

Cultural Resources

The Sunrise Project is subject to both Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the Department of Transportation Act. These regulations require identification of resources that are or may be eligible for listing in the National Register of Historic Places (NRHP) and, if so, whether the project could affect the resource.

The Section 106 Area of Potential Effects (APE) is the geographic area within which the cultural resources investigation occurs. It is defined in the federal regulations pertaining to Section 106 as the area where a project may directly or indirectly cause changes in the character or use of any existing historic properties. The area of potential effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the project. A Section 106 APE is often different than study areas used to examine other types of environmental impacts and may not be the same area of effect defined under NEPA. The Section 106 APE for the Sunrise Project is outlined on Figures 54, 55, and PA-49.³¹

Information on archaeological and historic resources comes from previous literature, including cultural resource survey reports from past projects, and from field surveys. Field surveys are used to confirm that known resources remain and to identify new resources.

An **isolated find** in Oregon is defined as one to nine artifacts discovered in a location that appears to reflect a single event, loci, or activity. By definition, isolates are not significant.

Archaeological and historic resources can be grouped according to their eligibility for listing in the NRHP:

- Already listed in the NRHP.

³¹ APEs are defined in 36 CFR Part 800, PROTECTION OF HISTORIC PROPERTIES (incorporating amendments effective August 5, 2004).

The Cultural Resources Technical Report contains more detailed discussion of the following topics:

- Literature survey results.
- Field survey results.

The report contains the following Appendices:

- Appendix A (Description of all historic resources within the project impact area [2006]).
- Appendix B (Determination of Eligibility Letters).
- Appendix C (Section 106 Documentation Forms).
- Appendix D (Finding of Effect Forms).
- Appendix E (Description of all historic resources within the Preferred Alternative [2009]).

- Determined to be eligible for listing in the NRHP.
- Determined to be not eligible for listing in the NRHP.

The impact analysis focuses on resources that are either listed or eligible for listing in the NRHP and that could be affected by the Sunrise Project. Documents filed with the SHPO request concurrence with recommendations regarding the eligibility of the resources, whether there would be impacts on listed or eligible resources, and if so, whether the impacts would be adverse. Adverse impacts require consultation under the NHPA. ODOT acts as an agent for FHWA, involving FHWA in findings and recommendations. The State Historic Preservation Officer (SHPO) has concurred with a combined Section 106 finding of no adverse effect for the Sunrise Project (see next page).

Section 106 Finding for the Preferred Alternative

On June 1, 2010, SHPO concurred with a “Finding of No Adverse Affect for Historic Properties (Archaeology)”. On July 26, 2010, SHPO concurred with a “Finding of No Historic Properties Adversely Affected (Historic-“above ground”). Subsequent to the findings, a Memorandum of Agreement (MOA) was executed among FHWA, SHPO and ODOT to resolve a Section 106 “Adverse Effect” because of incomplete survey work at an identified archaeological site, and lack of access to several properties. The June 1, 2010, and July 26, 2010

SHPO concurrences and the MOA are in Appendix B.

Archaeological Resources

The Sunrise Project area was homeland to the Clackamas Indians, who occupied the area when the first Euroamericans began exploring and settling there in the early 1800s. The Clackamas and other Native American groups fished at Willamette Falls and had villages and fishing stations along the Clackamas and Willamette rivers. The uplands surrounding the project area hosted hunting and gathering camps. Archaeological sites document some of these past uses and activities.

Alternative 1—No Build would have no direct effects on any identified archaeological resources.

Alternatives 2 and 3

Alternatives 2 and 3 would possibly affect three identified archaeological resources that are potentially eligible and that are recommended for further study, as shown in Table 28, which describes the sites. Table 29 compares the impacts of **Alternatives 2 and 3** with the design options. Construction of either alternative would disturb or destroy any remaining deposits at sites 35CL305, 35CL329, and 35CL330, which remained unevaluated for NRHP eligibility in 2006. A portion of site 35CL330 has been determined to be eligible for listing on the NRHP.

Design Option A-2 would have the same impact as the build alternatives on sites 35CL329 and 35CL330 and would not reduce the potential for disturbance.

