

**First Amendment to the
Programmatic Agreement**

among

Federal Highway Administration

U.S. Army Corps of Engineers, Seattle District

National Oceanic and Atmospheric Administration

Washington State Historic Preservation Officer

Washington State Department of Transportation

and

The Advisory Council on Historic Preservation

Implementing

Section 106 of the National Historic Preservation Act

for the

SR 520, I-5 to Medina: Bridge Replacement and HOV Project

WHEREAS, The Federal Highway Administration (FHWA), the U.S. Army Corps of Engineers, Seattle District (USACE), the National Oceanic and Atmospheric Administration (NOAA), the Washington State Historic Preservation Officer (directing the Washington State Department of Archaeology and Historic Preservation, referred to as DAHP), the Washington State Department of Transportation (WSDOT) and the Advisory Council on Historic Preservation (ACHP) entered into a Programmatic Agreement resolving adverse effects to historic properties for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project (hereinafter “the Project”) on June 11, 2011; and

WHEREAS, the FHWA has determined that the project is a federal undertaking subject to review under Section 106 of the National Historic Preservation Act, 16 U.S.C. §470 , and its implementing regulations at 36 CFR 800; and

WHEREAS, the Programmatic Agreement included stipulations **II. F, V.A.3.**, and **VII. E. 3.**, specifying the application of “noise-absorptive” or “sound-absorptive” materials to 4-foot traffic barriers on new structures constructed as part of the project; and

WHEREAS, WSDOT completed safety and crash testing studies of the noise-absorptive material and determined that application of the treatment presents a safety hazard to pedestrians and the traveling public; and

WHEREAS, WSDOT continues to evaluate design features to reduce noise generated from operation of the corridor constructed as part of the Project, and has incorporated additional features including modified, quieter expansion joint technology into the design of the West Approach Bridge North structure; and

WHEREAS, In accordance with **Stipulation VII. A. 3.**, WSDOT has prepared a treatment plan for archaeological properties (Archaeological Treatment Plan); and

WHEREAS, the Archaeological Treatment Plan for the project is intended to be a flexible document to treat project elements such as aquatic and wetland mitigation sites that are not yet fully designed; and

WHEREAS, the Stillaguamish Tribe of Indians has requested to be consulted and will be consulted on an ongoing basis on this undertaking; and

WHEREAS, archaeological investigations have identified an NRHP-eligible historic property, archaeological site 45-KI-1208 within the project's Area of Potential Effects; and

WHEREAS, WSDOT, on behalf of FHWA, has consulted with recognized tribes and other appropriate consulting parties and determined that the project will have no adverse effect to site 45-KI-1208 and SHPO has concurred with this determination and;

WHEREAS, in accordance with **Stipulation XI.**, "Amendment and Termination" of the Programmatic Agreement, WSDOT, on behalf of FHWA, has consulted with signatories and sought input from concurring parties to the Programmatic Agreement on appropriate amendment of this agreement; and

NOW, Therefore, FHWA, WSDOT, DAHP, NOAA, USACE and ACHP (collectively, the "Signatories") agree that the sections of the PA shall be amended as follows:

STIPULATIONS

FHWA shall ensure that the following stipulations are carried out:

- I. Amendments to the Project's Programmatic Agreement:
 - A. **Stipulation II. F** shall be deleted.
 - B. **Stipulation V. A. 3.** shall be deleted.
 - C. **Stipulation VII. E. 3** shall be amended to replace the line:

"WSDOT will use noise-absorptive materials along the 4-foot barriers where planned within the corridor, and through the design process will evaluate and implement feasible options for noise-absorptive materials at the portals to lids and along bridge expansion joints."

The replacement line will read as follows:

“WSDOT, through the design process, will evaluate and implement feasible options for noise-reducing technologies where possible, including at the portals to lids and along bridge expansion joints”

D. **Stipulation VII. A. 4.** shall be amended to add the line:

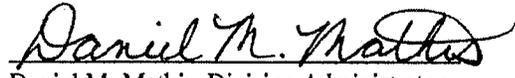
“WSDOT will consult with DAHP, Affected Tribes and appropriate concurring parties on modifications to the archaeological treatment approach in response to project design changes. Such modifications will not require amendment of the Programmatic Agreement”.

Following the line:

“The treatment plan shall be completed prior to commencement of major construction activities with the potential to affect unidentified historic properties”.

Federal Highway Administration

Date

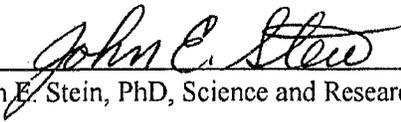

Daniel M. Mathis, Division Administrator

09/10/2015

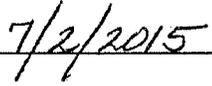
**SR 520, I-5 to Medina: Bridge Replacement and HOV Project
First Amendment to Section 106 Programmatic Agreement**

**National Oceanic and Atmospheric Administration,
Northwest Fisheries Science Center**

Date



John E. Stein, PhD, Science and Research Director



7/2/2015

Washington State Historic Preservation Officer

Date

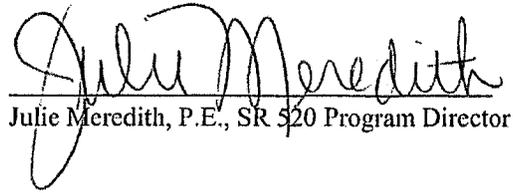


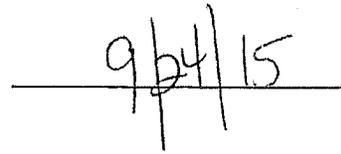
Allyson Brooks, Ph.D.

9/3/15

Washington State Department of Transportation

Date

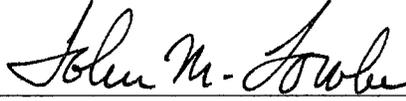

Julie Meredith, P.E., SR 520 Program Director


9/24/15

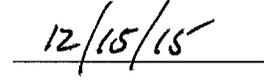
SIGNATORIES:

Advisory Council on Historic Preservation

Date

A handwritten signature in cursive script that reads "John M. Fowler". The signature is written in black ink and is positioned above a horizontal line.

John M. Fowler, Executive Director

A handwritten date "12/15/15" in black ink, positioned above a horizontal line.