



# Oregon

John A. Kitzhaber, MD, Governor

**Department of Transportation**

Geo-Environmental Section  
4040 Fairview Industrial Dr SE MS #6  
Salem, OR 97302

FILE CODE:

**DATE:** August 9, 2012

**TO:** Robert Kentta, Confederated Tribes of the Siletz  
Eirik Thorsgard, Confederated Tribes of the Grand Ronde Community of  
Oregon  
David Harrelson, Confederated Tribes of the Grand Ronde Community of  
Oregon  
Briecce Edwards, Confederated Tribes of the Grand Ronde Community of  
Oregon  
Jessie Plueard, Cow Creek Band of Umpqua Tribe of Indians  
Sam Dunnivant, ODOT Region 3 North REC  
Chris Bucher, FHWA  
Jessica Bochart-Leusch, ODOT Archaeologist  
Jim Collins, Region 3 Environmental Manager  
Tobin Bottman, ODOT Archaeologist  
Chris Bell, ODOT Cultural Resource Program Coordinator  
Key # 16763, File Type C

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

*pe*

**SUBJECT: Request for Concurrence**  
**Finding of No Historic Properties Affected**  
**I-5: Glendale – Hugo Paving / Sexton Climbing Lane**  
**Josephine and Douglas Counties, Oregon**  
**ODOT Key No. 16763, ODOT EA PE001659**  
**Federal-Aid No. S001(349)PE**

Attached is the signed **Concurrence** from the State Historic Preservation Office for the above referenced project, **approved on August 6, 2012.**





**Oregon**  
John A. Kitzhaber, MD, Governor

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Department of Transportation  
Highway Division/Technical Services  
Geo-Environmental Section  
4040 Fairview Industrial Dr SE  
Salem, OR 97302-1142

AUG 07 2012

August 1, 2012

**ODOT  
GEO-ENVIRONMENTAL**

File Code:

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

*Josephine and Douglas County*

*Golden, Glendale, Merlin  
Grants Pass and Sexton  
Mountain Quads*

**Subject: Request for Concurrence  
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*T32S, R6W, Section 35  
T34S, R6W, Sections 2, 11, 14,  
22, 23, 26, 27, and 35  
T33S, R6W, Sections 2, 11, 12,  
13, 14, 15, 22, 23, 26, and 35  
T35S, R6W, Sections 13 and 25*

Dear Mr. Roper:

The Oregon Department of Transportation (ODOT) prepared the following letter in compliance with Section 106 of the National Historic Preservation Act. This letter includes a combined Finding of No Historic Properties Affected (Built Environment and Archaeological Resources) for the I-5: Glendale – Hugo Paving / Sexton Climbing Lane Project.

ODOT proposes numerous improvements to Interstate 5 between MP 66.3 and 81.5 in Douglas and Josephine Counties, Oregon (Figure 1). Project components include:

- Paving the interstate between mile points (MP) 66.3 and 81.5.
- Construction of a climbing lane on Sexton Mountain along northbound I-5 between MP 66.6 and 69.5. The extent of the cut, necessary to accommodate the climbing lane, is based on the variable topography of the land, but at its widest point will extend approximately 150-feet from the edge of the existing pavement. To accommodate the addition of the climbing lane, the Sexton Frontage Road will be realigned for a short distance near the Hugo Interchange (Figure 2). Alterations to existing drainage features throughout the project will be modified or relocated to facilitate the proposed climbing lane.
- A safety project on Smith Hill near MP 73.4, which will primarily consist of pavement modifications, will take place within the existing interstate shoulder.
- If funding is available, ODOT will incorporate eight-foot wildlife fencing on both sides of I-5, just north of the Sunny Valley Interchange between MP 71.45 and 72.25.

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OR SHPO

SHPO CASE# 10-2270



- As a safety measure, ODOT plans to install rock safety screens along three steep sections on the east side of I-5 between MP 68.15-68.33, MP 69.07-69.27, and MP 69.99-70.06.

Standard ODOT safety features to be included throughout the project area are guardrail, barrier, durable striping, delineators, rumble strips, traffic legends, and new signing. Staging and parking may occur outside the road prism, but all work is to occur within the ODOT owned right-of-way.

The ODOT-owned Chancellor Quarry has been proposed as a prospective material source, as well as a disposal and processing area (Figure 3). If the contractor chooses to utilize Chancellor Quarry, ODOT shall repave Highland Avenue, from the entrance of Chancellor Quarry to the Merlin Road intersection.

Furthermore, two disposal areas near the Sexton Passing Lanes portion of the project have been proposed at Exit 67 (the Hugo Interchange) (Figure 4) and Exit 61 (the Merlin Interchange) (Figure 5) adjacent to I-5 in Josephine County, Oregon.

### **Archaeology**

Numerous archaeological surveys have taken place, but only one site (35JO96) has been previously identified within the current Area of Potential Effect (APE), including the Chancellor Quarry property. The Harris Cabin site, located within the Chancellor Quarry project area, was generally referenced on the SHPO database, but had not been assigned a site number.

