



Washington State
Department of Transportation

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March 28, 2013

Alisa Ralph, Section Chief
Regulatory Branch South Puget Sound Section
Department of the Army
Seattle District, Corp of Engineers
4735 East Marginal Way South, Seattle WA 98124-3755
PO Box 3755
Seattle, WA 98124-3755

**Re: SR 532 – Davis Slough Bridge Replacement and Mitigation Project, Snohomish and Island Counties (USACE Reference #NWS-2010-968)
Request for NHPA Section 106 Determination of Effect**

Dear Ms. Ralph,

The Washington State Department of Transportation (WSDOT) has recently revised the Area of Potential Effect (APE) for the Duguala Bay portion of the above referenced project. The need for mitigation buffer and access required an expansion of the previous APE at the Duguala Bay Mitigation Site. We are submitting these materials for your review per the stipulations of the Memorandum for Record between the WSDOT and U.S. Army Corps of Engineers (USACE) dated November 6, 2008, as WSDOT will require a permit for work in waters of the United States. We request your review of the documentation, resolution of the USACE jurisdictional area, and determination of project effect pursuant to Section 106 of the National Historic Preservation Act and 36CFR800.

APE Revision

Attachment 1 provides the original APE for the Duguala Bay portion of the project. Please note that the graphic identifies this area as "Area of Potential Effects Addition". This refers to the "addition" of the Duguala Bay portion of the project to the SR 532 Davis Slough portion of the project. Attachment 2 provides the revised APE, which has expanded the previous APE to the south and the northwest. The expansion of the APE to the northwest along an existing dike is necessary for access to the mitigation site. The expansion of the APE to the south is necessary to create a buffer for the mitigation site. Although the area encompassed by the northwestern expansion will not include additional ground disturbance, the area to the south of the original APE will be subject to clearing, grubbing, and planting.

Review of Previous Cultural Resources Assessment

Attachment 3 provides the area that was subject to previous cultural resources survey, including the locations of subsurface testing.

For the southern portion of the revised APE, the area subject to previous survey actually extended south of the original APE. From comparison of the area previously surveyed with the revised APE, it appears that approximately 100 feet of ground between the southern end of the survey area and Frostad Road is the only portion of the revised APE that has not been previously subject

to survey. This area between the southern boundary of the previously surveyed area and the revised southern boundary of the APE is steep wooded terrain.

According to the USGS 7.5' Quadrangle used for Attachments 1 and 3, the area rises more than 40 feet in elevation over 100 feet of distance. Given the steep topography of this area, there is a low likelihood for previously unknown cultural resources to be present. This assumption is substantiated by the presence of the disturbed prehistoric shell midden (45IS38) to the north of this steep terrain in an area where the topography flattens out. If previously unknown cultural resources exist within the APE, we would expect them to be on the more level ground that was not subject to inundation as evidenced by the location of 45IS38.

For the northwest portion of the revised APE, the location is solely comprised of the historic dike previously recorded as DBP-12-1 and determined by USACE as not eligible for listing in the National Register of Historic Places (NRHP). This determination was concurred with by the Department of Archaeology and Historic Preservation (DAHP) in a letter from Lance Wollwage (DAHP) to Chris Jenkins (USACE) dated February 20, 2013. As this dike is not eligible for listing in the NRHP and no ground disturbance will occur at this location, there is no potential to affect cultural resources in this revised portion of the APE.

Recommendation

Given the steep topography of southern portion of the revised APE as well as the extensive testing within and outside of the original APE, WSDOT recommends that no additional cultural resources survey is necessary for the project and that the previous survey was sufficient to recommend that the project would still retain the determination of *No Historic Properties Affected*.

Request for Review and Determination

WSDOT requests that you review the documentation for this project and submit your determination of effect for the project to SHPO. For the reasons previously cited, WSDOT recommends that the project still retains the determination of *No Historic Properties Affected*.

Please also forward to me your determination of effect and received correspondence from SHPO or DAHP. If you deem it necessary to conduct additional consultation with interested tribes, we would also appreciate receiving correspondence or comments from this consultation. If you would like additional project information or have other questions, please contact me at 206.440.4525, or by email at bartoyk@wsdot.wa.gov.

Thank you for your assistance.

