

## **ATTACHMENT 6: AGENCY CORRESPONDENCE**

---

SR 520, MEDINA TO SR 202: EASTSIDE TRANSIT AND HOV PROJECT  
FINDING OF NO SIGNIFICANT IMPACT



**Washington State  
Department of Transportation**

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

Engineering and Regional Operations  
SR 520 Bridge Replacement and HOV Program  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Phone: 206-770-8500  
Fax: 206-770-3569  
TTY: 1-800-833-6388  
[www.wadot.wa.gov/Projects/SR520Bridge](http://www.wadot.wa.gov/Projects/SR520Bridge)

March 5, 2010

LTR - 0988

Mayor Fred McConkey  
Hunts Point Town Hall  
3000 Hunts Point Road  
Hunts Point, WA 98004-1121

RE: Request for Written Concurrence of *'de minimis'* Impact to the Wetherill Nature Preserve in relation to the SR 520, Medina to SR 202: Eastside Transit and HOV Project

Dear Mayor McConkey,

I am writing to request your assistance by providing your concurrence that use of a very small piece of the Wetherill Nature Preserve by the Washington State Department of Transportation (WSDOT) for the SR 520, Medina to SR 202: Eastside Transit and HOV Project would have a *de minimis* impact on the activities, features and attributes of the preserve under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. Section 303). In addition, we request your concurrence that the temporary use of a very small piece of the D.K. McDonald Park would qualify as a temporary occupancy of the Park under Section 4(f).

As discussed previously with the Wetherill Nature Preserve Commission (October 2009) and in the Environmental Assessment for the Project, the SR 520, Medina to SR 202: Eastside Transit and HOV Project has identified approximately 0.04 acre of the Wetherill Nature Preserve that would be used by the project. The Points Loop Trail is located immediately adjacent to the south side of the preserve within the WSDOT right of way and connects to pedestrian paths within the preserve. The project would widen the highway, requiring construction of retaining walls, which in turn would require reconstruction of the trail with upgrades for Americans with Disabilities Act (ADA) accessibility. In order to meet acceptable ADA criteria, landings are proposed adjacent to the Points Loop Trail for users to rest at approximately 100-foot intervals in sections of the trail where the grade is 10-percent. Landings are placed at 50-foot intervals in sections of 11-percent grade. The landings would be placed on the north side of the trail. To accommodate this change, approximately 0.04 acre along the border of SR 520 would be acquired and permanently converted to WSDOT right of way for the relocated Points Loop Trail. This affected area comprises less than one percent of the total preserve area. In addition, during construction, another 0.15 acre of the Preserve would be temporarily occupied for the reconstruction of the Points Loop Trail along the southern boundary of the preserve adjacent to the SR 520 right of way. This area would be temporarily fenced-off to ensure the safety of park users, and would not be available to park users for up to 12 months. Access to pedestrian paths within the Preserve would be maintained during project construction. After reconstruction of the trail is complete, some of the landings may also provide new access points into the Preserve.

In accordance with 23 CFR Part 774, an impact to a park, recreation area, or wildlife and waterfowl refuge may be determined to be *de minimis* if the transportation use of the Section 4(f) resource, including consideration of impact avoidance, minimization, and mitigation or enhancement measures, does not adversely affect the activities, features, and attributes that

Eastside Transit and HOV Project – Mayor Fred McConkey  
March 5, 2010  
Page 2 of 3

qualify the resource for protection under Section 4(f). For the reasons discussed above, WSDOT and FHWA have concluded that the Project will have a *de minimis* impact on the Wetherill Nature Preserve. In order to make a *de minimis* impact finding, written concurrence from the official with jurisdiction over the resource is required. In this regard your assistance in confirming the *de minimis* impact to the Wetherill Nature Preserve is greatly appreciated. For your convenience, we have included a concurrence statement at the conclusion of this letter for your signature and return.

Under Section 4(f), temporary occupancies of land are defined as those that are so minimal that they do not constitute a use within the meaning of Section 4(f), and are exempt from Section 4(f) approval (23 CFR--Part 774.13[d]). In order for a temporary occupancy to meet the exemption, the duration of the occupancy must be less than the time needed for construction of the project, and there can be no change in ownership of the land. The magnitude and nature of the changes to the property must be minimal, and there can be no anticipated permanent adverse physical impacts or interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis. Finally, the land being used must be returned to a condition which is at least as good as that which existed prior to the project.

The SR 520, Medina to SR 202: Eastside Transit and HOV Project has identified 0.03 acre of the D.K. McDonald Park, also known as Hunts Point Park (approximately one percent of the total park area) in the southeast corner of the Park that would be needed for construction of the Project. This area would be regraded to accommodate trail construction along the north side of the Points Loop Trail. This temporary occupancy would be up to one year in duration. There would be no impact to recreation, and areas disturbed during construction would be revegetated.

For the reasons stated above, WSDOT and FHWA have concluded that the Project qualifies as having a temporary occupancy of the D.K. McDonald (aka Hunts Point) Park. In order to reach a temporary occupancy exemption, written agreement of the agency with jurisdiction over the resource is required. Your assistance in confirming the temporary occupancy of the D.K. McDonald (aka Hunts Point) Park would satisfy this requirement and be greatly appreciated. For your convenience, we have included a concurrence statement at the bottom of this letter for your signature. If you agree, please sign, date and return the statement along with a copy of this letter.

Thank you for your support of the project and assistance in confirming the designation of the property in question. We would greatly appreciate your signature and return of this concurrence letter by March 19, 2010. If you need additional information regarding the project please contact me at 206-770-3530.

Sincerely,



David L. Edwards, P.E.

Project Engineer

SR 520, Medina to SR 202: Eastside Transit and HOV Project

Enclosures

CC: Margaret Kucharski, WSDOT  
WSDOT Document Control

SR 520 Project Files

Eastside Transit and HOV Project – Mayor Fred McConkey

March 5, 2010

Page 3 of 3

Concurrence Statements:

The Town of Hunts Point has jurisdiction over the 16-acre Wetherill Nature Preserve, along with the Town of Yarrow Point. Under Section 4(f) provisions for '*de minimis*' impacts, as one of the agencies with jurisdiction over the Wetherill Nature Preserve, the Town of Hunts Point concurs that the proposed use of the resource for the SR 520, Medina to SR 202: Eastside Transit and HOV Project constitutes a *de minimis* impact (defined as an impact that does not "adversely affect the activities, features and attributes" of the resource).

