

APPENDIX B. CULTURAL RESOURCE DOCUMENTATION

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**December 2010, Memorandum of Agreement among the
FHWA, Oregon SHPO, and ODOT for Identifying and
Evaluating Archaeological Sites in the Oregon 212/224:
Sunrise Project (Interstate 205—Rock Creek)**



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

Oregon Division

December 10, 2010

530 Center St. NE, Suite 100
Salem, Oregon 97301
(503)399-5749
(503)399-5838(fax)
www.fhwa.dot.gov/ordiv

In Reply Refer To:
HPL.2-OR

Mr. Reid Nelson
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Old Post Office Building
Washington, DC 20004

RE: Memorandum of Understanding: Sunrise Project, I-205 to Rock Creek Junction

Dear Mr. Nelson:

The Oregon Department of Transportation (ODOT) proposes to use Federal-aid funding for the new construction of a new roadway, the Sunrise Project from I-205 to Rock Creek Junction, southwest of the Portland metropolitan area in Clackamas County, Oregon. The Federal Highway Administration (FHWA), in consultation with the Oregon Historic Preservation Officer, has identified locations within the Area of Potential Effect that may contain archaeological resources. Most of these areas are on private property and ODOT cannot access them to complete archaeological surveys at this time. Archaeological surveys on one other parcel have not been completed.

Therefore, we have developed a Memorandum of Agreement (MOA) that sets forth measures that will be implemented to identify and resolve potential adverse effects. No above ground historic resources will be affected by this undertaking. FHWA notified the Advisory Council on November 18, 2010, inviting participation; however, a response was not received. Indian Tribes who have an interest in Oregon lands for this project were notified and no responses were received.

Enclosed is a fully ratified MOA pursuant to 36 CFR 800.6(b)(1)(iv). If you have any questions, please call me at 503-587-4716. Thank you.

Sincerely,

Michelle Erant
Environmental Program Manager

Enclosure - Memorandum of Agreement

cc: FHWA (Maryann Naber, Federal Preservation Officer)
SHPO (Roger Roper, Assistant Director, Heritage Programs) electronic w/o enclosure
ODOT (Thomas Picco, Region 1) electronic w/o enclosure
(Kurt Roedel, Geo-Environmental) electronic w/o enclosure

ME/rm



**MEMORANDUM OF AGREEMENT
AMONG THE
FEDERAL HIGHWAY ADMINISTRATION (FHWA),
OREGON STATE HISTORIC PRESERVATION OFFICE (SHPO),
AND THE
OREGON DEPARTMENT OF TRANSPORTATION (ODOT)
FOR IDENTIFYING AND EVALUATING ARCHAEOLOGICAL SITES
IN THE
OREGON 212/224: SUNRISE PROJECT (INTERSTATE 205—ROCK CREEK)
ODOT KEY NO. 12454
FEDERAL-AID NO. C005(046)
CLACKAMAS COUNTY
OREGON**

RECITALS:

WHEREAS, the Federal Highway Administration (FHWA) and the Oregon Department of Transportation (ODOT) plan to construct the Sunrise Corridor Project; and

WHEREAS, FHWA has provided funding for the Project and has determined that the Project is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f and its implementing regulations, 36 CFR 800; and

WHEREAS, FHWA has invited ODOT to participate in consultation and to become a signatory to this Memorandum of Agreement (MOA); and

WHEREAS, ODOT, on behalf of FHWA, has consulted with the Oregon State Historic Preservation Office (SHPO) and interested and affected Indian tribes (including the Confederated Tribes of Warm Springs, the Confederated Tribes of Grande Ronde, the Confederated Tribes of Siletz, and the Confederated Tribes and Bands of the Yakama Nation) pursuant to 36 CFR 800.14; and

WHEREAS, ODOT, on behalf of FHWA, has consulted with the SHPO regarding appropriate levels of effort to identify historic properties in the Area of Potential Effect (APE) and determining their significance using the National Register Criteria for Evaluation; and

WHEREAS, FHWA, in conjunction with ODOT, and in consultation with the SHPO and consulting tribes, has defined the undertaking's APE (see Map 1); and

WHEREAS, FHWA, through ODOT and in consultation with the SHPO, shall ensure that the following terms and conditions will be implemented in a timely manner in compliance with the NHPA; and

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WHEREAS, ODOT has not obtained right of entry to a few parcels in the project area (known as the Emmert properties, see attached letters denying entry); and has obtained right of entry to one parcel (known as the Talbert property) but has not fully explored this parcel, when ODOT obtains ownership of the unevaluated properties as part of the Project, FHWA in conjunction with ODOT will, in consultation with the SHPO, identify historic properties in the APE and determine their significance using the National Register Criteria for Evaluation; and

WHEREAS, this MOA sets forth measures that will be implemented to identify and resolve potential adverse effects to archaeological properties within the Project's APE; and

WHEREAS, in accordance with 36 CFR 800, FHWA acknowledges and accepts the advice and conditions outlined in the Advisory Council on Historic Preservation's (ACHP) "Recommended Approach for Consultation on the Recovery of Significant Information from Archaeology Sites," published in the Federal Register on June 17, 1999; and

WHEREAS, FHWA notified the ACHP of the preparation of this MOA and the ACHP declined to participate in consultation for the Project; and

WHEREAS, Consulting Parties include the Confederated Tribes of Warm Springs, the Confederated Tribes of Grande Ronde, the Confederated Tribes of Siletz, and the Confederated Tribes and Bands of the Yakama Nation; and

WHEREAS, FHWA through ODOT, invited the following tribes to enter consultation: the Confederated Tribes of Warm Springs, the Confederated Tribes of Grande Ronde, the Confederated Tribes of Siletz and the Confederated Tribes and Bands of the Yakama Nation; and

WHEREAS, the only tribe to express interest in consulting was the Confederated Tribes of the Grande Ronde; and

WHEREAS, the Confederated Tribes of the Grande Ronde were provided an opportunity to review the MOA; and

WHEREAS, no comments were received were received from the Confederated Tribes of the Grande Ronde; and

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WHEREAS, the Section 106 process for the Project has been completed for above-ground resources per SHPO concurrence received on July 29, 2010, and documented in the Sunrise Project Cultural Resources Report, except for those parcels referenced in this MOA (known as the Talbert parcel and the Emmert properties); and

WHEREAS, all below-ground (archaeological) resources have been addressed in the Sunrise Project Archaeological Resources Technical Report, except for those parcels referenced in this MOA (known as the Talbert parcel and the Emmert properties); and

WHEREAS, execution and implementation of this MOA evidences that FHWA has satisfied its Section 106 responsibilities for the Sunrise Project; and

WHEREAS, by the authority granted in ORS 190.110 and 283.110, state agencies may enter into agreements with units of local government or other state agencies for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform; and

WHEREAS, by the authority granted in ORS 366.710, the State of Oregon may enter into cooperative agreements with the United States Federal Government, in particular FHWA, for the performance of work on improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties; and

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the Parties hereto as follows:

ODOT OBLIGATIONS:

Principles and Stipulations to Complete Archaeological Evaluation and Survey of Remaining Parcels and other areas.

FWHA in conjunction with other signatories and consulting parties has agreed that the complexities of the Oregon 212/224: Sunrise Project (Interstate 205—Rock Creek) require a phased approach to the completion of compliance with 36 CFR 800. Circumstances dictate that some of the activities needed to complete all steps of the Section 106 process will be carried out after the Sunrise Project Final Environmental Impact Statement (FEIS) and Record of Decision are issued. These include the following:

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1. An archaeological pedestrian survey and/or subsurface probing of the remaining unsurveyed parcels will be completed after those parcels (or rights of entry to those parcels) have been acquired by ODOT, but prior to project construction. These include the following properties that were not among high probability archaeological resource areas identified in the Sunrise Project Cultural Resources Report (see Map 2):
 - 1) archaeological site 35CL375, located on the "Talbert parcel" (see Map 3); and
 - 2) six parcels known as the "Emmert properties" that cannot be accessed prior to purchase (see Map 3), as noted in the three attached letters.
2. The fieldwork will be comparable to the surveys previously completed for the undertaking, and will include pedestrian surveys, determination of boundaries and significance of any identified sites. All fieldwork shall be consistent with State Field Guidelines. Those conducting archaeological fieldwork will meet, or be under the direct supervision of a person or persons who meet, the US Secretary of the Interior's Professional Qualification Standards and qualify for an Oregon Excavation Permit (ORS 390.235)—a "qualified archaeologist." Based on the results of site investigations, ODOT will, in early and continuous consultation and cooperation with FHWA, consult with the SHPO and the tribes regarding appropriate mitigation measures to address impacts to archaeological resources.
3. Consultation among FHWA, ODOT and SHPO regarding mitigation will occur if any identified sites are found to be eligible and can not be avoided.
4. A qualified archaeologist will prepare an addendum cultural resources technical report, or reports, consistent with the SHPO's "State of Oregon Archaeological Reporting Guidelines" (2009) for such documents, for all additional archaeological work completed under this Memorandum of Agreement (MOA). ODOT will submit the report(s) to FHWA for review before forwarding them to the SHPO and Consulting Parties.
5. A qualified archaeologist will prepare a monitoring report, or reports, consistent with the SHPO's "State of Oregon Archaeological Reporting Guidelines" (2009) for such documents, for all additional archaeological work completed under this MOA. ODOT will submit the report(s) to FHWA for review before forwarding them to the SHPO and Consulting Parties.

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Inadvertent Discovery

1. If there is an inadvertent discovery of a historic property or human remains during construction of an undertaking, ODOT will stop construction in the immediate vicinity of the discovery, notify appropriate authorities, and follow the procedures outlined in 36 CFR 800.13 and ODOT Standard Specifications 290.50 – 290.51. If the discovery involves human remains and the appropriate authorities determine that the remains are historic or prehistoric Native American, ODOT will contact immediately the affected tribes, FHWA, the SHPO, and the Commission on Indian Services.

GENERAL PROVISIONS:

Agreement Execution

1. FHWA shall be the first party to execute the agreement. No other party shall execute this agreement prior to FHWA.

Consultation

1. Consultation means the process of seeking, discussing, and considering the views of interested parties, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process. The Secretary of the Interior's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

The FHWA shall ensure access by the public and the Indian tribes to all determinations made pursuant to this MOA shall consider or respond to comments or objections by interested parties in a timely manner. Views of the public, Indian tribes, and other consulting parties will be solicited by the FHWA and will be taken into account in the consultation process when eligible Native American properties are affected.

Dispute Resolution

1. Disputes regarding the completion of the terms of this Agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Advisory Council on Historic Preservation to assist in resolving the dispute.

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2. Signatories and Consulting Parties shall keep sensitive cultural resources information confidential to the extent allowed by state and federal law.
3. Activities carried out pursuant to this Agreement shall meet the US Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716 as revised) as well as existing standards and guidelines for historic preservation activities established by the SHPO.

Termination

1. Modification, amendment, or termination of this Agreement as necessary shall be accomplished by the signatories in the same manner as the original Agreement.
2. This Agreement shall become effective upon its execution by all Parties and shall remain in effect for ten (10) years, unless the signatories agree in writing to an amendment to this Agreement. FHWA, ODOT and the SHPO will review the Agreement's continued need on the fifth anniversary of its execution by all Parties.
3. Execution of this MOA by FHWA, ODOT and the SHPO, and implementation of its terms, evidences that FHWA has afforded the SHPO an opportunity to comment on this project and its effects upon historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.
4. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind all Parties unless in writing and signed by all Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

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EXHIBITS (attached hereto and by this reference made a part hereof):

Map 1, Area of Potential Effect

Map 2, High Probability Areas

Map 3, Archaeology Survey Needs and Talbert parcel (Site 35CL375)

Letter, Kenneth C. Bauman to Gary Adams, ODOT, August 26, 2010
One parcel: County Tax Map 22E12B, Tax Lot 3000

Letter, Kenneth C. Bauman to Gary Adams, ODOT, August 26, 2010
One parcel: County Tax Map 22E12B, Tax Lot 3100

Letter, Kenneth C. Bauman to Gary Adams, ODOT, August 26, 2010
Four parcels: County Tax Map 22E11A, Tax Lot 01202
County Tax Map 22E11A, Tax Lot 01300
County Tax Map 22E12, Tax Lot 00102
County Tax Map 22E12B, Tax Lot 03609

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon 212/224: Sunrise Project (Interstate 205—Rock Creek) is in the Final 2008-2011 Statewide Transportation Improvement Program (Page 332, Key No. 12454). The Oregon Transportation Commission adopted the Final 2008-2011 Statewide Transportation Improvement Plan on November 14, 2007. The Oregon 212/224: Sunrise Project (Interstate 205—SE 122nd Ave.) is in the Draft 2010-2013 Statewide Transportation Improvement Program (Page 31, Key No. 15555).

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The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations. Day-to-day operations include those activities required to implement the biennial budget approved by the Legislature, including activities to execute a project in the Statewide Transportation Improvement Program.

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, Paragraph 2, in which day-to-day authority is delegated to the Region Managers; the authority to approve and sign agreements up to \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program, other system plans approved by the Oregon Transportation Commission such as the Traffic Safety Performance Plan, or in a line item in the biennial budget approved by the Director.