On April 26 and 27, 2010, Archaeologists with the Oregon Museum of Natural and Cultural History (OMNCH) conducted a systematic pedestrian survey of the Chancellor Quarry property. No prehistoric or historic cultural resources were observed; however, subsurface probing was recommended in addition to a systematic metal detector survey within the Harris Donation Land Claim (Baxter et al. 2010). Subsurface reconnaissance of the APE was undertaken by OMNCH from August 23-27, 2010 and September 3-20, 2010 (Baxter et al. 2011). OMNCH excavated 441 systematic 30X30 grid probes, which resulted in the identification of one obsidian flake. A systematic metal detector survey was conducted in the vicinity of the Harris homestead. Metal detection provided 411 “alerts” of which 121 were examined. Of the 121 metal detector alerts examined, 53 were surface finds and 68 were located below the ground surface. All probes were excavated to at least 50-centimeters in depth. Numerous historic artifacts were recovered including 55 cut nails, a hand wrought nail, 15 wire nails, 8 cartridge casings and bullets (including a musket ball), two horseshoes, two horseshoe nails, a chain link, a cast iron Dutch oven lid, a trouser buckle and a snuff tin lid. Additionally, four pieces of bottle glass and one isolated CCS flake were recovered. Furthermore, five features were identified including three cobble piles, one of which may be the remains of the chimney from the Harris Cabin, a small concentration of scattered nails and metal sheet fragments, which may be from a gate or animal pen, and a shallow linear feature that may indicate the route of the Willamette Valley-Jacksonville wagon road (Baxter et al. 2011). The Harris homestead was the scene of an important battle associated with the Rogue River Indian Wars and is a very important archaeological site. OMNCH has recommended that a No Work Zone be created west of

Highland Avenue, but that no additional work was recommended for the portion of the APE east of Highland Avenue (Baxter et al. 2011). ODOT concurs and only the eastern portion of the Chancellor Quarry APE will be accessible for the I-5: Glendale-Hugo Paving / Sexton Climbing Lane Project (see Figure 3).

In November of 2009, ODOT contracted with OMNCH to conduct a systematic pedestrian survey of the entire ODOT right-of-way between MP 66.3 and 81.5. OMNCH identified two historic can dumps (35JO270 and 35JO271), a tunnel feature and associated ditch segment (35JO272), several segments of a hydraulic mining ditch feature (35JO258), a segment of a historic road (35JO273) and four historic isolates (O’Grady and Knowles 2012). All of the resources identified by OMNCH will be avoided as they are outside the current project limits. On November 16-17, 2010, OMNCH conducted subsurface reconnaissance of prehistoric site 35JO96 to better define the site boundaries. Eight probes were placed north of Grave Creek and fifteen to the south, no cultural resources were recovered (O’Grady and Knowles 2012). Dependent on project funds, ODOT may install eight-foot wildlife fencing on both sides of Interstate 5, just north of the Sunny Valley Interchange between MP 71.45 and 72.25. On site consultation between OMNCH and ODOT, regarding the potential installation of wildlife fencing near site 35JO96, occurred on March 8, 2011. It was determined that a no work zone extending 1.5 meters west of a shallow drainage at the base of the site terrace, coupled with the presence of a professionally qualified archaeological monitor during the excavation of the post holes, should be implemented during the installation of the wildlife fence to adequately protect the site (O’Grady and Knowles 2012). Figure 73 from O’Grady and Knowles (2012) illustrates the no work zone that will be implemented at this location. On August 4, 2011, O’Grady conducted a pedestrian survey near the portion of Sexton Frontage Road that will be realigned. No cultural resources were observed and given the thin sediments and poor conditions for preservation, no additional work is recommended (O’Grady and Knowles 2012). In summary, O’Grady and Knowles identified several historic period resources, all of which will be avoided during the current project.

In June of 2010, ODOT contracted with the Southern Oregon University Laboratory of Anthropology (SOULA) to conduct an Applegate Trail comprehensive study for the entire ODOT right-of-way along I-5 between MP 66.3 and 81.5. The goal of the study was to combine extensive background research with fieldwork in an effort to determine if intact sections of the Applegate Trail are present within the ODOT right-of-way. SOULA ultimately identified seven trail locales thought to exhibit a high potential and three trail locales with a low potential for contributing to the eligibility of the Applegate Trail as a linear feature (Rose et al. 2010). The ten trail locales were recorded as site 35JO254. All of the trail locales associated with site 35JO254 are located outside the current APE and will not be impacted during this project. SOULA also recorded one isolate consisting of an insulator and wooden post outside the current APE (Rose et al. 2010).

All of the resources identified by Baxter et al. (2011), O’Grady and Knowles (2012), and Rose et al. (2010), have been marked on the design plans as no work zones. This will ensure that staging and parking of vehicles and equipment outside the road prism will not impact cultural resources.

The rockfall screens at MP 69.07-69.27 and MP 69.99-70.06 will be accessed and installed from Highway 99. Ms. Bochart-Leusch, ODOT Archaeologist, surveyed this location January 9, 2012. There is a steep drop off just to the west of the paved highway and impacts to cultural resources are not anticipated.

On June 9, 2004, Archaeologists with the OMNCH excavated nine exploratory 30-cm. probes within the northwest corner of the Merlin Interchange Disposal Area APE (see Figure 5). All of the probes were negative for cultural resources, except for Probe A1, which contained a CCS biface fragment (Winterhoff 2005). The location of the biface in relation to the soil matrix and surrounding geomorphology suggests that its provenience is the result of a secondary deposit associated with fluvial activity. It is considered a true isolate (Winterhoff 2005).

Subsurface archaeological reconnaissance probing for the remainder of the Merlin Interchange Disposal Area took place between June 20 and 22 and on July 23, 2012 by Archaeologists with OMNCH (Baxter and O'Neill 2012). 110 exploratory 30 cm. probes were excavated. These investigations identified two historic sites and six isolate finds.

The first site, dating from the early to middle 20<sup>th</sup> century, is located in the southwestern extent of the Merlin Interchange area (Baxter and O'Neill 2012:22). A 1960 aerial indicates that structures were present there. However, aerial photos of the same area in 1943 and 1976 indicate that no structures were present at those times. Fifteen probes were excavated near the location of the structures indicated on the 1960 aerial photo with a total of 74 artifacts recovered from eight of the shovel probes. All of the artifacts, except a fragment of a Fire King vessel ca. 1951-1965, were temporally indeterminate, but thought to date to the 1950s-1960s. A CCS flake, an obsidian interior finishing flake, a 6 penny cut nail, a shell button, and a piece of amber glass were also recovered during probing near the structures present on the 1960 aerial and were recorded as part of the Historic Site. These items are thought to be isolates overlain by the site given that they pre-date the 1950s-1960s occupation. The aerial photos, fragmented condition of the artifacts, reconnaissance of the ground surface, and the low artifact counts all indicate that the structures were thoroughly demolished and removed. **However, since evaluative testing has not been conducted, a no-work zone will be established around the boundary of the historic site during project construction activities** (Figure 6).