Signed Fred McConkey Date 3-8-10

Name Fred McConkey

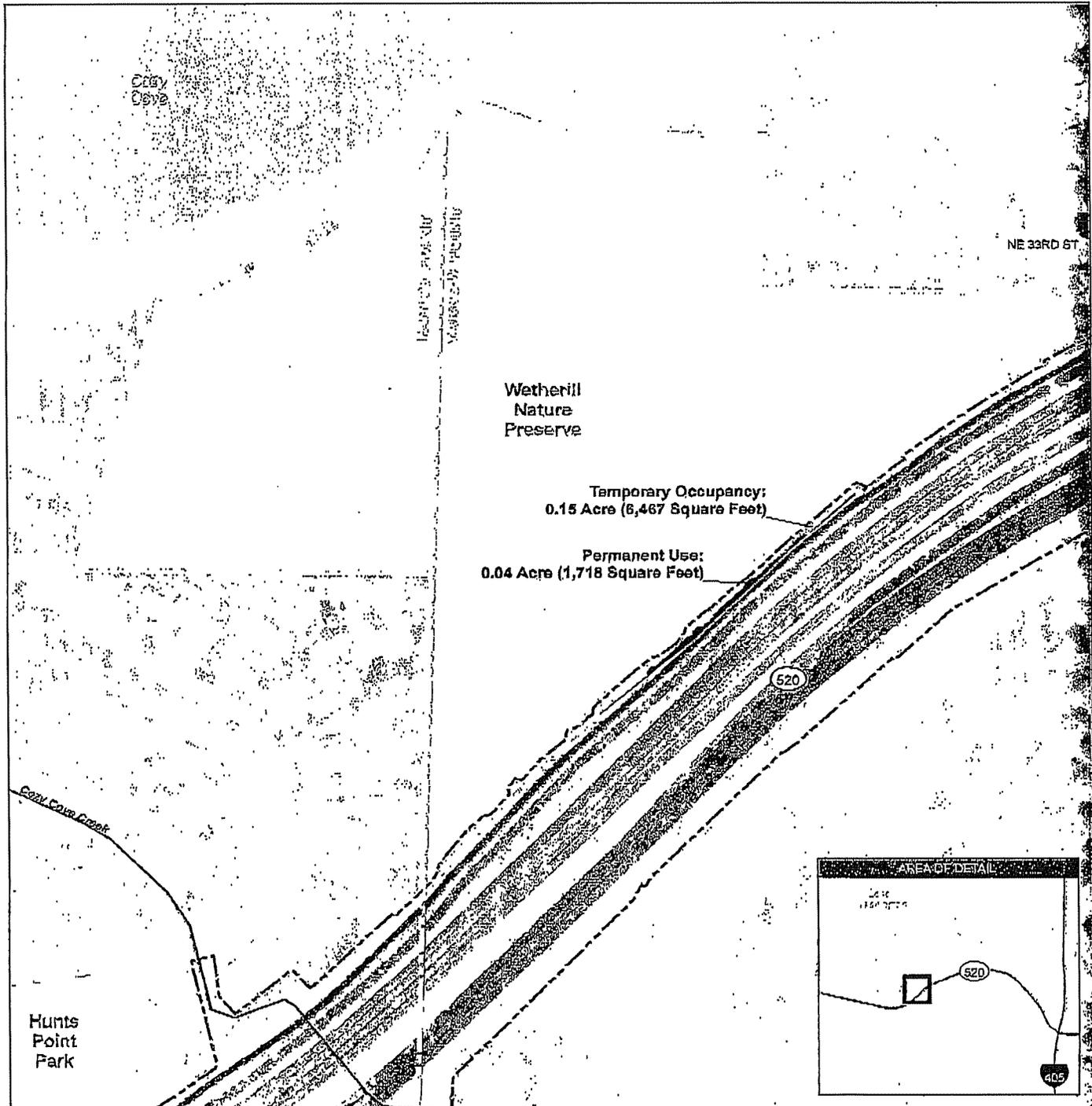
Title Mayor, Town of Hunts Point

The Town of Hunts Point has jurisdiction over the D.K. McDonald (aka Hunts Point) Park. Under Section 4(f) provisions for temporary occupancy, as the agency with jurisdiction over the D.K. McDonald (aka Hunts Point) Park, the Town of Hunts Point concurs that the proposed use of the resource for the SR 520, Medina to SR 202: Eastside Transit and HOV Project constitutes a temporary occupancy (defined as an occupancy of land that is so minimal as to not constitute a use within the meaning of Section 4[f]).

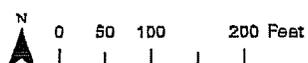
Signed Fred McConkey Date 3-8-10

Name Fred McConkey

Title Mayor, Town of Hunts Point



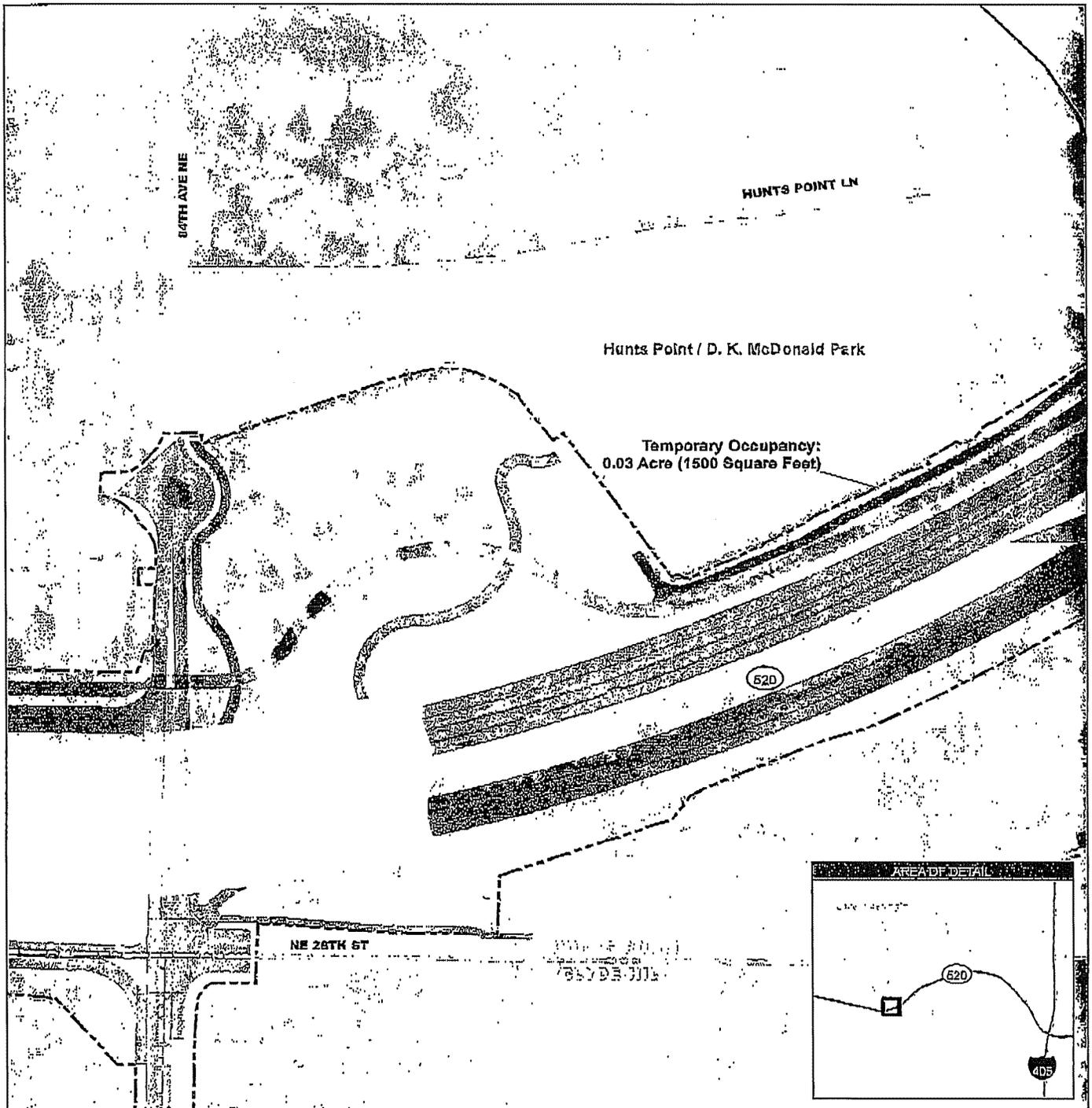
- Temporary Occupancy
- Permanent Use
- Proposed Pavement
- Proposed Lld
- Limits of Construction
- Proposed Regional Bicycle/ Pedestrian Path
- Proposed Points Loop Trall
- Park



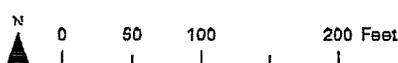
Source: King County (2006) Aerial Photo, King County (2005) GIS Data (Stream), CH2M HILL (2008) GIS Data (Park), City of Bellevue (1999) GIS Data (City Limits), and King County (2004) GIS Data (City Limits). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.

