3.7 CULTURAL RESOURCES

3.7.1 Regulatory Setting

The National Historic Preservation Act of 1966 (NHPA), as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in, or eligible for, the National Register of Historic Places (NRHP). Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on those undertakings, following regulations issued by the ACHP (36 CFR 800).

Archaeological resources are also protected under Oregon Revised Statute 390.235 which requires a permit for excavation and/or exploration of archaeological resources on public lands and under Oregon Administrative Rules 736-051-0080 and 0090 for protection of archaeological resources on public and private lands. In addition to the archaeological protections, Oregon Revised Statute 97.740 was established to protect American Indian graves and sacred objects.

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 USC 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance, as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site, only if:

- There is no prudent and feasible alternative to using that land; and
- The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use; or
- The Administration determines that the use of the property, including any measures to minimize harm committed to by the application will have a de minimis impact as defined in 23 CFR 774.117.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If NRHP-listed or eligible sites are involved, then coordination with the State Historic Preservation Officer or Tribal Historic Preservation Officer is also needed.

The area of potential effect (APE) for cultural resources is the area of concern within the overall project APE. This is specifically the area within the right-of-way for the Preferred Alternative. See Figure PA 3.7-1 for boundaries of the Cultural Resources APE.
Figure PA 3.7-1
Cultural Resources Area of Potential Effect

- **Preferred Alternative**
- **Phase 1**
- **Area of Potential Effect**
- **City Limits**
- **Urban Growth Boundary (UGB)**
3.7.2 Section 106 Finding

The Section 106 Finding for the Newberg Dundee Bypass Project is “No Historic Properties Adversely Affected” for historic properties. SHPO concurred with this finding on February 27, 2012. A Programmatic Agreement (PA) for archaeological resources was executed among FHWA, the State Historic Preservation Office (SHPO) and ODOT to address parcels for which access could not be obtained. The project-level Section 106 Finding and the PA are in Appendix Q. Archaeological field investigations will need to be conducted in areas within the APE where investigations are recommended but where rights-of-entry have been denied. An archaeological treatment plan, as called for in the PA, will guide the actions of cultural resources professionals during future design and construction phases. ODOT shall develop the plan in consultation with SHPO, interested and affected tribes, and other consulting parties.

3.7.3 Affected Environment

The affected environment research included coordination with American Indian tribes interested in the project area. See Chapter 5 for a listing of the tribes and a discussion of the tribal coordination conducted by ODOT. To date, none of the tribes have identified traditional cultural properties (TCP) within the Preferred Alternative area.

3.7.3.1 Project Area Setting and History

The project area is part of the Willamette Valley floor, which is located on a terrace above the Willamette River floodplain. Several streams run through the valley to the Willamette River, including Chehalem Creek, Hess Creek, and Spring Brook Creek. The project area also crosses several smaller drainages. This area was originally forested and had thick underbrush. Now, nearly all undeveloped land is in agricultural use such as field crops and orchards. Archaeological sites are most often found on flat ground near water. Some Willamette Valley sites are located on low mounds.

In 1850, the U.S. Congress passed the Donation Land Claim (DLC) Act to encourage settlement of the Oregon Territory. By the mid-1850s, DLC homesteads covered nearly all of the land in the project area. The following sections provide historical information on Yamhill County and communities in the project area.

Yamhill County

Yamhill County was founded in 1843 as one of the four original Oregon counties. The best evidence for the origin of the name suggests that it was the early name given to the historic Yamhelas Indian Tribe, part of the Kalapuyan family. It was referred to by John Work, Hudson’s Bay Company brigade leader, as Yamhill in 1834. The earliest Euro-Americans to enter the region were fur trappers from the Hudson’s Bay Company (HBC) and the North West Company who entered the area in about 1814. The first settlers were retired French Canadian employees of HBC who settled in clusters around the town site of Champoeg. Many of the American immigrants who came over the Oregon Trail during 1842–1844 settled in the Yamhill region, and about 380 DLCs were patented out of the General Land Office. By the 1860s, nearly all of the tillable farmland in the county had been claimed, purchased, or homesteaded.

Newberg

Ewing Young (c. 1810–1841) is the first Euro-American resident known to have occupied land within the current boundary of Newberg. Young had the first sawmill in Oregon, at Chehalem Creek, which provided work for people in the area and much-needed lumber.
to the Willamette Valley. The developing community was named Newberg in 1869 by Sebastian Brutscher, one of the pioneer DLC farmers in the area. He named the town after his Bavarian hometown of Newburgh.

Timber and agriculture were the primary sources of industry and revenue in early Newberg. Several sawmills were established after Ewing Young's, including one owned by Charles K. Spaulding. Residents used lumber from those operations for construction of many buildings in Yamhill County and homes in Newberg. The most successful business was the Spaulding Pulp and Paper Company, established in 1926, and currently known as SP Newsprint.

Dundee

The Oregonian Railroad Company established Dundee in 1881 as a depot and hotel for narrow-gauge railroad located on the west side of the Willamette Valley. Some of the first settlers in the Dundee area were Jacob and Susannah Shuck. A Shuck daughter, Elizabeth, and her husband Levi Hagey, came to Oregon in 1847. The Hagey family built a house in 1851 near the current intersection of the old Dayton road and the railroad tracks, just east of Oregon 99W. It still stands today and is listed in the NRHP.

Dayton

The town of Dayton was settled in 1848-184925 and was the location of the 1855 treaty negotiations with the Kalapuya and Molala Indians.26 Dayton developed as a center for surrounding farms. It served as a shipping point on the lower Yamhill River for transporting agricultural products to the Portland area.

