

**Appendix G**  
**Section 106 Coordination and**  
**Consultation with Affected Tribes**

## Section 106 Coordination and Consultation with Tribes

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An extensive tribal involvement program has been in progress for a decade as part of the Washington State Department of Transportation's (WSDOT's) compliance with federal regulations regarding public, agency, and government-to-government contact. Tribal involvement has occurred in two forms:

1. Through the public involvement process, in which the tribes were invited to participate in the Draft EIS scoping and development process starting in 1992
2. Through Section 106 tribal consultation efforts

The information presented here focuses on the Section 106 tribal consultation efforts.

### Revised Section 106 Tribal Consultation Regulations

Section 106 requires federal agencies to account for the effects of their undertakings on historic properties, and to afford the Advisory Council on Historic Preservation an opportunity to comment. The Federal Highway Administration (FHWA) and WSDOT seek to ensure that each tribe has the opportunity to identify and address any concerns regarding identification and evaluation of cultural resources and potential effects of the undertaking upon such resources.

In 1999, a Section 106 consultation was initiated pursuant to 36 CFR 800.2(a)(4). These requirements were modified in 2000 to incorporate Presidential Executive Order 13175 regarding "Consultation and Coordination with Indian Tribal Governments." These modifications established a process and timeline in an effort to ". . . strengthen the United States government-to-government relationships with Indian Tribes, and to reduce the imposition of unfounded mandates upon Indian Tribes."

### Historic and Archaeological Resources

The completed Historic and Archaeological Report was submitted to the State Historic Preservation Officer (SHPO) for concurrence. The SHPO sent a concurrence letter on October 2, 2002, stating that no known state

or National Register of Historic Places (NRHP) listed or NRHP-eligible resources are located in the Areas of Potential Effect (APE). (Attachment G1).

## **Cultural Resources**

### ***Contacted Tribes***

WSDOT contacted the following tribes throughout the environmental process:

- Muckleshoot Tribe
- Duwamish Tribe
- Lummi Nation
- Puyallup Tribe
- Suquamish Tribe
- Yakama Nation

WSDOT identified these tribes by reviewing the Usual and Accustomed Area maps (originally dated May 1987, as updated) available through the Governor's Office of Indian Affairs.

### ***Section 106 Contact Procedures***

WSDOT initiated consultations in 1999 with the tribes regarding the *SR 509/South Access Road EIS Discipline Report: Archaeological and Historical Preservation* (CH2M HILL February 1999). FHWA initiated formal consultation with the tribes in March 2000, implementing the Presidential Executive Order.

### ***Consultation Request***

The cultural resources survey was initiated to identify and evaluate the impacts of the proposed alternatives on tribal resources within the APE. FHWA initiated Section 106 in March 2000 with a contact letter requesting tribal consultation and delegating responsibility to WSDOT to coordinate the report of findings with the SHPO for concurrence pursuant to 36 CFR 800.4(d)(1).

### ***Comments***

The tribes were provided 30 days to comment beginning from the date of the letter. Following transmittal of the request letter and approximately 15 days prior to the end of the comment period, the tribes were contacted by telephone to seek additional information. Comments were received from the Duwamish, Muckleshoot, and Suquamish Tribes, and the Yakama Nation. Concerns were expressed regarding cultural resources.

In November 2000, the SR 509 Test Drilling Cultural Resources Monitoring Survey was completed. Copies of the report and letter

requesting comments were sent to the tribes in February 2001. No comments were received within the 30-day comment period or subsequently.

### **SHPO Concurrence**

A completed cultural resources monitoring report was sent to the SHPO seeking concurrence on February 7, 2001, and copies were sent to the tribes for their information. Concurrence was received from SHPO on October 12, 2001, with the report findings that no historic properties would be affected by the proposed project.

Attachment G2 contains copies of this correspondence. As part of the WSDOT public involvement process, the tribes continue to be notified of project activities.