Design Option B-2 would have the same impact as the build alternatives on 35CL305 and would not reduce the potential for disturbance. None of the three possibly eligible archaeological resources would be impacted by **Design Options C-2, C-3, D-2, or D-3**.

In addition to specific resources identified as a result of the literature review and field surveys, six locations were identified in 2006 that were considered to have a high probability for containing buried archaeological resources (high-probability areas, or HPAs). The locations of the six HPAs are not published in this document in order to maintain confidentiality and prevent disturbance before the sites can be investigated.

Alternatives 2 and 3 would affect five of the six HPAs (1, 2, 4, 5, and 6). **Design Option A-2** would affect HPAs 1 and 2. **Design Options B-2 and C-3** would not affect any HPAs. **Design Option C-2** would directly affect HPA 3. **Design Options D-2 and D-3** would affect HPAs 4, 5, and 6, similar to **Alternatives 2 and 3**.

Table 28. Potentially Affected Known and Potentially Eligible Archaeological Resources as of 2006 (eligibility updates in 2009)

Site Number	Description	Location	Previously Identified	Significance	Impacts
35CL305 (OR-CL-9)	Rock and concrete foundation and rock wall	Midpoint area	1991	Not eligible	Alternatives 2 and 3, including Design Option B-2
35CL329 (06/1328-1)	20 th century residential debris	Near I-205	2006 (new)	Not eligible	Alternatives 2 and 3
35CL330 (06/1328-2)	Deposits that reflect prehistoric use	Near I-205	2006 (new)	Portion of site eligible	Alternatives 2 and 3

Preferred Alternative

Archaeological investigations between December 2008 and March 2010 included a pedestrian survey within the **Preferred Alternative** APE that had not been surveyed. Shovel testing was done in the six HPAs from 2006 and in a seventh HPA identified in 2010. The survey and shovel testing revealed two recorded archaeological isolates (06/1328-6 and 06/1328-7) within the **Preferred Alternative** APE, in addition to the seven archaeological resources that had been previously recorded (Table 30). Test excavations were conducted at sites 35CL305, 35CL329, and 35CL330 in 2009 and 2010 to evaluate the three sites for NRHP eligibility. Sites 35CL305 and 35CL329 are not eligible for listing on the NRHP.

A portion of pre-contact site 35CL330 site is eligible for listing in the NRHP because it contains important information regarding the prehistory of the region and retains integrity. The portion of site 35CL330 that contributes to

its eligibility will be avoided or protected during project construction activities (see Mitigation Measures section below for detail). An MOA has been completed to resolve a Section 106 “Adverse Effect” due to incomplete survey work at an identified archaeological site and lack of access to several properties. The MOA is located in Appendix B.

Table 29. Possible Effects of Alternatives 2 and 3 and Design Options on Significant Archaeological Sites

Direct Effects	35CL253	OR-CL-9	06/1328-1	06/1328-2
Alt. 2	✓	✓	✓	✓
Alt. 3	✓	✓	✓	✓
A-2	N/A	N/A	✓	✓
B-2	✓	✓	N/A	N/A
C-2	✓	N/A	N/A	N/A
C-3	✓	N/A	N/A	N/A
D-2	N/A	N/A	N/A	N/A
D-3	N/A	N/A	N/A	N/A

Table 30. Preferred Alternative: Summary of Impacts to Archeological Resources as of 2010

Resource Number	Description	NRHP Eligibility Determination	Effect Determination	Management Recommendation
35CL330 (06/1328-2*)	Pre-contact site	Eligible under Criterion D	No adverse effect	Avoid eligible portion of site Monitor during construction and follow site protection measures as outlined in Section 106 Finding of Effect documentation
35CL100	Pre-contact site	Not eligible	No effect	No further consideration
35CL253	Pre-contact site	Not eligible	No effect	No further consideration
35CL305 (OR-CL-9*)	Multi-component site	Not eligible	No effect	No further consideration
35CL306 (OR-CL-10*)	Historic site	Not eligible	No effect	No further consideration
90/22-7	Pre-contact isolate	Not eligible	No effect	No further consideration
35CL329 (06/1328-1*)	Historic site	Not eligible	No effect	No further consideration
06/1328-5	Pre-contact flake	Not eligible	No effect	No further consideration
06/1328-6	Pre-contact isolate	Not eligible	No effect	No further consideration
06/1328-7	Pre-contact isolate	Not eligible	No effect	No further consideration
35CL341	Pre-contact lithic scatter	Unevaluated	-	Avoidance
35CL367	Pre-contact lithic scatter	Unevaluated	-	Avoidance

* Temporary numbers assigned during the 2006 survey.