Sincerely,



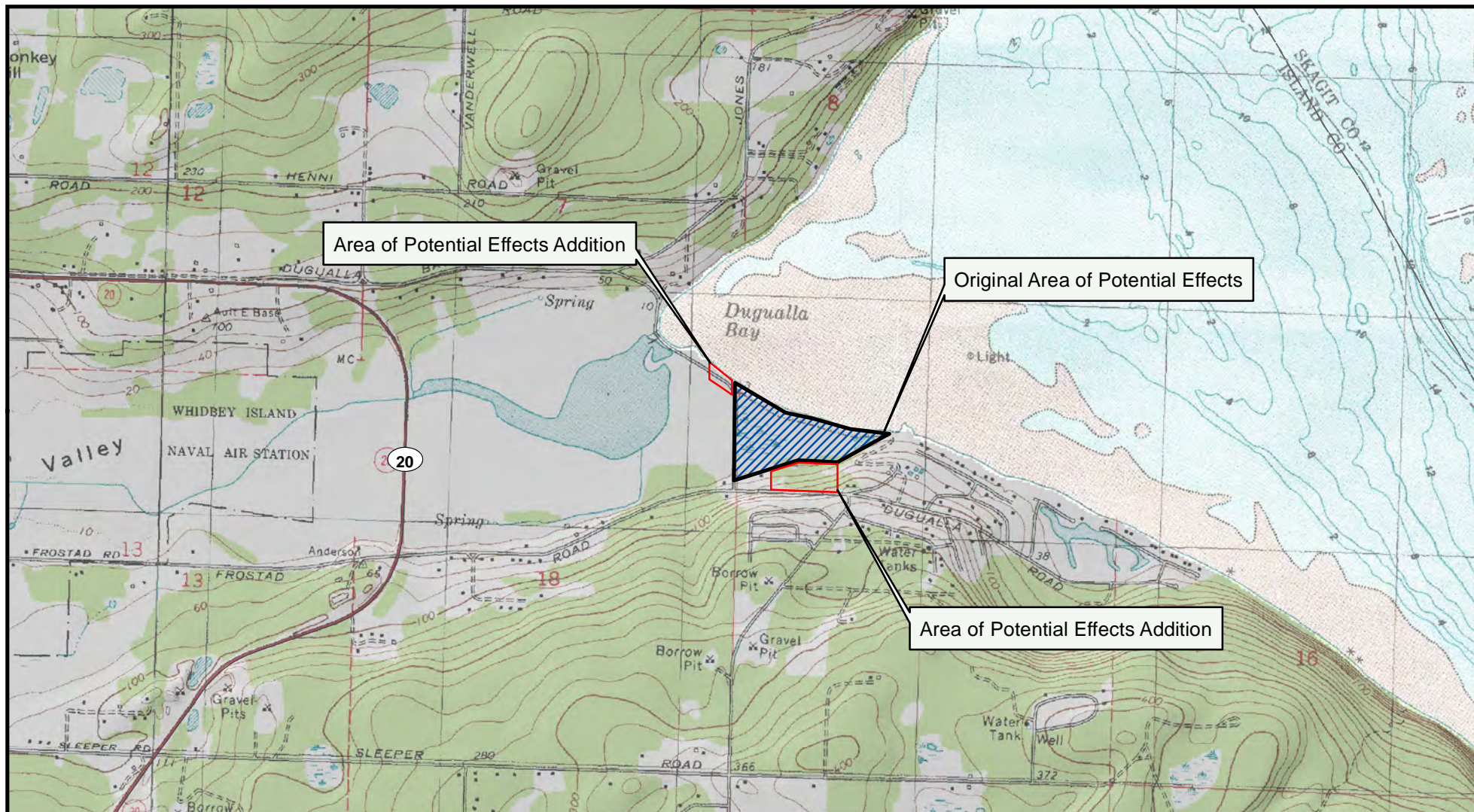
Kevin M. Bartoy, M.A., RPA
Cultural Resources Specialist, WSDOT Northwest Region

Enclosures

cc: Rebecca McAndrew, USACE
Steve Shipe, WSDOT

Attachment 1. Original APE for Dugualla Bay Portion of Project

Attachment 2. Revised APE for Dugualla Bay Portion of Project



State Route 532 Davis Slough Bridge Replacement

Duguala Bay Preserve, Area of Potential Effects Addition

Island County

T 33N R 03E Section 17

Crescent Beach, WA USGS 7.5' Quadrangle

0 0.15 0.3 0.6 Miles



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3/5/2013