FEDERAL HIGHWAY ADMINISTRATION

By: Phillip A. Sittler
Division Administrator

Date: December 9, 2010

OREGON STATE HISTORIC
PRESERVATION OFFICE

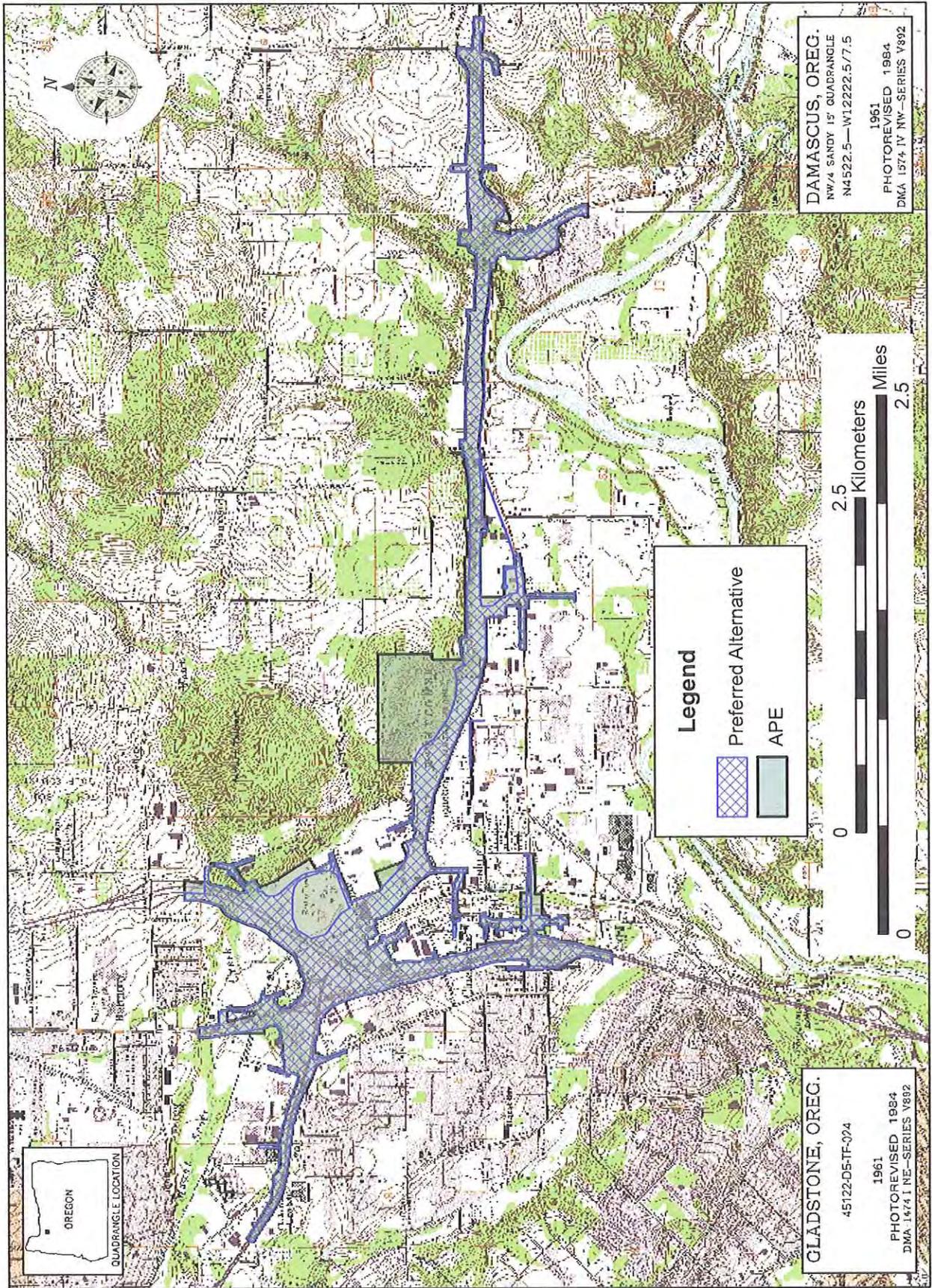
By: [Signature]
Deputy State Historic
Preservation Officer

Date: 12.9.10

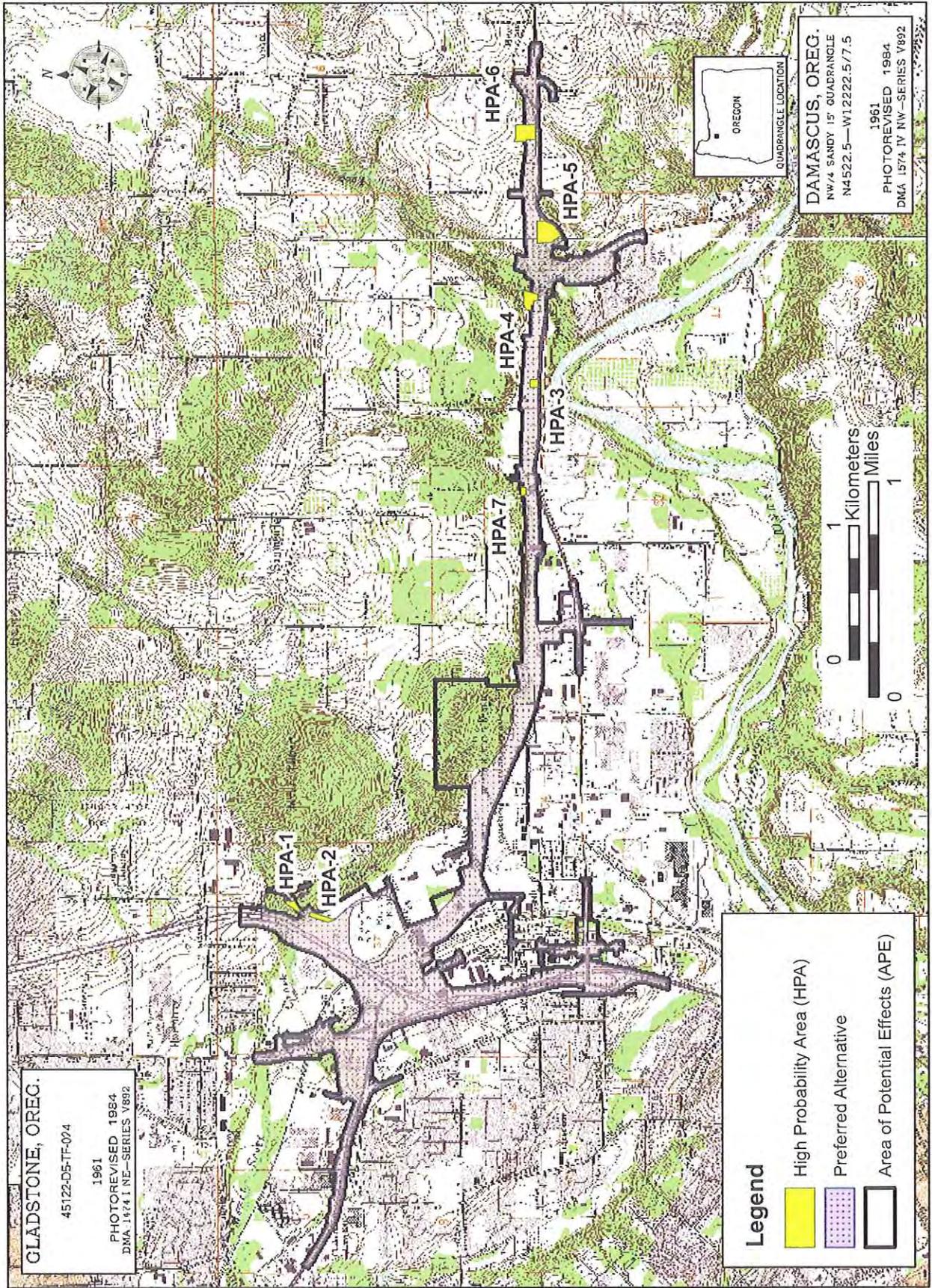
STATE OF OREGON, by and through
its Department of Transportation

By: [Signature]
ODOT Region 1 Manager

Date: 12/10/2010



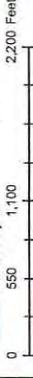
Map 1. Area of Potential Effect (APE) and the Preferred Alternative for the Sunrise Project.



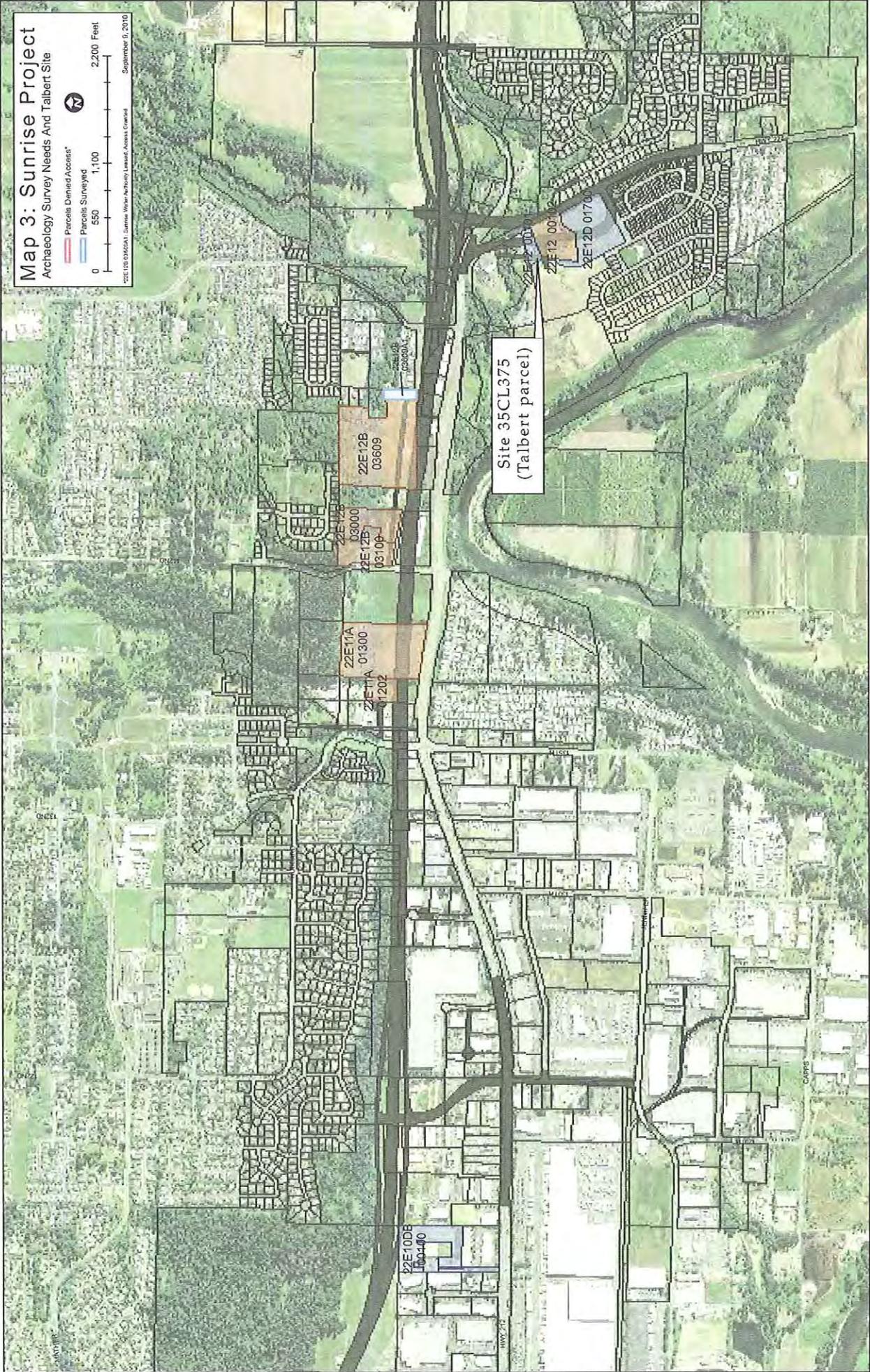
Map 2. Sunrise Project area with archaeological High Probability Areas (yellow).

Map 3: Sunrise Project Archaeology Survey Needs And Talbert Site

Parcels Defined Access*
Parcels Surveyed



©2012 ESRI. All rights reserved. Sunrise Project. Licensed Access Granted. September 5, 2010



Site 35CL375
(Talbert parcel)

22E12B 03609

22E12B 03000

22E12B 03109

22E11A 01300

22E11A 01202

22E12 00102

22E12D 01700

22E10DB 00440

Kenneth C. Bauman

1406 SW Upland Drive
Portland, Oregon 97221
(971) 409-8642
KenCBauman@comcast.net

August 26, 2010

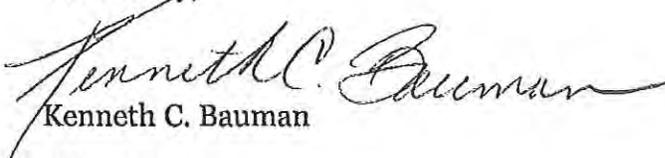
Gary Adams
Right of Way Agent
Right Away Unit
Oregon Department of Transportation
Region 1 Environmental Section
123 NW Flanders Street
Portland, OR 97209-4012

Re: Response to your letter to SCCO, LLC and Terry W. Emmert dated August 16, 2010, re: Permission to enter your property shown on County Tax Map 22E12B, Tax Lot 3000.

Dear Mr. Adams:

SCCO, LLC and Terry W. Emmert ("Mr. Emmert") have requested that I respond to your letter dated August 16, 2010. Mr. Emmert discussed the request of the Oregon Department of Transportation for access to his property with Fred Eberle on Wednesday, August 25, 2010. Mr. Emmert explained to Mr. Eberle that he has had a long term negative relationship with Clackamas County and the Oregon Department of Transportation regarding the Sunrise Corridor and its affect on the pieces of property to which the Oregon Department of Transportation seeks access. At this time Mr. Emmert respectfully declines to grant the Oregon Department of Transportation's request for access to his property.

