Steller sea lion;
May affect, likely to adversely affect Puget Sound Chinook salmon evolutionarily significant unit (ESU);
May affect, likely to adversely affect Puget Sound Chinook salmon ESU critical habitat;
May affect, likely to adversely affect Puget Sound DPS steelhead;
May affect, not likely to adversely affect Georgia Basin/Puget Sound DPS bocaccio rockfish;
May affect, not likely to adversely affect Georgia Basin/Puget Sound DPS canary rockfish;

May affect, not likely to adversely affect Georgia Basin/Puget Sound DPS yelloweye rockfish;
May affect, not likely to adversely affect southern DPS eulachon; and
May affect, not likely to adversely affect southern DPS North American green sturgeon.

FTA is requesting formal consultation consistent with 51 CFR 402.14(c) on SR killer whale and SR killer whale critical habitat, humpback whale, Steller sea lion, Puget Sound Chinook salmon, Puget Sound Chinook salmon critical habitat, and Puget Sound steelhead; and informal consultation on bocaccio rockfish, canary rockfish, yelloweye rockfish, eulachon, and green sturgeon. FTA believes this BA provides NMFS with the best scientific and commercial data available concerning the impact of the proposed project on listed and proposed species and designated critical habitats.

FTA understands that formal consultation will be initiated by your receipt of this formal consultation request and will conclude within 90 days of that date. In accordance with 50 CFR 402.12(j), we look forward to receiving a letter from you in 30 days concurring with our effect determinations. If no letter is received, we will assume that you concur with the effect determinations.

Additionally, assuming your concurrence in our determinations, we understand that USFWS will prepare a Biological Opinion within 45 days of the end of the consultation period. We would like to review the draft Biological Opinion, incidental take statement, terms and conditions, and reasonable and prudent measures before the finalization of the Biological Opinion.

The BA also includes an analysis of potential effects to Essential Fish Habitat, as required by the Magnuson Stevens Act.

We understand that this completes our Section 7 responsibilities for the time being. We will continue to remain aware of any change in status of these species and will be prepared to re-evaluate potential project impacts if necessary. We will also proceed with our consultation responsibilities under the Marine Mammal Protection Act.

If you require additional information or have questions about this project, please contact FTA Environmental Protection Specialist Dan Drais at (206) 220-465 or Daniel.Drais@dot.gov.

Sincerely,

R.F. Krochalis
Regional Administrator

Enclosure: Biological Assessment for the Mukilteo Multimodal Project

cc: Paul Krueger, WSDOT Environmental Manager

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

October 26, 2012

Mr. Ken Berg
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503-1273

**Re: Washington State Ferries Mukilteo Multimodal Project
ESA Formal Consultation and Biological Assessment**

Dear Mr. Berg:

The Washington State Department of Transportation Ferries Division (WSF), in cooperation with the Federal Transit Administration (FTA), proposes to move the Mukilteo Ferry Terminal from its current location to the former U.S. Department of Defense Fuel Supply Point facility, known as the Tank Farm property. The project is necessary to address safety and operational concerns at the terminal. WSF and FTA released a Draft Environmental Impact Statement (EIS) in January 2012 and are now preparing a Final EIS.

In the Preferred Alternative, the project would construct a new trestle and terminal building on the Tank Farm property. A large pier offshore from the proposed site would be removed and a navigation channel dredged through sediments under the pier. The existing terminal and fishing pier would also be removed. The fishing pier would be relocated to a site just west of the proposed terminal. First Street would be realigned and extended from SR525 to the new ferry terminal. Project construction is scheduled to begin in July 2015 and would take about two years.

As the lead federal agency, FTA requests formal consultation with the U.S. Fish and Wildlife Service under Section 7(a)(2) of the Endangered Species Act (ESA). The enclosed biological assessment (BA) was prepared on our behalf by WSF for listed species as required under Section 7(c). The BA makes the following effect determinations for the project:

May affect, likely to adversely affect Coastal-Puget Sound DPS bull trout;

May affect, likely to adversely affect Coastal-Puget Sound DPS bull trout critical habitat; and

May affect, not likely to adversely affect marbled murrelet.

