

**NOTICE OF RECORD OF DECISION
WESTPARK MASTER PLAN**

The City of Bremerton Department of Community Development, acting under its authority as Responsible Entity (RE) for conducting environmental review for the US Department of Housing and Urban Development (HUD), hereby provides notice of its Record of Decision (ROD) for the Westpark Master Plan Environmental Impact Statement (EIS). The Master Plan would redevelop the Westpark site as a modern mixed-use, mixed-income community with 759 housing units in a variety of types, commercial uses, and parks and open space. The ROD documents the City's consideration and conclusions with respect to environmental impacts and mitigation measures for various elements of the environment, as required by the National Environmental policy Act (NEPA). The ROD does not constitute approval of development of the proposal.

Copies of the ROD are available upon request from the Bremerton Community Development Department, 345 6th Street, Suite 600, Bremerton WA 98337.

July 13, 2007

Andrea Spencer, Director
City of Bremerton Department of Community Development

Record of Decision

Westpark Redevelopment Master Plan Environmental Impact Statement

1.0 Background

The City of Bremerton Department of Community Development, acting under authority of Section 104(g) of the Housing and Community Development Act of 1974 (43 U.S.C. 5304(g)) and HUD regulations at 24 CFR part 58, and in cooperation with other interested agencies, has prepared Draft and Final Environmental Impact Statements (EIS) to analyze potential impacts of redevelopment of the Westpark public housing community (Westpark Redevelopment Proposed Master Plan).

The EIS is a joint National Environmental Policy Act (NEPA) and Washington State Environmental Policy Act (SEPA) document intended to satisfy requirements of federal and state statutes. The U.S. Department of Housing and Urban Development (HUD) has delegated assumption of its NEPA authority and NEPA lead agency responsibilities to the City of Bremerton as the Responsible Entity in cooperation with the Recipient, Housing Authority of the City of Bremerton (BHA), as the lead SEPA agency.

The Westpark public housing development was originally constructed in the early 1940's to provide temporary homes for defense workers and their families during World War II. The 82-acre site is located in West Bremerton, and is bounded by Kitsap Way on the north, Oyster bay Road on the east, and State Route 3 on the west. There are currently 571 public housing units on the site, a community center and other community facilities. The existing site is physically isolated and physically deteriorated, and in 2003 it was designated as "blighted" by the City of Bremerton for purposes of community renewal efforts pursuant to the state Community Renewal Law (Chapter 35.81 Revised Code of Washington).

The proposed Westpark Master Plan, contained in Attachment A, would redevelop the 82-acre site to create a mixed-use, mixed-income pedestrian oriented urban community containing housing, parks and open space, retail and commercial uses, community facilities, and new infrastructure. All existing single family (duplex and four-plex) low income housing units would be demolished and replaced on-site or off-site.

The Westpark Master Plan would provide 759 units of rental and for sale housing in a variety of detached and attached forms to meet a range of needs. Types of units would include market rate condominiums and apartments, townhouses, row houses, duplexes, cluster cottages and single family units.

Non-residential development would include approximately 50,000 square feet of commercial and retail uses in a 5-acre Village Center designed to provide everyday services to residents of Westpark and adjacent neighborhoods. An additional 10,000 square feet of retail or commercial uses could be included in mixed use buildings. Current plans call for the existing community center to be retained and renovated.

Parks and open space would comprise approximately 28 acres (34 percent) of the site, and would include a large community park (approximately 12 acres), two smaller neighborhood parks, urban open spaces and natural areas. Almost 11 miles (57,000 linear feet) of pedestrian trails and paths would be constructed to connect neighborhoods. Additional landscaping would be provided along streets, along site boundaries and adjacent to the Village Center enhance the pedestrian environment, to provide screening and to create land use transitions.

All existing streets would be vacated and replatted. New streets -- Baer Boulevard, neighborhood streets and "green streets" -- would be 25 to 36 feet wide (depending on type), lined with trees and include sidewalks. On-street parking would be provided on all streets. Alleys would provide access to garages for some types of units.

All existing utilities would be replaced. The conceptual stormwater management system includes detention and water quality treatment (using biofiltration swales). As a separate and independent project, the BHA and City are evaluating design and maintenance issues and options in regard to the existing City-owned stormwater outfall in Oyster Bay. The City and BHA have executed a Memorandum of Agreement setting forth roles and responsibilities in regard to evaluation and design studies of the outfall. Based on the conclusions of engineering studies, the City will determine what upgrades, if any, are appropriate for the outfall. See the additional discussion in Section 7.2.

Redevelopment of Westpark would occur in four phases over an approximate three year period beginning in approximately beginning 2007 or 2008. Demolition and construction would occur in phase with relocation of existing tenants; a relocation plan is currently being developed. All existing residents would receive benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisition Properties Act. Existing residents in good standing will be provided an opportunity to return to the redeveloped community.

2.0 Decision

The City of Bremerton finds by this environmental Record of Decision, after considering the effects of the proposal and alternatives, and considering the written and oral comments offered by agencies and the public, that the requirements of NEPA have been satisfied, as noted herein, for redevelopment of the Westpark site as indicated in the Proposed Westpark Master Plan. Mitigation measures incorporated in the proposal and identified in the EIS, and additional consultation and mitigation documented in this Record of Decision, represent reasonable steps to reduce adverse environmental effects of the proposed project and would reduce effects to acceptable levels. Mitigation measures identified in the EIS are contained in Attachment B.

No development applications have been submitted for Westpark at this time; the proposal is still conceptual and is undergoing more detailed planning and engineering. The City of Bremerton, as the local land use authority, will incorporate the mitigation measures identified herein into any approvals for subsequent development applications.

3.0 Alternatives Considered in Reaching Decision

Alternatives considered include the *Proposed Master Plan*, described above, the *Design Alternative*, and *No Action*. The *Design Alternative* would construct the same number of housing units in a mix involving more apartment and condominium units at higher densities, located in larger buildings. The Village Center would be expanded to include approximately 12 acres (up to 120,000 square feet) of retail and commercial uses (plus an additional 10,000

square feet in mixed-use buildings). The expanded parking area serving the additional retail area would use a stormwater infiltration system. All other features of the alternative would be the same as the proposal.

The *No Action* alternative assumes that the site would not be redeveloped and would continue to operate, function and appear as it does currently. Existing buildings would be maintained to the extent possible but would continue to deteriorate over time.

4.0 Reasons for Decision

The decision is based on the conclusions of the EIS and consideration of City policies and BHA redevelopment goals. The Westpark community has endured for more than 65 years through the careful stewardship of BHA. In September 2003, the City amended its Community Renewal Plan, pursuant to the state Community Renewal Law (RCW 35.81), to incorporate the Westpark site as a “blighted” area for purposes of community renewal efforts (Ordinance No. 4830 and 4870). The designation was supported by findings that the site was isolated from adjacent areas that building size and design were deficient, and that physical deterioration was a contributing factor to disinvestment in the area. These actions also reaffirmed the City’s intent to cooperate and assist the Bremerton Housing Authority in the redevelopment of Westpark, (pursuant to RCW 35.83), and to provide a framework for redevelopment in the Comprehensive Plan and zoning regulations. Rehabilitation is not an economically viable option, given the age and condition of existing facilities.

Initial conceptual master planning for Westpark began in 2002, and included community involvement, site analysis, and conceptual land use planning. The resulting *Strategic Master Plan* (2003) provided broad goals for redevelopment and subsequent master planning of the site, including the following:

- Produce a positive impact on the surrounding community, and on long term economic and housing development in Bremerton;
- Maximize the value of the property;
- Achieve no net loss of public housing units;
- Improve the quality of public housing, and blend it with surrounding housing;
- De-concentrate public housing and create mixed-income neighborhoods;
- Meet outdoor recreational needs;
- Improve community services; and
- Address local urban growth goals.

In February 2007, the Bremerton City Council adopted the Westpark Sub-Area Plan, which includes a land use map, zoning regulations and design standards applicable to redevelopment of the site. The Sub-Area Plan was adopted following extensive public involvement and input from stakeholders and neighbors.

The Proposed Master Plan incorporates these broad goals along with more specific design objectives into a vision of a new urban mixed-use, mixed-income, pedestrian-oriented community. Additional objectives of the Westpark Sub-Area Plan include preserving open space and habitat, and implementing low impact development techniques.