Yours truly,


Kenneth C. Bauman

KCB/dmm

cc: Fred Eberle
Terry W. Emmert

Kenneth C. Bauman
1406 SW Upland Drive
Portland, Oregon 97221
(971) 409-8642
KenCBauman@comcast.net

August 26, 2010

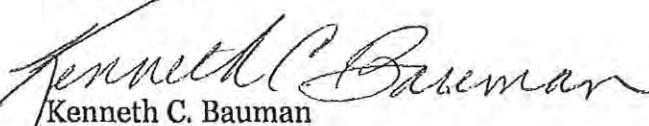
Gary Adams
Right of Way Agent
Right Away Unit
Oregon Department of Transportation
Region 1 Environmental Section
123 NW Flanders Street
Portland, OR 97209-4012

Re: Response to your letter to Outback Properties, LLC and Terry W. Emmert dated August 16, 2010, re: Permission to enter your property shown on County Tax Map 22E12B, Tax Lot 3100.

Dear Mr. Adams:

Outback Properties, LLC and Terry W. Emmert ("Mr. Emmert") have requested that I respond to your letter dated August 16, 2010. Mr. Emmert discussed the request of the Oregon Department of Transportation for access to his property with Fred Eberle on Wednesday, August 25, 2010. Mr. Emmert explained to Mr. Eberle that he has had a long term negative relationship with Clackamas County and the Oregon Department of Transportation regarding the Sunrise Corridor and its affect on the pieces of property in to which the Oregon Department of Transportation seeks access. At this time Mr. Emmert respectfully declines to grant the Oregon Department of Transportation's request for access to his property.

Yours truly,


Kenneth C. Bauman
KCB/dmm

cc: Fred Eberle
Terry W. Emmert

Kenneth C. Bauman

1406 SW Upland Drive
Portland, Oregon 97221
(971) 409-8642
KenCBauman@comcast.net

August 26, 2010

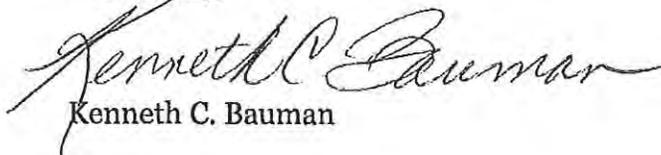
Gary Adams
Right of Way Agent
Right Away Unit
Oregon Department of Transportation
Region 1 Environmental Section
123 NW Flanders Street
Portland, OR 97209-4012

Re: Response to your letter to Terry W. Emmert dated August 16, 2010, re: Permission to enter your property shown (four parcels) on County Tax Maps 22E11A, Tax Lots 01202 and 01300; Map 22E12, Tax Lot 00102; and Map 22E12B, Tax Lot 03609.

Dear Mr. Adams:

Terry W. Emmert has requested that I respond to your letter dated August 16, 2010. Mr. Emmert discussed the request of the Oregon Department of Transportation for access to his property with Fred Eberle on Wednesday, August 25, 2010. Mr. Emmert explained to Mr. Eberle that he has had a long term negative relationship with Clackamas County and the Oregon Department of Transportation regarding the Sunrise Corridor and its affect on the pieces of property to which the Oregon Department of Transportation seeks access. At this time Mr. Emmert respectfully declines to grant the Oregon Department of Transportation's request for access to his property.

Yours truly,


Kenneth C. Bauman

KCB/dmm

cc: Fred Eberle
Terry W. Emmert

**June 1, 2010, SHPO Concurrence Letter, Finding of No
Adverse Effect on Historic Properties (Archaeology)**



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Transportation Building
355 Capitol St. NE, Rm. 301
Salem, OR 97301-3871

FILE CODE:

DATE: June 3, 2010

TO: Casey Barney, Cultural Resources, Confederated Tribes and Bands of the Yakama Nation
Don Day, Cultural Resource Site Protection Monitor, Confederated Tribes of the Grand Ronde Community of Oregon
Robert Kentta, Cultural Resources Director, Confederated Tribes of Siletz Indians
Roberta Kirk, Review and Compliance Coordinator, Geo Visions, Confederated Tribes of Warm Springs
Johnson Meninick, Cultural Resources Manager, Confederated Tribes and Bands of the Yakama Nation
Eirik Thorsgard, Cultural Protection Coordinator, Confederated Tribes of the Grand Ronde Community of Oregon
Thomas Picco, Region 1 Principle Planner, ODOT
Jeff Buckland, Region 1 Environmental Program Manager, ODOT
Kurt Roedel, Archaeologist, ODOT
Michelle Eraut, Environmental Protection Specialist, FHWA
Key Number 12454, File Type C

FROM: Rebecca Littau, Geo-Environmental Administrative Staff *RL*

SUBJECT: **Request for Concurrence**
Finding of No Adverse Effect for Historic Properties Affected (Archaeology)
Sunrise Corridor, I-205 - 172nd Section EIS Project
Clackamas County, Oregon
Key Number 12454, Federal Aid Number C005(46)PN/PE, C005(61)PE
ODOT EA: PE000900-091-G24

Attached is the signed **Request for Concurrence** from the State Historic Preservation Office for the above referenced project, **approved on June 1, 2010.**



Oregon

Theodore R. Kulongoski, Governor

RECEIVED

JUN 03 2010

REC'D
ENVIRONMENTAL

Department of Transportation

Transportation Building

355 Capitol St. NE

Salem, Oregon 97301

May 17, 2010

FILE CODE:

Roger Roper
Deputy State Historic Preservation Officer
Oregon State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97310-1271

Damascus & Gladstone Quadrangles

*T1S, R2E, Sec. 33
T2S, R2E, Sec. 4, 5, 9-12, 16,
T2S, R3E, Sec. 7*

**Subject: Request for Concurrence
Finding of No Adverse Effect for Historic Properties Affected (Archaeology)
Sunrise Corridor, I-205 - 172nd Section EIS Project
Clackamas County, Oregon
Key Number 12454, Federal Aid Number C005(46)PN/PE, C005(61)PE
ODOT EA: PE000900-091-G24**

Dear Mr. Roper:

The Oregon Department of Transportation (ODOT) proposes to construct a new six-lane limited-access expressway to address traffic congestion and safety problems along the OR212/224 corridor between I-205 and Rock Creek Junction.

Archaeological Investigations Northwest, Inc. (Smits et al. 2007, 2010) conducted background research, pedestrian survey, subsurface exploration, and testing, identifying eight archaeological sites and four isolates within, or adjacent to, the project area (Table 1).

Table 1. Summary of Archaeological Resources Identified for the Proposed Project.

Resource Number	Resource Description	NRHP Eligibility Recommendation	Management Recommendation
Site 35CL253	Precontact camp	Determined Not Eligible	None
Site 35CL306	Historic	Recommended Not Eligible	None
Site 35CL100	Precontact	Recommended Not Eligible	None
Isolate 90/22-7	Precontact	Recommended Not Eligible	None
Site 35CL305	Historic rock wall	Recommended Not Eligible	None
Site 35CL329	Historic homestead/refuse scatter	Recommended Not Eligible	None
Isolate 06/1328-5	Precontact flake	Recommended Not Eligible	None
Isolate 06/1328-6	Precontact flake	Recommended Not Eligible	None
Isolate 06-1328-7	Precontact flakes	Recommended Not Eligible	None
Site 35CL330	Precontact camp	Portion Recommended Eligible	Avoidance/Protection
Site 35CL341	Precontact lithic scatter	Unevaluated	Avoidance
Site 35CL367	Precontact lithic scatter	Unevaluated	Avoidance

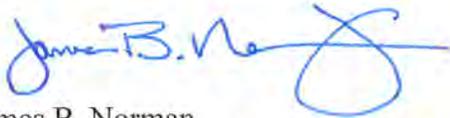
A portion of Site 35CL330 is recommended eligible for listing in the National Register of Historic Places (Smiths et al. 2010:58). ODOT redesigned the project to avoid subsurface impacts to this portion of the site. Attachment 1 details potential construction activities and minimization efforts ODOT is undertaking within Site 35CL330.



Preliminary application of Section 106 Criteria for Identification and Evaluation of Historic Properties [36 CFR 800.4(d)] indicates a finding of "No Adverse Effect on Historic Properties" for the Sunrise Corridor, I-205 - 172nd Section EIS Project, based on the findings outlined above. ODOT, acting as an agent of the Federal Highway Administration (FHWA), requests your concurrence with a FINDING OF NO ADVERSE EFFECT ON HISTORIC PROPERTIES (Archaeology) for the project.

Please contact Michelle Eraut, Environmental Protection Specialist, FHWA, at 503-587-4716, or James Norman, Environmental Planning Unit Manager, ODOT, 503-986-3514, if you have any questions.

Sincerely,



James B. Norman
Environmental Planning Unit Manager

The State Historic Preservation Office concurs that the Sunrise Corridor, I-205 - 172nd Section EIS Project will have **No Adverse Effect on Historic Properties (Archaeology)**.



SHPO Official

6/1/10

Date

Copies with attachments:

Casey Barney, Cultural Resources, Confederated Tribes and Bands of the Yakama Nation
Don Day, Cultural Resource Site Protection Monitor, Confederated Tribes of the Grand
Ronde Community of Oregon
Robert Kentta, Cultural Resources Director, Confederated Tribes of Siletz Indians
Roberta Kirk, Review and Compliance Coordinator, Geo Visions, Confederated Tribes of
Warm Springs
Johnson Meninick, Cultural Resources Manager, Confederated Tribes and Bands of the
Yakama Nation
Eirik Thorsgard, Cultural Protection Coordinator, Confederated Tribes of the Grand
Ronde Community of Oregon
Key Number 12454, File Type C

Copies without attachments:

Thomas Picco, Region 1 Principle Planner, ODOT
Jeff Buckland, Region 1 Environmental Program Manager, ODOT
Kurt Roedel, Archaeologist, ODOT
Michelle Eraut, Environmental Protection Specialist, FHWA

References Cited:

Smits, Nicholas J., David V. Ellis, Jason M. Allen, and Todd B. Ogle

2007 *Sunrise Project: I-205 to Rock Creek Junction Archaeological Resources Technical Report*. Report No. 1844. Archaeological Investigations Northwest, Inc., Portland, Oregon. Prepared for David Evans and Associates, Inc., Portland, Oregon. Submitted to Oregon Department of Transportation, Salem. 26 November.

Smits, Nicholas J., John L. Fagan, and Michele L. Punke

2010 *Archaeological Investigations for the Sunrise Project: I-205 to Rock Creek Junction, Clackamas County, Oregon*. Report No. 2415. Archaeological Investigations Northwest, Inc., Portland, Oregon. Prepared for David Evans and Associates, Inc., Portland, Oregon. Submitted to Oregon Department of Transportation, Salem. 30 April.

ATTACHMENT 1

SITE PROTECTION MEASURES FOR SITE 35CL330

SITE PROTECTION MEASURES FOR SITE 35CL330

ODOT has proposed to avoid and/or minimize impacts to Site 35CL330 during construction activities for the Sunrise Corridor: I-205 – 172nd Section EIS Project.

Figure 1 shows AINW's test locations at 35CL329 and 35CL330 and the portion of site 35CL330 recommended eligible for listing in the National Register of Historic Places (NRHP). Within this portion of the site, the upper 30 centimeters (cm) (12 inches [in]) of archaeological deposits lack integrity due to previous disturbance and therefore do not contribute to the site's eligibility. In other words, the portion of site 35CL330 that is recommended eligible for listing in the NRHP is within the boundary shown on Figure 1 and beneath a depth of 30 cm (12 in) below the surface. The remainder of site 35CL330 does not contribute to its eligibility.

Potential construction activities that may occur outside of the eligible portion of Site 35CL330 include the following:

- Excavation for concrete footings (piers) for a proposed flyover structure
- Drilling of 1.2 to 1.8-meter (4- to 6-foot) diameter shafts for concrete foundation piers
- Construction of scaffolding and falsework for cast-in-place flyover structure
- Operation of concrete trucks to pour columns and a possible deck
- Operation of large cranes for beams, drilled shafts, etc.
- Operation of a front loader for placement of rock pads
- Operation of contractor vehicles, i.e., pickup trucks
- Stockpiling (temporary storage) of materials
- Foot traffic of construction workers

Potential construction activities proposed within the eligible portion of site 35CL330 include the following:

- Construction of scaffolding and falsework for cast-in-place flyover structure
- Operation of a front loader for placement of rock pads
- Foot traffic of construction workers

ODOT proposes geotechnical borings 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 would depend upon the suitability of the soil. ODOT would 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, the following options would be possible 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 it is determined that the soil is not suitable for being built upon, then the following option would be possible.

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

To date, ODOT's efforts to minimize impacts to site 35CL330 have focused on adjusting the design of the proposed flyover structure in order to relocate the concrete footings (piers) outside of the portion of the site that is recommended eligible for listing in the NRHP. Figure 2 shows the portion of site 35CL330 that is recommended eligible (shaded yellow), the two original pier locations (pink circles), and the revised pier locations (green circles) for the flyover structure. These two piers were moved to the southwest to avoid the significant portion of 35CL330.

