

Hugo Neighborhood Association & Historical Society

3388B Merlin Road #195

Grants Pass, Oregon 97526

541-471-8271

Email: hugo@jeffnet.org

Web Page: <http://www.hugoneighborhood.org/>

September 20, 2012 Email/Letter

Chris Bucher, Operations Engineer
Oregon Division - Federal Highway Division (FHWA)
530 Center Street NE, Suite 420
Salem, Oregon 97301
503-316-2555
Email: chris.bucher@dot.gov



Reference: Section 106 Consulting Parties to Provide Their Views Regarding the Findings and Determinations of ODOT for the *I-5: Glendale – Hugo Paving/Sexton Climbing Lane Project* Within 30 days Of Findings and Determinations Made Available to Consulting Parties

Reference: ODOT's I-5 Glendale to Hugo Paving & Sexton Climbing Lane Project History
http://www.hugoneighborhood.org/miscellaneous_research_papers_and_documents.htm

Dear Chris:

As you know on June 15, 2012 the Oregon Department of Transportation (ODOT) invited the Hugo Neighborhood Association & Historical Society (HNA&HS) to participate as a Section 106 Consulting Party on the “I-5: Glendale – Hugo Paving/Sexton Climbing Lane Project” and the HNA&HS accepted. The purpose of the invitation follows.

“ODOT is offering the opportunity for your organization to participate in consultation regarding historic resources pursuant to the Advisory Council on Historic Preservation’s (ACHP) 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act.” . . . “The goal of consultation is to identify historic properties potentially affected by the undertaking, assess effects to historic resources and seek ways to avoid, minimize or mitigate adverse effects on historic properties.”

The ODOT invitation identified the Section 106 Consulting Party participation opportunity as follows.

“Those with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties [36 CFR 800.2(c)(5)]. Consulting parties will be requested to provide their view regarding the findings and determinations of ODOT, and they will be asked to provide their views within the time frames prescribed in the ACHP regulations, usually 30 days.”

We were assured by ODOT that the HNA&HS, as a Section 106 Consulting Party, would receive the findings and determinations when they became available. We received them on September 17, 2012 when Mike Walker was sent an email from Jessica Bochart-Leusch, ODOT Archaeologist. The email included two email attachments dated August 8 & 9, 2012 (Attachments 1 - 2).

Three Section 106 Consulting Party representatives were not identified in Attachment 2 as receiving the August 9, 2012 Section 106 finding of effect document for the I-5: Glendale-Hugo Paving/Sexton Climbing Lane Project.

- John Hayes, Chair, with the Oregon Historic Trails Advisory Council.
- Stafford Hazelett.
- Mike Walker with the Hugo Neighborhood Association & Historical Society.

Mike Walker, Section 106 Consulting Party Representative, received the findings and determinations on September 17, 2012. It is unknown when, or if, John Hayes, Oregon Historic Trails Advisory Council Chair, or Stafford Hazelett received Attachment Two.

The ODOT's findings and determinations were received by Mike Walker approximately 40 days after they were sent to the main Section 106 Consulting Party representatives. Per the ACHP regulations we, as a Section 106 Consulting Party, will be providing our view within a minimum of 30 days of the September 17, 2012 availability of ODOT's findings and determinations. Our view will generally reflect our comments concerning the issues previously provided to you and ODOT.

1. Disagreement on the identification of historic properties in the area of potential effects (APE) per 36 CFR 800.4, Identification of Historic Properties. The issue is that significant historic properties within the APE deserve management acknowledgment and consideration.
2. Disagreement on whether a CE process complies with the National Environmental Policy Act. We feel there is already substantial public controversy on environmental grounds over the identification of historic properties in the APE and that this unusual circumstances should require FHWA, in cooperation with ODOT, to conduct appropriate environmental studies to determine if the CE classification is proper.

In summary, we feel that we have a minimum of 30 days to respond to ODOT's September 17, 2012 availability of the findings and determinations per the ACHP regulations, and we will provide our view within that time frame.

Sincerely,

Mike :)

Mike Walker, Section 106 Consulting Party Representative
Hugo Neighborhood Association & Historical Society
3388B Merlin Rd #195
Grants Pass, Oregon 97526
541-471-8271
Email: hugo@jeffnet.org
Web Site: <http://www.hugoneighborhood.org/>

Mike Walker, Co-Project Leader
Hugo Emigrant Trails Committee
Hugo Neighborhood Association & Historical Society

Email Attachments:

Attachment 1. August 8, 2012 Categorical Exclusion Closeout Document for the I-5: Glendale-Hugo Paving/Sexton Climbing Lane Project. From Jim Collins, Geo/Environmental Manager, ODOT, to Chris Bucher, Federal Highway Administration. The FHA approved August 14, 2012.

Attachment 2A. August 9, 2012 Section 106 Finding of Effect Document for the I-5: Glendale-Hugo Paving/Sexton Climbing Lane Project/Preliminary No Historic Properties Affected Findings. From Rebecca Littau, Geo-Environmental Administrative Staff, ODOT, to Main Section 106 Consulting Party Representatives

Attachment 2B. August 1, 2012 Request For Concurrence; Finding of No Historic Properties Affected; I-5: Glendale-Hugo Paving/Sexton Climbing Lane Project. From James B. Norman, Environmental Planning Unit Manager, ODOT Geo-Environmental Section, to Roger Roper, Deputy State Historic Preservation Officer, State Historic Preservation Office. Ian Johnson, SHPO Official (built environment) concurred August 2, 2012 and another SHPO Official (Archaeology) (signature not legible) concurred **August 6, 2012**. Attachment 2A above was a one page document that included Attachment 2B.

During June 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 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act:

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

The HNAHS and the OHTAC requested consulting party status as did Stafford Hazelett who independently contacted ODOT.

The ODOT didn't receive written correspondence from a representative of the Oregon-California Trails Association to participate as a Section 106 Consulting Party.

Email copies:

Applegate Trail Smith Hill Group
Hugo Neighborhood Association & Historical Society

Jessica Bochart-Leusch, Archaeologist
Oregon Department of Transportation

James Collins, Region 3 Environmental Manager
Oregon Department of Transportation

Milford Wayne Donaldson, Chairman
Advisory Council on Historic Preservation

John M. Fowler, Executive Director
Advisory Council on Historic Preservation

Leslie Fryman, Preservation Officer
Oregon-California Trails Association

Dennis Griffin, State Archeologist
Oregon State Preservation Office

Glenn Harrison, Representative
Oregon Historic Trails Advisory Council

John Hayes, Chair
Oregon Historic Trails Advisory Council

Lee Kreutzer
National Park Service

Boyd Peters
Legacy Lands Project

Henry Pittock, Mapping and Marking Chair
Northwest Chapter, Oregon-California Trails Association

Jim Tompkins, President
Northwest Chapter, Oregon-California Trails Association

Charlene Dwin Vaughn, Assistant Director
Advisory Council on Historical Preservation

Dave Welch, Trail Mapping & Marking
Oregon-California Trails Association