5.0 Practicable Means to Avoid or Minimize Harm

The Proposed Westpark Master Plan has been designed to be consistent with the City of Bremerton's Westpark Sub-Area Plan, adopted on February 2, 2007. The Sub-Area Plan will direct the organization and placement of land uses; ensure a variety of housing units types for sale and for rent to meet a spectrum of local needs, including public housing units; provide open space, parks and trails; and improve roads and infrastructure. Development standards and regulations address density, height, building and impervious surface coverage; building design; lighting; landscaping; parking, and other aspects of the human environment. These regulations constitute a form of mitigation and will reduce or minimize impacts that could otherwise occur.

The Proposed Master Plan will generate impacts to various elements of the built and natural environments. These impacts can be mitigated and are not expected to be significant following mitigation. No significant unavoidable adverse impacts are identified for any of the elements of the environment considered in the EIS.

Pursuant to 40 CFR 1505.3, this decision to proceed with the project will be implemented and mitigation measures imposed through appropriate conditions in any land use or related permits or approvals issued by the City of Bremerton for Westpark, and through conditions of federal funding. Mitigation measures identified in the EIS are contained in Attachment B.

Major issues and measures identified to resolve or mitigate significant impacts include the following.

5.1 Wetlands, Streams and Wildlife Habitat

No wetlands or streams are present on or immediately adjacent to the site. Redevelopment, therefore, would not adversely affect habitat or species typically associated with these resources. No threatened, endangered or sensitive species are located on site. Consultation pursuant to the Endangered Species Act is described in Section 7.2 below. The site is not located within the shoreline or floodplain.

Similarly, impacts to fisheries related to the conveyance and discharge of stormwater to the existing outfall in Oyster Bay would not be significant. The quality of stormwater entering Oyster Bay would be enhanced by construction of a modern stormwater management system, including detention and biofiltration. Streets have been designed to be as narrow as possible to reduce impervious surface, consistent with City road standards.

5.2 Air Quality

Construction activity would cause minor, temporary and localized impacts to air quality. Construction would be subject to local and regional rules and regulations requiring control of emissions which would reduce impacts to insignificant levels. Hot spot analysis indicates that under worst case traffic and meteorological conditions, affected intersections of Kitsap Way would operate well below applicable ambient air quality standards for carbon dioxide

5.3 Land Use

Redevelopment of the site would result in an intensification of land use and density on-site and a greater diversity of land uses, but this change would be consistent with the Bremerton Comprehensive Plan, Westpark Sub-Area Plan and applicable development regulations. Redevelopment would remove the blighted conditions that currently affect the site and have been a cause of disinvestment in the surrounding area.

5.4 Housing

Housing impacts will generally be positive or neutral. The Proposed Master Plan involves demolition of all existing housing units on site and replacement with a mix of single family detached and attached units and multi-family units. Units would be for sale and for rent. On site replacement housing would include 190 units of public housing; the balance of existing single family public housing units (381) would be replaced off-site at locations to be determined; no net loss of public housing units would occur. The creation of a mixed income community would help alleviate social issues that have historically affected the neighborhood.

All eligible residents will be offered relocation assistance in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). Residents in good standing will also be given the right to return to the new community. Any rent differential incurred by the tenant would be paid by BHA in accordance with the URA.

5.5 Noise

Existing traffic noise levels along SR 3 and Kitsap Way, which currently affect the Westpark site, exceed noise levels generally considered desirable by HUD guidelines. Noise attenuation techniques – site planning, noise attenuation and/or construction techniques – will be required and implemented to reduce noise from traffic along these routes so that day-night sound levels at outdoor use locations and on-site residences would meet HUD requirements for attenuation, and/or would satisfy HUD criteria for exceptions (24 CFR 51.105).

5.6 Environmental Justice

The Westpark site has provided public housing for low income individuals since the 1940's. The impacted area has a concentration of low income, minority and disabled individuals and redevelopment would, therefore, disproportionately affect such individuals. De-concentrating low income housing on the site and removing current blighted conditions are encouraged by HUD and City policies. Effects of dispersing low income residents would include phased relocation of existing residents, inconvenience and disruption of existing community cohesion. Relocation benefits would be provided to displaced residents in accordance with the URA. Redevelopment would eliminate some potential public health risks associated with exposure to asbestos and lead-based paint in the site's aged structures. The variety of new housing developed on site would result in greater social and economic diversity which would promote community stability and well being. An increase in local employment opportunity would also occur from the commercial uses developed on the site.

5.7 Historic Resources

The site as a whole was determined to be eligible for listing on the National Register of Historic Places. Consultation with the State Historic Preservation Officer (SHPO) is described in Section 7.1 below. A Memorandum of Agreement (MOA) stipulating mitigation measures has been executed by the City of Bremerton, the SHPO and the BHA and is included in Attachment C.

6.0 Public Involvement

This Record of Decision concludes a planning and environmental review process that commenced with HUD's publication of Notice of Intent to Prepare an EIS, dated June 7, 2006.

The environmental elements evaluated in the Draft EIS were determined as a result of a formal, public scoping process that occurred June 6 through June 27, 2006. Following publication of required NEPA and SEPA notices, a public EIS scoping meeting was held on June 22, 2006 to provide an opportunity for public comment. All comments were considered by the City of Bremerton and BHA in determining the issues and alternatives to be analyzed in the Draft EIS.

The Draft EIS was issued and distributed for a 45 day comment period; notice was provided through publication in the Federal Register (by HUD and EPA), a local newspaper, City and BHA websites, and posting of the site. A public meeting on the Draft EIS was held on March 22, 2007. No oral comments on the EIS were provided at this meeting. Comment letters on the Draft EIS were received from the following agencies: Washington Department of Transportation; Washington Department Fisheries and Wildlife; U.S. Environmental Protection Agency; and U.S. Department of the Interior. The EPA and Department of Interior letters documented those agencies' respective lack of comment on the proposal. Responses to comments are included in the Final EIS. No written comments were received from tribes, organizations or members of the public, including Westpark residents.

The City and BHA also provided more than 60 opportunities – through meetings and workshops -- for involvement by community stakeholders, neighbors and residents during development of the Proposed Master Plan and the Westpark Sub-Area Plan. These included a week-long design charrette, public community meetings, resident presentations and Council meetings, public workshops and hearings by the Bremerton Planning Commission and City Council, and meetings in connection with the EIS.

7.0 Coordination with Other Agencies

7.1 National Historic Preservation Act

In compliance with Section 106 of the National Historic Preservation Act, the requisite agency consultation and coordination has been completed by the City of Bremerton. This coordination included establishment of an Area of Potential Effect (APE), which the State Historic Preservation Officer (SHPO) and Nisqually Tribe concurred with, and transmittal of the Draft EIS and an Archaeological and Historic Resources Assessment (Northwest Archaeological Associates, dated April 10, 2007) to the SHPO. The Historic Resources Assessment concluded that the site's resources were not eligible for listing on the National Register of Historic Places. The SHPO, however, concluded the site as a whole (but not individual buildings) was eligible for listing and that redevelopment would result in an adverse effect. The SHPO requested further

consultation to address adverse effects. The City concurred with this finding and, following further consultation, submitted a proposed Memorandum of Agreement (MOA) to the SHPO containing stipulations to address adverse effects. The MOA is attached to this Record of Decision (Attachment C). The MOA also contains a construction monitoring and unanticipated discovery plan, to address any resources that might be discovered during construction. The Advisory Council on Historic Preservation has been notified of the finding of adverse affect and the provisions of the MOA.

7.2 Endangered Species Act

A Biological Evaluation (BE) was transmitted to the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) and requested concurrence with findings that the proposed project was “not likely to affect” or would have “no effect” on species protected by the Endangered Species Act. NMFS has concurred with these findings. Concurrence by USFWS is anticipated in the near future. The BE concluded that the project would have “no effect” on bull trout and was “not likely to affect” bald eagle. Delisting of the bald eagle has been authorized and is anticipated to take effect on approximately August 1. The City, as RE, will continue to consult with USFWS until concurrence is reached, and shall comply with any conclusions and reasonable and prudent measures specified through their consultation. Issuance of this ROD does not constitute authority for the BHA to carry out any action that may adversely affect listed species or their habitat pending completion of the consultation process with USFWS.