The proposed piers would be constructed by first drilling deep shafts measuring 1.2 to 1.8-meters (4 to 6-feet) in diameter, which would serve to anchor the concrete piers in the ground. The depth of the drilled shafts would depend upon the results of the geotechnical borings. Spoils from the drilling would be placed outside of the eligible portion of site 35CL330, and all equipment necessary for drilling the shafts and constructing the piers would be directed to stay outside of the eligible portion of site 35CL330.

Additional measures to consider as part of a site protection plan should include the following:

- Archaeological monitoring of construction activities
- Use of construction fencing to delineate and protect the portion of the site that is recommended eligible for listing in the NRHP. Fencing should be placed outside of the significant portion of the site and should include a 5-meter (16-foot) buffer wherever possible
- Use of construction mats and/or geotextile cloth and/or layers of crushed gravel or fill dirt in areas where vehicles and equipment would travel over the eligible portion of site 35CL330
- 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 the site. 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

Figures 1 and 2 were deleted to protect confidential information.

**July 26, 2010, SHPO Concurrence Letter, Finding of No
Adverse Effect on Historic Resources**



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Transportation Building
355 Capitol St. NE, Rm. 301
Salem, OR 97301-3871

FILE CODE:

DATE: July 29, 2010

TO: Robert W. Hadlow, Senior Historian, ODOT Region 1, Portland
Thomas Picco, Principal Planner, ODOT Region 1, Portland
Jeff Buckland, Environmental Project Manager, ODOT Region 1, Portland
Becky Crockett, Environmental Unit Manager, ODOT Region 1, Portland
Michelle Eraut, Environmental Program Manager, FHWA—Oregon Div.,
Salem
Jeff Graham, Operations Engineer, FHWA—Oregon Div., Salem

FROM: Rebecca Littau, Geo-Environmental Administrative Staff

SUBJECT: **Request for Concurrence on a
Section 106 Level of Effect for Historic Resources
Sunrise Corridor, Interstate 205—Rock Creek Junction
Clackamas County, Oregon
ODOT Key No. 12454
Federal-Aid No. C005(046)**

Attached is the signed **Level of Effect** from the State Historic Preservation Office for the above referenced project, **approved on 7/26/2010.**



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Transportation Building
355 Capitol St. NE
Salem, Oregon 97301

RECEIVED

JUL 28 2010

ODOT
GEO-ENVIRONMENTAL

FILE CODE:

RECEIVED

JUL 20 2010

OR SHPO

July 19, 2010

Christine Curran
Associate Deputy State Historic Preservation Officer
Oregon State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97301

**Subject: Request for Concurrence on a
Section 106 Level of Effect for Historic Resources
Sunrise Corridor, Interstate 205—Rock Creek Junction
Clackamas County, Oregon
ODOT Key No. 12454
Federal-Aid No. C005(046)**

SHPO CASE# 08-1709; 08-086;
10-0040; 10-084

Dear Chrissy,

I am writing you at the request of the Federal Highway Administration's Oregon Division regarding the Sunrise Corridor Project's overall Section 106 level of effect on above ground historic resources. At present, we are about to issue a Final Environmental Impact Statement and would like to include your concurrence that the project will have No Adverse Effect on historic resources.

Below, I have listed the historic resources identified during the course of project development. All of them, except for the Clackamas Cemetery, are called out in the project's "Cultural Resources Technical Report," prepared by Archaeological Investigations Northwest, Inc., in 2007. I have noted each resource's eligibility for the National Register and the preferred alternative's level of effect.

- **Southern Pacific Railroad Willamette Valley Main Line**—determined eligible for the National Register, 2008; finding of no historic properties adversely affected, 2008.
- **Clackamas Elementary School**—determined eligible for the National Register, 2008; finding of no historic properties adversely affected, 2008.
- **Frank A. Haberlach House and Silverthread Kraut and Pickle Work**—determined eligible for the National Register, 2008; not within the preferred alternative's area of potential effect.
- **Mather-Foster House**—determined eligible for the National Register, 2009; finding of no historic properties adversely affected, 2009.
- **KEX Transmitter Facility**—eligible for the National Register, with boundary adjustment in 2009, finding of no historic properties adversely affected, 2009.

- **Camp Withycombe**—no longer eligible for the National Register as a district, 2010; extant features are outside of the preferred alternative's area of potential effect.
- **Clackamas Cemetery**—determined eligible for the National Register, 2010; finding of no historic properties adversely affected, 2010.

Please contact Robert W. Hadlow, Ph.D., Sr. Historian, if you have any questions regarding this coordination request. You can reach him at (503) 731-8239.

Sincerely,

James B. Norman
Environmental Planning Unit Manager

The State Historic Preservation Office concurs that the proposed Sunrise Corridor Project will have No Adverse Effect on historic resources.

Christine Curran
Associate Deputy State Historic Preservation Officer

7/26/2010
Date

IAN JOHNSON
503-986-0678
ian.johnson@state.or.us

Camp Withycombe is no longer eligible as a district but individual properties outside the APE are potentially individually eligible

Copies to:

Robert W. Hadlow, Senior Historian, ODOT Region 1, Portland
Thomas Picco, Principal Planner, ODOT Region 1, Portland
Jeff Buckland, Environmental Project Manager, ODOT Region 1, Portland
Becky Crockett, Environmental Unit Manager, ODOT Region 1, Portland
Michelle Eraut, Environmental Program Manager, FHWA—Oregon Div., Salem
Jeff Graham, Operations Engineer, FHWA—Oregon Div., Salem

SHPO Concurrence Letters for:

Mather-Foster House (No Historic Properties Adversely Affected)

Clackamas Cemetery (No Historic Properties Affected)

KEX Transmitter Facility (No Historic Properties Adversely Affected with Boundary Adjustment)

Southern Pacific Railroad Willamette Valley Main Line (No Historic Properties Adversely Affected)

Clackamas Elementary School (No Historic Properties Adversely Affected)

Camp Withycombe Historic District (Not Eligible)



Oregon
Theodore R. Kulongoski, Governor

Department of Transportation

Transportation Building
355 Capitol St. NE, Rm. 301
Salem, OR 97301-3871

FILE CODE:

DATE: November 19, 2009

TO: Robert W. Hadlow, Senior Historian, ODOT Region 1, Portland
Jeff Buckland, Environmental Project Manager, ODOT Region 1, Portland
Thomas Picco, Principal Planner, ODOT Region 1, Portland
Becky Crockett, Environmental Unit Manager, ODOT Region 1, Portland
Michelle Eraut, Environmental Program Manager, FHWA-Oregon Division, Salem
Andrea Blaser, Architectural Historian, AINW, Portland
Project File Type E, Key No. 12454

FROM: Cindy Orendorff, Geo-Environmental Section

SUBJECT: **Section 106 Documentation Form and Finding of Effect**
Mather-Foster House
Oregon 212/224: Sunrise Corridor (Interstate 205 to Rock Creek)
Clackamas
Clackamas County
Oregon
ODOT Key No. 12454
Fed.-Aid No. C005(46)

Attached is the signed Finding of Effect and Determination of Eligibility from State Historic Preservation Office for the above-referenced project, **signed by SHPO on 11/13/09.**



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Transportation Building

355 Capitol St. NE

Salem, Oregon 97301

November 9, 2009

FILE CODE:

Roger Roper
Deputy State Historic Preservation Officer
Oregon State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97301

**RE: Section 106 Documentation Form and Finding of Effect
Mather-Foster House
Oregon 212/224: Sunrise Corridor (Interstate 205 to Rock Creek)
Clackamas
Clackamas County
Oregon
ODOT Key No. 12454
Fed.-Aid No. C005(46)**

Attention: Ian Johnson

Dear Mr. Roper,

Enclosed for your review and concurrence is a Section 106 Documentation Form and a Section 106 Finding of Effect Form for the Mather-Foster House, in Clackamas, Clackamas County, Oregon. The forms are submitted in compliance with the requirements of the National Historic Preservation Act of 1966, as amended.

The Mather-Foster House is recommended to be eligible for listing in the National Register of Historic Places under Criterion C as a representative example of the Queen Anne style in Clackamas, Oregon. The house is a designated Clackamas County Historic Landmark but is listed under the name Walter Foster House.

The proposed Sunrise Project will address congestion and safety issues within the Oregon 212/224 corridor from Interstate 205 to Rock Creek Junction in Clackamas, Oregon. Increased economic activity and residential construction in the vicinity of Oregon 212/224 has resulted in increased traffic volume that will continue to rise to unsafe levels. In 2030, projected traffic volume through this corridor will exceed acceptable levels for a four-lane arterial roadway.

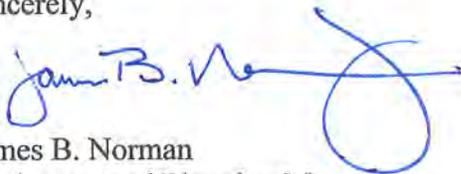
The Preferred Alternative proposes the installation of a new traffic signal at the intersection of SE 82nd Drive and SE Clackamas Road, approximately 200 feet east of the Mather-Foster House. SE Clackamas Road will be slightly realigned to accommodate two new lanes west of the intersection, and sidewalks will be added within the existing right-of-way immediately south and southeast of the Mather-Foster House. No right-of-way will be acquired from the parcel.



Based on a preliminary application of the Criteria of Adverse Effect (36 CFR 800.5), the Federal Highway Administration and the Oregon Department of Transportation believe that the proposed project will have "no adverse effect" on the Mather-Foster House. No right-of-way will be required from the parcel. We request your concurrence on the National Register eligibility of the Mather-Foster House and on a Finding of No Historic Properties Adversely Affected.

Your prompt attention to this coordination request is appreciated. If you have questions, please contact Robert W. Hadlow, Ph.D., in Portland, at (503) 731-8239.

Sincerely,



James B. Norman
Environmental Planning Manager

Attachment:

Section 106 Documentation Form, Mather-Foster House
Section 106 Finding of Effect Form, Mather-Foster House

Copies with attachments:

Robert W. Hadlow, Senior Historian, ODOT Region 1, Portland
Jeff Buckland, Environmental Project Manager, ODOT Region 1, Portland
Thomas Picco, Principal Planner, ODOT Region 1, Portland
Becky Crockett, Environmental Unit Manager, ODOT Region 1, Portland
Michelle Eraut, Environmental Program Manager, FHWA-Oregon Division, Salem
Andrea Blaser, Architectural Historian, AINW, Portland
Project File Type E, Key No. 12454

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Agency/Project: Oregon Department of Transportation/OR 212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County

Preliminary Finding of Effect:

No Historic Properties Affected No Historic Properties Adversely Affected Historic Properties Adversely Affected

State Historic Preservation Office Comments:

Concur Do Not Concur: No Historic Properties Affected
 No Historic Properties Adversely Affected
 Historic Properties Adversely Affected

Signed  _____

Date 11/13/09

Comments:

Provide written description of the project, and its potential effects on the subject property per 36 CFR 800. Include maps, drawings, and photographs as necessary to effectively describe and discuss the project. Use continuation sheets as needed.

Introduction

This statement of finding discusses the effects of the proposed Sunrise project on the Mather-Foster House. The Mather-Foster House was determined to be eligible for listing in the National Register of Historic Places in 2009 by the Federal Highway Administration (FHWA).

It is the finding of the FHWA, in concurrence with the State Historic Preservation Office, that the proposed project will have no effect on the National Register-eligible Mather-Foster House. This statement of finding is made pursuant to the requirements of the National Historic Preservation Act of 1966 (36 CFR 800), Executive Order 11593, and the National Environmental Policy Act.

Project Description

The proposed Sunrise Project will address congestion and safety issues within the OR 212/224 corridor between Rock Creek Junction to the east and Interstate 205 (I-205) to the west in Clackamas, Oregon. Increased economic activity and residential construction in the vicinity of OR 212/224 has resulted in increased traffic volume that will continue to rise to unsafe levels. In 2030, projected traffic volume through this corridor will exceed acceptable levels for a four-lane arterial roadway.

Severe congestion in the area has led to a high level of vehicle accidents in comparison to other areas of Oregon. A vehicle crash rate of 3.10 was reported for the area from 1998 through 2002, placing it in the top ten percent of routes in the state. To alleviate vehicle safety and traffic issues, a new limited-access expressway consisting of six lanes and additional auxiliary lanes is proposed between Rock Creek Junction and I-205. The new expressway would be designated as OR 212/224, and the existing OR 212/224 would be designated as a county arterial.

Identification and Description of the Historic Resource

The Mather-Foster house was constructed in 1892, likely by William and Catherine Bagley. The Bagleys sold the house in 1893 to John R. Evans, a stenographer who took up residence in Portland shortly after purchasing the house (Deed of sale, book 53:127, Clackamas County Clerk and Recorder, Oregon City; United States Bureau of the Census 1900). Notable owners of the house include Ethel B. Mather, a former Clackamas postmistress, and her husband, Walter Winfield Foster. Mather purchased the house in 1916 before she married Foster (Deed of sale, book 145:321, Clackamas County Clerk and Recorder, Oregon City). Mather passed away in 1940; Foster owned the house until his death in 1965.