*app g sect 106.doc*

ATTACHMENT G1

**Historic and Archaeological Resources  
Concurrence**

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**Washington State  
Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

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DEC 10 2002

ENVIRONMENTAL

**Transportation Building**  
310 Maple Park Avenue S.E.  
P.O. Box 47300  
Olympia, WA 98504-7300

360-705-7000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

10 September 2002

Allyson Brooks, Ph.D.  
State Historic Preservation Officer  
Office of Archaeology and Historic Preservation  
P.O. Box 48343  
Olympia, WA 98504-8343

**Re: SR 509/South Access Road EIS Project, King County**

Dear Dr. Brooks:

Enclosed please find a copy of CH2M Hill's discipline report (dated January 2000) summarizing a cultural resources study for the project area. Consultation for the project was initiated with your office in 1997 (see the project summary, page 1). Since that time, project design has changed, resulting in an Area of Potential Effect that has in turn evolved.

As you will note in the report and attached Historic Property Inventory forms, eleven historic-period residences and the site of a residence (razed since the initial 1997 inventory) were observed within the project's APE. (Note the attached HPI forms with color photos are dated July 2002 and supercede HPI forms for the same properties recorded in 1997 and included in the report). None of the buildings nor the building site appears eligible for inclusion in the National Register of Historic Places. No other cultural resources have been identified in the project area. Thus we have determined that no historic properties will be affected by the proposed project.

Areas of high archaeological probability identified in the cultural resources study (p. 38) include the shoreline vicinities of Angle and Bow Lakes and the headwaters of Des Moines Creek in what is now the Tye Valley Golf Course. Construction in those areas, as well as in representative samples of moderate and low probability areas, will be monitored for cultural resources. Contrary to what is stated on pages 51 and 52, final disposition of any cultural resources or human remains discovered during construction will be determined by your office, per RCW 27.53.060.

I look forward to your concurrence with our determinations. If you have questions, or should you have concerns regarding the project, please contact me at 360-570-6639, email at [holstinec@wsdot.wa.gov](mailto:holstinec@wsdot.wa.gov), or Steve Shipe at 206-440-4531. Thank you for your attention to this matter.

Sincerely,

Craig Holstine  
Cultural Resources Specialist  
Enc.

Cc: Steve Shipe, WSDOT Northwest Region



STATE OF WASHINGTON  
OFFICE OF COMMUNITY DEVELOPMENT  
Office of Archaeology and Historic Preservation  
1063 S. Capitol Way, Suite 106 - Olympia, Washington 98501  
(Mailing Address) PO Box 48343 - Olympia, Washington 98504-8343  
(360) 586-3065 Fax Number (360) 586-3067

October 02, 2002

Mr. Craig Holstine  
Cultural Resources Specialist  
Department of Transportation  
310 Maple Park Ave. SE  
Olympia, WA 98504-7300

In future correspondence please refer to:

Log: 100202-52-DOT  
Property: SR 509 SOUTH ACCESS RD EIS  
PROJECT

Re: Determination of Eligibility for the National Register of Historic Places

Dear Mr. Holstine:

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

Research indicates that no resources within the above referenced project are currently listed in the Washington Heritage Register or National Register of Historic Places. I concur with your findings that none of the surveyed properties are ELIGIBLE for the National Register of Historic Places due to their low level of integrity. As a result of this finding, further contact with OAHP is not necessary. However, if additional information on the property becomes available, or if any archaeological resources are uncovered during construction, please halt work in the area of discovery and contact the appropriate Native American Tribes and OAHP for further consultation.

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

Sincerely,

Michael Houser  
Architectural Historian  
(360) 586-3076  
MichaelH@cted.wa.gov

ATTACHMENT G2

# **Cultural Resources Concurrence**

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**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

Transportation Building  
P.O. Box 47500  
Olympia, WA 98504-7300

24 January 2001

Allyson Brooks, Ph.D.  
State Historic Preservation Officer  
Office of Archaeology and Historic Preservation  
P.O. Box 48343  
Olympia, WA 98504-8343

**Re: SR 509 Extension and South Access Road Project, King County**

Dear Dr. Brooks:

Enclosed please find a copy of the cultural resources report (AHS EWU Letter Report DOT00-37, by Charles T. Luttrell, dated 13 November 2000) recommending monitoring for cultural resources at four geotechnical test hole locations in the project area. As you will note in the report, no known historic properties will be affected by the proposed drilling. No traditional cultural properties have been identified, nor have other cultural resources been recorded with the Washington State Office of Archaeology and Historic Preservation. FHWA initiated formal consultation with the Yakima Nation, Suquamish Tribe, Puyallup Tribe, Lummi Nation, Duwamish Tribe, and the Muckleshoot Tribe on 9 March 2000; to date, the Muckleshoot Tribe has expressed concern (see attached).