The EIS included a conceptual design for reconstruction of an existing stormwater outfall in Oyster Bay. The outfall is a regional facility that currently conveys stormwater from the Westark site as well as a larger drainage area. The EIS generally describes the upgrading of this facility as a joint City/BHA undertaking, in furtherance of the partnership that exists between the City and BHA and the public interest in redevelopment of Westpark. The EIS identified potential impacts to federally listed species resulting from reconstruction of the outfall; these impacts could be satisfactorily mitigated and were not considered to be significant. It also found that Westpark’s proposed drainage and water quality treatment systems would improve the quality of stormwater entering Oyster Bay relative to the existing condition, which provides no flow controls and no water quality treatment.

A prior permit decision by the City on the Firs II (now Bay Vista Commons) Assisted Living Facility made responsibility for reconstruction of the outfall a condition of that project. The Firs II is an independent project located on the northwest corner of the Westpark site and has been constructed. That project prepared a biological evaluation and conducted ESA consultation with NMFS and USFWS in connection with obtaining a permit pursuant to City of Bremerton and State of Washington shoreline requirements. The agencies concurred with the finding the project was not likely to adversely affect listed species.

At this time, it has not been determined whether or how the existing outfall needs to be upgraded or whether additional maintenance activities are required. The City and BHA are concluding a Memorandum of Agreement which will establish roles and responsibilities for conducting additional evaluations and design studies and identifying options for addressing any problems. The MOA recognizes that the outfall is an independent project which would undergo separate permitting. Any further ESA consultation required for the outfall would be conducted by the City in conjunction with permitting for that facility.

**Attachment A
Westpark Master Plan**



Figure 2-2 Westpark Site Plan
Westpark Master Plan Final EIS

Attachment B
Summary of EIS Mitigation Measures

WESTPARK ENVIRONMENTAL IMPACT STATEMENT

MITIGATION MEASURES

The following summarizes mitigation measures identified in the Draft and Final EISs for the Westpark Master Plan.

EARTH Erosion Hazards

With proper implementation of BMPs, the probable significant erosion hazard impacts can be mitigated to non-significant levels, even in areas where a high erosion hazard risk is present.

Standards contained in the City of Bremerton Design and Construction Standards, the King County Surface Water Design Manual, and Kitsap County Stormwater Design Manual would be implemented during construction. Specific BMPs that will be implemented during construction should be outlined in the temporary erosion and sediment control (TESC) plan submitted in conjunction with a site development permit application. Recommended BMPs should include.

- Source-control BMP mitigation measures for cleared areas, such as placement of straw mulch on exposed ground surfaces; seeding or covering of the exposed subgrade; track-walking exposed construction slopes to reduce runoff velocities; directing surface water away from exposed subgrades or into approved temporary stormwater conveyance systems.
- Storing stockpiled soils to minimize sheet, rill or gully erosion.
- Installing temporary sedimentation traps or ponds during construction. Using an energy dissipater to reduce the risk of erosion at stormwater discharge points.
- Establishing rock check dams along roadways and within drainage ditches constructed along sloping ground to reduce the water energy and the subsequent risk of channel incision.
- Establishing silt fences along wetlands, stream and river corridors, open space areas, and other sensitive areas in or adjacent to construction zones to reduce the risk of sediment transport.
- Collecting and treating all construction runoff by sediment ponds, turf-covered sand filters, temporary filtration, or other approved methods before release to any surface waters.
- Adopting a temporary erosion and sediment control plan (TESCP) during the design phase. TESCP measures should be in place and operating properly prior to beginning major clearing and earthwork activities.
- Disturbed areas beyond the permanent project footprint should be revegetated, using an appropriate seed mix, by the close of the construction period.

The following erosion mitigation measures should also be considered during the design and construction of the project.

- Surface water and domestic discharge should not be directed onto sloping areas. All devices used to collect surface runoff should be directed into tightlined systems that discharge into approved stormwater control facilities such as infiltration or detention ponds.

- Clearing, excavation and grading should be limited to the minimum areas necessary for construction and original vegetation should be retained as much as possible, including buffer strips between construction disturbance zones and potential receiving waters.
- A geotechnical engineer should review the grading, erosion, and drainage plans prior to final plan design to further assist in mitigating erosion hazards during and after development.

The proposed redesign of the Oyster Bay outfall, included in the Proposed Master Plan, would mitigate potential erosion.

Landslide Hazards

With implementation of appropriate BMPs and the mitigation measures listed above, probable significant landslide hazard impacts can be mitigated to non-significant levels, even in areas where a high landslide hazard risk is present.

For the two areas designated as high landslide hazard areas on the project site, a minimum setback distance of 50 feet for structures or impervious surfaces (required by the Bremerton CAO) should be maintained from the top or toe of high geologic hazard slopes, unless reductions supported by a Geotechnical Report are approved. The Final Geotechnical Report could satisfy the Special Report requirements of BMC 20.14.660. It may also provide recommendation for setback reductions, and grading/regrading and drainage control as needed for these areas.

Plans for regrading and placement of fill in the landfill area should be reviewed and certified by the geotechnical engineer. Proper regrading and drainage control of this area may reduce the erosion and landslide hazard potential after construction and settlement is complete.

The northern-central steep slopes will remain undeveloped open space and significant vegetation will remain on the slope. If stormwater is conveyed in an enclosed pipe to the base of the slope, as proposed, potential landslide hazard would be reduced and no additional mitigation should be necessary.

The construction of the stormwater detention facility should be reviewed by the geotechnical engineer.

The remainder of the site has a low landslide hazard potential. By conforming to applicable CAO standards and implementing mitigation measures identified above for erosion hazards, the landslide hazard risk and potential impacts to the remaining project site would be reduced.

Seismic Hazards

Surface Ground Rupture: The potential of a ground surface rupture impacting the study area as a result of seismic activity is considered to be low, and no mitigation is required.

Ground Motion: All structures would be constructed in accordance with the International Building Code (IBC) guidelines and would be designed to be able to sustain some damage from ground motion during the design seismic event without causing life safety concerns.

Liquefaction: A quantitative liquefaction analysis is recommended for all areas with a “moderate” to “high” liquefaction potential prior to development. Mitigation measures

for liquefaction will depend on the extent of the liquefaction hazard and would be designed by a geotechnical engineer. These could include soil improvement techniques (to reduce liquefaction hazard) and structural improvement techniques (to accommodate liquefaction effects).

Seismically Induced Landslides: Mitigation measures for reducing potential landslide impacts from earthquakes include the recommendations outlined in the *Landslide Hazard Mitigation* section above.

AIR QUALITY Construction Impacts

Although significant air quality impacts related to construction are not anticipated, the construction contractor(s) would be required to comply with all relevant federal, state, and local air quality laws. They would be required to prepare a plan for minimizing dust and odors sufficiently to comply with PSCAA Regulation I, Sections 9.11 and 9.15. The Associated General Contractors of Washington's *Guide to Handling Fugitive Dust from Construction Projects* provides practical examples of best management practices that can be used to comply with construction-related air quality regulations.

Operational Impacts

The air quality analysis indicates that the Westpark alternatives would not result in any significant adverse air quality impacts due to off-site traffic. Consequently, no operational impact mitigation measures are warranted or proposed.

WATER RESOURCES

No significant adverse impacts to ground water recharge, supply or quality have been identified. Best management practices would be implemented to improve water quality through planned water quality treatment facilities. No further mitigation is necessary.

Closure of the landfill consistent with applicable regulations is recommended. No further significant impacts to ground water recharge or supply have been identified and no further mitigation is recommended.

PLANTS & ANIMALS

The *Proposed Master Plan* would retain most of the existing stands of native vegetation cover on site, and would provide approximately 28 acres of open space and parks, including retained trees and active and passive recreation areas.

The proposed design for replacement of the existing outfall in Oyster Bay would help protect remaining native habitats in the vicinity of the discharge site and farther off-site from adverse impacts of erosion or sediment deposition, and would help protect water quality in Oyster Bay.

The Westpark Sub-Area Plan, which the *Proposed Master Plan* will follow, also contains requirements or guidelines that would increase habitat values and mitigate wildlife impacts. These include landscaping with native plant species, and landscape and irrigation design concepts that encourage use water-conserving, low-volume irrigation, and discouraging the use of exotic ornamental plantings.