**Wetherill Nature Preserve**

Medina to SR 202: Eastside Transit and HOV Project



-  Temporary Occupancy
-  Proposed Pavement
-  Proposed Lid
-  Limits of Construction
-  Proposed Regional Bicycle/  
Pedestrian Path
-  Proposed Points  
Loop Trail
-  Park



Source: King County (2006) Aerial Photo, King County (2005) GIS Data (Stream), CH2M HILL (2008) GIS Data (Park), City of Bellevue (1999) GIS Data (City Limits), and King County (2004) GIS Data (City Limits). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.

**Hunts Point / D. K. McDonald Park**

Medina to SR 202: Eastside Transit and HOV Project

# TOWN OF YARROW POINT

4030 - 95th Avenue N.E.  
Yarrow Point, Washington 98004  
Tel: (425) 454-6994 / Fax: (425) 454-7899

March 12, 2010

WSDOT  
SR 520 Bridge Replacement Program  
Attn: David Edwards  
600 Stewart St., Ste. 520  
Seattle, WA 98101

Dear Mr. Edwards:

I have enclosed the written concurrence of '*de minimus*' impact to the Wetherill Nature Preserve in relation to the SR 520, Medina to SR 202, Eastside Transit and HOV Project. The Mayor of Yarrow Point, David Cooper, concurs that the project will not adversely affect the activities, features and attributes of the Wetherill Nature Preserve.

We look forward to the completion of this project. Thank you for the assistance that your office has provided.

Sincerely:

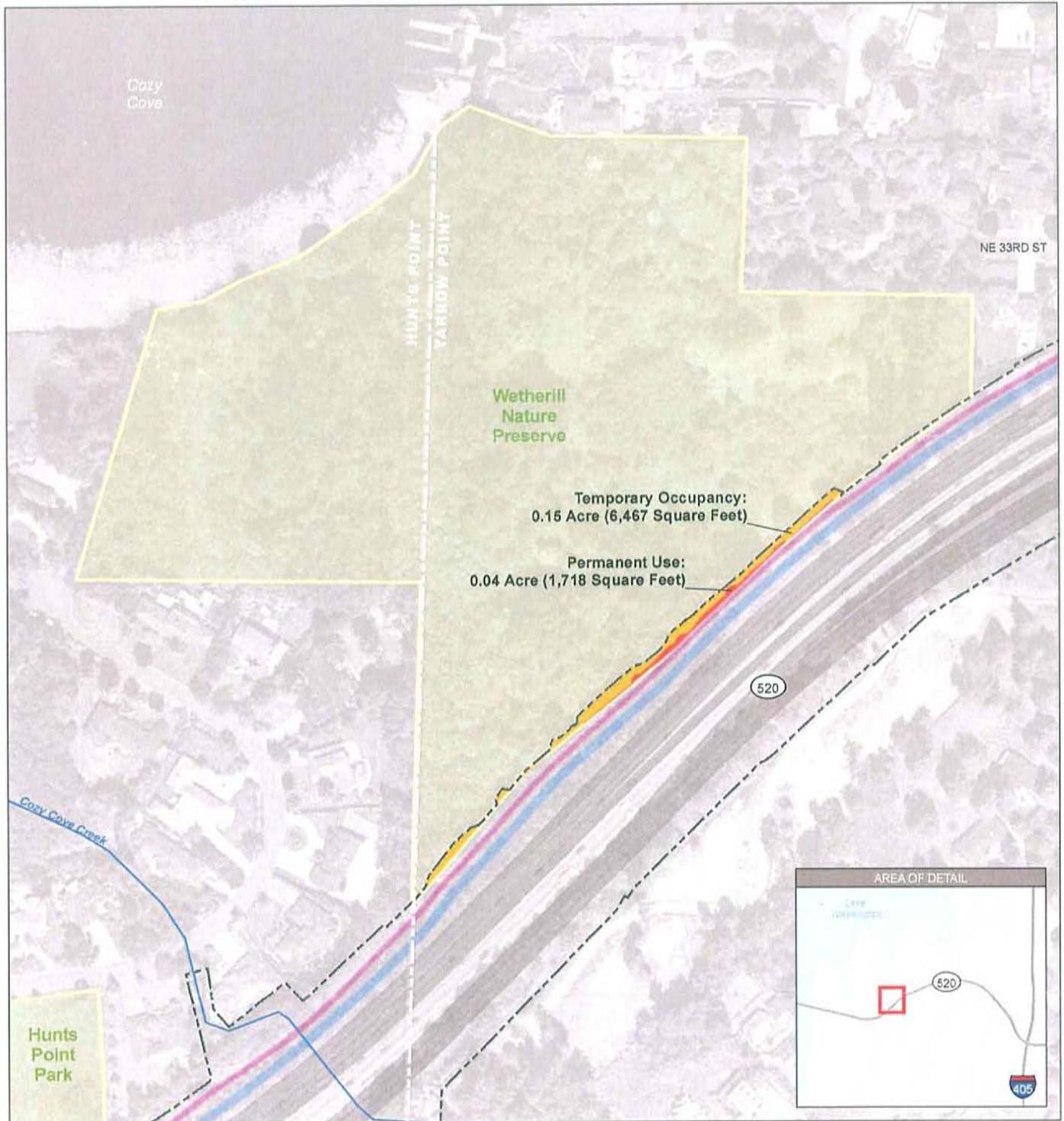


Sara McMillon  
Yarrow Point Clerk-Treasurer

*de minimis* Concurrence Statement:

The Town of Yarrow Point has jurisdiction over the 16-acre Wetherill Nature Preserve, along with the Town of Hunts Point. Under Section 4(f) provisions for '*de minimis*' impacts, as one of the agencies with jurisdiction over the Wetherill Nature Preserve, the Town of Yarrow Point concurs that the proposed use of the resource for the SR 520, Medina to SR 202: Eastside Transit and HOV Project constitutes a *de minimis* impact (defined as an impact that does not "adversely affect the activities, features and attributes" of the resource).

Signed  Date 3/11/2010  
Name DAVID K COOPER  
Title MAYOR



- Temporary Occupancy
- Permanent Use
- Proposed Pavement
- Proposed Lid
- Limits of Construction
- Proposed Regional Bicycle/  
Pedestrian Path
- Proposed Points  
Loop Trail

Source: King County (2006) Aerial Photo, King County (2005) GIS Data (Stream), CH2M HILL (2008) GIS Data (Park), City of Bellevue (1999) GIS Data (City Limits), and King County (2004) GIS Data (City Limits). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.



### Wetherill Nature Preserve

Medina to SR 202: Eastside Transit and HOV Project



123 FIFTH AVENUE  
KIRKLAND, WA 98033-6189  
425 828-1238

# DEPARTMENT OF PUBLIC WORKS

## Letter of Transmittal

**TO:** WSDOT – Engineering & Regional Operations  
SR 520 Bridge Replacement and HOV Program  
600 Stewart Street, #520  
Seattle, WA 98101

**DATE:** 3/17/2010

**ATTN:** David Edwards, PE

**PROJECT NAME:** SR 520 HOV

**PROJECT NO.**

**We are sending you:**

Copies	Date	Description
1	3/17/10	Signed original of concurrence, as requested

**We are transmitting for**

- Information   
  Files   
  Review   
  As Requested  
 Distribution   
  Signature   
  Comments   
  As Noted Below

**Remarks:**

**Copy to:**

**Signed:**

**Noel Hupprich, P.E.**  
**Project Engineer**  
nhupprich@ci.kirkland.wa.us



**Washington State  
Department of Transportation**  
Paula J. Hammond, P.E.  
Secretary of Transportation

Engineering and Regional Operations  
SR 520 Bridge Replacement and HOV Program  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Phone: 206-770-3500  
Fax: 206-770-3569  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov/Projects/SR520Bridge](http://www.wsdot.wa.gov/Projects/SR520Bridge)

March 5, 2010

**RECEIVED**

LTR - 0989

Mayor Joan McBride  
Kirkland City Hall  
123 5th Avenue  
Kirkland WA, 98033

**MAR 09 2009**  
CITY OF KIRKLAND  
CITY MANAGER'S OFFICE

RE: Request for Written Concurrence of Temporary Occupancy for the Yarrow Bay Wetlands in relation to the SR 520, Medina to SR 202: Eastside Transit and HOV Project

Dear Mayor McBride,

I am writing to request your assistance by providing your concurrence that the temporary use of a very small piece of the Yarrow Bay Wetlands by the Washington State Department of Transportation (WSDOT) for the SR 520, Medina to SR 202: Eastside Transit and HOV Project would qualify as a temporary occupancy of the wetlands under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. Section 303).