FTA is requesting formal consultation under 50 CFR 402.14(c). FTA believes this BA provides USFWS with the best scientific and commercial data available concerning the impact of the proposed project on listed and proposed species and designated critical habitats.

FTA understands that formal consultation will be initiated by your receipt of this formal consultation request and will conclude within 90 days of that date. In accordance with 50 CFR 402.12(j), we look

forward to receiving a letter from you in 30 days concurring with our effect determinations. If no letter is received, we will assume that you concur with the effect determinations.

Additionally, assuming your concurrence in our determinations, we understand that USFWS will prepare a Biological Opinion within 45 days of the end of the consultation period. We would like to review the draft Biological Opinion, incidental take statement, terms and conditions, and reasonable and prudent measures before the finalization of the Biological Opinion.

We understand that this completes our Section 7 responsibilities for the time being. We will continue to remain aware of any change in status of these species and will be prepared to re-evaluate potential project impacts if necessary.

If you require additional information or have questions about this project, please contact FTA Environmental Protection Specialist Dan Drais at (206) 220-465 or Daniel.Drais@dot.gov.

Sincerely,

R.F. Krochalis
Regional Administrator

Enclosure: Biological Assessment for the Mukilteo Multimodal Project

cc: Paul Krueger, WSDOT Environmental Manager

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DD

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

DEC 19 2012

In Reply Refer To:
13410-2007-F-0280

Mr. R.F. Krochalis
Regional Administrator
Federal Transit Administration
Jackson Federal Building
915 Second Ave, Suite 3142
Seattle, Washington 98174

Dear Mr. Krochalis:

On October 30, 2012, we received your Reference Biological Assessment Form (BA) and request for formal consultation, for the Mukilteo Multimodal Project, located in Snohomish County, Washington. On November 28, 2012, we received additional information addressing our review comments for the BA. On this same day, we requested clarification from Washington State Department of Transportation (WSDOT) regarding the duration of impact hammering for installation of individual piles. We received this clarification via email on December 4, 2012.

We have reviewed the BA and supporting documentation. The submittal provides information in support of "may affect, likely to adversely affect" determinations for the bull trout (*Salvelinus confluentus*) and designated bull trout critical habitat. The information provided also supports a "may affect, not likely to adversely affect," determination for marbled murrelet (*Brachyramphus marmoratus*). The Federal Transit Administration and WSDOT also determined the project would have "no effect" on several other species and designated critical habitat. There is no requirement for the U.S. Fish and Wildlife Service (Service) to concur on "no effect" determinations. Your determinations that the project will have no effect on these species and critical habitat rest with the action agency.

We concur with your "may affect, likely to adversely affect" determinations for the bull trout and designated bull trout critical habitat. All the information required to initiate formal consultation has been provided. Should additional information be requested during the course of the consultation, please refer to Reference No. 13410-2007-F-0280 with future correspondence on this consultation.

DEC 26 2012 AM11:43

The Service is allowed up to 90 calendar days to conclude formal consultation and an additional 45 calendar days to prepare a Biological Opinion, unless an extension is mutually agreed upon. However, should the project design be changed or new information is provided during this 135-day time period, the Service may suspend formal consultation until the new information is evaluated. As of now, we expect to provide you with a signed Biological Opinion no later than April 15, 2013.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible commitment of resources that limits future options. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species, or destroying or adversely modifying their critical habitats.

If you have any questions about this letter or our joint responsibilities under the Endangered Species Act of 1973 (as amended), please contact Julie Hampden at (206) 755-8397 or Emily Teachout at (360) 753-9583 of this office.

Sincerely,

FOR

Ken S. Berg, Manager
Washington Fish and Wildlife Office

Enclosure(s)

cc:
FTA, Seattle, WA (D. Drais)
WSDOT, Seattle, WA (P. Krueger)
NMFS, Seattle, WA (M. Grady)