Historic Resources

The Sunrise Project area has been the focus of historical activity since the early to mid-1800s.

The early settlers were attracted to the rich farmland and rivers and made use of the power source provided by the falls at Oregon City. Early settlements were centered around the falls and along the Willamette and Clackamas rivers. The overland branch of the Oregon Trail passed through the project area and many of the early travelers settled in the newly created communities of Gladstone and Oregon City.

Alternatives 2 and 3 and the design options

The area of **Alternatives 2 and 3** was surveyed for historic resources in 2006. The area was found to contain 71 resources that were at least 50 years of age or would be within five years of the survey. Figures 54 and 55 show the locations of the 71 historic resources or contributing features identified for the SDEIS. This section discusses only the eight historic resources that were identified as eligible for listing on the NRHP and that would be potentially affected directly or indirectly by the Sunrise Project alternatives and design options.

Prior to the survey in 2006, four firing ranges at Camp Withycombe (#21, #23, #24, and #25 on Figure 55³²) were determined by SHPO to be eligible for listing in the NRHP.

The firing ranges were subsequently removed when ODOT and the Oregon Military Department undertook a large-scale soil remediation and cleanup project. Adverse impacts to the four NRHP-eligible firing ranges were mitigated through a 2008 Memorandum of Agreement signed by the National Guard

³² Between 2006 and 2009, these four sites were removed as part of the process of removing hazardous materials at Camp Withycombe. Consequently, references to potential impacts on or from Alternatives 2 and 3 and the design options were true as of 2006. Refer to the Hazardous Materials Technical Report for more information.

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to take into account the effects of federal undertakings on any district, site, building, structure, or object that is listed in or eligible for listing in the National Register of Historic Places. The criteria for eligibility are:

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

The 106 process provides for the identification and evaluation of significant historic properties and for the development and implementation of agreements about how adverse effects to those properties will be considered. The 106 process involves consultation with the SHPO, tribes, local governments, and the public. If there are adverse effects to a historic property, consultations to avoid, minimize, or mitigate adverse effects will follow.

Bureau, Oregon Army National Guard, the Oregon SHPO, and the Clackamas County Review Board.

Camp Withycombe (#97) was evaluated for NRHP eligibility in 2010 as a historic district after the firing ranges were removed. ODOT and FHWA, in concurrence with the SHPO, determined that the camp was no longer eligible for listing in the NRHP. Individually eligible buildings still remain on the camp property, but they are located outside the APE for the **Preferred Alternative** and would not be impacted directly or indirectly by the Sunrise Project.

The Frank A. Haberlach House/Silverthread Kraut and Pickle Works Building (two buildings initially considered to be separate resources before being evaluated for NRHP-eligibility as a single resource with two features, #38 and #39)

was determined eligible for listing in the NRHP and is also a Goal 5 Resource listed as a Clackamas County Landmark. The sixth eligible resource identified was the KEX Transmitter Facility (#28), consisting of a building, radio transmission towers, and underground wire necessary for transmission. The seventh eligible resource was a portion of the main line of the Southern Pacific Railroad (now Union Pacific Railroad [#42]). The eighth and final resource identified as eligible for listing in the NRHP was the Clackamas Elementary School (#71).

Section 106 Determination of Eligibility forms for four resources (the Frank A. Haberlach House/Silverthread Kraut and Pickle Works Building, KEX Transmitter Facility, Southern Pacific Railroad, and the Clackamas Elementary School) were prepared to request SHPO's concurrence on recommendations of eligibility. Once the SHPO had reviewed and concurred with the recommendations of eligibility, potential effects to all of the resources were evaluated in Section 106 Finding of Effect forms.