A tree survey should be conducted in conjunction with subdivision application. Existing significant trees would be retained where feasible, where they do not pose a safety hazard to future residents or facilities.

Other potential mitigation measures could include retention of existing deciduous forest

vegetation in the eastern and western portions of the site. This might involve a conservation easement on the rear portions of the proposed lots in that area or designation of the forest itself as native open space.

Interpretive or educational materials could be made available to residents and visitors to foster an understanding and appreciation of the natural features of the property and surrounding area (e.g., the coniferous forest within the proposed Summit Park, stormwater management, and water quality treatment). Such an appreciation can help to limit unnecessary disturbance or destruction of remaining native vegetation or wildlife. Materials could include signs or materials available from public agencies or local conservation groups.

FISH RESOURCES

Proposed Mitigation

Mitigation measures that have been incorporated into the *Proposed Master Plan* include BMPs to improve and protect long-term water quality throughout the project site and water quantity controls for the on-site portion of the Ostrich Bay Creek basin. BMPs to address temporary sedimentation and erosion during construction are also incorporated into the proposal. These will be refined during the preparation of project development plans and applications. These measures will result in material improvements to water quality control parameters, to the benefit of fish and their habitat, downstream of the site in Ostrich Bay Creek, Ostrich Bay, Oyster Bay, and Sinclair Inlet.

The intertidal zone in the vicinity of the proposed stormwater outfall replacement location on Oyster Bay has a fine-grained, erodible substrate. Design of the proposed Oyster Bay stormwater outfall includes an open, relatively narrow, armored channel across the intertidal zone which avoid the potential impacts associated with allowing discharged stormwater to scour a new channel across the intertidal zone.

Potential Additional Mitigation

- Infiltration technologies and methodologies could be incorporated in the *Proposed Master Plan*. However, on-site soils are not generally conducive to widespread infiltration, so this approach could be problematic and prohibitively expensive to apply on a widespread basis. Other low impact development techniques would be evaluated and incorporated where possible, consistent with requirements of the Westpark Sub-Area Plan.
- The Oyster Bay outfall will be a joint City/BHA project, and final design is subject to future decisions by the City. Approximately 200 linear feet of pipe and related structures associated with the outfall are proposed for removal. It is presumed that the various sections of the outfall could be cable yarded or otherwise hauled back up the beach during periods of low tide, with only shallow and low-pressure impacts to the subtidal substrate and the organisms it contains. There would be little erosion or sedimentation if outfall removal was done at low tide in this manner. As an alternative, steel plates or other methods to reduce heavy equipment impacts to beach soils and related habitat could be deployed if heavy equipment is necessary to remove the large in-line catch basin or other associated structures.
- Some shoreline buffer areas within the project area would likely be disturbed by construction of the replacement outfall at Oyster Bay; other buffer areas in the project vicinity have been previously degraded. An anticipated mitigation element of proposed outfall replacement/reconstruction would be to develop a

native revegetation plan for these areas along with long term monitoring, maintenance, and implementation of contingencies and other remedial measures as needed to achieve established performance standards.

NOISE

Construction Noise

Construction activities could result in noise that would often be audible and could occasionally be disruptive. Redevelopment would occur in phases and could result in the exposure of remaining residences to elevated construction noise levels. A number of construction noise abatement methods could be used to limit construction noise and potential disturbances.

Construction noise could be reduced with properly sized and maintained mufflers, engine intake silencers, engine enclosures, turning off idle equipment, and confining activities to daytime hours.

Construction staging areas and stationary equipment should be placed as far away from existing and new residences as possible. Where this is infeasible, portable noise barriers could be placed around the equipment with the opening directed away from the residential property.

Substituting hydraulic or electric models for impact tools such as jack hammers, rock drills and pavement breakers could also reduce construction and demolition noise. Although back-up alarms are exempt from the noise ordinances, noises from such devices are among the most annoying sounds from a construction site. Where feasible, equipment operators could drive forward rather than backward to minimize this noise. Noise from material handling could also be minimized by requiring operators to lift rather than drag materials wherever feasible.

Operation Retail Center

The proposed project is not expected to result in any on-site operations that would cause substantial amounts of noise, as long as noise from potential retail sources is considered in the design of the retail center. Compliance with the Bremerton's noise limits and with Westpark Sub-Area Plan regulations would require noise sensitive design.

Site Suitability

Numerous residential locations would experience sound levels considered "normally unacceptable" or "unacceptable" according to HUD guidelines. The only source of noise causing these predicted sound levels is traffic along SR-3 and Kitsap Way. Therefore, some form(s) of noise mitigation will be required to reduce traffic noise received at on-site locations so that day-night sound levels at outdoor use locations and inside residences on the project site would be within the levels considered "acceptable" by HUD.

HUD guidance regarding the means to mitigate exterior sound levels suggests three approaches to reducing noise to acceptable levels: noise barriers, site design modifications, and/or acoustical construction. HUD suggests these methods be combined with acoustical construction whenever possible. Measures that reduce *both* exterior and interior levels are preferred. Acoustical construction (i.e., using special building materials and techniques to reduce interior sound level) by itself is the least preferred because this approach only affects interior levels. When feasible, every attempt should be made to reduce the exterior sound levels at least to levels considered "normally

unacceptable" prior to focusing on reducing interior sound levels.

Noise Walls

In most cases, the most effective form of mitigation for traffic noise is using noise barriers that are long enough and tall enough to block the line-of-sight from the receiver to the noise source. To be effective, barriers must be solid and continuous, without openings.

Noise barriers were considered and analyzed along SR 3 and Kitsap Way. In each case, the modeling examined barriers at constant heights ranging from 6 to 16 feet tall (in 2-foot increments).

SR-3/North: an 8-foot tall wall shielding residential locations in the northern portion of the site (receptors R1 through R9) would reduce traffic noise at all ground floor locations (except those represented by R1) to "acceptable" levels.

If there are no outdoor use areas near the northern half of Barrier 1, a noise barrier may not be warranted. Instead, a combination of acoustical construction and site design modifications, described further below, could be effective at ensuring interior noise levels are within HUD guidelines.

SR-3/South: At the southern residential locations near SR-3 (R10 through R17), a 12-foot tall wall would reduce traffic noise to "acceptable" levels at all ground-floor receivers and reduce noise at the upper floor locations to levels considered "normally unacceptable."

Kitsap Way: Modeling indicates a 6-foot tall barrier would reduce sound levels at all first-floor receiving locations to levels considered "acceptable" under HUD criteria. However, second and third floor locations would receive little benefit and would still be subject to "normally unacceptable" levels. With a 10-foot tall barrier, second-floor sound levels would be reduced to "acceptable" levels but all first-row third-floor locations would still be exposed to "normally unacceptable" levels.

Site Design Modifications

On-site outdoor residential use areas facing SR-3 or Kitsap Way would be subject to potential noise impacts. Locating outdoor use areas on the sides of buildings opposite major roads would reduce noise levels at such outdoor areas. Proposed buildings could effectively act as noise barriers between SR-3 and Kitsap Way and the outdoor use areas.

Many of the homes planned along SR-3 or Kitsap Way would be attached in rows (four units per building) or would be in apartment or condominium buildings. Taller buildings and/or buildings constructed closer together would more effectively reduce traffic noise from SR-3 or Kitsap Way. Buildings more than four units long would include fewer breaks in the resulting "barrier," and such buildings would provide better noise shielding for outdoor use areas "behind" these units in relation to the major road. Some residential units in the southwestern portion of the site facing SR-3 and in the northwestern portion facing Kitsap Way might be constructed as single-family, unattached residences, and this configuration would likely provide less noise reduction at outdoor use areas behind the residences (i.e., on the opposite side from SR-3 or Kitsap Way).

Acoustical Construction

In the event that it is not feasible to reduce exterior sound levels to 65 dBA Ldn or less, special consideration should be given to using materials and construction techniques that would reduce interior sound levels in residential spaces to 45 dBA Ldn or less.

With careful, high quality construction meeting current building code construction requirements *and* active ventilation systems, interior sound levels could likely be reduced sufficiently to comply with the HUD suitability criteria. Effective control of interior sound levels (received from outside sources) would require that windows can remain closed (i.e., using alternative dynamic ventilation systems), that double-paned windows be installed, and that doors and windows be kept tightly closed. Properly installed sound-absorbing material in the walls of residential spaces facing either SR-3 or Kitsap Way would further help to ensure noise levels inside these units remain within HUD criteria.