Temporary occupancies of land are defined as those that are so minimal that they do not constitute a use within the meaning of Section 4(f), and are exempt from Section 4(f) approval (23 CFR--Part 774.13[d]). In order for a temporary occupancy to meet the exemption, the duration of the occupancy must be less than the time needed for construction of the project, and there can be no change in ownership of the land. The magnitude and nature of the changes to the property must be minimal, and there can be no anticipated permanent adverse physical impacts or interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis. Finally, the land being used must be returned to a condition which is at least as good as that which existed prior to the project.

The SR 520, Medina to SR 202: Eastside Transit and HOV Project has identified 0.22 acre of the Yarrow Bay Wetlands (less than one percent of the total park area) that would need to be accessed for construction of two fish passage culverts and associated stream restoration activities. The culverts run underneath NE Points Drive and the stream restoration activities are at the downstream ends of these culverts. This temporary occupancy would be up to one year in duration. There would be no impact to recreation, and areas disturbed during construction would be revegetated.

For the reasons stated above, WSDOT and FHWA have concluded that the Project qualifies as having a temporary occupancy of the Yarrow Bay Wetlands. In order to reach a temporary occupancy exemption, written agreement of the agency with jurisdiction over the resource is required. Your assistance in confirming the temporary occupancy of the Yarrow Bay Wetlands would satisfy this requirement and be greatly appreciated. For your convenience, we have included a concurrence statement at the bottom of this letter for your signature. If you agree, please sign, date and return the statement along with a copy of this letter.

Eastside Transit and HOV Project – Mayor Joan McBride  
March 5, 2010  
Page 2 of 3

Thank you for your support of the project and assistance in confirming the designation of the property in question. We would greatly appreciate your signature and return of this concurrence letter by March 19, 2010. If you need additional information regarding the project please contact me at (206) 770-3530.

Sincerely,

A handwritten signature in blue ink that reads "David L. Edwards". The signature is written in a cursive style with a large initial "D".

David L. Edwards, P.E.  
Project Engineer  
SR 520, Medina to SR 202: Eastside Transit and HOV Project

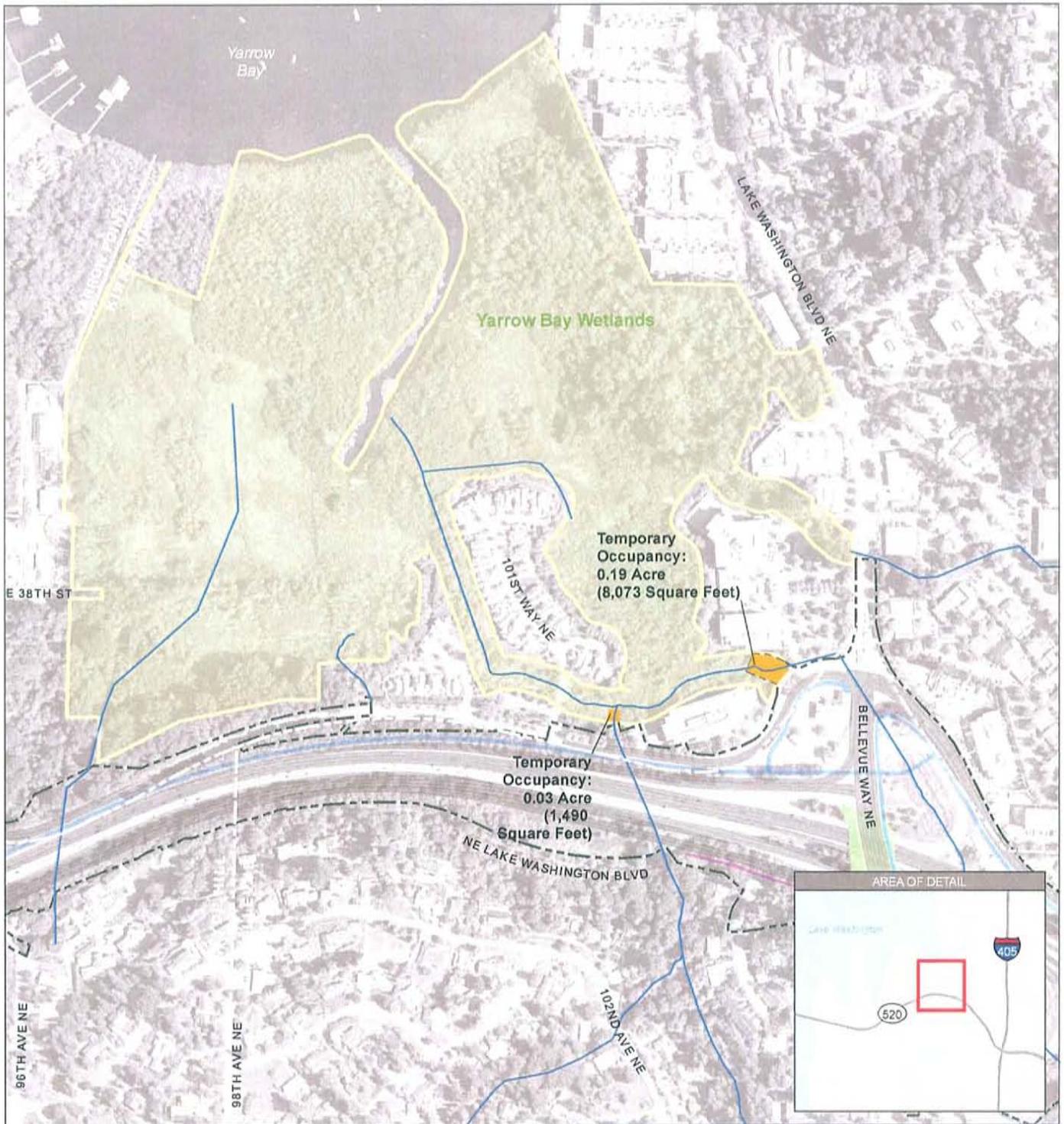
Enclosures

CC: Margaret Kucharski, WSDOT  
WSDOT Document Control  
SR 520 Project Files

Concurrence Statement:

The City of Kirkland has jurisdiction over the Yarrow Bay Wetlands. Under Section 4(f) provisions for temporary occupancy, as the agency with jurisdiction over the Yarrow Bay Wetlands, the City of Kirkland concurs that the proposed use of the resource for the SR 520, Medina to SR 202: Eastside Transit and HOV Project constitutes a temporary occupancy (defined as an occupancy of land that is so minimal as to not constitute a use within the meaning of Section 4[f]).

Signed  Date 3/16/10  
Name David Farnsworth  
Title City Manager



- Temporary Occupancy
- Proposed Pavement
- Proposed Lid
- Limits of Construction
- Proposed Regional Bicycle/  
Pedestrian Path
- Proposed Points  
Loop Trail
- Park



Source: King County (2006) Aerial Photo, King County (2005) GIS Data (Stream), CH2M HILL (2008) GIS Data (Park), City of Bellevue (1999) GIS Data (City Limits), and King County (2004) GIS Data (City Limits). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.