The second site, a can dump consisting of 16 cans and 3 bottle fragments was identified and recorded. Two of the cans were temporally identifiable and date the refuse scatter to the 1950s-1960s. Based on the date of the can dump site, it is not thought that additional archaeological work would lead to any more information than has already been collected (Baxter and O'Neill 2012:21).

The isolate finds – three historic and three pre-contact – were found to be true isolates and no further work or protective measures is recommended (Baxter and O'Neill 2012:22).

Subsurface archaeological reconnaissance probing of the Hugo Interchange Disposal Site Area was conducted by Archaeologists with OMNCH on June 19-20, 2012 (Baxter and O'Neill 2012).

Fifty-two 30-cm. probes were excavated at 20 meter intervals. A total of 82 items were recovered from seven of the probes, none of which are clearly historic in age and given the proximity to I-5 are thought to be roadside trash and no further work was recommended.

The archaeological investigations identified no historic properties eligible to the National Register that cannot be avoided within the project area. No further work is recommended. **However, if the scope of work for the project changes, additional archaeological evaluation may be necessary.**

### **Built Environment**

Chris Bell, ODOT Cultural Resource Program Coordinator and Region 3 Cultural Resource Specialist, has visited the project site extensively to study the project relative to historic, above ground resources, and the only prominent resource beyond those studied by Jessica are the remnants of Pacific Highway, US 99. There are several sections of the Pacific Highway which were by-passed after less than a quarter century of service as a highway. Based on field research, there are multiple sections which retain integrity of alignment and material. Furthermore, archival research indicates this specific section of highway had been one of the most difficult passages from the Oregon/California border up through Washington State and was one of the last sections to be completed due to the construction challenge. It employed an experimental “combination type pavement” which included a “shoulder,” then used for passing an oncoming car, and is a precursor to the modern shoulder. Based on field and archival study, its ability to convey the features and attributes of the original highway make those sections which retain integrity a likely candidate for the National Register.

What is clear, however, is that no remaining section with its concrete roadbed intact will be affected by this paving project. None of the sections which remain are within the APE, and the road continues to serve the needs of residents who live along this road so it is reasonable and foreseeable that it will not be altered in the future through such widening. There will be no incorporation of the historic road into the project, and those sections that connect to the historic road that will be affected, do not retain integrity of material or alignment, based on original highway construction plans.

As a final comment relative to Section 106, many sections of the historic highway are currently within ODOT’s Interstate ROW, and were not included in the exclusion list for the Interstate Exemption from SAFETEA-LU Section 6007. Despite this, ODOT still examined the road to consider any effects that may have occurred, and fortunately, none are proposed.

### **Consultation**

In June of 2012, James Collins, ODOT Region 3 Environmental Manager, sent letters to the following individuals and organizations with a demonstrated interest in the project pursuant to the Advisory Council on Historic Preservation's (ACHP) 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act:

- Mr. Mike Walker with the Hugo Neighborhood Association & Historical Society (HNAHS)
- Dr. Jim Tompkins, Northwest Chapter Vice President, with the Oregon-California Trails Association (OCTA)
- Mr. John Hayes, Chair, with the Oregon Historic Trails Advisory Council (OHTAC).

Mike Walker from the HNAHS and Glen Harrison with the OHTAC requested consulting party status as did Stafford Hazelett who independently contacted ODOT.

Ms. Bochart-Leusch, ODOT Archaeologist, has consulted with the HNAHS, a voluntary citizens group, regarding this project since January of 2010. In December of 2011, the HNAHS expressed concern that the proposed cut for the passing lane along the east bound lane of I-5 near Mount Sexton Pass could potentially damage or destroy what they believe to be approximately 1000 feet of the Applegate Trail within the ODOT right-of-way. On February 1, 2012, a meeting was held between members of the HNAHS and ODOT to discuss these concerns. Background research, sites visits, and an examination of the documents provided by the HNAHS were not sufficient to support their claim that the Applegate Trail is present within the I-5: Glendale – Hugo Paving / Sexton Climbing Lane Project APE. ODOT archival records indicate that the road bed or area of concern to the HNAHS was constructed or enhanced by the Oregon Department of Forestry sometime, between 1948 and 1952, to facilitate an access road with a grade that could be used by modern equipment to reach the lookout tower on the Sexton Mountain Summit.

As part of a good faith effort, ODOT has attempted to avoid the area of concern to the HNAHS by minimizing the extent of the cut slope needed to accommodate a passing lane along Sexton Pass. On-site meetings between members of HNAHS took place on May 1, 2012 and July 17, 2012. At the July 17, 2012 meeting, the HNAHS indicated that they felt satisfied that the freeway cut wouldn't adversely impact their area of concern. ODOT also agreed to mark everything east of the proposed cut line as a no work zone on the design plans and in the field during construction.

On June 19, 2012, Mr. John Hayes of the OHTAC contacted James Collins and accepted the invitation to be a Section 106 consulting party on behalf of this organization. He indicated that Glenn Harrison would represent OHTAC. Subsequently, Mr. Harrison was invited to participate in the July 17, 2012 on site meeting to examine the proposed cut line for the I-5: Glendale – Hugo Paving / Sexton Climbing Lane Project. Mr. Harrison responded that he would be unable to make the meeting; however, he did request that the cut line be moved a few feet below the road bed that he considers to be the Applegate Trail. The extent of the freeway cut along Sexton Pass, in the vicinity of the area of concern to Mr. Harrison, is located several feet from the road bed and on an artificially formed freeway berm associated with the construction of I-5.