The Mather-Foster House is a Queen Anne-style single-family residence. The house has an irregular plan and is capped with a steeply-pitched cross gable roof. The south-facing façade is offset with a bay window, patterned shingles, decorative boards and brackets, and a front entry porch supported by turned posts. In addition to decorative shingles, the house is

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR 212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County
<p>clad with wooden drop siding. The fenestration consists of one-over-one, double hung windows that appear to be original to the date of construction. The house is situated approximately 20 feet north of SE Clackamas Road at its intersection with SE 92nd Avenue.</p> <p>The Mather-Foster House was determined eligible for listing in 2009 under Criterion C as a representative example of the Queen Anne style in Clackamas, Oregon. Features associated with the landscaping of the house were considered to be non-contributing elements to its significance, as the historic setting of the house has been altered since the date of construction.</p> <p>Avoidance Alternatives Considered</p> <p>Two build alternatives, one Design Option, and one no-build alternative were considered for the project before the Preferred Alternative was selected. Each alternative was analyzed under the four goals of the Sunrise Project, which include the following:</p> <ul style="list-style-type: none">• Goal 1 - Provide east-west transportation improvements from I-205 at the Milwaukie Expressway to the Rock Creek Junction to meet existing and future safety, connectivity, and capacity needs for statewide and regional travel within the OR 212/224 corridor.• Goal 2 - Provide transportation improvements that support the viability of the Clackamas area for industrial uses.• Goal 3 - Support community livability and protect the quality and integrity of residential uses within and adjacent to the corridor.• Goal 4 - Provide a facility that minimizes and effectively mitigates adverse impacts to natural and cultural resources within the project corridor. <p><u>Alternative 1 – No Build</u> The no-build alternative would maintain the existing roadway but would allow for scheduled improvements under ODOT's four year Statewide Transportation Improvement Program and Metro's Financially Constrained Projects listed in the Regional Transportation Plan. Planned improvements under Alternative 1 would not affect the Mather-Foster House, but the alternative would not sufficiently meet the four project goals or be consistent with state, regional, and local transportation plans for freight improvements.</p> <p><u>Alternative 2 – Build with Midpoint Interchange</u> This alternative proposes the construction of a diamond interchange in the vicinity of SE 122nd Avenue that would have on- and off-ramps connecting the highway to the existing OR 212/224 via SE 122nd Avenue. The proposed highway alignment would generally be north and parallel to the existing OR 212/224. At the Rock Creek Junction area, a folded diamond interchange would be aligned north of a prominent knoll. The connection between OR 224 and OR 212 would be reconfigured 1,300 feet south with a signalized T-intersection. This alternative would have no effect on the Mather-Foster House.</p> <p><u>Alternative 3 – Limited-Access Highway with No Midpoint Access</u> This alternative would be similar to Alternative 2 but would have no midpoint interchange, resulting in no access to or from the proposed expressway between I-205 and Rock Creek Junction. This alternative would have no effect on the Mather-Foster House.</p> <p><u>Design Option A-2: Modified 1996 Design</u> Design Option A-2 is similar to Build Alternatives 2 and 3, but includes an extension of SE Tolbert Street to the east, connecting it to SE Industrial Way. This design option would have no effect on the Mather-Foster House.</p> <p><u>Preferred Alternative</u> The Preferred Alternative largely incorporates elements of Alternative 2, including the proposed midpoint interchange in the vicinity of SE 122nd Avenue. This alternative also incorporates the extension of SE Tolbert Street as proposed in Design Option A-2. In addition to design elements proposed in Alternative 2 and Design Option A-2, new areas have been identified for improvements. These areas include a portion of OR 224 west of I-205 and portions of SE 82nd Drive located east of I-205.</p>	

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR 212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County
<p>The Preferred Alternative proposes the installation of a new traffic signal at the intersection of SE 82nd Drive and SE Clackamas Road, approximately 200 feet east of the Mather-Foster House. SE Clackamas Road will be slightly realigned to accommodate two new lanes west of the intersection, and sidewalks will be added within the existing right-of-way immediately south and southeast of the Mather-Foster House. No right-of-way will be acquired from the parcel.</p> <p>Evaluation of Effects</p> <p>It has been determined by the FHWA that the proposed project will have no effect on the National Register-eligible Mather-Foster House. The addition of two lanes to the existing roadway and the installation of a sidewalk within the existing right-of-way along SE Clackamas Road will not impact the character-defining features of the resource that make it significant under Criterion C of the National Register Criteria for Evaluation. This effect has been determined through the application of the Criteria of Adverse Effect as set forth in 36 CFR 800.5.</p> <p>Coordination and Public Input</p> <p>Clackamas County and ODOT actively provide information pertaining to the Sunrise Project to the general public as it becomes available. Meetings are continually held to receive public input, and comments are solicited via email and standard mail. Information pertaining to the project, including the draft Environmental Impact Statement, is available online and at numerous locations throughout the community. Information is also sent to area residents periodically in the form of newsletters and postcards to keep them abreast of the project's status. A Project Advisory Committee composed of citizens representing various stakeholders in the community aids Clackamas County and ODOT in soliciting public input and coordination.</p> <p>Conclusion</p> <p>It is the determination of the FHWA that the proposed project, which includes the construction of a four-lane road and a sidewalk within the existing right-of-way south and southeast of the National Register-eligible Mather-Foster House, will not alter character-defining features of the resource. A finding of "No Historic Properties Affected" is recommended.</p> <p>Sources</p> <p>United States Bureau of the Census 1900 <i>Manuscript Population Census of the United States</i>. Twelfth Census of the United States. State of Oregon, Clackamas County. Copy on file, Multnomah County Library, Portland, Oregon.</p>	

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR 212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County



View: The south façade and east elevation of the Mather-Foster House. The view is towards the northwest.



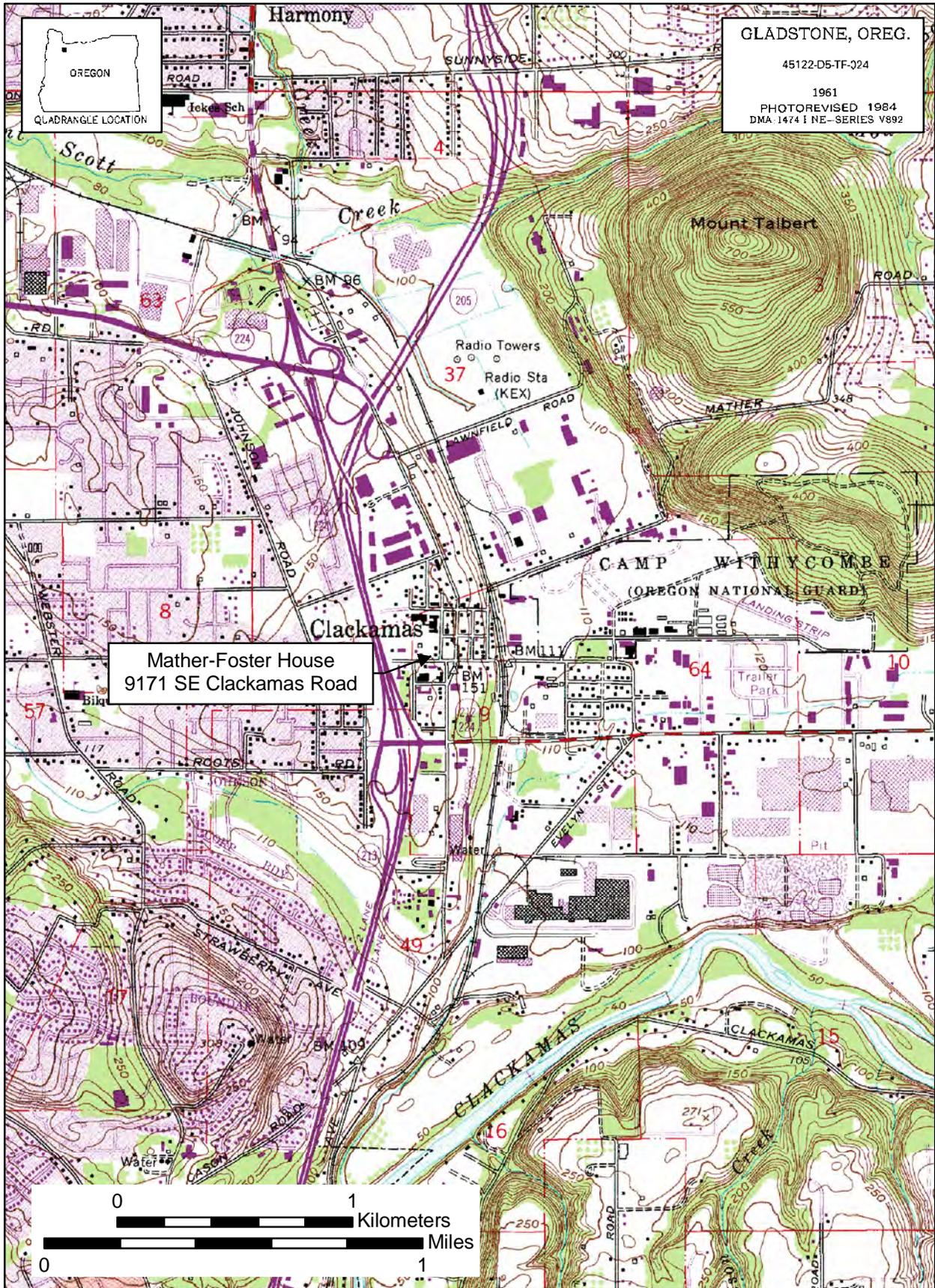
View: The south façade and west elevation. The view is towards the northeast.

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM
Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR 212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County



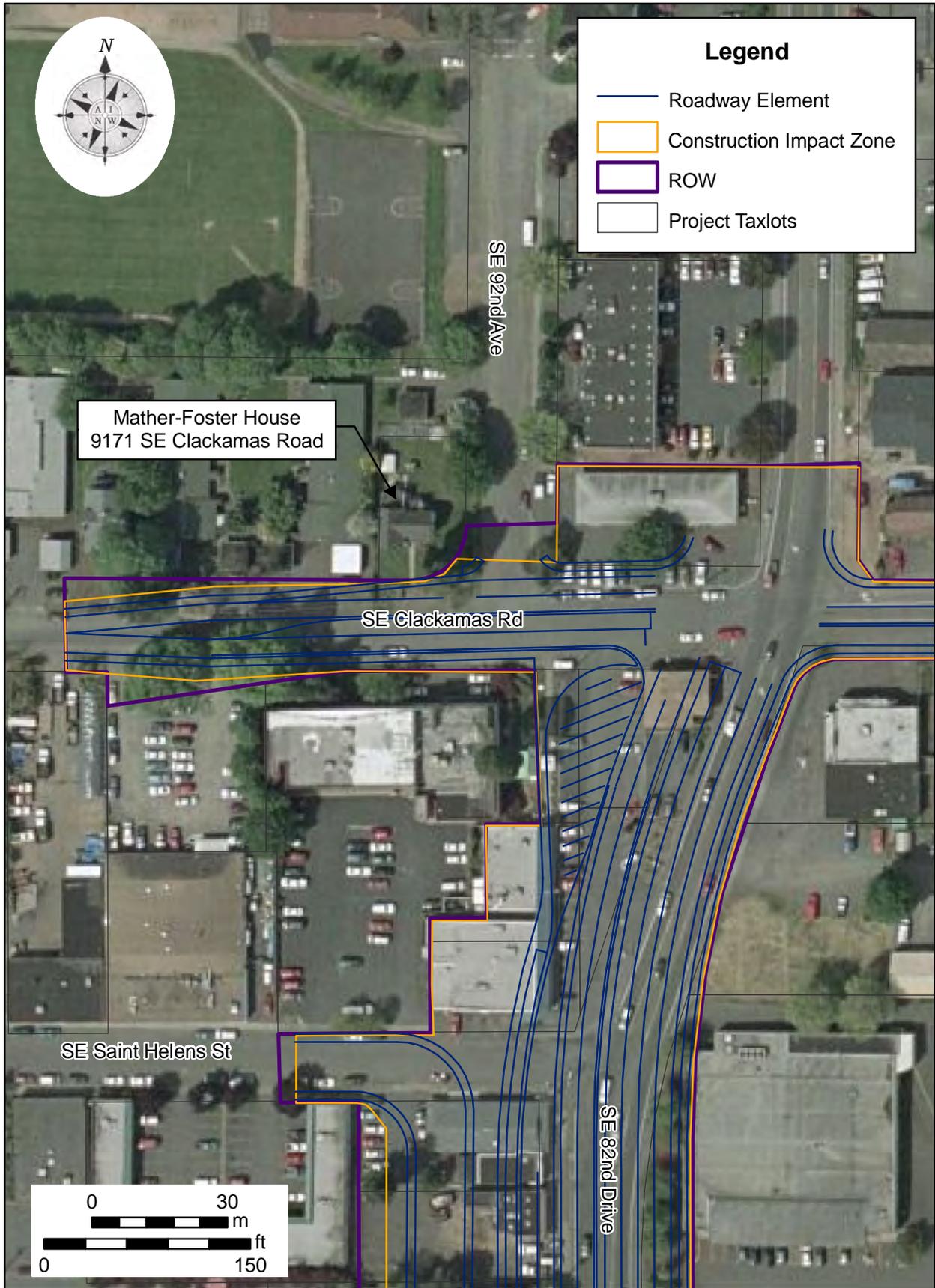
View: The north and east elevation of the house. The view is towards the southwest.