Early settlers in Dayton include Andrew Smith, who registered his DLC in 1846 and married Sarah Palmer. In early 1850 he sold a portion of his claim to his father-in-law, Joel Palmer (1810–1881), an important Oregon pioneer leader. Palmer served as Superintendent of Indian Affairs for the Oregon Territory between 1853 and 1857; he negotiated nine Indian treaties which helped to ease the tension between the tribes and the new settlers. He was a Dayton area businessman and was speaker of the House of Representatives in 1862 and state senator from 1864 to 1866.

Oregon 99W

The Oregon State Highway Department, organized in 1913, designated State Highway No. 1 (later Pacific Highway, then Oregon 99W) as Oregon’s first state highway. Oregon 99 travels through the downtown of most cities or towns on its 341-mile route. Today, Oregon 99W is the “main street” for Newberg and Dundee, connecting them to the Portland metropolitan area, McMinnville and the Oregon Coast.

3.7.3.2 Archaeological Investigations

An archaeologist conducted a literature review27 to identify if there were any previously recorded archaeological sites in or near the project area. None were found in the project area.

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27 Oregon State Historic Preservation Office (SHPO) archaeological site and project files and the General Land Office (GLO) township plats of survey and land claims at the University of Oregon map library.
area or in the APE. However, the SHPO master site maps note two unrecorded (anecdotal) archaeological sites within the APE, but outside of the project footprint. One site is west of Oregon 99W in Dundee and the other is near the Yamhill River and Dayton.

The lack of recorded archaeological sites and materials could be due to few formal archaeological investigations in the area. SHPO records show eight small archaeological projects conducted within 1 mile of the Preferred Alternative. These include a survey of the Newberg wastewater treatment plant, including a small piece of the project area where it crosses Hess Creek, and a survey of Oregon 219 and its intersections with Wilsonville and Wyoonski Roads in Newberg.

Archaeologists also inspected the General Land Office township plats (from the 1850s and early 1860s) for the project area. These plats provide data on land ownership, land conditions, roads, and structures present at that time. They show several cultivated field areas and some structures. None of the structures appear to remain within the project area. Nearly all of the land in the project area was claimed as part of DLC homesteads.

Archaeological pedestrian surface surveys of the APE conducted in 2006 and 2007 covered locations where direct physical impacts to the ground might be expected. The survey located surface evidence of archaeological artifacts, features, or sites. About 1,006 acres were inspected. For safety reasons, archaeologists did not survey about 20 acres with steep slopes, dense vegetation, or standing or marshy water. In residential areas, visibility was very poor because of buildings, concrete and landscaping.

When archaeologists found cultural materials, the location was closely inspected to determine if the area could be defined as an archaeological site. Criteria included the number and kind of cultural items observed, the setting, and the conditions of observation. Locations with 10 or more artifacts found within a 10-meter diameter area were recorded as sites. In areas where specific landforms create discrete surfaces (such as small benches or hilltops), the presence of 10 or more items on that surface should be sufficient for designation as a site. Finds of cultural materials not classified as sites were recorded and mapped as isolated finds. Archaeologists documented prehistoric and historical materials at least 50 years old. They also prepared an Oregon State Cultural Resource Site Record or Isolate Form for each location. Archaeologists also identified 11 High Potential Areas (HPAs).

ODOT obtained right-of-entry permission to conduct subsurface discovery probing on private properties containing the isolated finds and the HPAs. However, 2 complete HPAs and 2 partial HPAs required future investigation. Right-of-entry permission was granted for 6 of the 16 isolated find locations and 6 of the HPAs or portions of those areas. An archaeologist conducted probes of these areas in late 2007 and early 2008. The probes revealed 1 prehistoric archaeological site (35YA15), 16 isolated find (NEW) locations, and 11 areas considered to have a high potential (HP) of containing cultural materials (9 with a high potential for prehistoric cultural materials and 2 likely to yield historical materials). After investigating one of the HPAs, another archaeological site was recorded (site 35YA21).

In early 2009, archaeologists conducted 16 discovery probes in HPAs on public property, 10 probes on City of Newberg property and 6 on Chehalem Park and Recreation District (CPRD) property. No archaeological materials were observed.

ORS 192.501(11) exempts archaeological findings from disclosure under ORS 192.410 to 192.505, which is the Inspection of Public Records clause of Chapter 192, Records, Public Reports and Meetings.

Protection of information on the location of archaeological sites from the Freedom of Information Act (FOIA) is based on the Archaeological Resources Protection Act of 1979 – Public Law 96-95 Section 9(a).

The Oregon State Historic Preservation Office assigns a trinomial alphanumeric site number that is based on the state’s place in the order of joining the Union (i.e., 35th), the county (e.g., YA for Yamhill), and the sequential order of site discovery within that county (e.g., 35YA21).
ODOT was not granted right-of-entry access for 6 locations to investigate isolated finds where field investigations are recommended. For these locations, FHWA and ODOT consulted with SHPO, the Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Indians, and determined to postpone further attempts to gain access. In addition, there was coordination with the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes and Bands of the Yakama Nation. Any remaining work to be completed is addressed in the PA between FHWA, ODOT, and SHPO. Interested tribes may review the agreement. See Appendix Q for a copy of the PA.

3.7.3.3 Existing Historic Resources

In agreement with SHPO, a historian examined 10 properties in the APE against the criteria for the NRHP. In reference to the four criteria, the NRHP states:

“The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association:

A. that are associated with events that have made significant contribution to the broad patterns of our history; or
B. that are associated with the lives of persons significant in our past; or
C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. that have yielded, or may be likely to yield, information important in prehistory or history.” (National Register Bulletin 15; 2002)

Of the 10 properties examined against these criteria, 2 are NRHP-listed and 8 are NRHP-eligible property locations. The following sections describe these properties. See Figure PA 3.7-2 through Figure PA 3.7-6 for the property locations. Site identifiers for the sites investigated after the Tier 2 DEIS were assigned letters instead of numbers.