Mr. Stafford Hazelett also attended the July 17, 2012 on site meeting. He did not express concern with the proposed cut line for the I-5: Glendale – Hugo Paving / Sexton Climbing Lane Project.

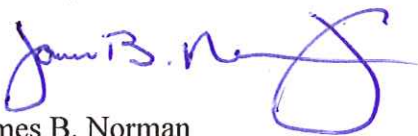
ODOT didn't receive written correspondence from a representative of OCTA to participate in the Section 106 process as a consulting party for the I-5: Glendale – Hugo Paving / Sexton Climbing Lane Project.

Ms. Bochart-Leusch contacted Robert Kentta, Cultural Resources Director with the Confederated Tribes of Siletz, Eirik Thorsgard, Cultural Protection Coordinator with the Confederated Tribes of the Grand Ronde Community of Oregon, David Harrelson, Cultural Protection Specialist with the Confederated Tribes of the Grand Ronde Community of Oregon, Breece Edwards, Tribal Archaeologist with the Confederated Tribes of the Grand Ronde Community of Oregon, and Jessie Plueard, Archaeologist with the Cow Creek Band of Umpqua Tribe of Indians, to notify them of the intent and scope of this project. No tribal representatives expressed concern with the project scope.



Preliminary application of Section 106 Criteria for Identification and Evaluation of Historic Properties [36 CFR 800.4(d)] indicates a finding of "No Historic Properties Affected" for the I-5: Glendale – Hugo Paving / Sexton Climbing Lane Project, based on the findings outlined above. ODOT, acting as an agent of the Federal Highway Administration, requests your concurrence with a FINDING OF NO HISTORIC PROPERTIES AFFECTED (Built Environment and Archaeological Resources) for the project.

If you have any questions, please contact Michelle Eraut, Environmental Program Manager with FHWA, at (503) 587-4716, or James Norman, Environmental Planning Unit Manager with ODOT, at (503) 986-3514.

Sincerely,



James B. Norman  
Environmental Planning Unit Manager  
ODOT Geo-Environmental Section

The State Historic Preservation Office concurs that the I-5: Glendale – Hugo Paving / Sexton Climbing Lane Project will have <b>No Historic Properties Affected</b> (Built Environment and Archaeological Resources).	
 SHPO Official (Built Environment)	<b>IAN JOHNSON</b> 503-986-0678 ian.johnson@state.or.us 8/2/2012 Date
 SHPO Official (Archaeology)	9/6/12 Date

Copies with attachments:

Robert Kentta, Confederated Tribes of the Siletz  
Eirik Thorsgard, Confederated Tribes of the Grand Ronde Community of Oregon  
David Harrelson, Confederated Tribes of the Grand Ronde Community of Oregon  
Briecce Edwards, Confederated Tribes of the Grand Ronde Community of Oregon  
Jessie Plueard, Cow Creek Band of Umpqua Tribe of Indians  
Sam Dunnivant, ODOT Region 3 North REC  
Key # 16763, File Type C

Copies without attachments:

Chris Bucher, FHWA  
Jessica Bochart-Leusch, ODOT Archaeologist  
Jim Collins, Region 3 Environmental Manager  
Tobin Bottman, ODOT Archaeologist  
Chris Bell, ODOT Cultural Resource Program Coordinator

## References Cited:

Baxter, Paul W., Julia A. Knowles, and Brian L. O’Neill

2010 Pedestrian Survey of the Stockpile Site South of Chancellor Quarry in the I-5 Jumpoff Joe-Glendale Project, Josephine County (ODOT Key 16763; Museum Report No. 2010-026). Oregon Museum of Natural and Cultural History, Eugene, Oregon.

Baxter, Paul W., Brian L. O’Neill, and Christopher Ruiz

2011 Subsurface Reconnaissance of the I-5 Chancellor Quarry Stockpile Project, and Metal Detector Survey within the George and Mary Harris 1854-55 DLC (35JO246), Josephine County. Oregon Museum of Natural and Cultural History, Eugene, Oregon.

Baxter, Paul and Brian O’Neill

2012 Subsurface Reconnaissance of the I-5 Glendale-Hugo Paving /Sexton Passing Lane-Hugo and Merlin Interchange Disposal Areas, Josephine County (ODOT Key 16763); Museum Report 2012-030. (Addendum to Museum Report 2012-016 “Archaeological Survey, Metal Detection, and Exploratory Probing of the I-5 Jumpoff Joe-Glendale Project, Douglas and Josephine Counties. Oregon Museum of Natural and Cultural History, Eugene, Oregon.

O’Grady, Patrick and Julia A. Knowles

2012 Archaeological Survey, Metal Detection, and Exploratory Probing of the I-5 Jumpoff Joe-Glendale Project, Douglas and Josephine Counties (ODOT Key No. 16763; Museum Report 2010-039). Oregon Museum of Natural and Cultural History, Eugene, Oregon.

Rose, Chelsea E., Katie Johnson, and Mark A. Tveskov

2010 ‘On and Onwards’: A Comprehensive Study for the Applegate Trail, The Southern Route to Oregon. Southern Oregon University Laboratory of Anthropology, Ashland, Oregon.

Winterhoff, E.H.

2005 Archaeological Survey of Bridge 08018 N/S (Interstate 5 over Louse Creek at Mile Point 61.45), Josephine County, Oregon. UO Museum of Natural and Cultural History Research Report No. 2005-109. Oregon Museum of Natural and Cultural History, Eugene, Oregon.

