



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Olympic National Park

2. **Project Description:**

Project Name: US 101 Elwha Bridge Replacement Downstream Mitigation

Prepared by: Elizabeth Horton **Date Prepared:** 02/22/2024 **Telephone:** (307) 344-2290

PEPC Project Number: 116039

Locations:

County, State: Clallam, WA

Describe project:

PROJECT BACKGROUND:

The Washington State Department of Transportation (WSDOT) will be replacing the US 101 Elwha River Bridge. Construction is anticipated to start in 2023. An Environmental Assessment (EA) was prepared for the US 101 Elwha River bridge replacement (US 101 Elwha Bridge EA ("2021 EA")), and a Finding of No Significant Impact (FONSI) was published by the Federal Highway Administration (FHWA), WSDOT, and the National Park Service (NPS) in 2021. Construction of engineered logjams (ELJs) is required as compensatory mitigation, per consultation with the Lower Elwha Klallam Tribe (LEKT) under asserted treaty rights and with the U.S. Army Corps of Engineers (USACE) pursuant to Clean Water Act (CWA) Section 404 Permit requirements. Mitigation is for the riverine impacts from the bridge replacement project and for riverine impacts that occurred due to emergency scour countermeasures constructed in 2016 and 2017 and is the subject of this EA.

PROJECT NEED:

The project need is to improve river channel dynamics and provide salmonid habitat as compensatory mitigation for riverine impacts downstream from the US 101 Elwha River Bridge demolition and reconstruction project.

The use of ELJs was identified in the 2021 EA as compensatory mitigation per the USACE CWA 404 Permit consultation, as well as per consultation with the LEKT under asserted treaty rights. The lands where the ELJs are proposed for installation under the 2021 EA are "Elwha Project Lands." These lands were legislated to Olympic National Park (ONP) under the Elwha River Ecosystem and Fisheries Restoration Act of 1992 ("the Elwha Act") for purposes related to dam removal and restoration efforts. While these lands are not within the park's established boundary, they are temporarily managed by the NPS and are subject to the Department of the Interior (DOI) and NPS National Environmental Policy Act (NEPA) compliance and other legal requirements until subsequent legislation is passed turning these lands over to a permanent management entity. Due to the land designation, WSDOT and FHWA need to acquire a Highway Easement Deed (HED) from the NPS for bridge and ELJ construction. For DOI and NPS NEPA compliance, the impacts of this compensatory mitigation measure must be considered and the analysis provided for public review. While due to the project need, this is considered a connected action, though addressing river channel dynamics could be an action independent of bridge demolition and construction. This EA is therefore tiered to the bridge reconstruction EA (2021 EA) and analyzes only the installation of the proposed ELJs.

PROJECT PURPOSE:

The purpose of the project is to: (1) maximize channel length to the greatest extent possible, (2) create and sustain as many pools as possible, and (3) create stable alluvial islands for forests to mature to improve shading of the river and provide a long-term source of large wood, all to improve river channel dynamics and provide salmonid habitat as mitigation for

riverine impacts from bridge demolition and construction.

Area of potential effects (as defined in 36 CFR 800.16[d])

APE defined by WSDOT in 2017, as those agencies acted as the lead federal agencies for NHPS consultation for this project. APE revised in 2022 to include the installation of 12 engineered log jams (ELJ). See 2017-05-03635 pdf documents Concur under Internal Documents for WSDOT Section 106 communications.

3. Has the area of potential effects been surveyed to identify historic properties?

No
 Yes

Source or reference:

4. Potentially Affected Resource(s):

Archeological Resources Present: Yes

Archeological Resources Notes: Archaeological and Historical Services (AHS) has conducted an initial cultural resources survey of the project APE as described in the enclosed report, resulting in the identification of three previously unrecorded precontact sites (archaeological site 45CA775, site 45CA774, and isolate 45CA776) and expansion of the previously recorded precontact site 45CA727 boundary. Sites 45CA727, 45CA775, and 45CA774 are all precontact camps with varying degrees of integrity, and their assemblages primarily contain chipped stone artifacts, including tools suggesting multiple economic activities. AHS recommends test excavations at the three sites to evaluate their NRHP eligibility. WSDOT proposes to proceed with additional testing, as described in the archaeological testing plan, as agreed to under MPA Stipulations.