**Southern Pacific/Willamette & Pacific Railroad**

The NRHP-eligible Southern Pacific/Willamette & Pacific Railroad is located in Yamhill County and extends from Rex Hill to Dayton (see Figure PA 3.7-2, Site ID 58). The Southern Pacific Company was chartered by the California Legislature on December 2, 1865, for construction of a line from San Francisco to New Orleans. The Willamette & Pacific Railroad (WPRR), located in the project area between Rex Hill and Dayton, is a part of the historic Southern Pacific Railroad known as the Newberg Branch.

**20422 Oregon 99W, Dundee**

This farmstead includes a 160-acre farm operating since 1924, a one-and-one-half-story bungalow with a horizontal board and roman brick facade, and various outbuildings. See Figure PA 3.7-3 (Site ID A).

**21050 Oregon 99W, Dundee**

The property at 21050 Highway 99W includes approximately 5 acres of land, with the residential portion lying on the edge of Hess Creek’s upper terrace. The front elevation of the modest one-and-one-half-story residential building (Tudor Revival with full basement) rests almost immediately adjacent to the highway’s right-of-way line. See Figure PA 3.7-3 (Site ID B).
**Levi Hagey House, 22750 NE Dayton Avenue, Dundee**

This NRHP-listed property is known as the Levi Hagey House and is located at 22750 NE Dayton Avenue in Dundee (see Figure PA 3.7-4, Site ID 43). The property dates from 1851 and consists of a main house and several outbuildings.

**1303 NE River Street, Newberg**

This NRHP-eligible property is located at 1303 NE River Street (see Figure PA 3.7-5, Site ID 34). The property dates from 1905.

**SP Newsprint Company, 1301 NE Wynooski Road, Newberg**

The SP Newsprint Company, 1301 NE Wynooski Road, is located on tax lot R3229 02200 and is bordered by Wynooski Road on the east, 11th Street on the north, River Road on the west, and the Willamette River on the south. This industrial manufacturing facility dates to 1891 and is eligible for NRHP. (See Figure PA 3.7-5, Site ID 30.)

**Chambers Farmstead, 30295 Highway 99, Newberg**

The NRHP-listed Chambers Farmstead is located at 30295 Highway 99W in Newberg (see Figure PA 3.7-6, Site ID 14). This property dates from 1912.

**31190 Veritas Lane, Newberg**

This NRHP-eligible property is located at 31190 Veritas Lane in Newberg. Dating from 1922, the property includes a stucco Craftsman residence and vineyards (see Figure PA 3.7-6, Site ID 12).

**99W Drive-In Theater 3110 Oregon 99W, Newberg**

This is a one-story drive-in theater dating from 1953. The approximately 4.5-acre property, located at 3110 Highway 99W, contains two buildings characterized by common roof form rectangular block building and exterior siding materials; a parking/viewing area; vehicle circulation pattern; roadside marquee; and landscaping. The property also includes a replaced movie screen and an indoor twin-plex theater that is attached to the drive-in theater’s concession/projection building. See Figure PA 3.7-6, (Site ID C).The 99W Drive-In Theater is an NRHP-eligible historic resource.

**Fernwood Grange #770, 216 Springbrook Road, Newberg**

Just south of the Hayes Road and Springbrook Road intersection, on the east side of Springbrook, is a historical meeting building called the Fernwood Grange Hall. The Grange Hall is an NRHP-eligible historic resource that functions as a meeting hall for members of the Grange Chapter 770. The Fernwood Grange Hall is a one-story building with cement fiber siding. It was built from two relocated military Camp Adair buildings after World War II. The property includes 1.23 acres of land, with the 5,400-square-foot utilitarian/military vernacular building facing the road and occupying the western half of the parcel. It is a good example of the late 19th- early 20th-century American Movements period. See Figure PA 3.7-6 (Site ID D).
Figure PA 3.7-2  Affected National Register Historic Built Environment Resources Segment 1: Dayton Interchange

Date: 2/27/2012   Path: P:\GIS\Projects\NewbergDundee\FEIS\Historic\ND_Historic_Segment1.mxd

Site Number 58
Figure PA 3.7-3 Affected National Register Historic Built Environment Resources
Segment 2: Dayton Interchange to Dundee UGB

- Bypass Approved Corridor
- Segment 1 Right-of-Way
- Urban Growth Boundary (UGB)
- Segment 2 Right-of-Way
- City Limits
- Roadway
- Railroad
- Bridges or Overcrossings

Historic Resources
- NRHP Eligible

Site Number
- Site ID A
- Site ID B

Date: 2/27/2012 Path: P:\GIS\Projects\NewbergDundee\FEIS\Historic\ND_Historic_Segment2.mxd

Site ID A

Site ID B
Figure PA 3.7-6 Affected National Register Historic Built Environment Resources
Segment 7: East Newberg to East Newberg Interchange
Segment 8.1: East Newberg Interchange
Segment 8.1A: Rex Hill
Site Number 53 NRHP Eligible
Site Number 35 NRHP Listed
Bypass Approved Corridor
Urban Growth Boundary (UGB)
City Limits
Roadway
Railroad
Historic Resources
Segment 6 Right-of-Way
Segment 7 Right-of-Way
Segment 8.1 Right-of-Way
Segment 8.1A Right-of-Way
Future City of Newberg Road
Bridges or Overcrossings

Site ID 12
Site ID 14
Site ID D
Site ID C
3.7.4 Environmental Consequences

This section discusses direct, indirect, and construction impacts to archaeological and historic resources under the No Build Alternative, the Preferred Alternative, and Phase 1 of the Preferred Alternative (Phase 1).

An “adverse effect” under Section 106 of NHPA can be found when the No Build Alternative or Preferred Alternative may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP, in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.

