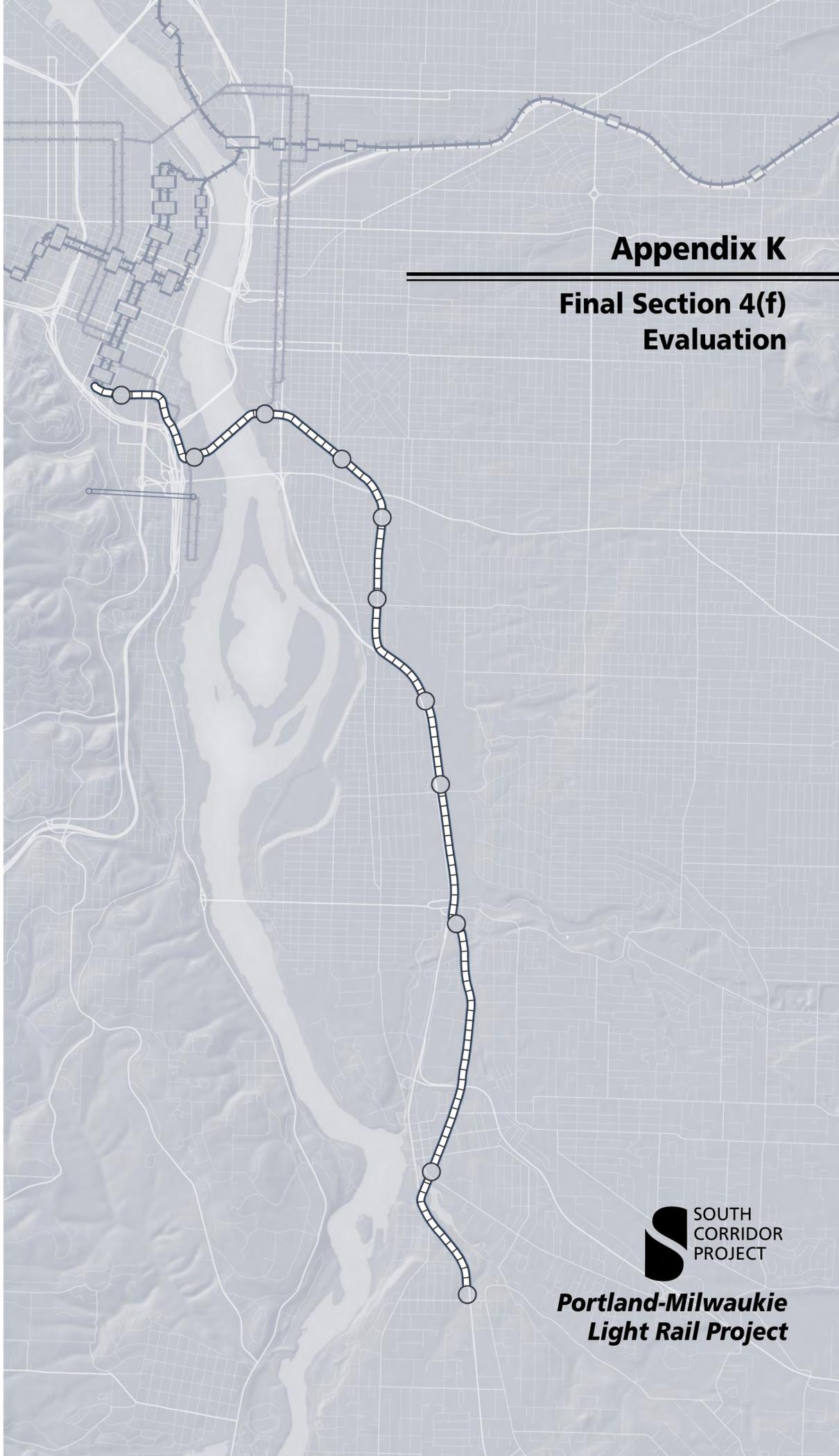


Appendix K

Final Section 4(f) Evaluation



**Portland-Milwaukie
Light Rail Project**

APPENDIX K. PORTLAND-MILWAUKIE LIGHT RAIL PROJECT FINAL SECTION 4(F) EVALUATION

This section addresses how the Portland-Milwaukie Light Rail Project is responding to a federal environmental law known as Section 4(f), which protects parks, recreation areas, historic and cultural resources, and nature refuges. The document describes Section 4(f) of the United States Department of Transportation Act and explains its role in the Federal Transit Administration's (FTA's) decision-making. It also summarizes several key terms, concepts, and legal standards that are used here. This description is followed by the Section 4(f) evaluation for the project.