## Yarrow Bay Wetlands

Medina to SR 202: Eastside Transit and HOV Project



Washington State  
Department of Transportation

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

Engineering and Regional Operations  
SR 520 Bridge Replacement and HOV Program  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Phone: 206-770-3500  
Fax: 206-770-3569  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov/Projects/SR520Bridge](http://www.wsdot.wa.gov/Projects/SR520Bridge)

March 10, 2010

LTR - 0990

Mayor Bret Jordan  
Medina City Hall  
501 Evergreen Point Road  
PO Box 144  
Medina, WA 98039

RE: Request for Written Concurrence of '*de minimis*' Impact to the Fairweather Park in relation to the SR 520, Medina to SR 202: Eastside Transit and HOV Project

Dear Mayor Jordan,

I am writing to request your assistance by providing your concurrence that use of a very small piece of Fairweather Park by the Washington State Department of Transportation (WSDOT) for the SR 520, Medina to SR 202: Eastside Transit and HOV Project would have a *de minimis* impact on the activities, features and attributes of the park under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. Section 303).

As discussed in previous meetings with the Medina Parks Board (June 2009) and also in the Environmental Assessment for the project, the SR 520, Medina to SR 202: Eastside Transit and HOV Project has identified approximately 0.06 acre in the southwest corner of Fairweather Park which would be acquired and permanently converted to the relocated Points Loop Trail/Regional Bike Path; the Points Loop Trail and the proposed Regional Bike Path merge together within the park. This affected area comprises less than one percent of the total park area and is located in the passive use area of the park in the southwest corner adjacent to the playfield. In addition, during construction, another 0.63 acre of the southwest corner of the park would be temporarily occupied for construction of the Evergreen Point Road lid and relocation of the Points Loop Trail. 0.54 acre of this temporary occupancy would be subterranean and would accommodate tiebacks of metal or fiberglass rods. These tiebacks will support temporary shoring walls during construction of the permanent lid abutments/retaining walls. The tiebacks are anticipated to be a minimum of 4 to 5 feet below the surface. No surface uses will be impacted in this subterranean area. The remaining 0.09 acre would be a temporary occupancy at the surface. During construction, this 0.09 acre area would be fenced for the entire duration of the temporary easement, up to 18 months, to ensure the safety of park users. Because the park entrance is at the north boundary of the park, access and use of the park would continue during construction, and use of the tennis courts would not be affected. The affected area is primarily vegetated with shrubs and grasses. After construction, the area outside of the new plaza entrance steps would be regraded and revegetated.

In accordance with 23 CFR Part 774, an impact to a park, recreation area, or wildlife and waterfowl refuge may be determined to be *de minimis* if the transportation use of the Section 4(f) resource, including consideration of impact avoidance, minimization, and mitigation or enhancement measures, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). For the reasons discussed above, WSDOT and FHWA have concluded that the project qualifies as a *de minimis* impact on Fairweather Park. In order to make a *de minimis* impact finding, written concurrence from the official with

Eastside Transit and HOV Project – Mayor Bret Jordan  
March 10, 2010  
Page 2 of 3

jurisdiction over the resource is required. In this regard your assistance in confirming the *de minimis* impact to Fairweather Park is greatly appreciated. For your convenience, we have included a concurrence statement at the conclusion of this letter for your signature and return.

Thank you for your support of the project and assistance in confirming the designation of the property in question. We would greatly appreciate your signature and return of this concurrence letter by March 19, 2010. If you need additional information regarding the project please contact me at 206-770-3530.

Sincerely,



David L. Edwards, P.E.

Project Engineer

SR 520, Medina to SR 202: Eastside Transit and HOV Project

Enclosures

CC: Margaret Kucharski, WSDOT  
WSDOT Doc Control  
SR 520 Project Files

SR 520, Medina to SR 202: Eastside Transit and HOV Project – City Manager Donna Hanson

Concurrence Statement:

The City of Medina has jurisdiction over Fairweather Park, a public park in Medina. The Washington State Department of Transportation ("WSDOT") proposes to utilize portions of Fairweather Park for the SR 520, Medina to SR 202: Eastside Transit and HOV Project ("Project"). Under the Department of Transportation Act of 1966 (49 USC 303) Section 4(f) and the provisions for de minimis impacts included in 23 CFR 774, WSDOT has requested that the City of Medina concur that the proposed use of Fairweather Park constitutes a de minimis impact on the resource (defined as an impact that does not "adversely affect the activities, features and attributes" of the resource).

In assessing the Project impacts, Medina has identified one potential impact on the activities, features and attributes Fairweather Park. The impact is the proposed temporary subterranean tieback wall to support temporary shoring walls during the construction of the permanent freeway lid abutments/retaining walls. On the basis of WSDOT's express agreement to minimize to the maximum extent practicable the use of areas of Fairweather Park for temporary subterranean tiebacks to support temporary shoring walls during the construction of the permanent SR 520 freeway (all as shown on the attached Exhibit A), Medina has made an administrative determination to concur that the Project will have a de minimis impact of Fairweather Park within the meaning of Section 4(f).

The relocation of a storm water high flow bypass system which was installed by Medina (constructed in 1996 under State Franchise Agreement No. 10240 by the City of Medina) is needed to alleviate combined City/State stormwater runoff problems. WSDOT has expressed agreement to include and fund the relocation of the high flow stormwater bypass pipeline and reconnect it to Medina's existing downstream conveyance system as part of the Project. Medina has expressed agreement to retain maintenance responsibility for that portion of the relocated high flow bypass storm drainage conveyance system that is outside of State Highway Limited Access area. The relocation of this line will not impact Fairweather Park.

It is agreed that the City will have significant input into the final project design and construction with the ultimate goal to preserve Fairweather Park and limit any impacts thereto.