NEPA defines “effect” as:

- Direct effects caused by the action and [that] occur at the same time and place.
- Indirect effects caused by the action and [that] are later in time or farther removed in distance, but are still reasonably foreseeable….Effects and impacts as used in these regulations are synonymous. (NEPA Sec. 1508.8)

In this impact analysis, there may be an effect or impact on a historic property that is considered direct or indirect under NEPA, but not considered an adverse effect under Section 106 of NHPA.

3.7.4.1 No Build Alternative

There are no direct or indirect impacts from the No Build Alternative on known archaeological or historic resources.

3.7.4.2 Preferred Alternative and Phase 1

This section addresses direct, indirect and construction impacts to archaeological and historical resources for the Preferred Alternative. This section also identifies which historical resources would be affected within Phase 1.

Direct Impacts

Archaeological Resources

In September 2011, archaeologists determined the absence of archaeological sites at isolated finds, HPAs, and portions of HPAs not previously surveyed. These locations include 15 tax lots and 9 privately owned properties. Archaeologists also evaluated the two archaeological sites (35YA15 and 35YA21) within the APE. Both sites are in unurbanized areas and had estimated boundaries. Subsurface test excavations determined their exact boundaries and that the sites are not NRHP-eligible.

Since release of the Tier 2 DEIS, ODOT obtained rights-of-entry for the public and private properties where archaeological investigations were still needed. These investigations were completed in September 2011 for the parcels where ODOT was granted right-of-entry. Additional archaeological investigation, for those parcels for which right of access was not granted, will be completed at a later date, either during or subsequent to Phase 1, as appropriate.

Survey and shovel testing did not reveal any archaeological materials within the APE. Test excavations were conducted at sites 35YA15 and 35YA21 in 2011 to evaluate the sites for NRHP eligibility. These two sites were determined not to be eligible for listing on the NRHP. Since the Tier 2 DEIS initial surveys, 17 isolates were recorded; 13 surface and 4 subsurface isolates. Only 16 of those are within the Preferred Alternative. All 16 were tested and confirmed as isolated finds. Eleven HPAs were investigated. None of the
isolated finds and no cultural materials within the HPAs were determined to be eligible for NRHP recommendation and therefore require no further work.

Geotechnical drilling was conducted in the summer of 2011 to gather information about soil conditions for future bridge and roadway work. None of the borings occurred on recorded archaeological sites.

A PA has been completed to resolve any potential Section 106 adverse findings that may arise due to incomplete survey work. The complete PA is located in Appendix Q.

Historic Resources

Table PA 3.7-1 and Table PA 3.7-2 below list the historic resource and the impact to it under the Preferred Alternative.

Table PA 3.7-1. Section 106 Documents Prepared for the Tier 2 FEIS

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Property Address</th>
<th>DOE</th>
<th>FOE</th>
<th>NRHP Eligibility Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>31190 Veritas Lane, Newberg</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
<tr>
<td>14</td>
<td>Chambers Farmstead, 30295 Hwy 99, Newberg</td>
<td>N/A</td>
<td>X</td>
<td>Listed</td>
</tr>
<tr>
<td>30</td>
<td>SP Newsprint, 1301 Wynooski Road, Newberg</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
<tr>
<td>34</td>
<td>1303 NE River Street, Newberg</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
<tr>
<td>36</td>
<td>1609 Waterfront Drive, Newberg</td>
<td>X</td>
<td></td>
<td>Not Eligible</td>
</tr>
<tr>
<td>43</td>
<td>Hagey House, 22750 Hwy 99, Dayton Avenue, Dundee</td>
<td>N/A</td>
<td>X</td>
<td>Listed</td>
</tr>
<tr>
<td>49</td>
<td>699 SE Parks Drive, Dundee</td>
<td>X</td>
<td></td>
<td>Not Eligible</td>
</tr>
<tr>
<td>55</td>
<td>16602 McDougall Road, Dundee</td>
<td>X</td>
<td></td>
<td>Not Eligible</td>
</tr>
<tr>
<td>58</td>
<td>Southern Pacific/WPRR</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
<tr>
<td>A</td>
<td>20422 Oregon 99W, Dundee</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
<tr>
<td>B</td>
<td>21050 Oregon 99W, Dundee</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
<tr>
<td>C</td>
<td>99W Drive-In Theater, 3110 Oregon 99W, Newberg</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
<tr>
<td>D</td>
<td>Fernwood Grange #770, 216 Springbrook Road, Newberg</td>
<td>X</td>
<td>X</td>
<td>Eligible</td>
</tr>
</tbody>
</table>

Source: Newberg Dundee Bypass Tier 2 Final Historic Built Environment Resources Technical Memorandum, ODOT 2012.

Notes:
N/A = DOE not prepared because the property is already listed on the National Register of Historic Places.
DOE = Determination of Eligibility
FOE = Finding of Effect

Of the eight NRHP-eligible properties and two NRHP-listed properties in the APE, five will be impacted by the Preferred Alternative due to its proximity to the historic resources, three will not be impacted: 31190 Veritas Lane (#12), Newberg; 20422 Oregon 99W, Dundee; and 21050 Oregon 99W, Dundee. Impacts can include right-of-way acquisition, noise, and/or visual effects. Table PA 3.7-2 lists the impacts for each of the above-listed properties. A more detailed explanation of the impacts for each of the impacted properties follows the table. (See Figure PA 3.7-2 through Figure PA 3.7-6.)
### Table PA 3.7-2. Preferred Alternative: Effects to Eligible or NHRP-Listed Resources