GLADSTONE, OREG.
45122-D5-TF-324
1961
PHOTOREVISED 1984
DMA 1474 I NE-SERIES V892

Mather-Foster House
9171 SE Clackamas Road





Legend

- Roadway Element
- Construction Impact Zone
- ROW
- Project Taxlots

Mather-Foster House
9171 SE Clackamas Road

SE Clackamas Rd

SE Saint Helens St

SE 92nd Ave

SE 82nd Drive





Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0671

Fax (503) 986-0793

www.oregonheritage.org

November 13, 2008

Mr. James Norman
ODOT Environmental
355 Capitol NE Room 314
Salem, OR 97301

RE: SHPO Case No. 08-0861
ODOT Project 12454 Sunrise Corridor I-205-Rock Creek Junction
Mather-Foster House, 9171 SE Clackamas Road, Clackamas, Clackamas County

Dear Mr. Norman:

We have reviewed the materials submitted on the project referenced above, and we concur with the determination that the Mather-Foster House is individually eligible for the National Register of Historic Places in accordance with 36 CFR Part 60.4. Additionally, there will be no historic properties adversely affected for this undertaking.

Our response here is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). Please feel free to contact me if you have further questions, comments or need additional assistance.

Sincerely,

Ian P. Johnson, Historian
(503) 986-0678 or ian.johnson@state.or.us

RECEIVED

NOV 17 2009



**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 DOCUMENTATION FORM
Individual Properties**

Agency/Project: Oregon Department of Transportation/OR 212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County
USGS Quad Name: <i>Gladstone, Oreg.</i> 1961, Photorevised 1984	Township: 2 S Range: 2 E Sections: 9
This property is part of a <input type="checkbox"/> District <input type="checkbox"/> Grouping/Ensemble (see instructions) Name of District or Grouping/Ensemble: N/A	
Number and Type of Associated Resources in Grouping/Ensemble: N/A	
Current Use: Domestic – single family dwelling	Construction Date: 1892
Architectural Classification / Resource Type: Queen Anne house	Alterations & Dates: Newer shingles added at an unknown date
Window Type & Material: Wooden one-over-one double hung sashes	Exterior Surface Materials: Primary: Wood - drop siding Secondary: Wood - shingles Decorative: Wood
Roof Type & Material: Cross gable; asphalt composition shingles	
Condition: <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor	Integrity: <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor
	
The south-facing façade of the house; note the various forms of cladding. The view is towards the northwest.	
Preliminary National Register Findings: <input type="checkbox"/> National Register listed <input checked="" type="checkbox"/> Potentially Eligible: <input checked="" type="checkbox"/> Individually <input type="checkbox"/> As part of District <input type="checkbox"/> Not Eligible: <input type="checkbox"/> In current state <input type="checkbox"/> Irretrievable integrity loss <input type="checkbox"/> Lacks Distinction <input type="checkbox"/> Not 50 Years	
State Historic Preservation Office Comments: <input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur: <input type="checkbox"/> Potentially Eligible Individually <input type="checkbox"/> Potentially Eligible as part of District <input type="checkbox"/> Not Eligible	
Signed _____ Comments:	Date <u>11/13/09</u>

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 DOCUMENTATION FORM
Individual Properties**

Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County
Architect, Builder or Designer (if known): Unknown	Owner: <input checked="" type="checkbox"/> Private <input type="checkbox"/> Local Government <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other
Description of Property (including exterior alterations & approximate dates), Significance Statement, and Sources. (Use continuation sheets if necessary):	
Significance Statement	
<p>The Mather-Foster House is recommended to be eligible for listing in the National Register of Historic Places under Criterion C as a representative example of the Queen Anne style in Clackamas, Oregon. The house is a designated Clackamas County Historic Landmark but is listed under the name Walter Foster House (Clackamas County Department of Transportation and Development 1988). The Mather-Foster House was constructed between February 1892 and August 1893, likely by William and Catherine Bagley, who sold the house to John R. Evans in 1893 (Deed of sale, book 53:127, Clackamas County Clerk and Recorder, Oregon City). Evans sold an undivided one-third of the house and property to his sisters, Ettie and Netta Evans, in 1898 (Deed of sale, book 68:87, Clackamas County Clerk and Recorder, Oregon City). It is unclear when Evans relinquished title to the house, but by 1900 he resided with his sisters in Portland where he worked as a stenographer (United States Bureau of the Census 1900).</p> <p>Ethel B. Mather purchased the house from C. W. and Jennie Green in November 1916 (Deed of sale, book 145:321, Clackamas County Clerk and Recorder, Oregon City). Mather was the daughter of Arthur Mather, a long-time Clackamas merchant, Southern Pacific Railroad freight agent, and one-time Clackamas postmaster (R. L. Polk & Company 1901). By 1916, Ethel had succeeded her father as postmaster for Clackamas, perhaps operating out of his store. Her future husband, Walter Winfield Foster, was born in Clackamas in 1880 (<i>Enterprise-Courier</i> 1965). By 1916, he was working as a florist for Rahn & Herber, Co., which was established in 1911 near present-day SE 82nd Avenue about one-half mile from the original Southern Pacific Railroad depot in Clackamas. Rahn & Herbert eventually became the Clackamas Greenhouse Company, which is still in operation today.</p> <p>Walter and Ethel were married in October 1919 and continued to live in the subject house for the duration of their marriage (Marriage certificate, Walter Foster and Ethel Mather, Clackamas County Clerk and Recorder, Oregon City). The Fosters had two children, Walter, Jr. and Phillip, before Ethel died in 1940 (United States Bureau of the Census 1930). When Walter retired in 1945 he was the office manager at the Clackamas Greenhouse Company (Walter Winfield Foster, Jr., personal communication 2009). He continued to reside at the house on "Clackamas Avenue" until his death in 1965 at the age of 84 (R. L. Polk & Company 1947, 1953; <i>Enterprise-Courier</i> 1965). He was buried next to Ethel in the Clackamas Cemetery (<i>Enterprise-Courier</i> 1965).</p>	
Physical Description	
<p>The one- and one-half story Mather-Foster House was constructed in the Queen Anne style and features an irregular plan, a steeply-pitched intersecting gable roof with a front-facing gable, patterned shingles, a cutaway bay window, and an asymmetrical façade with an inset porch. The fenestration consists of one-over-one, double hung windows that appear to be original to the date of construction. The cutaway bay window featured on the south-facing façade contains panels of diagonal wood siding framed by horizontal and vertical boards. The upper sash of the center bay window has a single central pane of glass surrounded by smaller panes. Decorative brackets with dropped finials are perched above the outer windows of the bay.</p> <p>The upper walls of the front and east gables utilize a combination of alternating plain and fish scale shingles set above and below a band of diagonal wood boards. A star-motif within a triangle tops the front gable wall. A band of fish scale shingles wraps around the bottom section of the upper level above the porch and along the west and east elevations. The remaining exterior surfaces, primarily those of the lower level and all of the rear (north-facing) walls, are covered with wooden drop siding. The porch, which appears to be a reconstruction of the original, is supported by turned wood posts and is enclosed by a turned wood balustrade with a simple square top and bottom rail.</p> <p>Two single story shed-roofed wings with false walls are attached to the rear of the house. They are not visible when viewing the house from the street, and may or may not be original to the date of construction. Known alterations to the rear of the house include the addition of a modern entry door and two vinyl replacement windows to the west wing.</p>	

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 DOCUMENTATION FORM
Individual Properties

Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County
<p>The house rests on a poured concrete foundation at the northwest corner of SE Clackamas Street and SE 92nd Avenue. Trees line the eastern boundary of the tax parcel, and a small band of rock work was identified at the southeast corner. These landscape features do not contribute to the significance of the house and do not appear to date to the era of construction. The historic setting of the Mather-Foster House has been diminished throughout the twentieth century due to the continued construction of multi-family residential and commercial buildings on surrounding lots.</p> <p>References</p> <p>Clackamas County Department of Transportation and Development 1988 <i>Clackamas County Historic Landmarks: Unincorporated Urban Area</i>. Clackamas County Department of Transportation and Development, Oregon City, Oregon.</p> <p><i>Enterprise-Courier</i> (Oregon City, Oregon) 1965 Deaths. 6 May:10. Oregon City, Oregon.</p> <p>R. L. Polk & Company 1901 <i>Oregon, Washington, and Alaska Gazetteer and Business Directory, 1901-1902</i>. R. L. Polk & Company. 1947 <i>Polk's Clackamas County Directory</i>. R. L. Polk & Company, Portland, Oregon. 1953 <i>Polk's Oregon City and Vicinity Directory</i>. R. L. Polk & Company, Portland, Oregon.</p> <p>United States Bureau of the Census 1900 <i>Manuscript Population Census of the United States</i>. Twelfth Census of the United States. State of Oregon, Clackamas County. Copy on file, Multnomah County Library, Portland, Oregon. 1930 <i>Manuscript Population Census of the United States</i>. Fifteenth Census of the United States. State of Oregon, Clackamas County. Copy on file, Multnomah County Library, Portland, Oregon.</p>	

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 DOCUMENTATION FORM
Individual Properties

Property Name: Mather-Foster House

Street Address: 9171 SE Clackamas Road

City, County: Clackamas, Clackamas County



View: The façade and west elevation of the house. The view is towards the northeast.



View: The north-facing rear elevation of the house has two shed-roofed wings with false walls. The view is towards the southwest.

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 DOCUMENTATION FORM
Individual Properties

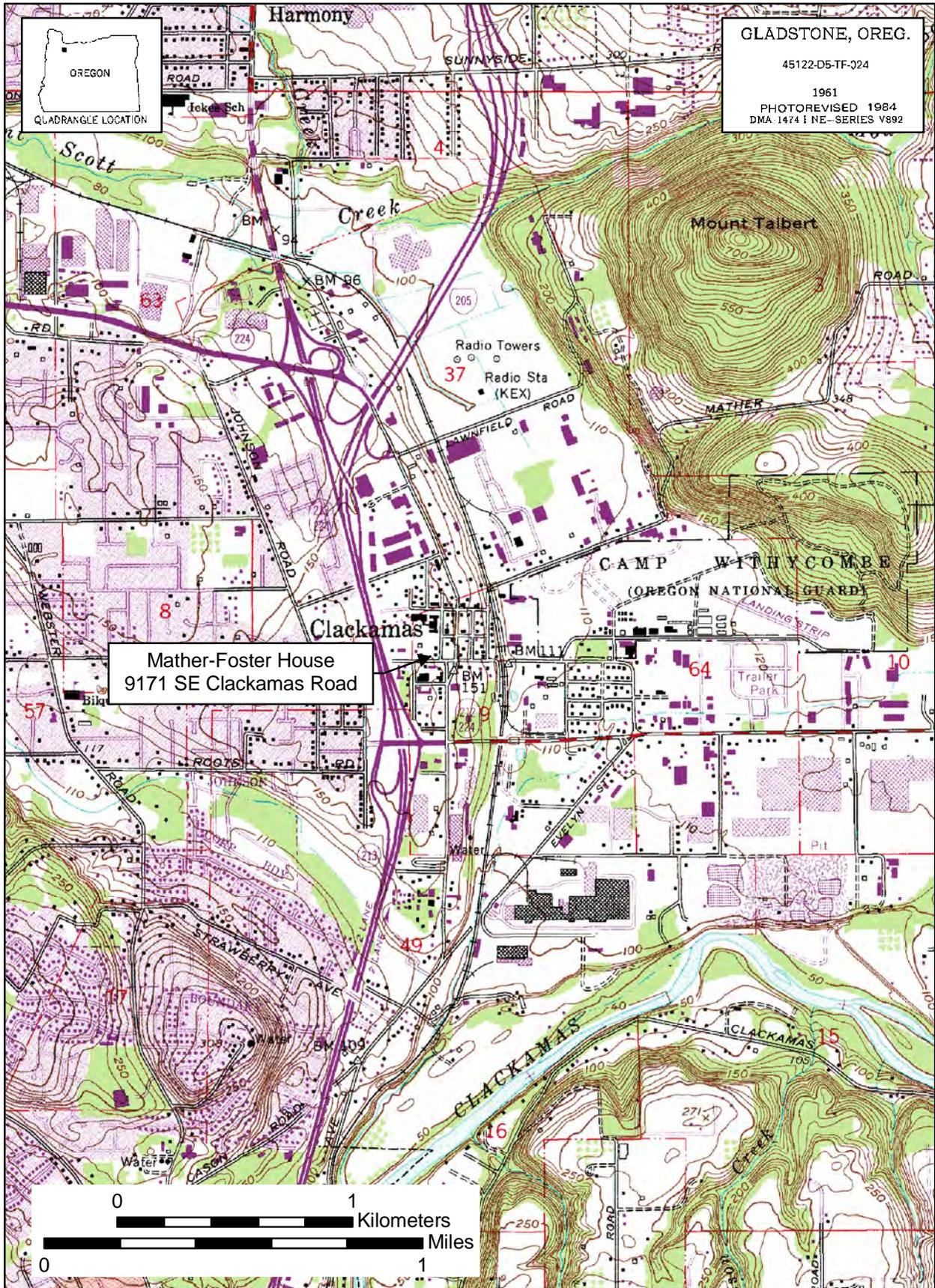
Property Name: Mather-Foster House	
Street Address: 9171 SE Clackamas Road	City, County: Clackamas, Clackamas County



View: Trees and rock work are located along the eastern edge of the parcel. These features are associated with the house but are recommended to be non-contributing to its significance as the historic setting of the house has been compromised. The view is towards the north-northeast.



View: Rock work associated with the subject house. The view is towards the northwest.