Signed Donna Hanson Date 4-29-10

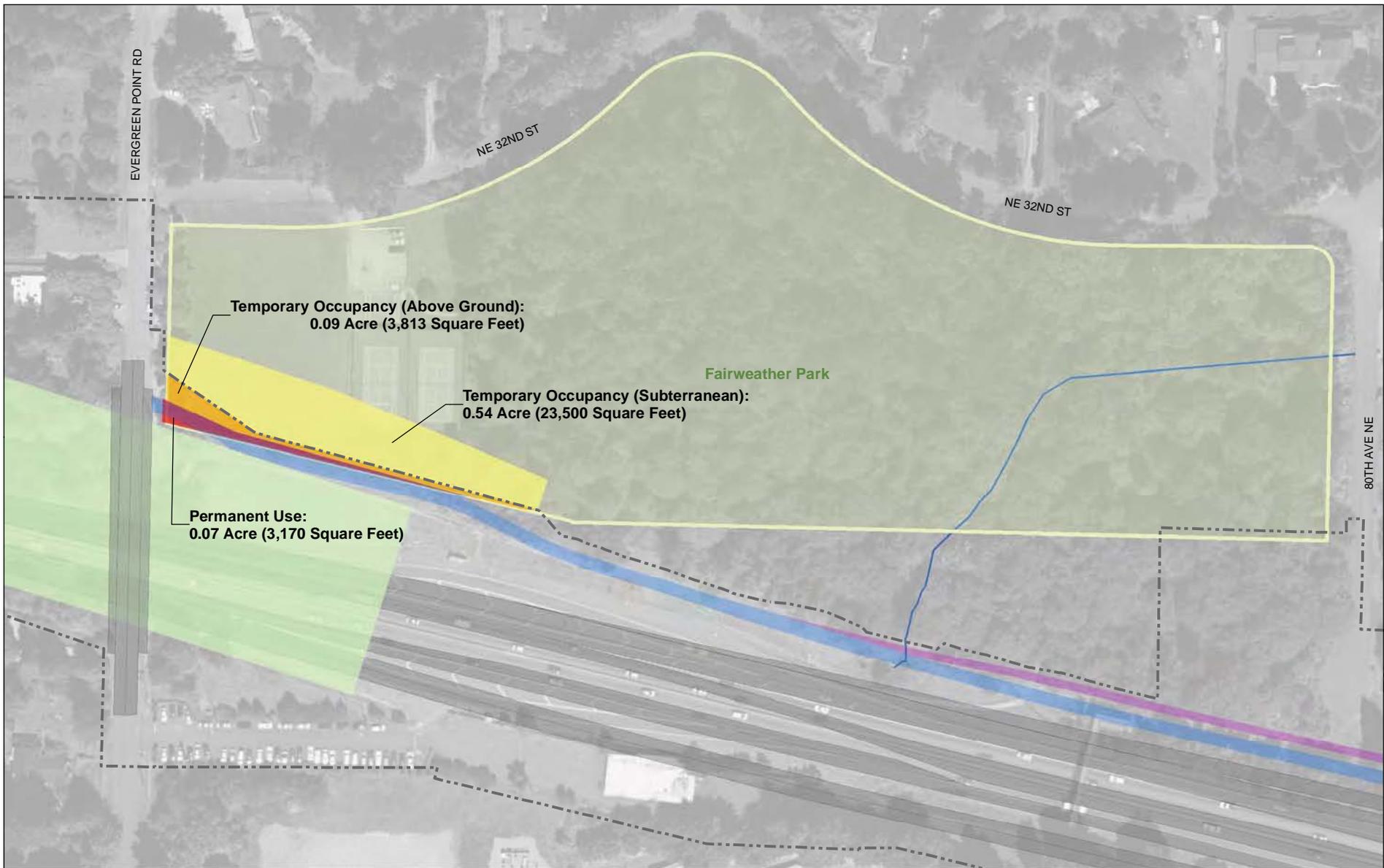
Name Donna Hanson  
Donna Hanson

Title: City Manager, City of Medina

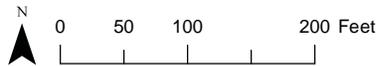
WSDOT Acknowledged and agreed, Date 4/29/10

Name Daniel R Babuca

Title: Engineering Manager



- Temporary Occupancy (Above Ground)
- Temporary Occupancy (Subterranean)
- Permanent Use
- Proposed Pavement
- Proposed Lid
- Limits of Construction
- Proposed Regional Bicycle/Pedestrian Path
- Proposed Points Loop Trail
- Park



Source: King County (2006) Aerial Photo, King County (2005) GIS Data (Stream), CH2M HILL (2008) GIS Data (Park), City of Bellevue (1999) GIS Data (City Limits), and King County (2004) GIS Data (City Limits). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.

### Fairweather Park

Medina to SR 202: Eastside Transit and HOV Project



**Washington State  
Department of Transportation**

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

**Engineering and Regional Operations**  
**SR 520 Bridge Replacement and HOV Program**  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Phone: 206-770-3500  
Fax: 206-770-3569  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov/Projects/SR520Bridge](http://www.wsdot.wa.gov/Projects/SR520Bridge)

March 26, 2010

Dr. Allyson Brooks  
State Historic Preservation Officer  
Department of Archaeology and Historic Preservation  
P.O. Box 48343  
Olympia, Washington 98504-8343

**Log: 101408-10-FHWA**  
**Property: SR 520, Medina to SR 202: Eastside Transit and HOV Project**  
**Re: Expansion of Construction Limits within Area of Potential Effects,  
New Stormwater Pond and Conveyance System Location, and  
No Adverse Effects on Historic Properties**

Dr. Brooks:

On behalf of the Federal Highway Administration (FHWA), and pursuant to 36 CFR 800, the Washington State Department of Transportation (WSDOT) is continuing consultation related to the above-referenced project. This project previously provided you and your staff a cultural resources inventory (ICF Jones & Stokes 2009) which identified historic built environment properties and found no archaeological historic properties. Construction limits were provided that enclosed the geographical area within which all direct ground disturbances would remain confined, and all project elements were identified except for a stormwater detention pond and associated conveyance system. The latter element remained undetermined in size and location leading up to the Environmental Assessment (December 2009), necessitating the need for a project-specific Programmatic Agreement that would in part stipulate the process to be used to complete the Section 106 process. As you know, WSDOT and FHWA have been working with you and your Transportation Archaeologist, Matthew Sterner, during the last several months on the Programmatic Agreement. We no longer need to continue this effort because all potential stormwater ponds and conveyance systems locations are within the existing APE and have been previously investigated.

Earlier this week hydrologic engineers identified their preferred location and the appropriate size of the stormwater detention pond and associated conveyance. Referred to as Option 2, this pond is 0.63 acre-feet in size and will be placed in one of the western islands of the existing SR 520/I-405 Interchange. Several alternative locations were identified, referred to as YCN-5 and -6 and YCS-6 and -7 in nearby interchange islands (see Figure 1). The preferred and alternative locations fall within the APE for the project (ICF Jones & Stokes 2009, see Figure 2a to 2c), but are located outside and east of the construction limits zone that was inventoried for surface and subsurface archaeological resources (compare Figure 2a, lower right corner, and Figure 3).

However, these additional locations were recently investigated as part of another WSDOT project. A records search of WSDOT and DAHP cultural resources inventories and archaeological site files revealed that the proposed stormwater detention pond, associated conveyances, and all alternative pond locations lie within the APE and limits of construction of the I-405, NE 8<sup>th</sup> Street to SR 520 Improvement Project (aka I-405 Bellevue Braided Crossing) (Figure 4). These areas were investigated as part of the cultural resources inventory, and found to be extensively disturbed from interchange construction and subsequent improvements (Landau Associates and WSDOT 2008). Shallow Holocene sediments were removed or displaced and spread, and fill was then added in places to create grades for access ramps (Figure 5).

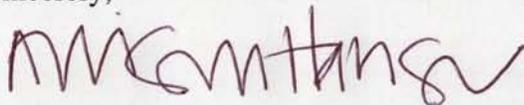
WSDOT Cultural Resources Program staff also visited these island areas during the recent I-405 Programmatic Agreement Survey (Bundy 2009), and found them mechanically cut well below original grade. The proposed detention pond areas fall within Area C of the I-405 PA Phase II Survey, which is classified as *Unrestricted* for transportation improvements, a classification Matthew Sterner concurred with on your behalf in 2009.

Thus there is no potential for the proposed locations to contain intact or relatively intact archaeological resources, and thus historic properties.

The identification of the stormwater detention pond and the associated conveyance completes the project inventory, and the results of the recent, previous surveys indicate there is no potential to affect historic properties. This finding is consistent with the original determination of No Adverse Effects on Historic Properties. Thank you very much for your attention to this request.

Please send your response to WSDOT Cultural Resources Program Manager Scott Williams, at [willias@wsdot.wa.gov](mailto:willias@wsdot.wa.gov) at your earliest convenience.

Sincerely,



Allison Hanson  
Director of Environmental Services  
ESO Mega Projects

cc Margaret Kucharski, WSDOT  
Randy Everett, FHWA  
Rob Berman, WSDOT  
Lori Durio, WSDOT  
Daniel Babuca, WSDOT  
Jason McKinney, WSDOT  
Scott Williams, WSDOT

## **Bibliography**

Bundy, Barbara E.

2009 Interstate 405 Corridor Survey: Phase II NE 8<sup>th</sup> Street to State Route 520 Improvement Project, King County, Washington. Report prepared for Washington State Department of transportation, Urban Corridors Office, Seattle, Washington by AnchorQEA LLC, Seattle, Washington. On file at DAHP, Olympia.

Landau Associates Inc. and WSDOT

2008 I-405, NE 8<sup>th</sup> Street to SR 520 Improvement Project, cultural Resources Technical Memorandum. Report prepared for Washington State Department of Transportation by Landau Associates Inc., Edmonds, Washington, and Washington State Department of Transportation Cultural Resources Program Staff, Urban Corridors Office. On file at DAHP, Olympia.