K.1 PROJECT PURPOSE AND NEED

The Portland-Milwaukie Light Rail Project is a proposal to extend the regional light rail system to serve the southern portion of the Portland, Oregon metropolitan area, connecting urban centers in Multnomah and Clackamas counties. The Portland-Milwaukie Light Rail Project is part of a two-phase program to develop light rail serving what is known as the "South Corridor" in the Portland metropolitan area.

The project selected a Locally Preferred Alternative (LPA) in 2008, based on the *Portland-Milwaukie Light Rail Project Supplemental Draft Environmental Impact Statement (SDEIS)* in April 2008, and on a previous LPA selection and SDEIS in 2002. The *South Corridor Project SDEIS* examined various high-capacity transit alternatives between downtown Portland and Clackamas County, including a light rail alignment between downtown Portland and Milwaukie and an I-205 alignment to the Clackamas Regional Center connecting to the existing east side MAX line. Phase I of the South Corridor Project was the I-205/Portland Mall Transit Project, which began operating in 2009. Phase II is the Portland-Milwaukie Light Rail Project, a light rail segment that would connect Phase I's Downtown Portland Transit Mall segment at Portland State University with the City of Milwaukie and north Clackamas County.

The purpose leading to the proposed light rail investment was originally defined by the *South/North Corridor Project DEIS* in 1998. The purpose and need were updated with the *South Corridor Supplemental DEIS* in December 2002 and a subsequent South Corridor LPA decision in 2003, and were confirmed in the most recent LPA decision in 2008. The *purpose* is:

To implement a major transit improvement in the South Corridor that maintains livability in the metropolitan region, supports land use goals, optimizes the transportation system, is environmentally sensitive, reflects community values, and is fiscally responsive.

The *need* for a major transit investment in Phase II, the Portland-Milwaukie Project Corridor, is identified as:

Historic and projected rapid population and employment growth in the corridor, which creates an unmet demand for increased travel choices and transit capacity

High levels of existing traffic congestion and travel delay in the corridor and deteriorating travel conditions in the future

The need for high-quality transit service in the corridor to achieve regional and local land use objectives

The goals and objectives established for the Portland-Milwaukie Light Rail Project derive from the purpose and need statement and were articulated through the earlier studies noted above.

These include:

1. Provide high-quality transit service in the corridor
2. Ensure effective transit system operations in the corridor
3. Maximize the ability of the transit system to accommodate future growth in travel demand in the corridor
4. Minimize traffic congestion and traffic infiltration through neighborhoods in the corridor
5. Promote regionally agreed-upon land use patterns and development in the corridor
6. Provide for a fiscally stable and financially efficient transit system
7. Maximize the efficiency and environmental sensitivity of the engineering design of the proposed project

The project goals and objectives have been reinforced by several other regional and national initiatives including efforts to address climate change and reduce our dependence on fossil fuels, and Metro's recently adopted High Capacity Transit System Plan update conducted as part of the *Regional Transportation Plan (RTP)*.

K.2 SECTION 4(F) GUIDELINES AND REGULATIONS

The United States Department of Transportation (USDOT) Act of 1966 (49 USC 303) includes regulations that prohibit the use of parks, recreation areas, historic sites or nature refuges for transportation projects except in very unusual circumstances. These regulations, known as Section 4(f), require that USDOT agencies (including the FTA):

... not approve the use of land from a significant publicly-owned park, recreation area or wildlife and waterfowl refuge or any significant historic site, unless there is no feasible and prudent alternative to the use of land from the property and the action includes all possible planning to minimize harm to the property resulting from the use.

A use is generally defined as a transportation activity that permanently or temporarily acquires land from a Section 4(f) property. Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, United States Code. Section 6009 directed the USDOT to issue regulations that clarify the factors to be considered and the standards to be applied when determining whether feasible and prudent alternatives could avoid the use of a Section 4(f) property. On March 12, 2008, the Federal Highway Administration (FHWA) issued a Final Rule on Section 4(f), which moves the Section 4(f) regulation to 23 CFR 774 and provides updated direction for Section 4(f) evaluations.