Because the firing ranges at Camp Withycombe were removed prior to the completion of Finding of Effect forms for the project in August 2008, they were not formally evaluated for

project impacts. Table 31 lists NRHP-eligible historic resources identified during the alternatives analysis and the level of effect **Alternatives 2 and 3** were determined to have on those resources.

Alternative 1—No Build would have no direct effects on any of the identified historic resources.

Alternatives 2 and 3 would directly affect the KEX Transmitter Facility. Building the proposed Sunrise Project would result in the alteration of all or part of that resource.

Design Option A-2 would have no direct effects on any identified aboveground historic resources.

Design Option B-2 would directly impact the Haberlach House/Silverthread Kraut and Pickle Works Building. If **Design Option B-2** were selected, a finding of no adverse affect to the historic resource has already been discussed with SHPO and a *de minimis* finding would be proposed to satisfy Section 4(f).

Design Options C-2, C-3, D-2, and D-3 would not result in any additional impacts to historic resources.

Table 31. Eligible Historic Resources Potentially Affected by Alternatives 2 and 3

Eligible Resource	Description of Resource or Contributing Feature	Location Reference Number (Figure 65)	Listed or Eligible for Listing on the NRHP	Findings
	Machine Gun Range, contributing feature	#21		Both alternatives, adverse effect (alteration of resources) in SDEIS (Sites subsequently removed during environmental remediation) ¹
Camp Withycombe Historic District	Military Pistol Range, contributing feature	#23	Portions determined eligible	Finding of "No historic properties adversely affected"
	1,000-yard Rifle Range, contributing feature	#24		
	500-inch Small Bore Range, contributing feature	#25		
KEX Transmitter Facility	KEX Transmitter Facility, southeast of I-205 near Lawnfield Road	#28	Determined eligible	Finding of "No historic properties adversely affected"

Table 31. Eligible Historic Resources Potentially Affected by Alternatives 2 and 3

Eligible Resource	Description of Resource or Contributing Feature	Location Reference Number (Figure 65)	Listed or Eligible for Listing on the NRHP	Findings
Frank A. Haberlach House/Silverthread Kraut and Pickle Works	Frank A. Haberlach House, SE 130 th Avenue and OR 212/224	#39	Determined eligible	Design Option B-2, house only; right-of-way acquisition for sidewalk construction, no change to building
	Silverthread Kraut and Pickle Works Building, SE 130 th Avenue and OR 212/224	#38		Finding of "No historic properties adversely affected"
Southern Pacific Railroad Willamette Valley Main Line	Southern Pacific Railroad (now Union Pacific Railroad), east of and parallel to SE 82 nd Drive	#42	Determined eligible	Construction of overpass Finding of "No historic properties adversely affected"
Clackamas Elementary School	Public school building, 15301 SE 92 nd Avenue	#71	Determined eligible	Construction nearby, no change to resource Finding of "No historic properties adversely affected"

1 The Determination of Eligibility for Camp Withycombe was re-evaluated in 2010. ODOT and FHWA, in concurrence with the SHPO, determined that, due to alterations in buildings and removal of the firing ranges, the camp was no longer eligible for listing in the NRHP as a historic district. Individually eligible buildings still remain on the camp property, but they are located outside the APE for the **Preferred Alternative** and would not be impacted directly or indirectly by the Sunrise Project.

2 The boundary of the KEX historic resource was re-drawn in June 2009 to comprise the copper ground mat and a 10-ft buffer and the transmission building (see Appendix B for documentation).

3 The **Preferred Alternative** will have no impact to this resource.

Preferred Alternative

A supplemental survey of the APE for the **Preferred Alternative** conducted in 2009 identified 24 new historic resources within and adjacent to the **Preferred Alternative**, of which 22 are recommended to be not eligible for listing in the NRHP. The two new resources that are eligible for listing on the NRHP are the Clackamas Cemetery and the Mather-Foster House (see Determination of Eligibility forms in Appendix B). Seventy-three resources recorded in 2006 and 2009 are on parcels located within or adjacent to the APE of the **Preferred Alternative** (Figure PA-50 through Figure PA-52). Seventeen resources recorded in 2006 were found to be located on parcels that are no longer within or adjacent to the **Preferred Alternative**.

