

January 24, 2011

*Via Email and U.S. Mail*

Randy Everett  
Major Projects Oversight Manager  
Federal Highway Administration  
U.S. Department of Transportation  
Washington Division  
Suite 501 Evergreen Plaza  
711 South Capitol Way  
Olympia, WA 98501-1824

Re: *SR 520 I-5 to Medina Draft Section 106 Programmatic Agreement*

Dear Mr. Everett:

Our firm has been retained by the Montlake Community Club to assist in the evaluation of the Section 106 Programmatic Agreement for the SR 520 project. We will be providing detailed comments on the Programmatic Agreement in order to strengthen and enhance mitigation measures for the adverse effects on historic resources in the Montlake community.

In advance of providing detailed comments, there is an important issue concerning the scope of the mitigation that we wish to bring to your attention. In an email from Lynne Sebastian to Jon Decker dated December 29, 2010, Ms. Sebastian states the following:

In addition, the State Historic Preservation Officer and the Advisory Council on Historic Preservation have indicated to FHWA and WSDOT that increased future traffic in the general area that includes the SR 520 corridor is not an issue that should be treated as a Section 106 adverse effect. So there are not any resolution measures in the draft PA addressing this issue.

We strongly disagree with the position that adverse traffic effects on historic resources can be ignored in the Section 106 process. The required mitigation of adverse effects includes any effect that “may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” NHPA implementing regulations, 36 CFR § 800.5. Specific examples

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of adverse effects include: "Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features." 36 CFR § 800.5(2).

In addition to these general statements, ACHP guidance documents specifically refer to increased traffic from highway projects as a potential impact to a historic property's integrity. If an undertaking changes traffic patterns in a manner adverse to historic resources, then this is a specific adverse effect that must be considered. The Cultural Resources Assessment Report has already concluded that increased traffic from the SR 520 undertaking will have adverse effects on historic resources in Montlake. Draft Cultural Resources Assessment and Discipline Report, Oct. 2010, pp. 7-47 thru -49. Therefore, mitigation of the adverse effects of increased traffic must be addressed in the Programmatic Agreement in order to comply with the National Historic Preservation Act.

Given the extent of our comments on the Programmatic Agreement, we would like to meet with FHWA and WSDOT prior to the February 10th deadline for comments in order to discuss the mitigation of adverse effects on Montlake. Please advise me as to possible dates and times for that meeting.

Thank you for considering our comments and we look forward to working with you to develop an appropriate mitigation agreement.

Very truly yours,



Melody B. McCutcheon

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cc: Anita Bowers, President, Montlake Community Club  
Jon H. Decker, Vice-President, Montlake Community Club  
Kerry Ruth, WSDOT  
Karen Gordon, City of Seattle  
Carol Legard, ACHP  
Dr. Allyson Brooks, DAHP  
Matthew Sterner, DAHP  
Lynne Sebastian, SRI Foundation  
Connie Walker Grey, Gray lane Preservation & Planning

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