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Property Owner and Address</th>
<th>Level of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Chambers Farmstead 30295 Oregon 99W Newberg</td>
<td>No historic properties adversely affected. Preferred Alternative will move highway noise and traffic away from property. No right-of-way acquisition.</td>
</tr>
<tr>
<td>30a</td>
<td>SP Newsprint Company 1301 NE Wynooski Road Newberg</td>
<td>No historic properties adversely affected. Approximately 0.97 acre property acquisition from the NRHP-eligible property. Attributes of acreage to be acquired include portions of a driveway, landscaping and fencing. Temporary occupancy.</td>
</tr>
<tr>
<td>34a</td>
<td>1303 NE River Street Newberg</td>
<td>No historic properties adversely affected. Some visual effects. No right-of-way acquisition.</td>
</tr>
<tr>
<td>43</td>
<td>Levi Hagey House 22750 NE Dayton Ave Dundee</td>
<td>No historic properties adversely affected. Some visual and noise effects. No right-of-way acquisition.</td>
</tr>
<tr>
<td>58a</td>
<td>Southern Pacific/ WPRR in Yamhill County</td>
<td>No historic properties adversely affected. New structures cross over the railroad, but no railroad property is required. An at-grade crossing is relocated. No right-of-way acquisition. Temporary occupancy.</td>
</tr>
<tr>
<td>A</td>
<td>20422 Oregon 99W Dundee (Leppin Farmstead)</td>
<td>No historic properties adversely affected. No right-of-way acquisition.</td>
</tr>
<tr>
<td>B</td>
<td>21050 Oregon 99W Dundee</td>
<td>No historic properties adversely affected. No right-of-way acquisition.</td>
</tr>
<tr>
<td>C</td>
<td>99W Drive-In Theater 3110 Oregon 99W Newberg</td>
<td>No historic properties adversely affected. Some visual effects. No right-of-way acquisition.</td>
</tr>
<tr>
<td>D</td>
<td>Fernwood Grange #770 216 Springbrook Road Newberg</td>
<td>No historic properties adversely affected. Some noise effects. No right-of-way acquisition.</td>
</tr>
</tbody>
</table>

Source: Newberg Dundee Bypass Tier 2 Final Historic Built Environment Resources Technical Memorandum, ODOT 2012.

Resources affected under Phase 1 of the Preferred Alternative.

**Southern Pacific/Willamette & Pacific Railroad**

The **Preferred Alternative** will directly impact the NRHP-eligible Southern Pacific/ WPRR (see Figure PA 3.7-2, Site ID 58). While the Preferred Alternative will result in seven new elevated roadway crossings that will span the railroad right-of-way, and the relocation of one at-grade crossing in Segment 4, this will not adversely impact the railroad (the relocation of the at-grade crossing will occur subsequent to Phase 1). The construction of the roadway overcrossings, removal of the interim roadway overcrossing and relocation...
of the at-grade crossing will require ODOT to temporarily occupy parts of the railroad right-of-way for related construction activities (see Appendix A for the associated temporary occupancy letter). Six of the overcrossings will be permanent and one will be interim. The permanent overcrossings will consist of two parallel and adjacent spans. During Phase 1, only one span at one of the permanent overcrossings will be constructed (i.e., just east of College Street). All other permanent structures over the railroad will be constructed subsequent to Phase 1. The interim overcrossing will be a single interim structure constructed during Phase 1, just south of Dundee, which will be removed when the Bypass is extended to Dayton/Oregon 18. The characteristics or qualities that make the railroad NRHP-eligible will not be affected.

Levi Hagey House

Under the Preferred Alternative there is a finding of No Historic Properties Adversely Affected for the Hagey House (see Figure PA 3.7-4, Site ID 43). The Bypass will introduce two large overpasses on land adjacent to the north and east sides of the property, and there will be some removal of trees on adjacent parcels. However, the house and outbuildings will not be altered or destroyed, and the NRHP character-defining features will not be affected. The setting will not be substantially altered because stationary viewers will still experience the agricultural setting. Mobile viewers will rarely view the site because of existing landscaping.

SP Newsprint Company

The direct impact of the Preferred Alternative to the SP Newsprint property (see Figure PA 3.7-5, Site ID 30) will be a right-of-way acquisition of 0.97 acre at the northeast corner of the historic mill parcel. This acquisition will occur during Phase 1 and will include a portion of the main driveway to the mill from Wynooski Road, landscaping, and miscellaneous site improvements. Impacts to other tax lots along the south side of 11th Street, owned by SP Newsprint, are not considered part of the historic mill site and are therefore not considered to be contributing to the historic nature of the site. A portion of the berm and fence that separates the site from 11th Street will also be removed during Phase 1. A reconfigured driveway into the mill will be part of Phase 1 of the Preferred Alternative. During Phase 1, ODOT will temporarily occupy 0.27 acre of the historic property for a temporary detour of Wynooski Road (see Appendix A for the associated temporary occupancy letter).

The Preferred Alternative, including Phase 1, will not affect any of the characteristics that make the historic mill site NRHP-eligible. All of the right-of-way needs will be located on what is currently an open storage area. Therefore, there is a finding of No Historic Properties Adversely Affected for this NRHP-eligible resource.

1303 NE River Street

The Preferred Alternative will introduce two parallel and adjacent bridge structures to the viewshed of this historic property (see Figure PA 3.7-5, Site ID 34). One of those structures will be constructed under Phase 1. The presence of the structures will not, however, substantially alter the immediate setting of the historic property. There is a finding of No Historic Properties Adversely Affected for this NRHP-eligible resource.

Chambers Farmstead

There will be no right-of-way acquisitions for the Preferred Alternative (see Figure PA 3.7-6, Site ID 14). There could be slight visual impacts, but the Preferred Alternative will also provide benefits by reducing traffic near the farm and also resulting in improved air quality and reduced noise impacts from vehicles. There is a finding of No Historic Properties Adversely Affected for this NRHP-eligible resource.
**20422 Oregon 99W, Dundee (Leppin Property)**

The Preferred Alternative will not impact this eligible historic resource (see Figure PA 3.7-3, Site ID A). There is a finding of No Historic Properties Adversely Affected for this NRHP-eligible resource.