Five resources within or adjacent to the **Preferred Alternative** have been determined to be eligible for listing in the NRHP.

Table 32 shows the impacts of the **Preferred Alternative** on the five resources. The **Preferred Alternative** will not directly impact the Clackamas Cemetery, KEX Transmitter Facility, the Mather-Foster House, the Southern Pacific Railroad Willamette Valley Main Line or the Clackamas Elementary School. The SHPO concurred in 2009 that the KEX Transmission Facility will not be adversely affected by the **Preferred Alternative** after the initial Determination of Eligibility form was revised to include new boundaries for the resource and the **Preferred Alternative** was designed to avoid the copper ground mats (**Alternatives 2 and 3** encroached upon the copper wire ground mats).

Indirect Effects

Indirect impacts on historic resources can occur when a project would not physically alter the resources themselves but would alter their setting, thereby affecting the ability of the resource to convey its historic character and sense of place.

Alternatives 2 and 3

Alternatives 2 and 3 may have indirect effects on the Southern Pacific Railroad Willamette Valley Main Line (#42). These alternatives would create overpasses over the railroad main line.

Design Option B-2 is the only option that could potentially indirectly affect the historic resource in the southeast quadrant of the intersection of SE 130th Avenue and OR 212/224. Contributing feature #38, the Silverthread Kraut and Pickle Works Building, extends into the roadway right-of-way, and its adjacent contributing feature, site #39, the Frank Haberlach House, is currently used as a restaurant. **Design Option B-2** has the potential to indirectly impact #39 by the placement of a sidewalk along OR 212/224. For #38, the construction impact line has been purposely placed so as to avoid impacts to the building, and the proposed widening of SE 130th Avenue would take place on the opposite side of SE 130th Avenue from the building. For contributing feature #39, the construction impacts would occur along the north edge of the parcel and would include the construction of a sidewalk. In both cases, the buildings would not be impacted, and the impacts from the placement of a sidewalk in front of the present restaurant would likely be an enhancement.

Design Options C-2, C-3, D-2, and D-3 would not indirectly affect any resources.

Preferred Alternative

The **Preferred Alternative** was determined to have an indirect and non-adverse effect on the KEX Transmission Facility (#28), the Southern Pacific Railroad Willamette Valley Main Line (#42), Clackamas Elementary School (#71), and the Mather-Foster House (#77).

Mitigation Measures for the Preferred Alternative Archaeological resources: minimization and avoidance measures

The preliminary design of the **Preferred Alternative** was modified to avoid the portion of site 35CL330 that is recommended eligible for listing in the NRHP. Two proposed concrete footings (piers), which will support a flyover structure, were relocated to avoid the significant portion of the site. Two pier locations were moved to the southwest to avoid the significant portion of 35CL330. The proposed piers will be constructed by first drilling deep shafts that are 1.2 to 1.8 meters (4 to 6 feet) in diameter, which anchor the concrete piers in the ground. The depth of the drilled shafts will depend upon the results of the geotechnical borings. Spoils from the drilling will be placed outside of the eligible portion of site 35CL330, and all equipment necessary for drilling the shafts and constructing the piers will be directed to stay outside of the eligible portion of site 35CL330.

Table 32. Preferred Alternative: Effects to Eligible Historic Resources

Resource	Eligibility Determination	Effect Determination
Clackamas Cemetery (#26)	Eligible under Criterion A* Meets Criteria Consideration D**	No Effect
KEX Transmission Facility (#28)	Eligible under Criterion C*	No Adverse Effect / Indirect Effect
Southern Pacific Railroad (#42)	Eligible under Criterion A*	No Adverse Effect / Indirect Effect
Clackamas Elementary School (#71)	Eligible under Criterion C*	No Adverse Effect / Indirect Effect
Mather-Foster House (#77)	Eligible under Criterion C*	No Adverse Effect / Indirect Effect

*Criterion described in call-out box on page 209. +Certain properties, such as cemeteries, must meet special requirements called Criteria Considerations as well as the standard Criteria A-D to be considered eligible for listing in the NRHP.