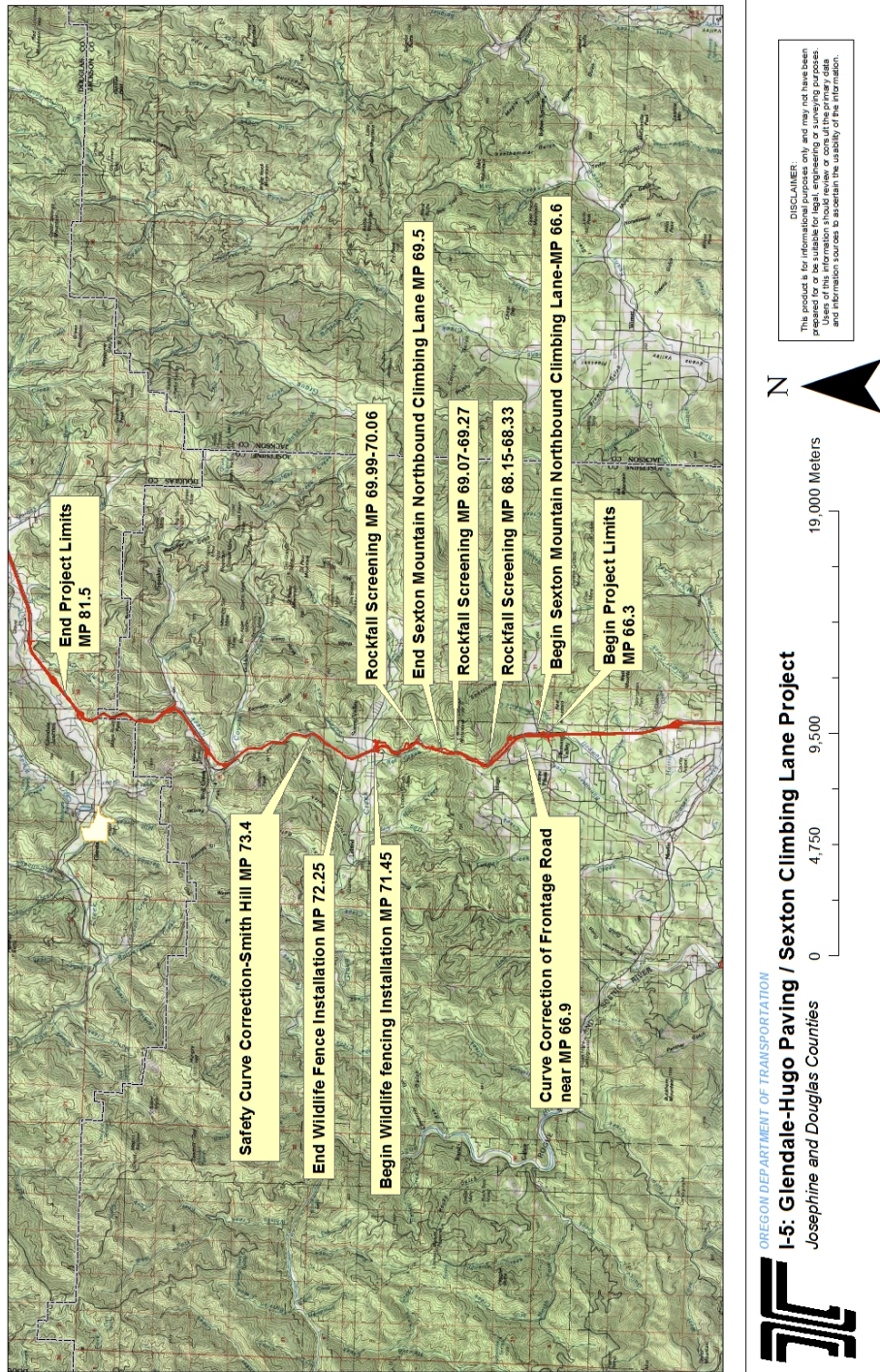


Figure 1: I-5: Glendale-Hugo Paving / Sexton Climbing Lane Project Location Map.