**21050 Oregon 99W, Dundee**

The Preferred Alternative will not impact this eligible historic resource (see Figure PA 3.7-3, Site ID B). There is a finding of No Historic Properties Adversely Affected for this NRHP-eligible resource.

**99W Drive-In Theater 3110 Oregon 99W, Newberg**

There will be no right-of-way impacts to the resource as a result of the Preferred Alternative, but there will be road lighting interference with the movie screen resulting from road improvements to Springbrook Road (see Figure PA 3.7-6, Site ID C). Lighting impacts will be mitigated with the use of directional lighting on Springbrook Road. Improvements to Springbrook Road will be constructed as part of Phase 1.

**Fernwood Grange #770, 216 Springbrook Road, Newberg**

Improvements to Springbrook Road under the Preferred Alternative, which will be constructed during Phase 1, will not require the acquisition of any portion of the Grange Hall’s property. There will be noise effects to the resource. There will be exterior noise impacts for the Activity Category C use (greater than 65 dBA) at the front of the Grange Hall property. However, the sound levels predicted for the outdoor use area located behind the meeting hall are below the Noise Abatement Approach Criteria (NAAC). There is also a noise impact predicted for the interior meeting hall. Phase 1 sound levels predicted for the exterior receivers are 66 dBA in the front yard and 61 dBA in the side yard. Interior sound levels are calculated from exterior impacts by subtracting 10 dBA from exterior representative receivers to represent open-window conditions. Thus, the 66 dBA exterior sound level equates to a 56 dBA interior sound level, and is therefore considered a noise impact because it exceeds the 50 dBA NAAC for Activity Category D land uses (See Figure PA 3.7-6, Site ID D). See section 3.10, Noise and Vibration, for additional detail on noise impacts. SHPO has concurred with a finding of No Historic Properties Adversely Affected for this NRHP-eligible resource.

**Indirect Impacts**

There will be no adverse indirect impacts from the Preferred Alternative to any archaeological or historic resources in the APE.

**Construction Impacts**

**Archaeological Resources**

No construction impacts are anticipated to archaeological resources from the Preferred Alternative, including Phase 1.

- If unevaluated artifacts are discovered during construction, all earth-moving activity within and around the immediate discovery area will cease and the area will be protected until a qualified archaeologist can assess the nature and significance of the find.
- If human remains are discovered, all earth-moving activity related to the project will cease immediately. The immediate area surrounding the find must be protected, and the state police and regional archaeologist must be contacted.
Historic Resources

The Preferred Alternative, including Phase 1, will cause temporary construction impacts, including:

- Dust from excavating and placing fills
- Moving earth and rock on site
- Increased use of local and arterial roads by construction equipment and truck traffic, resulting in traffic delays
- Temporary traffic rerouting and road and access closures
- Noise from heavy equipment
- Blasting noise and dust
- Night lighting for construction

Investigative geotechnical drilling may occur on resources prior to construction.

Avoidance and Minimization Measures

Impact avoidance and minimization of impacts to historic resources took place during development of the Preferred Alternative and Phase 1. ODOT made changes to the Bypass alignment as a result of public input during Context Sensitive and Sustainable Solutions (CS$^3$) project workshops and open houses. ODOT's changes avoided and/or minimized impacts to historic resources, including:

- Avoided impacts to the Chambers Farmstead (NRHP-listed) property by moving the East Newberg interchange to the east.
- withdrew the Tier 2 DEIS Local Circulation Option B for Design Option 4.1 because preliminary coordination with SHPO indicated that they would only concur in a finding of adverse effect for impacts to the NRHP-listed Levi Hagey farm site associated with that local circulation option.

3.7.4.3 Section 4(f) De Minimis Determination

FHWA made one Section 4(f) de minimis finding for the Preferred Alternative’s proposed property acquisition associated with the historic property, SP Newsprint Company, 1301 NE Wynooski Road, Newberg (Site ID 30). Figure PA 3.7-7 shows the Section 106 boundary of this historic property, the NRHP-eligible and contributing structures, buildings that do not contribute to NRHP eligibility of the historic resource, and the right-of-way acquisition which results in the Section 4(f) de minimis finding.

The primary impact to this property for the Preferred Alternative is a right-of-way acquisition of approximately 1 acre at the northeast corner of the site. On February 23, 2010, Oregon SHPO concurred with the Section 106 determination of “No Historic Property Affected” for the SP Newsprint property. The documentation submitted for the SP Newsprint also informed SHPO of FHWA’s intent to make a de minimis finding based on the SHPO written concurrence of the Section 106 determination. Appendix A contains a more detailed discussion of the de minimis finding.

3.7.5 Cumulative Impacts for the Preferred Alternative

The cultural resources cumulative impact analysis for the Preferred Alternative begins with 1973: 7 years after signing of the Historic Preservation Act (1966) and the initiation of Oregon’s Statewide Planning Program. The analysis is limited to existing surveys and historic information available at the Yamhill County Museum, the SHPO, and other local
resources. There is limited knowledge of the archaeological resources in the area and the historic resources constructed before 1940. There are no available studies of trends or recommendations for maintaining the cultural resource base in the project area. However, a major trend identified during the Preferred Alternative’s 2006 historic resources survey was a decline in the number and integrity of the historic resources in the project area. Contributing factors likely include:

- Major population growth from 1970 to the present, particularly in Newberg, created a high demand for housing in the older neighborhoods and on farmland around Newberg and Dundee. This resulted in new development adjacent to historic sections of town and the subdivision of historic farms, and it diminished the integrity of the original setting of historic neighborhoods and farmlands.