Archaeological resources

The following measures were approved as part of SHPO concurrence (letter dated June 1, 2010) with an evaluation of archaeological site 35CL330. A copy of the documentation for the site is included in Appendix B.

To minimize impacts to site 35CL330, ODOT adjusted the design of the proposed flyover structure to relocate the concrete footings (piers) outside of the portion of the site that is recommended eligible for listing in the NRHP. Geotechnical borings will be used to test the soil at site 35CL330 for suitability for construction. The methods of constructing the proposed scaffolding and falsework within the eligible portion of site 35CL330 will depend upon the suitability of the soil. ODOT will direct contractors to develop a falsework plan that does not extend below the ground surface within the eligible portion of site 35CL330. Based on the results of the geotechnical borings, if it is determined that the soil is suitable for being built upon, then one or more of the following options will be used for construction of the falsework:

- Geotextile fabric and a layer of crushed rock could be placed over the eligible portion of site 35CL330 for construction of the falsework. The layer of rock would be later removed.
- An above-ground cribbing plan could be developed to support the falsework.

If soil is not suitable for construction, then the following options would be possible:

- A falsework construction plan, supported by beams that span the site.
- An alternative structure span, possibly steel, to span the eligible portion of site 35CL330.

During construction, the following measures will be implemented for site 35CL330:

- Archaeological monitoring of construction activities; ODOT will notify the Confederated Tribes of the Grande Ronde prior to construction activities so they may elect to have a tribal representative present

on-site during any ground disturbing fieldwork by project consultant archaeologists.

- Fencing will be placed outside of the significant portion of the site and will include a 5-meter (16-foot) buffer wherever possible.
- Where vehicles and equipment would travel over the eligible portion of site 35CL330, construction mats and/or geotextile cloth and/or layers of crushed gravel or fill dirt will be installed.
- Development of a vegetation management plan, in consultation with the Confederated Tribes of the Grand Ronde Community of Oregon, to prevent future disturbance and looting of site 35CL330. Mature plant roots should not extend below a depth of 30 centimeters (12 inches) below the ground surface, which is the depth to which the site has been previously disturbed. Placement of a layer of shallow fill may be another option to allow for deeper plantings.

Surveys on seven privately-owned parcels were not completed. They are near SE 142nd Avenue, SE Morning Way, OR 212, and near or abutting OR 212/224 (west of 152nd Avenue and north of the highway, and west of 122nd Avenue south of the highway). If the parcels are acquired by local or state agencies, a State of Oregon Archaeological Permit, issued by the State Historic Preservation Office, would be necessary to conduct exploratory excavations to determine if buried archaeological deposits are present on public land. A Memorandum of Agreement detailing the requirements for future work is included in Appendix B of the FEIS. No previously-recorded resources are on the unsurveyed parcels.

Historic resources

No mitigation measures are required for the Sunrise Project related to aboveground, architectural historic resources.