Historical Structures/Resources Present: No

Cultural Landscapes Present: No

Ethnographic Resources Present:

5. The proposed action will: (check as many as apply)

- Destroy, remove, or alter features/elements from a historic structure
- Replace historic features/elements in kind
- Add non-historic features/elements to a historic structure
- Alter or remove features/elements of a historic setting or environment (inc. terrain)
- Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape
- Disturb, destroy, or make archeological resources inaccessible
- Disturb, destroy, or make ethnographic resources inaccessible
- Potentially affect presently unidentified cultural resources
 - Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources
- Involve a real property transaction (exchange, sale, or lease of land or structures)
- Other (please specify): _____

6. Supporting Study Data:

(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)

Tribal Consultation undertaken by WSDOT (Appendix E) and MOA entered into by FHWA, NPS-OLYM, and WA SHPO are attached under Internal Documents.

B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS

The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:

No Reviews From: Curator, Archeologist, Historical Architect, Historian, 106 Advisor, Other Advisor, Anthropologist, Historical Landscape Architect

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

No Potential to Cause Effects
 No Historic Properties Affected
 No Adverse Effect
 Adverse Effect

2. Documentation Method:

A. Standard 36 CFR Part 800 Consultation

Further consultation under 36 CFR Part 800 is needed.

B. Streamlined Review Under the 2008 Servicewide Programmatic Agreement (PA)

The above action meets all conditions for a streamlined review under section III of the 2008 Servicewide PA for Section 106 compliance.

Applicable Streamlined Review Criteria

(Specify 1-16 of the list of streamlined review criteria.)

C. Undertaking Related to Park Specific or Another Agreement

The proposed undertaking is covered for Section 106 purposes under another document such as a park, region or statewide agreement established in accord with 36 CFR 800.7 or 36 CFR 800.14.

D. Combined NEPA/NHPA Process

Process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with Section 106 is in accord with 36 CFR 800.8.c.

E. Memo to Project File

3. Consultation Information

SHPO Required: Yes

SHPO Sent: Apr 15, 2022

SHPO Received: May 22, 2017

THPO Required: Yes

THPO Sent: Nov 8, 2017

THPO Received:

SHPO/THPO Notes:

Advisory Council Participating: No
Advisory Council Notes:
Additional Consulting Parties: Yes

Additional Consulting Parties Notes: Lower Elwha Klallam Tribe, Makah Nation, Port Gamble S 'Klallam Tribe, Jamestown S'Klallam Tribe

4. Stipulations and Conditions: Following are listed any stipulations or conditions necessary to ensure that the assessment of effect above is consistent with 36 CFR Part 800 criteria of effect or to avoid or reduce potential adverse effects.

See MOA entered into by FHWA, NPS-OLYM, and WA SHPO are attached under Internal Documents.

5. Mitigations/Treatment Measures: Measures to prevent or minimize loss or impairment of historic/prehistoric properties: (Remember that setting, location, and use may be relevant.)

No Assessment of Effect mitigations identified.

6. Assessment of Effect Notes:

FHWA and WSDOT proposed the undertaking, and acted as lead federal agencies for the purposes of NHPA Section 106 consultation with WA SHPO and associated tribes. The project area is on federal land under the management of the Olympic National Park, National Park Service (NPS-OLYM). Tribal Consultation undertaken by WSDOT (Appendix E) and MOA entered into by FHWA, NPS-OLYM, and WA SHPO are attached under Internal Documents.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Compliance Specialist:
NHPA Specialist

Elizabeth Horton _____ **Date:** _____

E. SUPERINTENDENT'S APPROVAL

The proposed work conforms to the NPS *Management Policies* and *Cultural Resource Management Guideline*, and I have reviewed and approve the recommendations, stipulations, or conditions noted in Section C of this form.

Signature

Superintendent: _____ **Date:** _____

Sula Jacobs