Section 6009 of SAFETEA-LU also provided regulations simplifying the processing and approval of projects that have only *de minimis* impact of lands protected by Section 4(f). This revision provides for minor uses of Section 4(f) properties under specific conditions. If USDOT determines that a transportation use of Section 4(f) property (including any impact avoidance, minimization, and mitigation or enhancement measures) results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete.

This Final Section 4(f) Evaluation addresses the Portland-Milwaukie Light Rail Project and its Locally Preferred Alternative (LPA) to Park Avenue, the Minimum Operable Segment (MOS) to Lake Road, and Related Bridge Area Transportation Facilities. It identifies potential uses of Section 4(f) properties as outlined in 23 CFR 774. A previous Draft Section 4(f) Evaluation was released for public review in May of 2008 as part of the *Portland-Milwaukie Light Rail Project SDEIS*.

Section 4(f) properties may not be used for any transportation project receiving federal funds or approval from a USDOT agency, except where *de minimis* impact occurs, where there is a specific exception to a use in Section 4(f) regulations, or where no feasible or prudent alternative exists. Section 4(f) ensures that all possible planning has been done to minimize harm to those properties covered by the act.

State and local governments often obtain grants through the Land and Water Conservation Fund Act to acquire or make improvements to parks and recreation areas. Section 6(f) of this act prohibits the conversion of property acquired or developed with these funds to a non-recreational purpose, without the approval of the U.S. Department of Interior (DOI) National Park Service. Because Section 4(f) lands may have been developed with Section 6(f) funds, a Section 6(f) analysis was also conducted, and it was determined that none of the parks potentially impacted by the proposed project were constructed with these funds.

The Area of Potential Effect (APE) for this project is based on the APE used for the historic, cultural, and archaeological resources investigations. This area extends 150 feet on either side of the proposed light rail alignment, or at least one block from areas with a defined street grid pattern. In addition, it includes properties within 50 feet of other facilities or improvements, including any fully acquired parcel or any other surface feature or modification required for the light rail project. The evaluation of historic, cultural, and archaeological resources is based on the analysis and documentation provided in the Final Environmental Impact Statement (FEIS) and its related documentation as required under Section 106 of the National Historic Preservation Act of 1966. The evaluation of potential impacts to parks and recreation resources incorporates findings from the FEIS parks and recreational resources section and other environmental analyses, particularly visual and aesthetic, traffic, transportation, and noise and vibration analyses. Other findings and information from the FEIS and its preceding environmental and planning documents are also used in this Final Section 4(f) Evaluation to support conclusions regarding other avoidance and minimization alternatives.

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303) establishes a national policy “to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” This act applies to three types of resources:

1. Significant publicly owned parks, and recreation areas that are open to the public;
2. Significant publicly owned wildlife and waterfowl refuges, whether or not they are open to the public; and
3. Historic sites of national, state or local significance, whether or not these sites are publicly owned or open to the public. In most cases, only historic properties listed in or eligible for inclusion in the National Register of Historic Places are protected under Section 4(f).

Section 4(f) resources are presumed to be significant unless the official having jurisdiction over the site, or in the case of historic resources, the State Historic Preservation Officer (SHPO), concludes that the entire site is not significant.¹ Additionally, FTA must confirm that the official's finding of significance or nonsignificance is reasonable.

K.2.1 "Uses" of Section 4(f) Resources

Under Section 4(f), USDOT agencies cannot approve a transportation program or project that incorporates land or substantially affects the essential functions and features of a significant Section 4(f) resource, except under specific circumstances, as defined in the following section.² A use can be permanent, temporary, constructive, or *de minimis* as defined below.

Permanent use includes acquisition and incorporation of the resource into the transportation facility. It includes fee simple and permanent easements use, and involves the taking of any property within the established boundary of a Section 4(f) resource.

Temporary use occurs when a transportation project temporarily occupies any portion of the resource. In order for a temporary use of Section 4(f) land not to be considered adverse, it must meet the following conditions as summarized from 23 CFR 774.13:

- The duration of the occupancy must be less than the time needed for the construction of the project and there must not be a change in ownership.
- Both the nature and magnitude of the changes to Section 4(f) resources are minimal.
- There are no anticipated permanent adverse physical changes or interference with protected activities, features, or attributes of the resource, on a temporary or permanent basis.
- The land is restored to the same or better condition.
- There is a documented agreement of the appropriate federal, state, or local officials having jurisdiction over the resource, and authority over use of the property, regarding the above condition.

Constructive, or indirect, use occurs when the proximity effects of the transportation project are so great that the use of the property is substantially impaired. Examples are provided in 23 CFR 774.15.