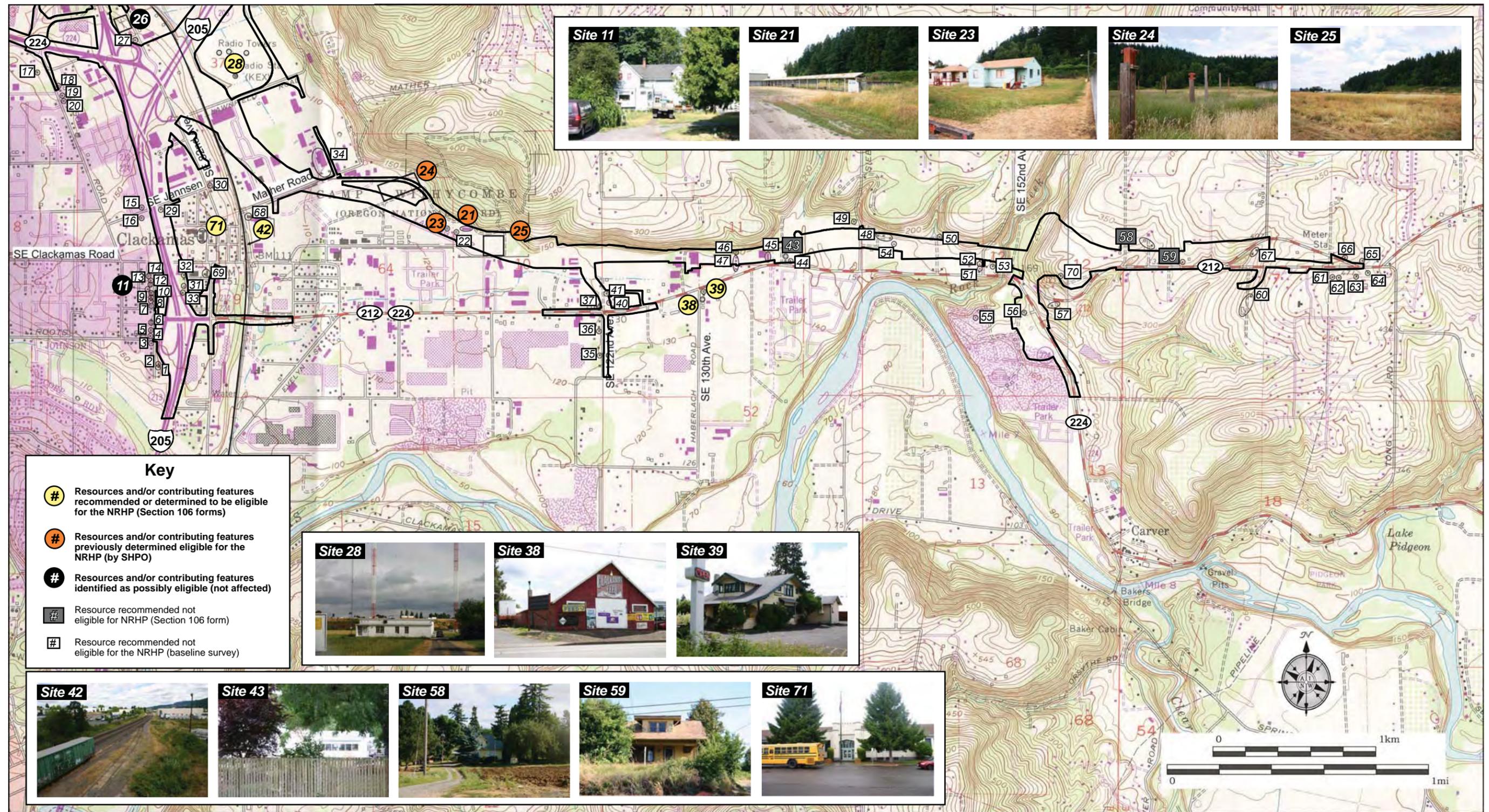


Figure 54
 Location of Historic Resources (USGS Map)
 Sunrise Project, I-205 to Rock Creek Junction

Source:
 USGS Quadrangles: Damascus, OR 1961 (Photorevised 1984) and Gladstone, OR 1961 (Photorevised 1984)



Figure 55
Location of Historic Resources (Aerial)

Locations of all resources identified during the Archaeological Investigations Northwest, Inc. (AINW) reconnaissance survey. The resource numbers are keyed to Appendix A of the Cultural Resources Technical Report.

