



APPENDIX D

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Section 106 Concurrence and Section 4(f) *De  
Minimis* Impact Finding





STATE OF WASHINGTON

**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

1063 S. Capitol Way, Suite 106 † Olympia, Washington 98501  
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January 7, 2009

Mr. Roger Kiers  
Cultural Resources Specialist  
WSDOT, Olympic Region  
P.O. Box 47332  
Olympia, WA 98512-7332

In future correspondence please refer to:

Log: 070505-07-FHWA  
Property: Salmon Creek Interchange  
Re: Determined Eligible

Dear Mr. Kiers:

Thank you for contacting our office. I have reviewed the materials you provided to our office and we concur with your professional opinion that the following historic properties are eligible to the National Register of Historic Places:

Single Family Residence	13910 NE 10 <sup>th</sup> Ave
Karas Farm	14711 NE 10 <sup>th</sup> Ave
Dunlap Barn	15500 NE 72 <sup>nd</sup> Ave
Barberton Grange Hall	9400 NE 72 <sup>nd</sup> Ave

I also concur with your professional opinion that the other 55 historic properties surveyed and inventoried for this undertaking are not eligible for listing to the National Register of Historic Places. I look forward to further consultation regarding your determination of effect.

I 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) and the survey report when it is available. 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,

Russell Holter  
Project Compliance Reviewer  
[russell.holter@dahp.wa.gov](mailto:russell.holter@dahp.wa.gov)



**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

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January 8, 2009

Mr. Roger Kiers  
Cultural Resources Specialist  
WSDOT, Olympic Region  
P.O. Box 47332  
Olympia, WA 98512-7332

In future correspondence please refer to:

Log: 070505-07-FHWA

Property: Salmon Creek Interchange

Re: NO Adverse Effect

Dear Mr. Kiers:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The Salmon Creek Interchange project 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.

I concur that the current project as proposed will have "NO ADVERSE EFFECT" on National Register eligible historic properties. Since the only effects to the four properties (single family residence at 13910 NE 10<sup>th</sup> Ave, Karas Farm, Dunlap Barn, and the Barberton Grange Hall) that have been determined to be eligible for listing in the National Register of Historic Places (NRHP) are either temporary or represent very slight alterations of the visual landscape, we concur that the undertaking will have no adverse effect.

If additional information on the project 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. Should you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

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STATE OF WASHINGTON

**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

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July 1, 2009

Mr. Roger Kiers  
Cultural Resources Specialist  
WSDOT, Olympic Region  
P.O. Box 47332  
Olympia, WA 98512-7332

In future correspondence please refer to:

Log: 070505-07-FHWA  
Property: Salmon Creek Interchange  
Re: NO Adverse Effect

Dear Mr. Kiers:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The Salmon Creek Interchange project 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 and the addendum report completed by NWAA.

Based on the results of the cultural resources survey, I maintain our previous concurrence with your determination that the current project as proposed will have "no adverse effect" on National Register eligible resources. If additional information on the project 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. Should you have any questions, please contact me.

Sincerely,

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



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## SECTION 4(F) *DE MINIMIS* IMPACT FINDING

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### *Introduction*

#### **What is Section 4(f) and how is it regulated?**

Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303) declares a national policy to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

Under Section 4(f), the FHWA cannot approve a transportation program or project that requires the use of any publicly owned land from a significant public park, recreation area, wildlife or waterfowl refuge, or any land from a significant historic site, unless a determination is made that:

- The use will have no more than a *de minimis* impact on the area; or
- There is no feasible and prudent alternative to using the property; and
- The program or project includes all possible planning to minimize harm to the property resulting from the use.

Before approving use of these lands for a transportation project, supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties, or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitude.

#### **What constitutes a *de minimis* finding under Section 4(f)?**

As amended in 2005 under Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the statute now includes a *de minimis* impact provision. To be *de minimis*, an impact must be so minor as to be negligible to the 4(f) resource.

The impacts of a transportation project's use of a historic property may be determined to be *de minimis* if all of the following coordination is undertaken:

- The regulating official (i.e., the Washington State Historic Preservation Office at the Department of Archaeology and Historic Preservation [DAHP]) has determined that the project will have no adverse effect on the historic site in question or there will be no historic properties affected by the project under Section 106 of the National Historic Preservation Act (NHPA).
- The finding of *de minimis* impact has received a written concurrence from the applicable State or tribal historic preservation officer.

The impacts of a transportation project's use of a park, recreation area, or wildlife or waterfowl refuge may be determined to be *de minimis* if all of the following coordination is undertaken:

- The regulating official has determined, after the public has been notified and given opportunity to review and comment, that the transportation project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection.
- The finding of *de minimis* impact has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

### ***Purpose and Need and Project Description***

See Chapter 2 of the EA for a detailed discussion of the project purpose and need and Chapter 5 of the EA for a detailed project description.

### ***Section 4(f) Resources***

No parks, recreation areas, or wildlife or waterfowl refuges that meet the definition of a 4(f) resource are present near the project. However, four historic resources are present, as discussed below:

- Kenck House - This building is located along the NE 10th Avenue and NE 139th Street corridors proposed for widening, at least 100 feet from both roads. It is a one and a half story front gable rectangular house that was built in 1900. The building embodies the distinctive vernacular style of home construction at the beginning of the 20th century in the region.
- Karas House - This building is located along the NE 10th Avenue corridor, at least 1,600 feet north of the extent of improvements. It is a one and a half story cross gable house that was built in 1918 with an associated barn and garage. The house and associated buildings embody the distinctive vernacular style of home and farm at the beginning of the 20th century in the region.
- Barberton Grange – This resource is in the vicinity of the Grimm Mitigation Area, approximately 450 feet south of the area to be directly impacted if this mitigation site is selected. It is associated with the Grange movement, which had some of its earliest roots in Clark County. The Barberton Grange formed in 1914, later than many local Granges in Clark County, however the function of the hall has remained the same since being purchased by the Grange in 1917.
- Bow truss Dunlap barn – This resource is in the vicinity of the Carpio Mitigation Area, approximately 200 feet east of the area to be directly impacted if this mitigation site is selected. This building is a classic bow truss barn, constructed c.1924 as part of the E.A. Dunlap farm. The bow truss barn was a popular design for dairy barns in the 1920s due the amount of space in the hay loft provided by the design of the roof trusses.

### ***De Minimis Impacts***

WSDOT is proposing a *de minimis* finding for the Section 4(f) resources. The DAHP has concurred with WSDOT and FHWA’s finding of “no adverse effect” under Section 106

of the NHPA on all of the four historic resources. The DAHP concurrence letter is included in this appendix.

WSDOT believes that a Section 4(f) *de minimis* finding for impacts to these resources is consistent with Section 6009(a) of SAFETEA-LU.