GLADSTONE, OREG.
45122-D5-TF-324
1961
PHOTOREVISED 1984
DMA 1474 I NE-SERIES V892

Mather-Foster House
9171 SE Clackamas Road







Oregon

Theodore R. Kulongski, Governor

Department of Transportation

Transportation Building
355 Capitol St. NE, Rm. 301
Salem, OR 97301-3871

FILE CODE:

DATE: February 4, 2010

TO: Robert W. Hadlow, Senior Historian, ODOT Region 1, Portland
Jeff Buckland, Environmental Project Manager, ODOT, Region 1, Portland
Thomas Picco, Principal Planner, ODOT, Region 1, Portland
Becky Crockett, ODOT Environmental Unit Manager, Region 1, Portland
Michelle Eraut, Environmental Program Manager, FHWA-Oregon Division, Salem
Leslie Howell, Howell Consulting, Portland
Andrea Blaser, Architectural Historian, AINW, Inc., Portland
ODOT Key File 12454, File Type E

FROM: Cindy Orendorff, Geo-Environmental Section

SUBJECT: **Section 106 Coordination**
Clackamas Cemetery (DOE/FOE)
Sunrise Corridor Project
Clackamas County, Oregon
ODOT Key No. 12454
Federal-Aid No. C005(046)

Attached is the signed **Section 106 Coordination** from the State Historic Preservation Office for the above-referenced project, **approved on 1/28/2010**. *NOW INCLUDES SIGNED DOE FORM.*



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0671

Fax (503) 986-0793

www.oregonheritage.org

January 28, 2010

Mr. James Norman
ODOT Environmental
355 Capitol NE Rm 314
Salem, OR 97301



RE: SHPO Case No. 10-0040

ODOT Proj 12454 Sunrise Corridor Proj (Clackamas Cemetery)
SE Ambler Rd, Clackamas, Clackamas County

Dear Mr. Norman:

We have reviewed the materials submitted on the project referenced above, and we concur with the determination that the property is eligible for the National Register of Historic Places in accordance with 36 CFR Part 60.4. Additionally, there will be no historic properties adversely affected for this undertaking.

Our response here is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). Please feel free to contact me if you have further questions, comments or need additional assistance.

Sincerely,

Stephen P. Poyser, Ph.D.
Review and Compliance Specialist
(503) 986-0686 or Stephen.Poyser@state.or.

*As of August 2009, a redesigned form is available for Section 106 and ORS 358.653 projects.
Find it on our updated and expanded Review and Compliance website:
www.oregonheritage.org. Click on the "Review and Compliance" link.*

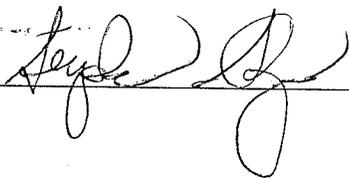


**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Agency/Project: Oregon Department of Transportation/OR212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Federal Aid No. C005(046)	
Property Name: Clackamas Cemetery	
Street Address: SE Ambler Road	City, County: Unincorporated Clackamas, Clackamas County

Preliminary Finding of Effect:
 No Historic Properties Affected No Historic Properties Adversely Affected Historic Properties Adversely Affected

State Historic Preservation Office Comments:
 Concur Do Not Concur: No Historic Properties Affected
 No Historic Properties Adversely Affected
 Historic Properties Adversely Affected

Signed  Date 1/28/2016

Comments:

Provide written description of the project, and its potential effects on the subject property per 36 CFR 800. Include maps, drawings, and photographs as necessary to effectively describe and discuss the project. Use continuation sheets as needed.

Introduction

This statement of finding discusses the effects of the proposed Sunrise Project on the Clackamas Cemetery. The Clackamas Cemetery, consisting of the original 1.625-acre plot and land within the SE Ambler Road right-of-way, was determined to be eligible for listing in the National Register of Historic Places (NRHP) in 2009 by the Federal Highway Administration (FHWA) and the Oregon Department of Transportation (ODOT).

It is the finding of FHWA and ODOT, in concurrence with the State Historic Preservation Office (SHPO), that the proposed project will have no effect on the National Register-eligible Clackamas Cemetery. This statement of finding is made pursuant to the requirements of the National Historic Preservation Act of 1966 (36 CFR 800), Executive Order 11593, and the National Environmental Policy Act.

Project Description

The proposed Sunrise Project will address congestion and safety issues within the OR 212/224 corridor between Rock Creek Junction to the east and Interstate 205 (I-205) to the west in Clackamas, Oregon. Increased economic activity and residential construction in the vicinity of OR 212/224 has resulted in increased traffic volume that will continue to rise to unsafe levels. In 2030, projected traffic volume through this corridor will exceed acceptable levels for a four-lane arterial roadway.

Severe congestion in the area has led to a high level of vehicle accidents in comparison to other areas of Oregon. A vehicle crash rate of 3.10 was reported for the area from 1998 through 2002, placing it in the top ten percent of routes in the state. To alleviate vehicle safety and traffic issues, a new limited-access expressway consisting of six lanes and additional auxiliary lanes is proposed between Rock Creek Junction and I-205. The new expressway would be designated as OR 212/224, and the existing OR 212/224 would be designated as a county arterial.

Identification and Description of the Historic Resource

The Clackamas Cemetery was established circa 1850 on the Donation Land Claim of William T. Matlock. Matlock was a prominent Clackamas County citizen who served the territorial government in numerous capacities; he was a legislator in the House of Representatives, was both a Supreme Court attorney and the first librarian to serve the Supreme Court Library, was a receiver of public moneys for the land office in Oregon City, and was appointed the U.S. Depository for Oregon by the Secretary of the Treasury in 1862 (Oregon State Archives 2009; Scott 1890; Stephens 1996; *The Weekly Oregonian* 1862; United States Senate 1887; Victor 1894). Matlock arrived in Oregon with his wife Elizabeth in 1847, where they claimed land first in Linn County, then in Clackamas in 1848.

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Clackamas Cemetery	
Street Address: SE Ambler Road	City, County: Unincorporated Clackamas, Clackamas County
<p>Matlock was highly involved in the Baptist church, and had strong ties with Rev. Hezekiah Johnson and Rev. Ezra Fisher, both of whom came to Oregon Country in 1845 as Baptist missionaries. Matlock had previously met and worked with Rev. Fisher in Indiana, and continued to work with both Rev. Fisher and Rev. Johnson once they established the county's first Baptist church in Oregon City in 1848. The Clackamas Cemetery was likely created as part of an effort by these missionaries to establish a Baptist church in the growing Clackamas area circa 1850. Meeting the religious needs of rural areas outside of established cities and townsites was of great importance to the reverends, who traveled the state extensively in an effort to build a strong foundation of Baptist followers in Oregon. A meeting house (no longer extant) was constructed on the subject parcel, likely between 1853 and 1855, in an effort to grow and nurture the Baptist community of Clackamas. It was common at that time for religious men and women to donate land to the church, which had limited funds to purchase land for meeting houses, let alone to construct them. Matlock likely donated this portion of his Donation Land Claim for use by the church in this spirit of giving to aid his local Baptist ministry.</p> <p>While archival records, headstones within the cemetery, and two surveys of historic cemeteries in Oregon (Byrd 2001; ODOT 1978) point to 1850 as the earliest date of interments at the cemetery, no existing records specifically indicate when the cemetery was first established on the northern portion of the Matlock Donation Land Claim. An 1865 deed record accounts for the transfer of ownership of the cemetery from the Matlock family to the Clackamas Baptist Church for use "by the people and congregation for a burial place," but the cemetery was used for burials long before this transfer of ownership (Deed of sale, W. T. and Elizabeth Matlock to the Clackamas Baptist Church, Book D:767-768, Clackamas Clerk and Recorder, Oregon City). Several headstones within the cemetery display dates of death previous to 1865, and letters written by Rev. Fisher to Rev. Benjamin M. Hill of the American Baptist Home Mission Society indicate that a Clackamas church, likely the meeting house located on the Matlock Donation Land Claim, had been established by 1854 (Henderson et al. 1918).</p> <p>The original deed of land from William and Elizabeth Matlock to the Clackamas Baptist Church accounted for 1.625 acres of the now 1.95-acre cemetery. The additional acreage was deeded to the Clackamas Cemetery Association in 1943 by the State Highway Commission. This portion of the cemetery is located to the east of OR 213 (SE 82nd Avenue), and is adjacent to the road right-of-way. It is currently lined with trees planted circa 1970, and a fence that was likely added at that same time. This portion of the cemetery parcel was determined to be non-contributing to the significance of the original 1.625-acre Clackamas Cemetery by FHWA, ODOT, and the SHPO in 2009. It contains headstones that date from the 1960s onward, as it was likely not used for interments until the mid to late twentieth century due to the impending construction of the Lake Road Interchange project. Beginning in the early 1960s, the interchange project included the construction of an on-ramp to OR 213 adjacent to the western boundary of the cemetery within the highway right-of-way, subjecting the land to cut and fill activities.</p> <p>Due to the acquisition of the land to the west of the original cemetery in 1943 and road construction that took place from the 1940s through the 1960s in this area, there are likely no burials outside of the western boundary of the cemetery. This cannot be confirmed through records, as the original plat of the cemetery is currently missing from County archives (Clackamas County Clerk and Recorder Office, personal communication 2009). It has been suggested that remains may have been relocated from the cemetery to accommodate road construction sometime in the twentieth century (Geigle 1996), but no evidence has been found to substantiate these claims.</p> <p>There are, however, burials, headstones, chain link fencing, a gate, and a welcoming sign within the SE Ambler Road right-of-way east of the cemetery on land that was determined to be within the NRHP-eligible portion of the cemetery in 2009. The majority of the headstones in this area appear to have been placed since the 1940s, but historic maps and photographs indicate that this strip of land has historically been used as part of the cemetery even though it was never legally within the possession of the Clackamas Baptist Church or the Clackamas Cemetery Association. The fencing and sign located within the SE Ambler Road right-of-way appear to have been installed circa 1970.</p> <p>The Clackamas Cemetery was determined eligible for listing in the NRHP by FHWA and ODOT in 2009 under Criterion A for its association with the early Euroamerican settlement of Clackamas, Oregon. The cemetery meets Eligibility on the Basis of Age and Eligibility for Association with Events under Criteria Consideration D, as it is one of few resources that remains intact from the 1847 to 1865 Euroamerican settlement period in Clackamas County. The 0.34-acre tract added to the western boundary of the cemetery in 1943 was determined to be a non-contributing feature of the cemetery, which has a period of significance ranging from 1850 to 1943.</p>	

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR212/224: Sunrise Corridor (I-205 to Rock Creek)
ODOT Key No. 12454, Fed.-Aid No. C005(46)

Property Name: Clackamas Cemetery

Street Address: SE Ambler Road

City, County: Unincorporated Clackamas, Clackamas County

Avoidance Alternatives Considered

Two build alternatives, one Design Option, and one no-build alternative were considered for the project before the Preferred Alternative was selected. Each alternative was analyzed under the four goals of the Sunrise Project, which include the following:

- Goal 1 - Provide east-west transportation improvements from I-205 at the Milwaukie Expressway to the Rock Creek Junction to meet existing and future safety, connectivity, and capacity needs for statewide and regional travel within the OR 212/224 corridor.
- Goal 2 - Provide transportation improvements that support the viability of the Clackamas area for industrial uses.
- Goal 3 - Support community livability and protect the quality and integrity of residential uses within and adjacent to the corridor.
- Goal 4 - Provide a facility that minimizes and effectively mitigates adverse impacts to natural and cultural resources within the project corridor.

Alternative 1 – No Build

The no-build alternative would maintain the existing roadway but would allow for scheduled improvements under ODOT's four year Statewide Transportation Improvement Program and Metro's Financially Constrained Projects listed in the Regional Transportation Plan. Planned improvements under Alternative 1 would not affect the Clackamas Cemetery, but the alternative would not sufficiently meet the four project goals or be consistent with state, regional, and local transportation plans for freight improvements.

Alternative 2 – Build with Midpoint Interchange

This alternative proposes the construction of a diamond interchange in the vicinity of SE 122nd Avenue that would have on- and off-ramps connecting the highway to the existing OR 212/224 via SE 122nd Avenue. The proposed highway alignment would generally be north and parallel to the existing OR 212/224. At the Rock Creek Junction area, a folded diamond interchange would be aligned north of a prominent knoll. The connection between OR 224 and OR 212 would be reconfigured 1,300 feet south with a signalized T-intersection. This alternative would have no direct effect on those features that make the Clackamas Cemetery significant.

Alternative 3 – Limited-Access Highway with No Midpoint Access

This alternative would be similar to Alternative 2 but would have no midpoint interchange, resulting in no access to or from the proposed expressway between I-205 and Rock Creek Junction. This alternative would have no direct effect on the Clackamas Cemetery. Indirect effects would be limited to increased traffic noise and visual changes that would not impact the features of the cemetery that make it significant.

Design Option A-2: Modified 1996 Design

Design Option A-2 is similar to Build Alternatives 2 and 3, but includes an extension of SE Tolbert Street to the east, connecting it to SE Industrial Way. This design option would have no direct effect on the Clackamas Cemetery. Indirect effects would be limited to increased traffic noise and visual changes that would not impact the features of the cemetery that make it significant.

Preferred Alternative

The Preferred Alternative largely incorporates elements of Alternative 2, including the proposed midpoint interchange in the vicinity of SE 122nd Avenue. This alternative also incorporates the extension of SE Tolbert Street as proposed in Design Option A-2. In addition to design elements proposed in Alternative 2 and Design Option A-2, new areas have been identified for improvements. These areas include a portion of OR 224 west of I-205 and portions of SE 82nd Drive located east of I-205.

The Preferred Alternative proposes to potentially use the OR 213 right-of-way immediately west of the Clackamas Cemetery as a staging area for project construction, and fill would likely slope from the east side of the OR 213 on-ramp down to the western boundary of the Clackamas Cemetery. A retaining wall would be constructed immediately north of the parcel within the OR 213 right-of-way, but would not continue south to the cemetery. These project-related activities are not anticipated to cause any direct impacts to the fence or tree line that are along the western edge of the 1943 addition to the cemetery that is not part of the National Register-eligible cemetery property.