For units in areas with exterior Ldns greater than 70 dBA, and especially for those units in areas with levels considered "unacceptable" by HUD (i.e., Ldns greater than 75 dBA), reducing interior sound levels to 45 dBA Ldn would require special noise reduction construction techniques and materials. Using careful construction techniques designed to ensure good thermal insulation would be a first step. Other techniques would include: (1) minimizing openings to the outside; (2) ensuring that gaps around doors, vents, and windows are caulked and sealed; and (3) requiring dynamic ventilation systems so windows and doors can remain closed. In addition, special construction techniques for exterior walls facing SR-3 or Kitsap Way would likely be required. The specific type(s) of exterior wall construction required would be based on the overall exterior sound levels. In addition, selecting windows with higher sound reduction abilities (i.e., 30 dBA or greater, depending on the exterior levels) and using fewer and smaller window openings on the sides of the houses facing the freeway would help to provide the necessary interior noise reductions of 26 to 31 dBA.

ENVIRON- MENTAL HEALTH

The BHA will prepare a demolition plan that addresses the contaminants identified in the Phase I ESA and Asbestos and Lead-Based Paint Survey. Removal and disposal will follow the requirements of federal and state law.

The BHA is continuing to conduct detailed studies of the playfield/abandoned landfill. It will remediate the landfill consistent with applicable state and Kitsap County Health Department regulations.

LAND USE

No specific mitigation measures are required to address identified land use impacts. The *Proposed Master Plan* already includes a number of techniques that would avoid or mitigate potential impacts, including the following:

- All components of a balanced, pedestrian-oriented community, including housing, commercial and community services, parks and open space.
- Location of the most intensive uses on the periphery of the site, adjacent to roads with high traffic; and
- Transitions in density on site, using topography and landscaping to buffer lower density uses.

Development would also incorporate the development and design standards of the *Westpark Sub-Area Plan*, which are also intended to achieve compatibility between land uses, consistency with the Bremerton Comprehensive Plan, and superior design.

SOCIOECO-

NOMICS

Population & Employment

BHA would inform local businesses and merchants about opportunities to conduct business with the site development contractors (i.e., subcontracting, materials purchasing).

As part of BHA's relocation planning efforts, it would continue to work with residents to improve earning potential, income levels, family stability, and self-sufficiency through all available programs and support services (i.e., Key to a Better Life, Kitsap Community Resources Community Jobs Program, Kitsap Credit Union and BHA IDA program, WSU Cooperative Extension Service).

BHA would encourage construction contractors to hire residents and would coordinate with contractors to ensure the necessary training.

In order to create employment opportunities for new and returning residents, BHA would encourage new start-up and existing businesses in the surrounding area to hire Westpark residents.

Housing

Redevelopment would include mitigation for the impacts of housing demolition and construction activity on existing residents, and off-site replacement housing for the on-site reduction of 441 housing units with rents comparable to those of the current public housing units. BHA proposes to mitigate for these impacts by providing relocation assistance to residents, and through the one-for-one replacement of housing units affordable to public housing applicants. Mitigation measures included in the *Proposed Master Plan* are identified below.

Tenant Relocation Assistance

The Westpark redevelopment program requires that all residents receive relocation benefits as prescribed by the URA. BHA, with the extensive involvement of residents, has developed "*A Place to Call Home, the Bremerton Housing Authority Relocation Plan for the Redevelopment of Westpark*" describing relocation benefits and choices. All residents would be relocated in phases off-site during construction the redevelopment. Any resident wanting to return to Westpark who remains in good standing with BHA would be offered the opportunity to return to a new unit in the redeveloped community. A lottery would be held if the number of residents wishing to return exceeds the total number of public housing units.

Overall, the proposed program would mitigate the financial and physical impacts of relocation on existing tenants.

Replacement Housing

The BHA is committed to the concept of one-for-one replacement of demolished public housing units. BHA will use a combination of relocation vouchers and Section 8 vouchers for permanent and temporary relocation of the families at Westpark. BHA would replace 190 units on-site and the remaining 441 would be replaced off-site.

ENVIRON- MENTAL JUSTICE

The long-term impacts of redevelopment on the resident low-income and minority populations at Westpark would be positive and would address the physical conditions and social issues that currently exist relative to Westpark. Mitigation measures identified for *Housing* above 9 would address the short-term impacts resulting from redevelopment.

HISTORIC & CULTURAL RESOURCES

Any subsurface excavation, including geotechnical borings, at the landfill and at the outfall along Oyster Bay should be monitored by a professional archaeologist. Monitoring should occur at the outfall if excavation extends beyond fill into native sediments. It is recommended that a monitoring and inadvertent discovery plan be developed in conjunction with development approval and made available onsite to construction and supervisory personnel. Such a document should provide the procedures to be followed in case archaeological materials or human remains are discovered during construction, a list of persons and agencies to be contacted, and instructions for contacting the responsible parties.

The BHA possesses a significant number of original blueprints and other documents associated with the construction, operation, and maintenance of Westpark and other defense housing complexes they manage. It is recommended that historical material, such as the blueprints, photographs, drawings, paintings, and models of Westpark, be donated or placed on long-term loan to a curation facility equipped to preserve these important documents. The Kitsap County Historical Society Museum, Washington State Archives, National Archives and Records Administration, and the University of Washington Special Collections are recommended facilities.

AESTHETICS, LIGHT & GLARE

Expected changes in visual quality are generally considered to be positive in nature and do not require mitigation. The development regulations, design standards and design guidelines contained in the Westpark Sub-Area Plan will apply to redevelopment of the site and would help to achieve positive visual and aesthetic change, and would reduce the potential for glare..

TRANSPORTATION

Level of Service Conditions

A proportional share approach is commonly used to identify project-specific mitigation responsibilities. Using this technique, Westpark's responsibility to contribute to an intersection's improvement would be based on the project's proportionate share, which is calculated by the project-generated volumes divided by the future total entering volumes.

The Kitsap Way at Marine Drive/Adele Avenue intersection is estimated to operate at LOS E in year 2010 without the project (No Action), and is expected to degrade to LOS F in the year 2010 under both alternatives without mitigation. Using a proportional share approach, this would equate to 3.2 percent for the *Proposed Master Plan* or 4.5 percent for the *Design Alternative*.

The Kitsap Way at Shorewood Drive/Arsenal Way intersection is expected to operate at LOS C in 2010 without the project (No Action), and LOS F under the *Design Alternative* without mitigation. For the *Proposed Master Plan*, this intersection is expected to operate at an acceptable LOS E and would not require mitigation. Using the proportionate share methodology, Westpark's mitigation responsibility would equate to 11.8 percent for this intersection.

Optimization of network signal cycle lengths and phase splits was also considered as mitigation and would result in acceptable LOS conditions for both alternatives in 2010. Network optimization would also improve travel times along Kitsap Way. For both optimized alternatives, one segment of Kitsap Way (eastbound between the SR 3

ramps) within the study area would operate at arterial LOS F, as would year 2010 with No Action; however the Kitsap Way corridor as a whole would operate at or above LOS D. As mentioned previously, the poor arterial performance of this segment is likely attributed to short intersection spacing. With optimized signal timing, the southbound ramps of SR 3 at Kitsap Way would operate at the adopted level of service.

Other possible mitigation measures that could further improve operation include:

- Increased storage (lengthen turn pockets),
- Restrict nearby driveway access movements (e.g. right-in, right-out), and
- Limit number of driveways near intersection approaches.

Local Traffic Safety

Relatively high accident rates are a pre-existing condition, without the *Proposed Master Plan*. The high proportion of rear end collisions at the Kitsap Way at Oyster Bay Avenue and Kitsap Way at Pershing Avenue may be attributed to a number of existing factors unrelated to Westpark and mitigated by the following measures:

- Hidden Intersections/Driveways
 - Install advanced warning signs
 - Remove potential sight obstructions
 - Restrict nearby driveway access movements (e.g. right-in, right-out)
 - Limit number of driveways near intersection approaches
- Poor visibility of traffic signals
 - Relocate signal heads
 - Install large (12-inch) signal heads
 - Use additional signal heads
 - Install backplates, visors etc. on signals to improve contrast and visibility
 - Install louvers to avoid confusion on intersection approaches
- High dilemma zone frequency
 - Place vehicle detector in dilemma zone that extends green time if vehicle presence is detected
- Excessive Speeds
 - Reduce speed limit on approaches if justified by spot speed study
 - Provide police enforcement of the speed limit
- High Traffic Volumes
 - Add traffic signals if warranted (per MUTCD)
 - Widen roadway approach and/or provide additional lanes
 - Restrict nearby driveway access movements (e.g. right-in, right-out)
 - Limit number of driveways near intersection approaches

PUBLIC SERVICES & UTILITIES

Public Services

Police, Fire & EMS

All new buildings would be constructed according to City building codes which address life and safety concerns. Sprinklers would be provided in larger buildings.