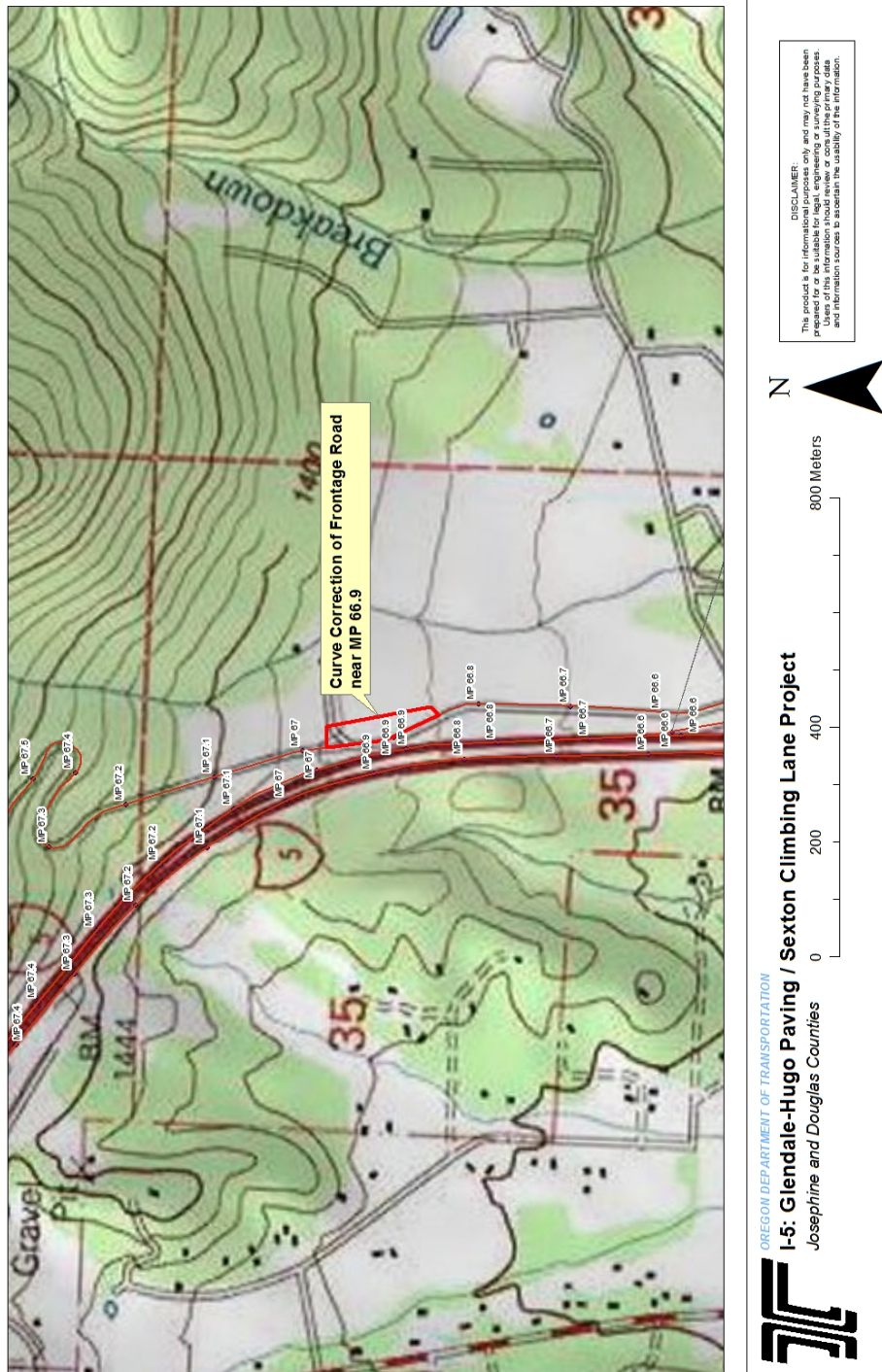


Figure 2: Area surveyed by OMNCH in preparation for the Curve Correction of Frontage Road near MP 66.9.

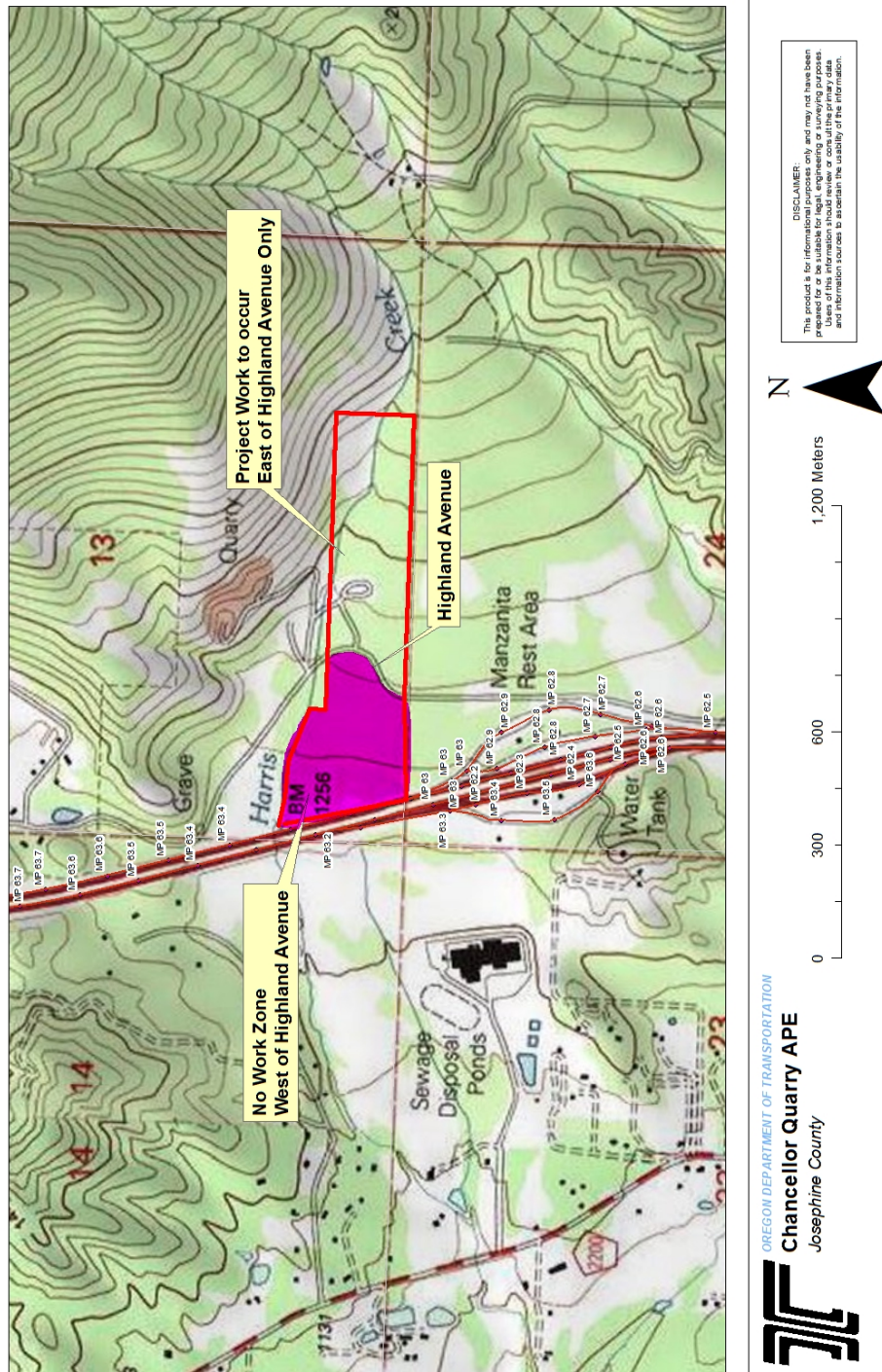


Figure 3: Map illustrating the no work zone west of Highland Avenue at the Chancellor Quarry Property.