¹ 23 CFR 774.

² Section 4(f) "use" is defined and addressed in the FHWA/FTA Regulations at 23 CFR 774.

A *de minimis* impact is allowed when, in consultation with the resource owner, the project proponent determines that the use is so small or minimal that it will not “adversely affect the activities, features, and attributes” that make the resource eligible for protection under Section 4(f).

K.2.2 Permitted Uses of Section 4(f) Resources

Approval of a transportation use of a Section 4(f) resource may occur if the project proponent demonstrates that:

- The use of the resource falls within the criteria allowing an exception to Section 4(f) as allowed in 23 CFR 774.13. Particular to this project, this regulation allows an exception for uses that are temporary.
- The use will have no more than a *de minimis* impact on the property; or
- There is no feasible and prudent avoidance alternative to using the property; and
- The program or project includes all possible planning to minimize harm to the property resulting from the use.

De minimis impacts relate to publicly owned parks, recreation areas, and wildlife and waterfowl refuges. *De minimis* impacts do not “adversely affect the activities, features and attributes” of a Section 4(f) resource.³ Once the USDOT determines that a transportation use of Section 4(f) property results in a *de minimis* impact, the project does not need to analyze avoidance alternatives, and the Section 4(f) evaluation process is complete.

When a project impact is greater than *de minimis*, the project proponent must determine whether there are feasible and prudent alternatives that would not result in an impact. An alternative is feasible if it is technically possible to design and build. An alternative is prudent if:

- It meets the project purpose and need and does not compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
- It does not require extraordinary operational or safety problems;
- It carries no unique problems or truly unusual factors;
- It has no other unacceptable or severe adverse economic or environmental impacts;
- It would not cause extraordinary community disruption;
- It does not have construction costs of an extraordinary magnitude; or

³ For historic and archaeological sites, a *de minimis* impact is defined as a “no adverse effect” or “no historic or archaeological properties affected” in compliance with Section 106 of the National Historic Preservation Act. Prior to making a determination of *de minimis* impact, USDOT should receive concurrence on the determination of effect to historic resources from the State Historic Preservation Officer (23 CFR 774.5).

- There are no other factors that collectively have adverse impacts that present unique problems or reach extraordinary magnitudes.

Once a project proponent demonstrates that an alternative is not feasible and prudent, that alternative may be removed from consideration. When there are no prudent and feasible alternatives that can avoid all Section 4(f) resources, which is the case for the Portland-Milwaukie Light Rail Project, then the Section 4(f) analysis must determine which alternative results in the least overall harm to Section 4(f) resources. Assessing least harm must consider the relative significance of the impacts on the Section 4(f) resources, mitigation incorporated into the proposed project, and impacts on other important resources that would occur from avoiding or minimizing the impact to a Section 4(f) resource.

The regulations list specific factors that FTA must consider when determining which alternative causes the “least overall harm.” See 23 USC 774.3(c)(1). These factors include:

- i. The ability to mitigate adverse impacts to each Section 4(f) property (including mitigation measures that result in benefits to the property);
- ii. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;
- iii. The relative significance of each Section 4(f) property;
- iv. The views of the official(s) with jurisdiction over each Section 4(f) property;
- v. The degree to which each alternative meets the purpose and need for the project;
- vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- vii. Substantial differences in costs among the alternatives.

This Final Section 4(f) Evaluation describes the Section 4(f) resources, the uses of those resources by the Portland-Milwaukie Light Rail Project alternatives, potential avoidance alternatives, potential measures to minimize harm, the net impacts of measures to minimize harm, coordination efforts to protect Section 4(f) resources, and a determination.

K.2.3 Section 106 Historic and Cultural Resources

Section 4(f) resources include those historic and cultural resources that qualify for protection under Section 106 of the National Historic Preservation Act. This Final Section 4(f) Evaluation incorporates the results and findings developed through the project’s Section 106 Consultation process.

Section 106 of the National Historic Preservation Act requires consideration of the impacts of federal transportation projects on historic properties and archaeological resources that are eligible for or listed in the National Register of Historic Places (NRHP). For this project, Section 106 compliance requires consultation between FTA and the SHPO. TriMet and Metro also coordinated with the SHPO during preparation of the Section 106 Consultation.