I look forward to receiving your comments on our determination of no historic properties affected. Please call me at 360-570-6639, or FAX me at 360-570-6633, if you have questions or concerns. Thanks very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Holstine'.

**Craig Holstine**  
Cultural Resources Specialist

Enc.

Cc: Kevin Stuber



STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT  
Office of Archaeology and Historic Preservation420 Golf Club Road SE, Suite 201, Lacey • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 407-0752  
Fax Number (360) 407-6217

January 30, 2001

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JAN 31 2001

ENVIRONMENTAL AFFAIRS - POINT PLAZA

Mr. Craig Holstine  
Department of Transportation  
Transportation Building  
PO Box 47300  
Olympia, Washington 98504-7300Re: SR 509 Extension and South Access Road  
Log No: 012601-19-FHWA

Dear Mr. Holstine;

Thank you for providing a copy of the cultural resources survey of the proposed SR 509 extension and access road by AHS of Eastern Washington University. We concur with their recommendations and your findings that no historic properties will be effected by the proposed project.

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity should be discontinued, the area secured, and this office notified.

Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Whitlam".

Robert G. Whitlam, Ph.D.  
State Archaeologist  
(360) 407-0771  
email: [robw@cted.wa.gov](mailto:robw@cted.wa.gov)



**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

Transportation Building  
P.O. Box 47300  
Olympia, WA 98504-7300

7 February 2001

Allyson Brooks, Ph.D.  
State Historic Preservation Officer  
Office of Archaeology and Historic Preservation  
P.O. Box 48343  
Olympia, WA 98504-8343

**Re: Cultural Resources Monitoring, SR 509 Extension and South Access Road  
Project, King County  
Log No: 012601-19-FHWA**

Dear Dr. Brooks:

Enclosed please find a copy of the cultural resources report (AHS EWU Short Report DOT01-01, by Charles T. Luttrell, dated 29 January 2001) summarizing the results of monitoring drilling and excavation for cultural resources at 16 geotechnical test holes and pits in the project area. On 30 January 2001, Rob Whitlam of your office concurred with the findings and recommendations of the preceding report (DOT00-37) that identified locations warranting the monitoring that is the subject of this report.

As you will note in the enclosed report, no known historic properties have been affected by the test drilling and excavating. No traditional cultural properties have been identified, nor have other cultural resources been recorded with the Washington State Office of Archaeology and Historic Preservation. FHWA initiated formal consultation with the Yakima Nation, Suquamish Tribe, Puyallup Tribe, Lummi Nation, Duwamish Tribe, and the Muckleshoot Tribe on 9 March 2000; to date, the Muckleshoot Tribe has expressed concern (see attached).

I look forward to receiving your comments on our determination of no historic properties affected. Please call me at 360-570-6639, or FAX me at 360-570-6633, if you have questions or concerns. Thanks very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Holstine'.

Craig Holstine  
Cultural Resources Specialist  
Enc.  
Cc: Kevin Stuber



STATE OF WASHINGTON

RECEIVED

FEB 14 2001

OFFICE OF COMMUNITY DEVELOPMENT ENVIRONMENTAL AFFAIRS - POINT PLAZA  
Office of Archaeology and Historic Preservation

420 Golf Club Road SE, Suite 201, Lacey • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 407-0752  
Fax Number (360) 407-6217

February 12, 2001

Mr. Craig Holstine  
Department of Transportation  
Transportation Building  
PO Box 47300  
Olympia, Washington 98504-7300

Re: Cultural Resource Monitoring: SR 509  
Log No: 020901-12-FHWA

Dear Mr. Holstine:

Thank you for providing a copy of the cultural resources monitoring report by AHS of Eastern Washington University. We concur with their recommendations and your findings that no historic properties will be effected by the proposed project.

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity should be discontinued, the area secured, and this office notified.

Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Whitlam".

Robert G. Whitlam, Ph.D.  
State Archaeologist  
(360) 407-0771  
email: [robw@cted.wa.gov](mailto:robw@cted.wa.gov)