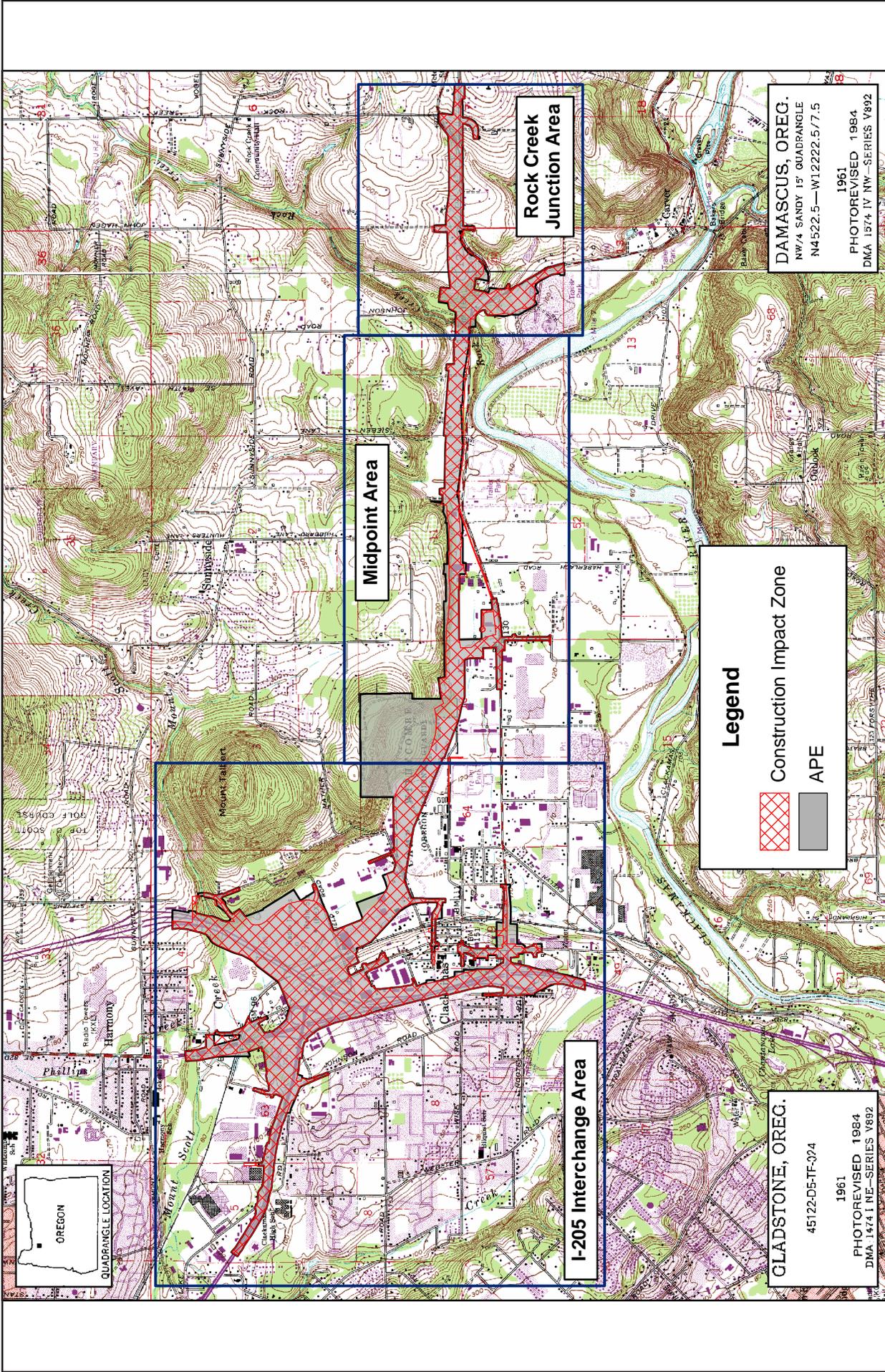
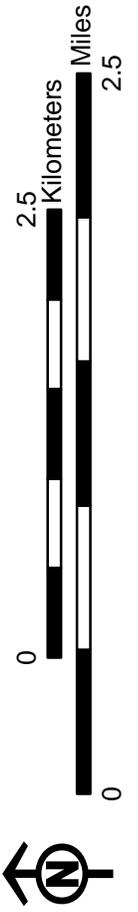


Figure PA-49

Area of Potential Effect





Historic Resources

- ★ Determined Eligible for listing in the NRHP
- ★ Determined Not Eligible for listing in the NRHP
- Present Camp Withycombe Boundary
- Construction Impact Zone
- APE

Project Area Taxlot

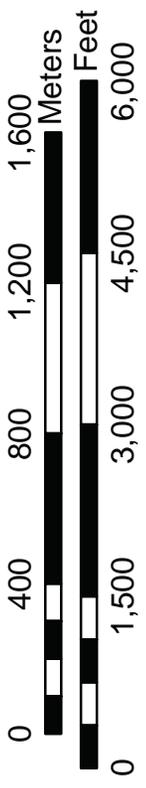


Figure PA-50

Historic Resources Identified within the I-205 Interchange Area