ICF Jones & Stokes

2009 Archaeological Resources Technical Memorandum, Medina to SR 202: Eastside transit and HOV Project. Report prepared for Washington State Department of transportation, SR 520 Program, Seattle, by Stephanie Livingston and Shane Sparks, ICF Jones & Stokes, Seattle, Washington. On file at DAHP, Olympia.



Figure 1. Proposed Stormwater detention in island within the SR 520/I-405 Interchange. Alternative locations include YCN-5 and -6, and YCS-6 and -7. Option 1 is no longer under consideration.

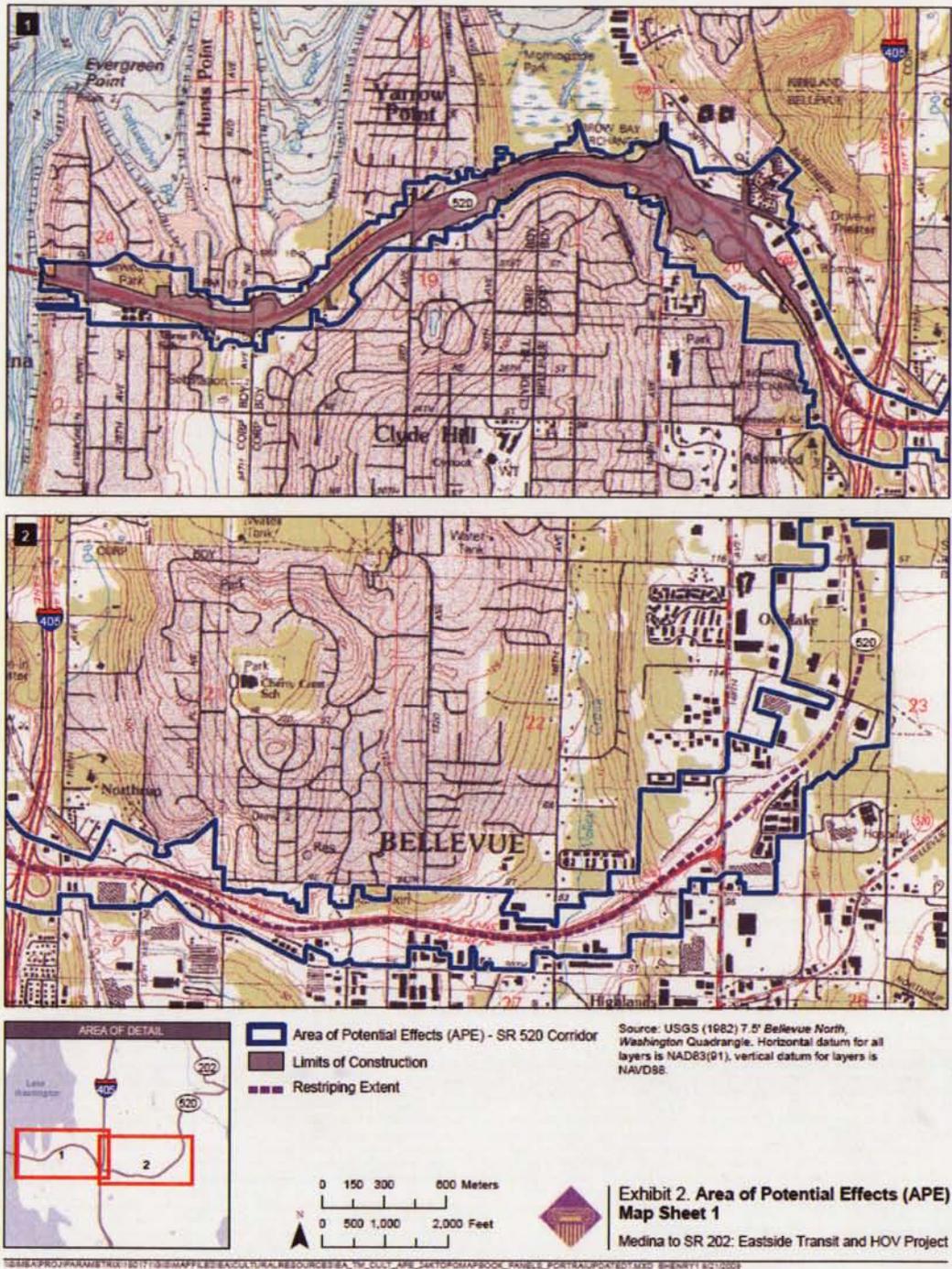


Figure 2a and 2b. SR 520, Median to SR 202: Eastside Transit and HOV Project, Area of Potential Effects (APE).



Figure 2c. SR 520, Median to SR 202: Eastside Transit and HOV Project, Area of Potential Effects (APE).