Security measures would be implemented during construction to reduce potential criminal activity. Measures would include on-site security, lighting and fencing to

prevent public access.

Site planning, street layout and lighting are intended to promote visibility for residents and police.

Schools

No mitigation measures are required.

Parks & Recreation

Existing park and recreational facilities currently in Westpark are minimal compared to the amount and type of facilities included in the *Proposed Master Plan* and the *Design Alternative*. Measures that will mitigate potential impacts include provision of park and recreation facilities, trails and open space across the entire Westpark site, including the Summit Park and two neighborhood parks. These would provide opportunities for active recreation, passive enjoyment of open space, and facilities designed to accommodate a spectrum of age groups. Private open space would also be provided in individual yards, common areas, balconies. The existing playfield adjacent to the community center would be retained.

Community Facilities

As part of its program planning, the BHA is evaluating potential changes to the range of programs provided at the Community Center. Program demand is likely to decrease as a result of economic diversification of Westpark residents and greater dispersal of low income housing.

Utilities

Sewer and Water

Sewer and water distribution systems would be designed consistent with applicable City and state engineering and construction requirements.

Hydraulic modeling of the water distribution system would be conducted prior to building permit issuance to verify that fire flows are adequate.

Stormwater

To mitigate for potential stormwater impacts, the proposed system incorporates detention and water quality treatment including use of bio-filtration swales. The *Design Alternative* would also incorporate infiltration for a portion of the expanded retail/commercial site.

Additional low impact design concepts should be evaluated, including routing runoff in roof drain downspout systems.

The design concept for upgrading the outfall in Oyster Bay, which is proposed as a joint City/BHA project, would address the additional stormwater generated by Westpark, and the existing capacity and maintenance problems in this regional system.

Energy

Electric cables would be placed underground wherever possible. All connections to existing utilities along perimeter roadways would be coordinated with utility providers.

Newly constructed buildings would implement energy conservation measures included in applicable energy codes.

Attachment C
Memorandum of Agreement for Historic Resources



STATE OF WASHINGTON

Department of Archaeology and Historic Preservation

1063 S. Capitol Way, Suite 106 • PO Box 48343 • Olympia, Washington 98504-8343
360) 586-3065 • Fax Number (360) 586-3067

July 3, 2007

Ms Andrea Spencer
Department of Community Development
City of Bremerton
345 6th Street, Suite 600
Bremerton, Washington 98337-1873

RECEIVED
JUL 06 2007

BREMERTON-DEPT. OF
COMMUNITY DEVELOPMENT

In future correspondence please refer to:

Log: 031406-04-HUD

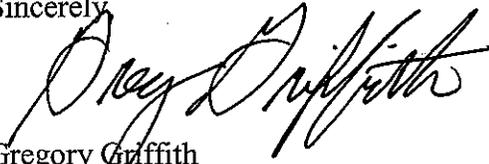
Re: Final Memorandum of Agreement, Westpark Redevelopment, Bremerton

Dear Ms Spencer:

Enclosed please find the original copy of the Memorandum of Agreement (MOA) pertaining to the above referenced proposal in Bremerton. The MOA has been signed by State Historic Preservation Officer (SHPO) Allyson Brooks.

On behalf of the SHPO and Department of Archaeology & Historic Preservation (DAHP), we look forward to working with you toward successful implementation of the MOA. Therefore, please be sure to contact our office should any questions arise about the various tasks involved. I may be reached at 360-586-3073 or greg.griffith@dahp.wa.gov.

Sincerely,



Gregory Griffith
Deputy State Historic Preservation Officer

Enclosure



MEMORANDUM OF AGREEMENT

**BETWEEN U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
THROUGH ITS RESPONSIBLE ENTITY, THE CITY OF BREMERTON,
THE HOUSING AUTHORITY OF THE CITY OF BREMERTON,
AND THE WASHINGTON STATE HISTORIC PRESERVATION OFFICER
REGARDING THE WESTPARK REDEVELOPMENT MASTER PLAN,
BREMERTON, WASHINGTON**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD), through its Responsible Entity, the City of Bremerton (City), and the Housing Authority of the City of Bremerton (BHA) determined that the Westpark Master Plan (the undertaking) may have an adverse effect on the Westpark site, which is eligible for the National Register of Historic Places, and has consulted with the Washington State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, the City, as the Responsible Entity, has been designated to act on behalf of HUD for the purposes of compliance with Section 106, and thus all references herein to HUD shall be construed to mean the City and the City shall act as signatory for HUD; and

WHEREAS, HUD has consulted with the BHA regarding the effects of the undertaking on the Westpark site and has invited the organization to sign this MOA as an invited signatory, and the BHA will have financial responsibility for implementing the stipulations set forth in this agreement; and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), HUD has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation and the Council has chosen not to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii);

WHEREAS, the purpose of this agreement is to identify the responsibilities of the parties with regard to cultural resources, and to specify measures that will adequately address adverse effects;

NOW, THEREFORE, HUD, BHA, and the Washington SHPO (the "parties") agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account its effect on historic properties.

HUD shall ensure that the following measures are carried out:

I. STIPULATIONS

A RECORDS PRESERVATION

The BHA possesses a significant number of original blueprints, photographs, drawings, paintings and other documents associated with the planning, design, construction, operation, and maintenance of Westpark. BHA, in consultation with the SHPO and other interested parties, shall conserve and archive such historical material related to Westpark. Acceptable facilities for

shall conserve and archive such historical material related to Westpark. Acceptable facilities for donation, loan and/or curation will be selected in consultation with the SHPO. The BHA will be responsible for the costs associated with cataloguing, archiving and storage of historical materials.

B. HISTORIC DISPLAY OR EXHIBIT

1. The BHA shall identify a suitable location accessible to the public for the display of historic photos, paintings, drawing and/or models related to Westpark. An on-site location, such as the existing community center or BHA administrative offices, is preferred, but an off-site location is acceptable if a suitable public facility on site is not included in the final master plan.

2. The site, contents, and design of the display shall be developed in consultation with the SHPO and other interested/appropriate parties.

C. STREET NAMES

The BHA shall name one or more streets within the Westpark redevelopment as a reminder of persons associated with the site's history.

D. WEBSITE/ELECTRONIC MEDIA

The BHA shall, in consultation with SHPO, develop a website or other electronic media about the history of Westpark. The objective is to provide a long-term, easily accessible reminder of Westpark's history, and a variety of media may accomplish the objective. This information may contain or be excerpted from the 2007 Historic and Cultural Resources Report (NWAA) and include photographs, maps and other illustrative material.

E. ARCHAEOLOGICAL MONITORING AND INADVERTENT DISCOVERY PLAN

An archaeological monitoring and inadvertent discovery plan shall be implemented in conjunction with development approval and made available onsite to construction and supervisory personnel. The plan, contained as Attachment A of this agreement, provides the procedures to be followed during planned monitoring, see F below, or in case archaeological materials or human remains are inadvertently discovered during construction, a list of persons and agencies to be contacted, and instructions for contacting the responsible parties.

F. ARCHAEOLOGICAL MONITORING

1. Any subsurface excavation, including geotechnical borings, at the outfall along Oyster Bay shall be monitored by a professional archaeologist.

2. Pre-construction environmental testing and remediation studies are anticipated in the area of the Section 16 Refuse Disposal site, field number WPR 06-02. Any such testing involving minor disturbance of soils within or adjacent to the Refuse Disposal site shall be monitored by a professional archaeologist.