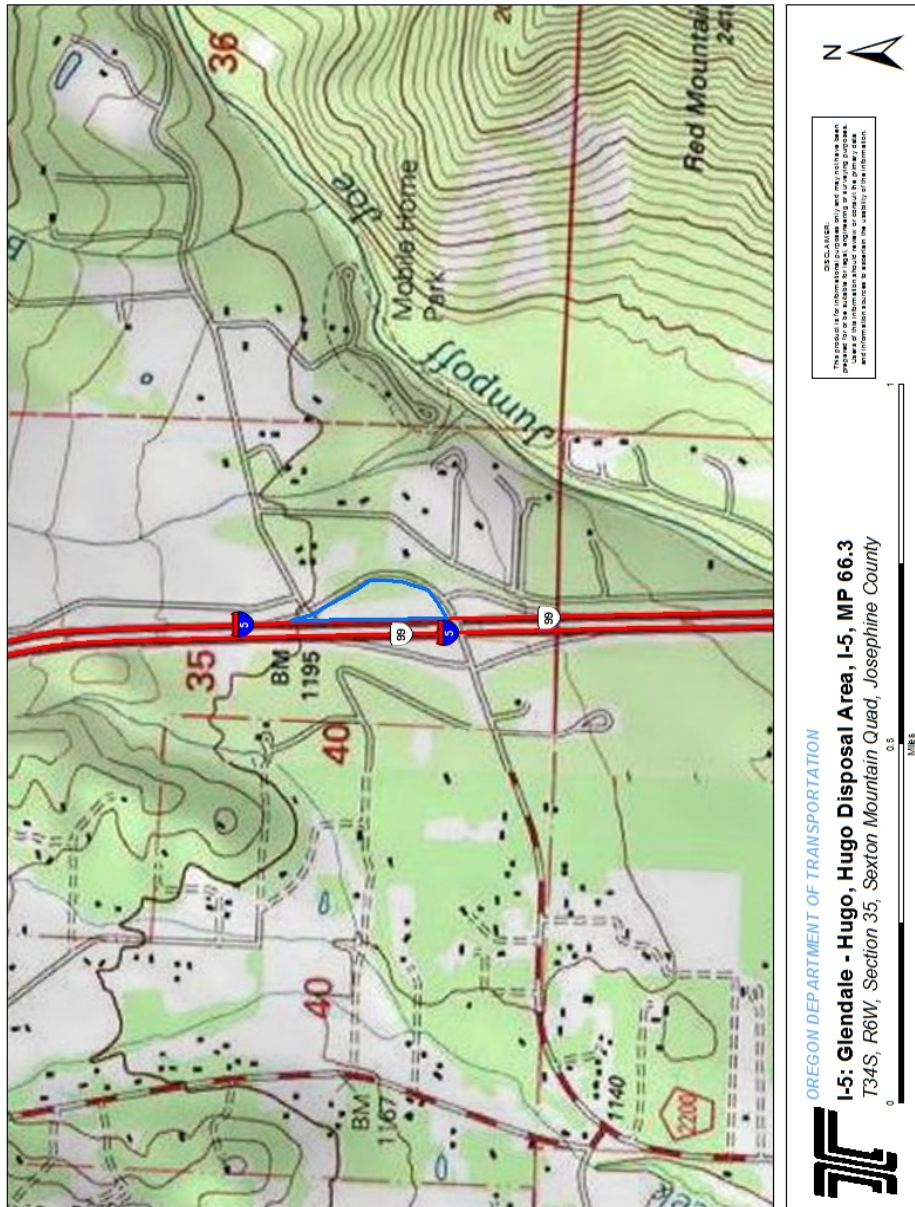


Figure 4: The Hugo Interchange Disposal Area location map.