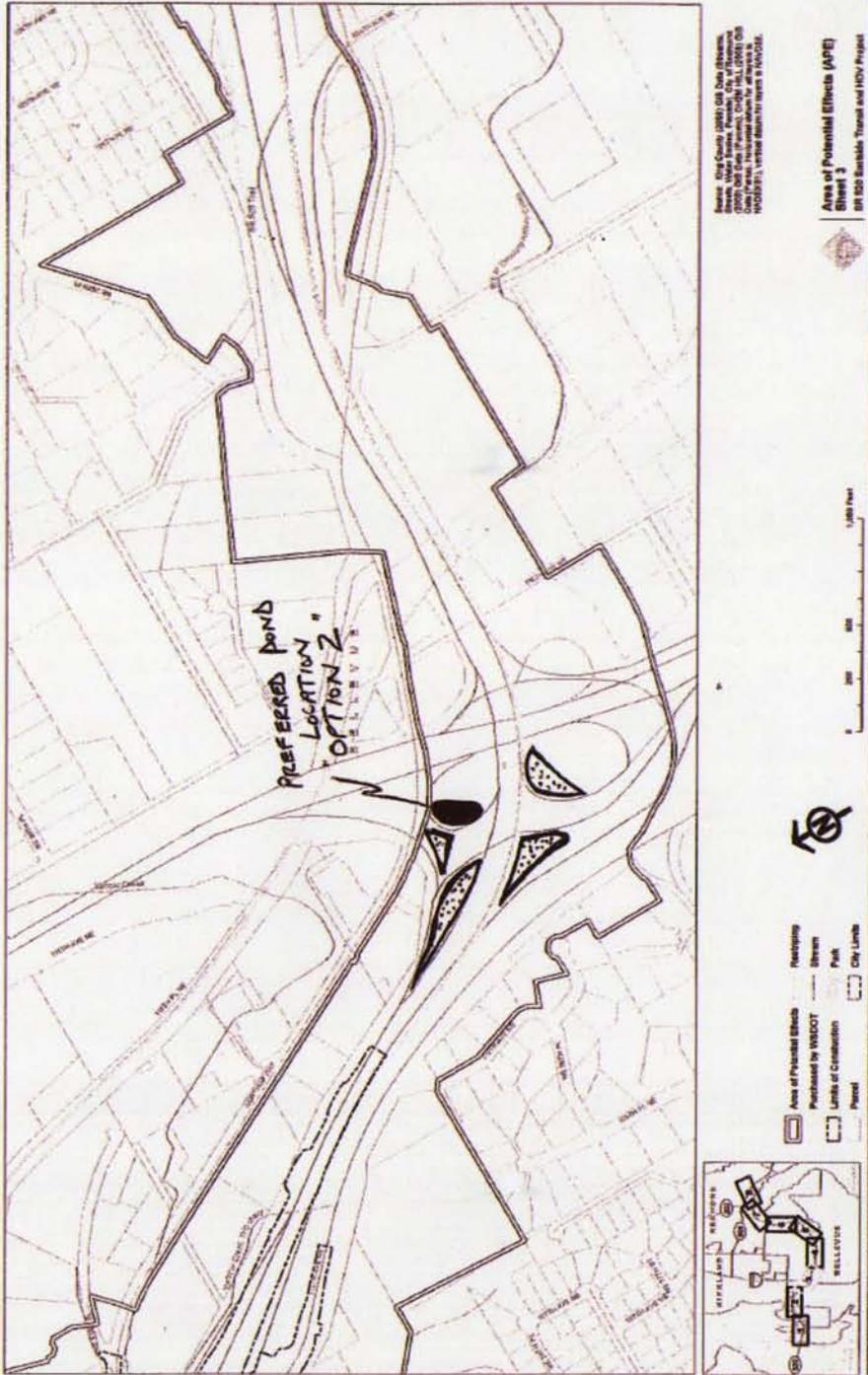
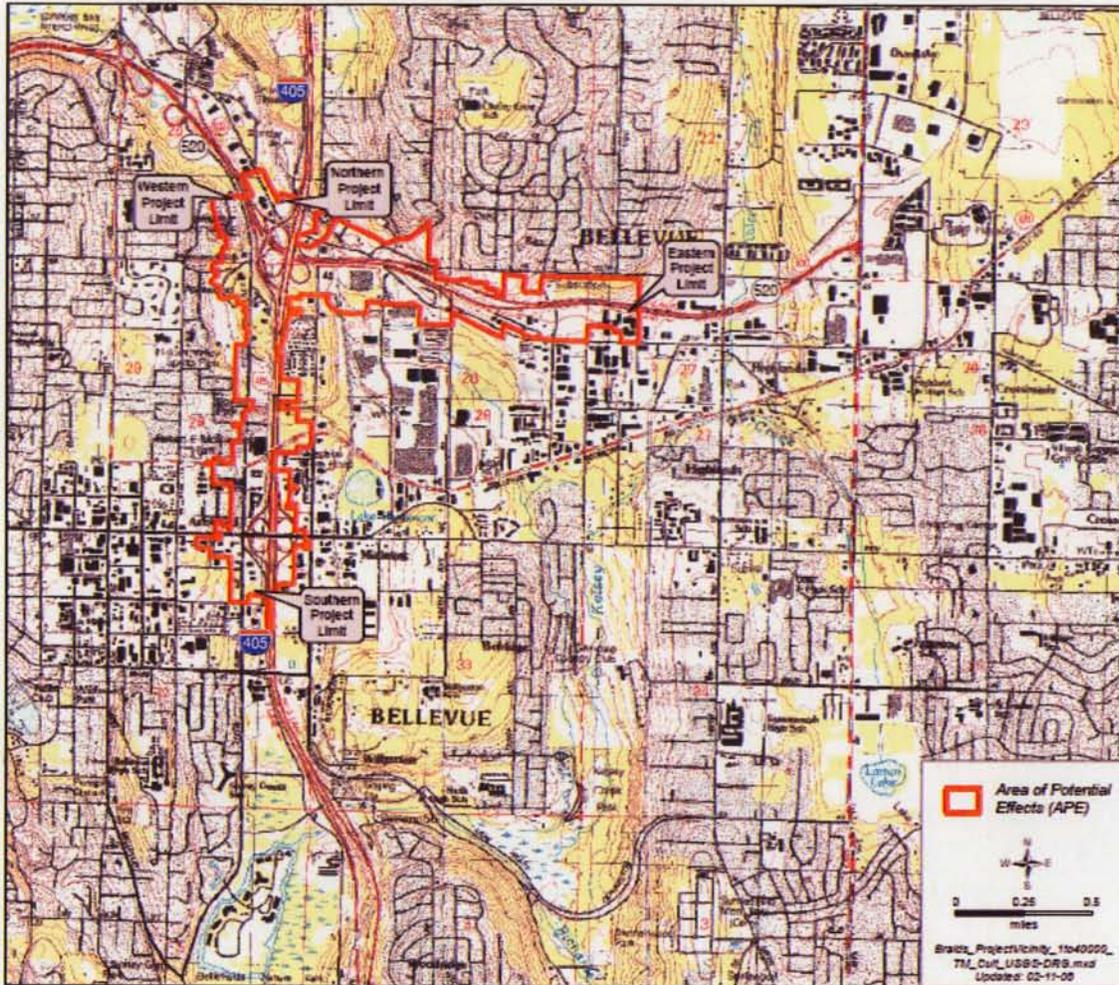


Figure 3. Preferred detention pond location and alternative pond locations within the SR 520/I-405 Interchange.

**Exhibit 2: Area of Potential Effects**



**I-405, NE 8th Street to SR 520 Improvement Project  
Cultural Resources Technical Memorandum**

February 2008

Figure 4. The I-405, NE 8<sup>th</sup> St to SR 520 Improvement Project (aka Bellevue Braided Crossing) Area of Potential effects (APE). The I-405/SR 520 Interchange is in northwest corner of project area, flagged by labels “Western Project Limit” and “Northern Project Limits.”

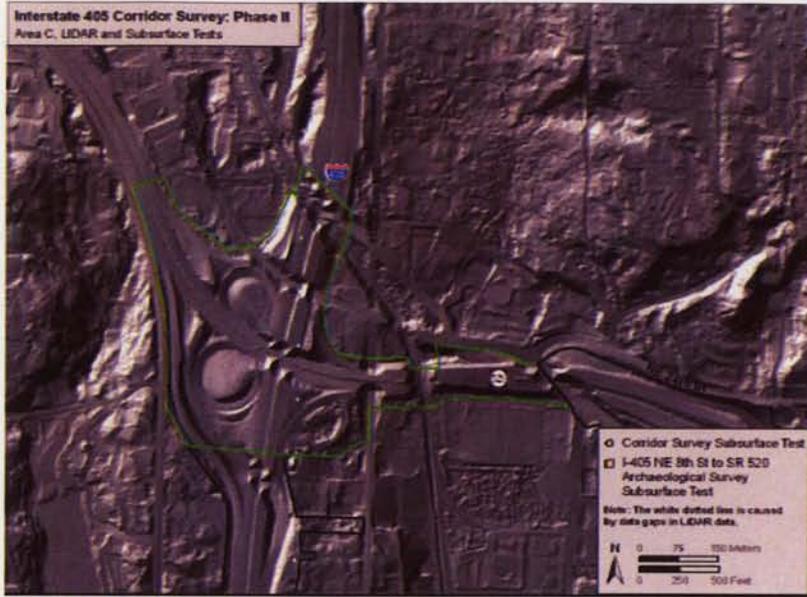


Figure 12. Area C, LIDAR and Subsurface Tests

Figure 5. Area C LiDAR imagery, showing major cut areas of I-405/SR 520 Interchange with ramps subsequently placed on fill (from Bundy 2009, Figure 12).



Figure 11. Area C

Figure 6. SR 520/I-405 Interchange is identified as Area C in the I-405 PA Survey Phase II Report (Bundy 2009, Figure 11).



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](http://www.dahp.wa.gov)

April 1, 2010

Ms. Allison Hanson  
Environmental Services Director  
WSDOT-ESO Mega Projects  
999 Third Ave, Suite 2424  
Seattle, WA 98104

In future correspondence please refer to:

Log: 101408-10-FHWA

Property: SR 520 Eastside Transit and HOV

Re: Cessation of Programmatic Agreement Development, Stormwater Detention Pond

Dear Ms. Hanson:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The SR 520 Eastside Transit and HOV 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.

Thank you for informing us of the termination of the programmatic agreement (PA) discussions that was being conducted for the project. We agree that a PA seems unnecessary considering the decision to locate all ancillary structures associated with construction and maintenance of the project within the currently defined area of potential effect (APE).

I have also reviewed the location of the proposed detention pond and associated conveyances as depicted in your correspondence. I concur with the determination that no further cultural resources investigation is warranted at this time. This decision is based predominantly on the environmental conditions as well as the results of previous cultural resources assessments of the area.

As always, thank you for the opportunity to review and comment.

Sincerely,

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