3. Concurrent with preparation of a Phase II Environmental Site Assessment, or any activity involving significant excavation (defined as removal of more than 100 cubic yards of soil, BHA shall submit to HUD a detailed plan of investigation to determine the presence and/or significance of any historic resources identified in the course of excavation.

donation, loan and/or curation will be selected in consultation with the SHPO. The BHA will be responsible for the costs associated with cataloguing, archiving and storage of historical materials.

B. HISTORIC DISPLAY OR EXHIBIT

1. The BHA shall identify a suitable location accessible to the public for the display of historic photos, paintings, drawing and/or models related to Westpark. An on-site location, such as the existing community center or BHA administrative offices, is preferred, but an off-site location is acceptable if a suitable public facility on site is not included in the final master plan.

2. The site, contents, and design of the display shall be developed in consultation with the SHPO and other interested/appropriate parties.

C. STREET NAMES

The BHA shall name one or more streets within the Westpark redevelopment as a reminder of persons associated with the site's history.

D. WEBSITE/ELECTRONIC MEDIA

The BHA shall, in consultation with SHPO, develop a website or other electronic media about the history of Westpark. The objective is to provide a long-term, easily accessible reminder of Westpark's history, and a variety of media may accomplish the objective. This information may contain or be excerpted from the 2007 Historic and Cultural Resources Report (NWAA) and include photographs, maps and other illustrative material.

E. ARCHAEOLOGICAL MONITORING AND INADVERTENT DISCOVERY PLAN

An archaeological monitoring and inadvertent discovery plan shall be implemented in conjunction with development approval and made available onsite to construction and supervisory personnel. The plan, contained as Attachment A of this agreement, provides the procedures to be followed during planned monitoring, see D below, or in case archaeological materials or human remains are inadvertently discovered during construction, a list of persons and agencies to be contacted, and instructions for contacting the responsible parties.

F. ARCHAEOLOGICAL MONITORING

1. Any subsurface excavation, including geotechnical borings, at the outfall along Oyster Bay shall be monitored by a professional archaeologist.

2. Pre-construction environmental testing and remediation studies are anticipated in the area of the Section 16 Refuse Disposal site, field number WPR 06-02. Any such testing involving minor disturbance of soils within or adjacent to the Refuse Disposal site shall be monitored by a professional archaeologist.

3. Concurrent with preparation of a Phase II Environmental Site Assessment, or any activity involving significant excavation (defined as removal of more than 100 cubic yards of soil), BHA shall submit to HUD a detailed plan of investigation to determine the presence and/or significance of any historic resources identified in the course of excavation.

4. If excavation and/or redevelopment of the Refuse Disposal Site is proposed, BHA shall prepare and submit to HUD a report identifying the presence of any historic resources and

assessing their eligibility for listing in the National Register. In addition to any permits required for excavation, remediation or redevelopment, the BHA shall obtain the approval of the SHPO prior to commencing activities.

II. DURATION.

This agreement will be null and void if its terms are not carried out within seven (7) years from the date of its execution or by the conclusion of construction of the Westpark Master Plan, whichever occurs sooner. Prior to such time, the parties may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation VI below.

III. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, HUD, the BHA or its contractors shall implement the discovery plan included as attachment A of this agreement.

IV. MONITORING AND REPORTING

Each year following the execution of this agreement until it expires or is terminated, HUD shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the HUD's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered a breach of the terms of this MOA pursuant to Section VI, below.

V. DISPUTE RESOLUTION

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, HUD shall consult with the objecting party(ies) to resolve the objection. If HUD determines, within 30 days, that such objection(s) cannot be resolved, HUD will:

A. Forward all documentation relevant to the dispute to the council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise HUD on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by HUD in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, HUD may render a decision regarding the dispute. In reaching its decision, HUD will take into account all comments regarding the dispute from the parties to the MOA.

C. The parties' responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. HUD will notify all parties of its

decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. HUD's decision will be final.

VI. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR § 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Section VII, below.

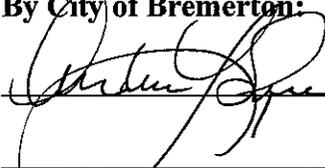
VII. TERMINATION

If an MOA is not amended following the consultation set out in Stipulation VI., it may be terminated by any signatory or invited signatory. Within 30 days following termination, HUD shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR § 800.6(c)(1) or request the comments of the council under 36 CFR § 800.7(a) and proceed accordingly.

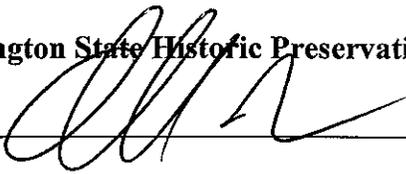
Execution of this Memorandum of Agreement by HUD, the Washington SHPO and BHA, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR § 800.6(b)(1)(iv) prior to the HUD's approval of this undertaking, and implementation of its terms evidence that HUD has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES:

**U.S. Department of Housing and Urban Development
By City of Bremerton:**

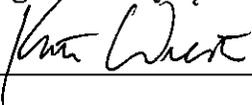

_____ Date: 6/28/2007
Andrea Spencer, Community Development Director, City of Bremerton,
HUD's Responsible Entity

Washington State Historic Preservation Officer:


_____ Date: 7/3/07
Allyson Brooks, State Historic Preservation Officer

INVITED SIGNATORIES:

Housing Authority of the City of Bremerton:


_____ Date: 6/28/07

Kurt Wiest, Executive Director
Housing Authority of the City of Bremerton

ATTACHMENT A

CONSTRUCTION MONITORING AND INADVERTENT DISCOVERY PLAN FOR THE WESTPARK REDEVELOPMENT PROJECT BREMERTON, WASHINGTON

INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD), through its Responsible Entity, the City of Bremerton (City) and the Housing Authority of the City of Bremerton (BHA), is proposing to redevelop Westpark from a low-income, public housing development, to a mixed-use and mixed-income community within the city of Bremerton, Washington. Westpark was built in 1940-41 to provide housing for defense workers and their families during the World War II era. The redevelopment project includes: razing the existing housing units, reconfiguring most of the roads, installation of new utilities, and construction of new housing and commercial/retail facilities.

The City has determined that the proposed redevelopment of Westpark is an undertaking and therefore subject to provisions of the National Historic Preservation Act of 1966, as amended (NHPA).

BHA, through its consultant Northwest Archaeological Associates, Inc. (NWAA), completed a cultural resource study for the proposed project, which included survey and limited subsurface testing. The cultural resource study recommended development and implementation of a Construction Monitoring and Inadvertent Discovery Plan prior to project construction. The purpose of this Plan is to execute this recommendation. Marathon Development, BHA's on-site development manager, is given responsibility to implement this plan.

In the event that archaeological materials are encountered during construction activities, this document serves as the plan for dealing with any inadvertent discoveries of human remains, artifacts, sites, or any other cultural resources during the project

AFFECTED TRIBE

The Indian Tribe affected by this Project is the Suquamish Tribe. Pre-contact human remains and cultural resources discovered during this project will be presumed to be of Suquamish ancestry and will, at all times, be treated with dignity and respect.

SPECIFICATIONS

Specifications shall be included in construction bid documents indicating that cultural resource considerations are included under the environmental monitoring program associated with the project. Specifications will note that the Contractor's personnel shall be familiar with indicators of potential cultural resource discoveries and with procedures required in the event that cultural resources are encountered during construction. Part of this responsibility will include attending or participating in a pre-construction meeting.

PRE-CONSTRUCTION MEETING

The contractor's supervisory personnel shall attend a briefing on cultural resource issues prior to beginning construction activities. The contractor and construction crew shall meet with the archaeologist to go over cultural resource issues and the procedures set forth herein. Contractor personnel shall be familiar with indicators of potential cultural resource discoveries. Contractor's personnel shall also be familiar with investigative procedures required in the event that cultural resources are encountered during construction.

MONITORING OF GROUND DISTURBING ACTIVITIES

Monitoring of construction excavation by a professional archaeologist during the entire course of the Westpark Project is unnecessary. Two locations have been identified for archaeological monitoring:

1. Oyster Bay – any subsurface excavation, including geotechnical borings, at the outfall along Oyster Bay shall be monitored if excavation extends beyond fill into native sediments. The Suquamish Tribe should be notified of any excavation along Oyster Bay.
2. Section 16 Refuse Disposal site – pre-construction environmental testing and remediation studies involving minor disturbance of soils within or adjacent to this site shall be monitored by a professional archaeologist. Any additional excavation is likely to require a permit from DAHP, per Title 27.53 Revised Code of Washington.