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Clackamas Cemetery	
Street Address: SE Ambler Road	City, County: Unincorporated Clackamas, Clackamas County
<p>To the east, a portion of the cemetery that is currently situated within the SE Ambler Road right-of-way has been depicted as within the proposed right-of-way for the Preferred Alternative. Improvements would be made to SE Ambler Road as part of the Preferred Alternative, but would occur immediately north of the cemetery parcel. ODOT engineers would take appropriate steps to ensure that no work would be conducted on the cemetery grounds, including the portion within the SE Ambler Road right-of-way. New polygons would be used to ensure that this area would not be mapped as project right-of-way, preventing any use of the cemetery for staging or other project-related construction activities.</p> <p>Evaluation of Effects</p> <p>It has been determined by FHWA and ODOT that the proposed project will have no effect on the National Register-eligible Clackamas Cemetery, as it will not alter character-defining features of the resource that make it significant. This effect has been determined through the application of the Criteria of Adverse Effect as set forth in 36 CFR 800.5.</p> <p>Coordination and Public Output</p> <p>Clackamas County and ODOT actively provide information pertaining to the Sunrise Project to the general public as it becomes available. Meetings are continually held to receive public input, and comments are solicited via email and standard mail. Information pertaining to the project, including the draft Environmental Impact Statement, is available online and at numerous locations throughout the community. Information is also sent to area residents periodically in the form of newsletters and postcards to keep them abreast of the project's status. A Project Advisory Committee composed of citizens representing various stakeholders in the community aids Clackamas County and ODOT in soliciting public input and coordination.</p> <p>Conclusion</p> <p>It is the determination of FHWA and ODOT that the proposed project, which includes various construction-related activities adjacent to the National Register-eligible Clackamas Cemetery, will not alter the character-defining features of the resource. A finding of "No Historic Properties Affected" is recommended.</p> <p>Sources</p> <p>Byrd, Dean H. (compiler) 2001 <i>Oregon Burial Site Guide</i>. Binford & Mort Publishing, Portland, Oregon.</p> <p>Geigle, Lucille (compiler) 1996 <i>Walking Through the Cemeteries; Clackamas County Cemetery Records</i>. Volume 5. Clackamas County Family History Society, Oregon City, Oregon.</p> <p>Henderson, Sarah Fisher, Nellie Edith Latourette, and Kenneth Scott Latourette 1918 Correspondence of Reverend Ezra Fisher. <i>Oregon Historical Quarterly</i> 19(4):351-372.</p> <p>Oregon Department of Transportation (ODOT) 1978 <i>Oregon Cemetery Survey</i>. Oregon Department of Transportation, Salem.</p> <p>Oregon State Archives 2009 <i>Oregon Legislators and Staff Guide</i>. Electronic document, http://arcweb.sos.state.or.us/legislative/histleg/territorial/1849reg.htm, accessed November 20, 2009.</p> <p>Scott, H. W. (editor) 1890 <i>History of Portland, Oregon with Illustrations and Biographical Sketches of Prominent Citizens and Pioneers</i>. D. Mason & Company, Syracuse, New York.</p>	

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Clackamas Cemetery	
Street Address: SE Ambler Road	City, County: Unincorporated Clackamas, Clackamas County
<p>Stephens, Joe 1996 Oregon's Supreme Court Library: An Historic Institution in Decline. <i>State, Court & County Law Libraries News</i> 23(1):8.</p> <p><i>The Weekly Oregonian</i> (Portland, Oregon) 1862 U.S. Depository for Oregon. 1 November:2. Portland, Oregon.</p> <p>United States Senate 1887 <i>Journal of the Executive Proceedings of the Senate of the United States of America from December 6, 1858, to August 6, 1861, Inclusive.</i> Volume 11. Government Printing Office, Washington, D.C.</p> <p>Victor, Frances Fuller 1894 <i>The Early Indian Wars of Oregon: Compiled from the Oregon Archives and Other Original Sources with Muster Rolls.</i> State Printer, Salem, Oregon.</p>	

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM
Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Clackamas Cemetery	
Street Address: SE Ambler Road	City, County: Unincorporated Clackamas, Clackamas County



View: The circa 1970 entry gate and chain link fence located within the right-of-way of SE Ambler Road. The view is towards the west.



View: The SE Ambler Road right-of-way includes the chain link fence at right and extends to approximately the line at left. The view is towards the north-northwest.

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 FINDING OF EFFECT FORM**

Continuation Sheet

Agency/Project: Oregon Department of Transportation/OR212/224: Sunrise Corridor (I-205 to Rock Creek) ODOT Key No. 12454, Fed.-Aid No. C005(46)	
Property Name: Clackamas Cemetery	
Street Address: SE Ambler Road	City, County: Unincorporated Clackamas, Clackamas County



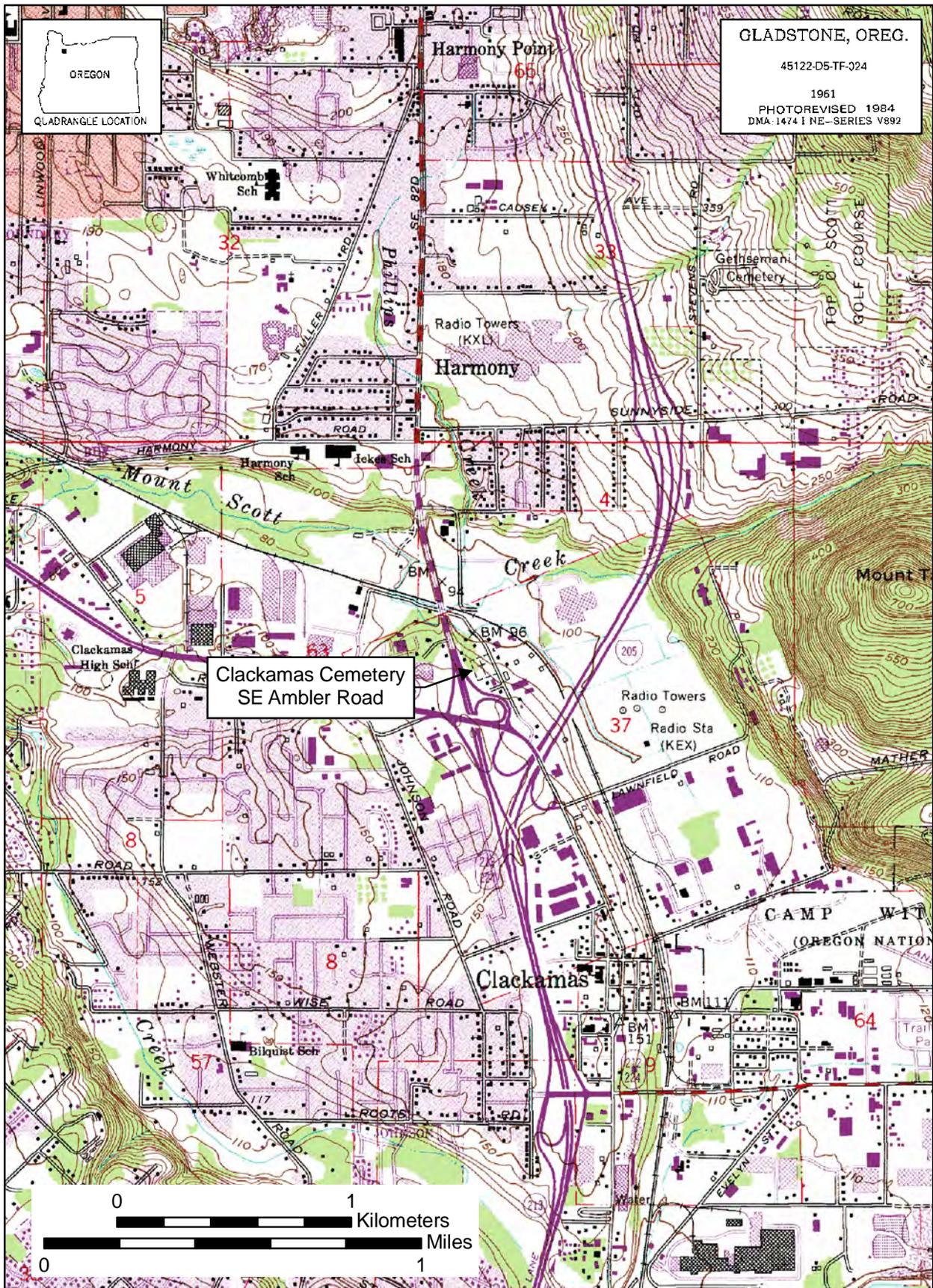
View: The additional 0.34-acre deeded to the Clackamas Cemetery Association in 1943 roughly extends from the large tree at center to the circa 1970 tree line at left. This western portion of the cemetery does not contribute to the significance of the original 1.625-acre section of the cemetery at right. The view is towards the north.

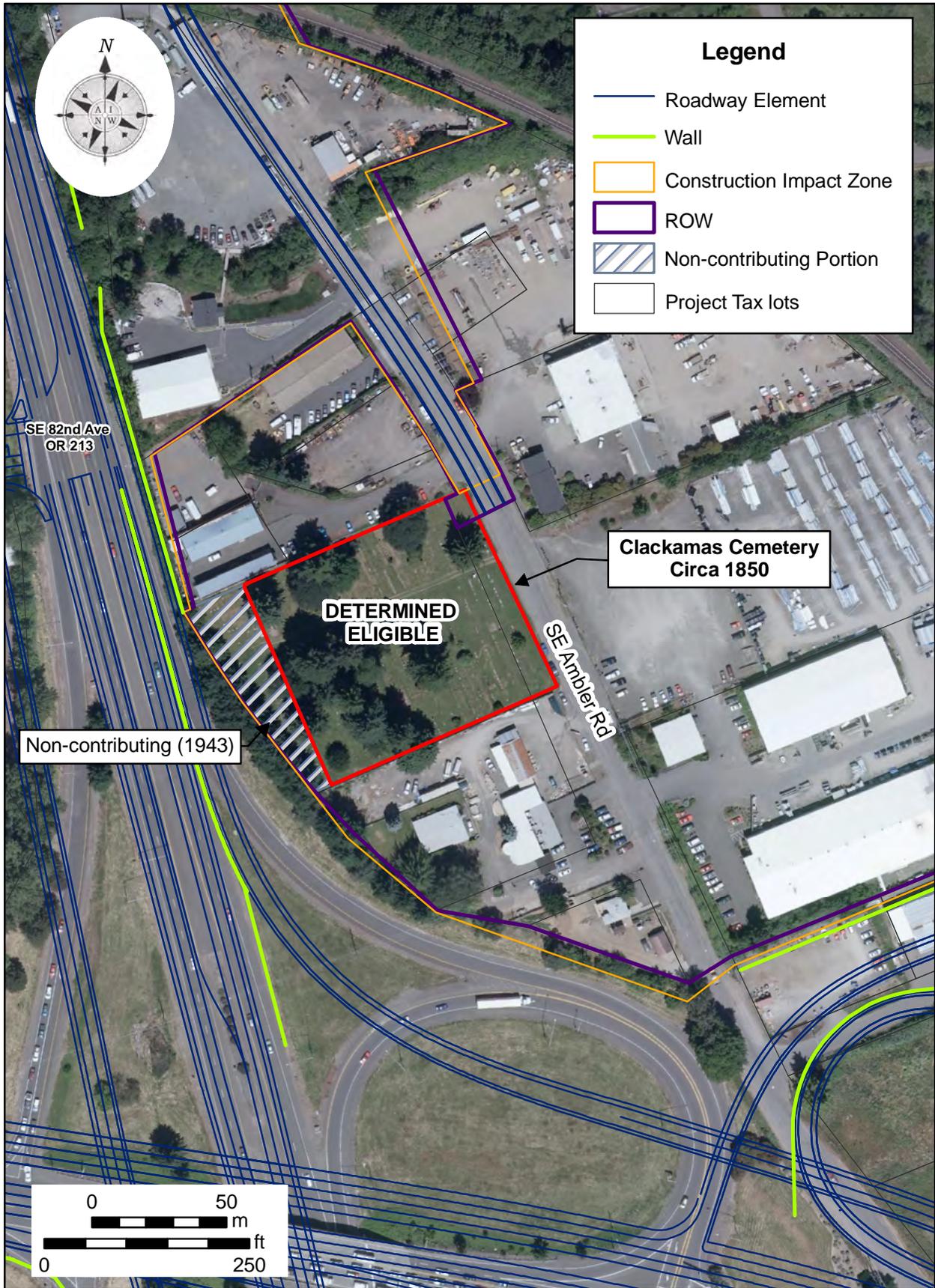


View: A fence delineates the western boundary of the cemetery (left) from the OR 213 right-of-way that would be subject to staging (right). A fill slope would also be placed within the right-of-way, having no anticipated impact to the non-contributing portion of the cemetery at left. The view is towards the south.



GLADSTONE, OREG.
45122-D5-TF-324
1961
PHOTOREVISED 1984
DMA 1474 I NE-SERIES V892





Legend

- Roadway Element
- Wall
- Construction Impact Zone
- ROW
- Non-contributing Portion
- Project Tax lots

SE 82nd Ave
OR 213

Clackamas Cemetery
Circa 1850

**DETERMINED
ELIGIBLE**

SE Amber Rd

Non-contributing (1943)