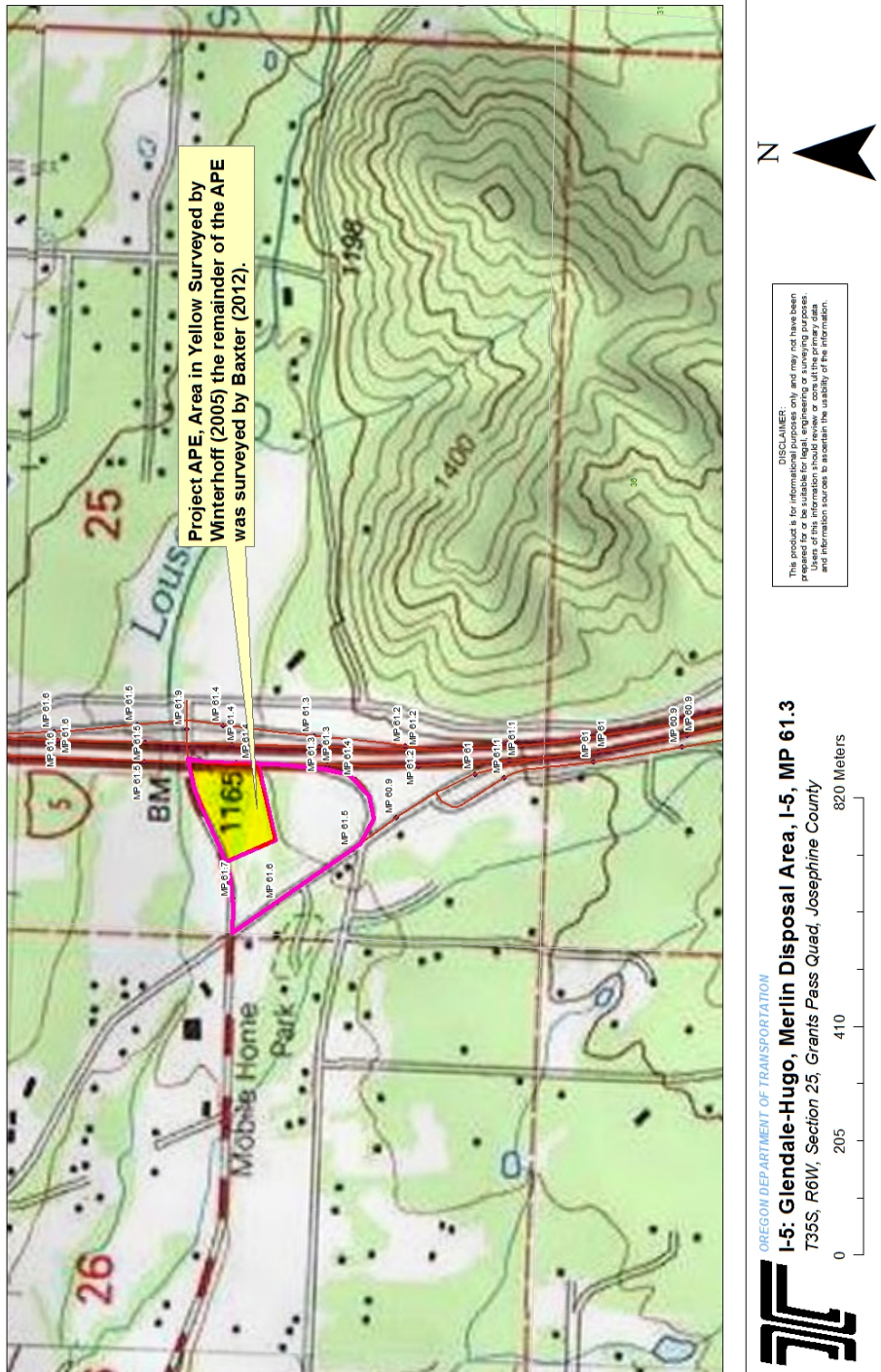


Figure 5: The Merlin Interchange Disposal Area showing the 2005 and 2012 archaeological survey locations.



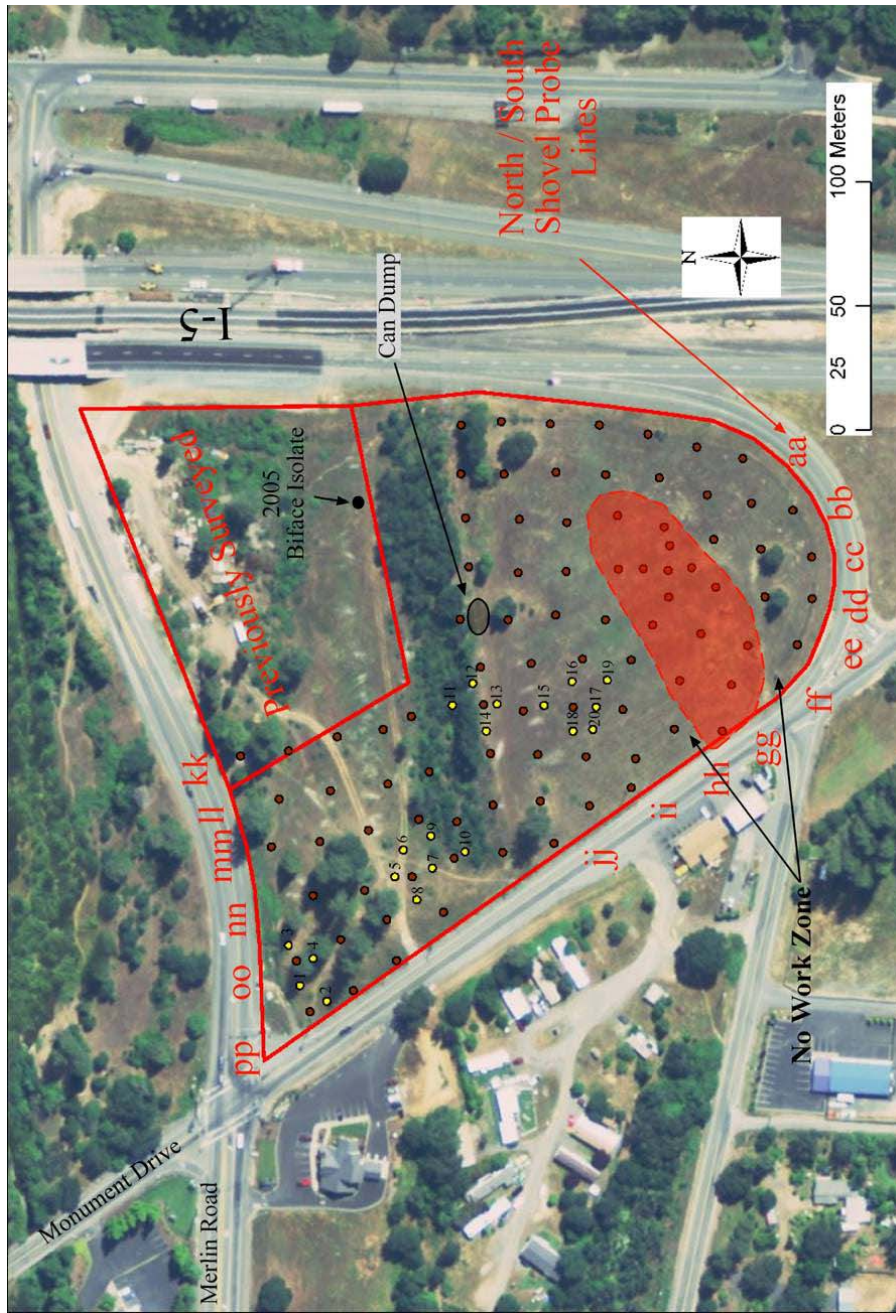


Figure 6. Map illustrating the no work zone in the southwestern extent of the Merlin Interchange disposal area.