- Increased pressure for redevelopment, infill, and subdivisions in the older neighborhoods and on rural farm sites caused alterations to historic buildings and their uses. In some cases, this resulted in the loss of the integrity of design, materials, or setting for historic neighborhoods and rural farm sites.

- Growth in the Yamhill County wine industry since the 1980s led to changes in farmland use and created pressure to redevelop rural farm sites (e.g., converting filbert and walnut orchards and farms to vineyards and wineries) and to convert the use of farmhouses and residences along Oregon 99W to commercial properties.

Increased traffic and congestion from through traffic along Oregon 99W has diminished the setting of the historic properties located along the route. It has also increased the pressure to change the use of buildings from residential to commercial and has led to commercial development outside of the historic downtown. This same pressure for development could impact archaeological resources that are unrecorded in the project area.

The Preferred Alternative and future projects could result in the need for further excavation and evaluation of archaeological sites and materials.

The Preferred Alternative in combination with the projects reviewed for cumulative impacts will be unlikely to impact most cultural resources. The Preferred Alternative will avoid most of the areas with notable concentrations of cultural resources. The interchange area management plans (IAMPs) are designed to minimize development pressure that would change the landscape and use of any historic lands adjacent to the proposed interchanges. Design features, such as landscaping to screen views of the Preferred Alternative, would protect historic properties. Cumulative impacts for Phase 1 are the same as those described for the Preferred Alternative.
Figure PA 3.7-7 Finding of Effect - SP Newsprint
Segment 5: West Newberg to Oregon 219 Interchange

- Section 106 Boundary
- Taxlot
- Railroad
- City Limits
- Eligible/Contributing Building/Structure
- Non-Contributing Building/Structure

Date: 2/27/2012 Path: P:\GIS\Projects\NewbergDundee\FEIS\Historic\ND_Historic_Newsprint.mxd
3.7.6 Mitigation

This section identifies the final mitigation measures that will be used for the Preferred Alternative. Mitigation measures for resources affected by construction of Phase 1 will be implemented in full during Phase 1.

3.7.6.1 Archaeology Resources

The PA detailing the requirements for future work is included in Appendix Q. No previously recorded resources are on the un-surveyed parcels.

3.7.6.2 Historic Resources

SHPO concurred with the finding of No Historic Properties Adversely Affected for the SP Newsprint site (Site ID 30). No mitigation measures are required for that resource. Mitigation measures for the Preferred Alternative include:

- Use landscaping to screen the Preferred Alternative structure from the view of the Hagey House on the Levi Hagey farm site. This is a condition by SHPO for the finding of No Historic Properties Adversely Affected for this property.
- Use directional lighting on Springbrook Road to avoid impacts to the 99W Drive-In Theater.

Noise mitigation for the Grange Hall was given special consideration because it is a listed historical resource. A barrier would not be feasible due to direct driveway access. Prior to construction, ODOT, in cooperation with the Grange and SHPO, will conduct more detailed noise monitoring (interior) and noise modeling to determine if there will be a noise impact to the resource and, if there is, then will work together to determine the appropriate abatement measures. These measures would be consistent with ACHP guidelines, and could include insulation, insulating windows, and air conditioning. Based on the conditions related to the mitigation of interior noise impacts, ODOT, FHWA, and SHPO have concurred that the Preferred Alternative (including Phase 1) will not have an adverse effect on the resource.
3.7.7 Tier 2 DEIS Build Alternative

The following is an exact copy of the Tier 2 DEIS Build Alternative section for cultural resources. In-text references cite information in the Tier 2 DEIS.

The Tier 2 DEIS Build Alternative, which includes all of the design and local circulation options no longer under consideration, is included here as a comparison to the Tier 2 FEIS Preferred Alternative and for informational purposes only.

Copies of the complete Tier 2 DEIS are available from:

Kelly Amador, Senior Project Leader, Region 2
Oregon Department of Transportation
Mid-Willamette Valley Area
885 Airport Road SE, Building P
Salem, OR 97301-4788
kelly.l.amador@odot.state.or.us

3.7.2.2 Build Alternative

Direct Impacts

Archaeological Resources

Archaeologists have recorded 16 isolated finds in the APE. Eleven identified HPAs are distributed along the APE. Discovery probes excavated at six of the isolated finds, three HPAs, and portions of three other HPAs did not identify any archaeological sites. Therefore, no further investigation in these areas is needed because archaeologists recommend that these areas are not historic resources and are not NRHP-eligible.

At this time, none of the tribes have identified traditional cultural properties (TCPs) during consultation.

Historic Resources

A historian conducted analysis for nine properties and prepared Section 106 forms; Determination of Eligibility (DOEs) and Finding of Effect (FOEs) (see Table 3.7-1 for these properties). The Section 106 Finding for the Build Alternative is “No Historic Properties Adversely Affected.” For a complete list of all the properties surveyed, see the Newberg Dundee Bypass Tier 2 DEIS Technical Memorandum: Historic Built Environment Resources.