MONITORING PROCEDURES

The purpose of archaeological monitoring is to identify archaeological resources and to assess the significance of resources in a rapid, cost-effective manner.

Generally, archaeologists

- Will observe construction equipment work and soil removal from multiple perspectives around and in front of working equipment, requiring close communication with construction supervisors, equipment operators, and grade checkers.
- Will be safely stationed on the edge of a trench, or near a trackhoe bucket to observe trench sidewalls as they are excavated.
- Will coordinate closely with construction personnel to enter an excavation trench or similar type of shored, enclosed space.
- May examine backdirt removed from excavations, if the material is placed on the ground surface prior to removal.

Communication Protocol

The **Archaeological Monitor** will communicate with the on-site City/BHA Representative, **Marathon Development**, to make general requests about equipment movement, placement of back dirt for examination, or to access trench or foundation excavations. The **Monitor** also may need to communicate with excavation equipment operators to determine appropriate timing and procedures to access

construction excavation areas such as trenches or open excavations.

The **Monitor** may direct the equipment operator to stop excavation, but will notify **Marathon Development** prior to communicating excavation procedures directly to the equipment operator. After notifying **Marathon Development** the **Monitor** may request equipment operators to remove thin lifts of fill or sterile sediment to provide more extensive horizontal exposures.

Work Stoppage

If the **Monitor** determines that archaeological resources that are considered significant may be exposed by construction excavation in a particular area, the **Monitor** may ask **Marathon Development** to request equipment operators to modify construction excavation procedures to provide exposures of subsurface stratigraphy, in order to confirm the presence of any such resources in that area. Some areas may be cordoned off to allow more time to expose, document, and evaluate possible archaeological deposits. Work may be stopped in an area sufficient to assess resources that may be significant and time will be provided for additional evaluation by field archaeologists.

If **Marathon Development** cannot be reached immediately, then the on-site **Construction Contractor Crew Supervisor** would be alerted.

If significant or potentially significant archaeological resources are identified during construction, the archaeological contractor will inform **Marathon Development**. **Marathon Development** will halt activity in the area of discovery large enough to ensure that integrity of the find is not compromised (construction activities may continue elsewhere in the project area). **Marathon Development** will contact the City, BHA, DAHP and the Suquamish Tribes within 24 hours (See Contact List)

PROCEDURES FOR THE INADVERTENT DISCOVERY OF CULTURAL RESOURCES

If any City, BHA, or Marathon Development employee, contractors or subcontractors believes that he or she has inadvertently uncovered any cultural resource at any point in the project, all work adjacent to the discovery shall cease. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological discovery. At a minimum, the immediate area of the discovery will be secured to a distance of thirty (30) feet. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed following provisions for treating archaeological/cultural material as set forth in this document.

A cultural resource discovery could be pre-contact or historic and may include, but not be limited to:

- areas of charcoal or charcoal – stained soil and stones,
- stone tools or waste flakes (i.e. an arrowhead, or stone chips),
- bones, burned rocks, or other food remains in association with stone tools or chips,
- or a cluster of tin cans or bottles, logging or agricultural equipment older than 50 years.

The on site personnel will contact **Marathon Development** and they in turn will contact the City, BHA, the consulting archaeologist, and DAHP. The consulting archaeologist will evaluate whether the discovered cultural resources are potentially eligible for listing in the NRHP.

Upon discovery of potential pre-contact properties as defined in the National Historic Preservation Act of 1966, P.L. 89-665, 16 U.S.C. Section 470 et seq. (NHPA) or human remains and other cultural items as defined by the Native American Graves Protection and Repatriation Act of 1990, P.L. 101-601, 25 U.S.C. Section 3001 et seq. (NAGPRA), **Marathon Development** shall immediately call the contacts listed to inform the parties of the discovery, but in any event, no later than within twenty-four (24) hours of the discovery. If the discovery is made after Tribal business hours, the City shall contact the Suquamish Tribal Police Department Duty Officer at 911. If requested, a joint viewing of the discovery by City, the Tribe, and other participating parties (DAHP) will be scheduled within forty-eight (48) hours of the notification, or at the earliest possible time.

If the site is determined eligible, the participating parties will consult to determine the appropriate treatment. Treatment measures may include protection in place or data recovery such as mapping, photography, limited probing and sample collection, or other activity deemed appropriate by the consulting parties

PROCEDURES FOR THE DISCOVERY OF HUMAN SKELETAL MATERIAL

Any human remains that are discovered during this project will at all times be treated with dignity and respect.

If any project employee or one of its contractors or subcontractors believes that he or she has made an unanticipated discovery of human skeletal remains, all work adjacent to the discovery shall cease. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological discovery. At a minimum, the immediate area of the discovery will be secured to a distance of thirty (30) feet. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed as set forth in this document.

Marathon Development shall immediately notify the Bremerton police and Kitsap County Coroner to have them determine whether the remains are part of a crime scene. Contemporaneous with notifying the Coroner, **Marathon Development** shall also notify the City, BHA, DAHP, the Tribe, and the project consulting archaeologist. Human remains and associated funerary objects shall remain in place, unwashed, uncleaned and without analysis, with minimal disturbance by the Coroner in completing his or her work.

After elimination of the site as a crime scene, **Marathon Development** shall continue to maintain the remains and any associated funerary objects in place, unwashed, unexamined and undisturbed. The ethnic origin, or ancestry, of the discovered human remains will be determined through consultation with the City, DAHP, the Kitsap County Coroner, and the Tribe. The City shall give due consideration to and honor, to the extent possible, any request by the Tribe to leave the remains and/or other cultural items undisturbed and in place. Should the Tribe request to conduct ceremonies or other traditional activities with respect to the human remains at the site where the remains were found the City will accommodate such requests to the maximum practical extent possible.

If the human skeletal remains are determined to be Native American, the participating parties will consult to determine what treatment is appropriate for the human remains. If disinterment of Native American human remains becomes necessary, the participating parties will jointly determine the final custodian of the human skeletal remains for re-interment.

The City will make a good faith effort at accommodating requests from the Tribe to be present after they are notified of discoveries, and prior to the implementation of mitigation measures related to human skeletal remains.

CONFIDENTIALITY OF INFORMATION

Except for confidential internal communications and documentation required by law, the City, BHA, and Marathon Development shall not record, map, describe, or otherwise report on any discovery in any form until consulting with and obtaining the prior consent of the Tribe. The City and Marathon Development shall make its best efforts to ensure that its appropriate personnel, contractors, and permittees keep the discovery of any found or suspected human remains, other cultural items, and potential historic properties confidential, including but not limited to, refraining from contacting the media or any third party or otherwise sharing information regarding the discovery with any member of the public.

CONTACT INFORMATION / LEAD REPRESENTATIVE

<p>The City of Bremerton Andrea Spencer, Community Development Director 345 6th Street, 6th Floor Bremerton, WA 98337 (360) 473-5283</p>	<p>Suquamish Tribe Dennis Lewarch P.O. Box 498 Suquamish, WA 98392-0498 (360) 394-8529 dlewarch@suquamish.nsn.us</p>
<p>Bremerton Housing Authority c/o Marathon Development Kathryn Jerkovich 409 Pacific Avenue Bremerton, WA 98337 (253) 740-4489</p>	<p>Kitsap County Coroner Greg Sandstrom 614 Division Street, MS-17 Port Orchard, WA 98366 (360) 337-7077</p> <p>Bremerton Police Department 911</p>
<p>Washington Department of Archaeology and Historic Preservation (DAHP) 1063 South Capitol Way, Suite 106 Olympia, WA 98501</p> <p>Dr. Allyson Brooks, SHPO (360) 586-3066 Allyson.Brooks@dahp.wa.gov</p> <p>Stephenie Kramer (360) 586-3083 Stephenie.Kramer@dahp.wa.gov</p>	<p>Northwest Archaeological Associates, Inc. (NWAA) 5418 20th Ave NW, Suite 200 Seattle, WA 98107</p> <p>Mike Shong (Monitoring Coordinator) (206) 781-1909 mshong@northwestarch.com</p> <p>Christian J. Miss (Principal) (206) 781-1909 cjmiss@northwestarch.com</p>