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Property Address</th>
<th>DOE</th>
<th>FOE</th>
<th>NRHP Eligibility Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>31190 Veritas Lane, Newberg</td>
<td>DOE</td>
<td>FOE</td>
<td>Eligible</td>
</tr>
<tr>
<td>14</td>
<td>Chambers Farmstead 30295 Hwy 99, Newberg</td>
<td>N/A*</td>
<td>FOE</td>
<td>Listed</td>
</tr>
<tr>
<td>30</td>
<td>SP Newsprint 1301 Wynooski Newberg</td>
<td>DOE</td>
<td>FOE</td>
<td>Eligible</td>
</tr>
<tr>
<td>34</td>
<td>1303 NE River Street, Newberg</td>
<td>DOE</td>
<td>FOE</td>
<td>Eligible</td>
</tr>
<tr>
<td>36</td>
<td>1609 Waterfront Drive, Newberg</td>
<td>DOE</td>
<td></td>
<td>Not Eligible</td>
</tr>
<tr>
<td>43</td>
<td>Hagey House, 22750 Hwy 99, Dayton Ave, Dundee</td>
<td>N/A</td>
<td>FOE</td>
<td>Listed</td>
</tr>
<tr>
<td>49</td>
<td>699 SE Parks Drive, Dundee</td>
<td>DOE</td>
<td></td>
<td>Not Eligible</td>
</tr>
<tr>
<td>55</td>
<td>16602 McDougall Road, Dundee</td>
<td>DOE</td>
<td></td>
<td>Not Eligible</td>
</tr>
</tbody>
</table>
Table 3.7-1. Section 106 Documents Prepared for The Tier 2 DEIS

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Property Address</th>
<th>DOE</th>
<th>FOE</th>
<th>NRHP Eligibility Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>Southern Pacific/WPRR</td>
<td>DOE</td>
<td>FOE</td>
<td>Eligible</td>
</tr>
</tbody>
</table>

N/A = DOE not prepared because the property is already listed on the National Register of Historic Places.

Of the four NRHP-eligible properties and two NRHP-listed properties in the APE, five are impacted by the Build Alternative due to its proximity to the historic resources: 31190 Veritas Lane (#12) is not impacted by the project. Impacts can include right-of-way acquisition, noise, and/or visual effects. Table 3.7-2 lists the impacts for each of the five impacted properties. A more detailed explanation of the impacts for each of the five impacted properties follows the table. (See Figure 3.7-2 through Figure 3.7-5.)

Table 3.7-2. Build Alternative: Effects to Eligible or NHRP listed Resources

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Property Owner and Address</th>
<th>Level of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Chambers Farmstead</td>
<td>No Historic Properties Adversely Affected.</td>
</tr>
<tr>
<td></td>
<td>30295 Oregon 99W, Newberg</td>
<td>Preferred Alternative would move highway noise and traffic away from property.</td>
</tr>
<tr>
<td></td>
<td>30 SP Newsprint Company</td>
<td>No Historic Properties Adversely Affected.</td>
</tr>
<tr>
<td></td>
<td>1301 NE Wynooski Rd., Newberg</td>
<td>Approximately 0.97 acre property acquisition from the NRHP-eligible property.</td>
</tr>
<tr>
<td></td>
<td>34 1303 NE River Street</td>
<td>No Historic Properties Adversely Affected.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Some visual effects.</td>
</tr>
<tr>
<td></td>
<td>43 Levi Hagey House</td>
<td>No Historic Properties Adversely Affected.</td>
</tr>
<tr>
<td></td>
<td>22750 NE Dayton Ave., Dundee</td>
<td>Some visual and noise effects.</td>
</tr>
<tr>
<td></td>
<td>58 Southern Pacific/ WPRR in Yamhill County</td>
<td>No Historic Properties Adversely Affected.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New structures cross over the railroad, but no railroad property is required. An at-grade crossing is relocated.</td>
</tr>
</tbody>
</table>

Source: Newberg Dundee Bypass Historic Resources Technical Memorandum, ODOT 2011; National Register of Historic Places; State Historic Preservation Office.

Southern Pacific/Willamette & Pacific Railroad

The Build Alternative would directly impact the NRHP-eligible Southern Pacific/Willamette & Pacific Railroad (see Figure 3.7-2, Site ID 58). While the Build Alternative would relocate one at-grade crossing in Segment 4, this would not adversely impact the
The characteristics or qualities that make the railroad NRHP-eligible would not be affected.

**Levi Hagey House**

Under the Build Alternative there is a finding of “No Historic Properties Adversely Affected” for the Hagey House (see Figure 3.7-3, Site ID 43). The Bypass would introduce two large overpasses on land adjacent to the north and east sides of the property, and there would be some removal of trees on adjacent parcels. However, the house and outbuildings will not be altered or destroyed, and the NRHP character-defining features would not be affected. The setting will not be substantially altered because stationary viewers will still experience a high response to the agricultural setting. Mobile viewers will rarely view the site because of existing landscaping.

**SP Newsprint Company**

The direct impact to the SP Newsprint property (see Figure 3.7-4, Site ID 30) would be a right-of-way acquisition of 0.97 acre at the northeast corner of the historic mill parcel. This acquisition will include a portion of the main driveway to the mill from Wynooski Road, landscaping, and miscellaneous site improvements. Impacts to other tax lots along the south side of 11th Street, owned by SP Newsprint, are not considered part of the historic mill site. A portion of the berm and fence that separates the site from 11th Street will also be removed. A reconfigured driveway into the mill will be part of the Build Alternative.

The Build Alternative, and specifically the Bypass, would not affect any of the characteristics that make the historic mill site NRHP-eligible. All of the right-of-way needs would be located on what is currently an open storage area. Therefore, there is a finding of “No Historic Properties Adversely Affected” for this NRHP-eligible resource.

**1303 NE River Street**

The Build Alternative will introduce a bridge structure to the viewshed of this historic (see Figure 3.7-4, Site ID 34). The presence of the Build Alternative will not, however, substantially affect the immediate setting of the historic property. There is a finding of “No Historic Properties Adversely Affected” for this NRHP-eligible resource.

**Chambers Farmstead**

There would be no right-of-way acquisitions for the Build Alternative (see Figure 3.7-5, Site ID 14). There could be slight visual impacts, but the Build Alternative will also provide benefits by reducing traffic near the farm and the resulting air quality and noise impacts from vehicles. There is a finding of “No Historic Properties Adversely Affected” for this NRHP-eligible resource.

**Indirect Impacts**

There will be no adverse indirect impacts to any archaeological or historic resources in the APE.