There are four ways, or criteria, through which an historic property or cultural resource can qualify for NRHP eligibility. These criteria are described below:

- Criterion A. The property is associated with events that have made a significant contribution to the broad patterns of our history.
- Criterion B. The property is associated with the lives of persons significant in our past.
- Criterion C. The property embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- Criterion D. The property has yielded, or may be likely to yield, information important in prehistory or history. This criterion is generally associated with archaeological resources.

In addition to defining Section 4(f) historic resources based on their eligibility for inclusion in the NRHP, the Section 4(f) evaluation considers the determination of effects from the Section 106 process in determining whether or not there is a use of a Section 4(f) resource in the following ways:

If an alternative has a direct use of land from an historic site, but there is a finding of “no adverse effect” in the Section 106 process, a Section 4(f) *de minimis* finding may result. If the use results in an “adverse effect” in the Section 106 process, a Section 4(f) *de minimis* finding cannot be made.

If an alternative avoids a direct use of land from an historic site, but has proximity impacts that are determined to have “no adverse effect” through the Section 106 process, there would likely be no constructive use under the Section 4(f) evaluation.

The Section 106 process requires consultation to resolve any adverse effects. Commitments made in the Section 106 process and documented in the MOA may also satisfy the requirement under Section 4(f) to minimize harm resulting from the use of a historic property.

K.3 DATA COLLECTION METHODS

The identification of publicly owned parks, recreation areas, and wildlife and waterfowl refuges in the project area was based on a review of existing published information, including the previously published environmental studies for the project, a field inspection, and discussions with various public agency representatives. Maps were reviewed and various field inspections of the project area were conducted to identify potential Section 4(f) resources. Public agency representatives were contacted, and the agencies also provided additional information about the status of several of the potential Section 4(f) resources within the project area.

The Section 4(f) APE included an area approximately 150 feet on each side of the rail alignment, and an additional 50 feet from any other surface feature. Potential resources included some parks and recreation areas that were later determined to be either previously dedicated as transportation corridors that were temporarily being used as open space, were undeveloped areas, or were privately owned facilities, and did not qualify as Section 4(f) resources. Potential resources included parks and open spaces, boat ramps, recreation areas, trails, and one wildlife refuge. Section 4(f) park, recreation, and historic resources in the project APE are shown on Figure 1, which also illustrates the light rail alternatives being considered in the FEIS.

The *Historic, Archaeological, and Cultural Resources Results Report* details the methods used for identifying and evaluating known and potential resources within the project area. The APE for historic properties was defined as extending one-half block on each side of the study alternatives in the central business districts that are characterized by a defined grid street pattern. Outside of the defined grid pattern, the APE extends 150 feet from the proposed improvements of the study area.

K.4 AGENCY COORDINATION

The Section 4(f) evaluation requires coordination and consultation with the officials with jurisdiction over each Section 4(f) property and the DOI. In this project, the Section 4(f) properties include local park and recreation facilities and historic resources.

K.4.1 Portland Parks and Recreation

The City of Portland contains 12,591 acres of public parkland and open space. Portland Parks and Recreation (PP&R) owns and manages over 10,000 of these acres and is the region's largest provider of parks and recreation. Park planning in Portland is guided by the City of Portland's *Parks 2020 Vision*, its comprehensive master plan for parks and recreation, which addresses parks, open spaces, natural areas, and facilities, and identifies programs, partnerships, and funding options.

K.4.2 North Clackamas Parks and Recreation District

Parks and recreational resources within the City of Milwaukie and in North Clackamas County are, for the most part, owned and managed by the North Clackamas Parks and Recreation District (NCPRD), a service district of Clackamas County created in 1990. NCPRD's service area extends over 32 square miles, roughly from the Clackamas/Multnomah county line at the north to the Clackamas River at the south.

K.4.3 City of Milwaukie

While the City of Milwaukie owns a number of parks near the project area, the majority are managed by the NCPRD. Parks planning within the city is still guided by Chapter 3 of its Comprehensive Plan, Environmental and Natural Resources.

K.4.4 Metro

Metro manages a regional land acquisition program that includes several open spaces and park facilities in the region. In November 2006, through a second voter-approved bond measure, Metro initiated an additional land acquisition program. This second program aims to acquire between 3,500 and 4,500 acres in 27 specific target areas. These target areas have been selected for their particular value in preserving wildlife and water quality, regional trails, and greenways. Among the 27 target areas are Johnson Creek, the Willamette River Greenway, and the Springwater Corridor.

Portland-Milwaukie Light Rail Project

Section 4(f) Resources

Figure 1

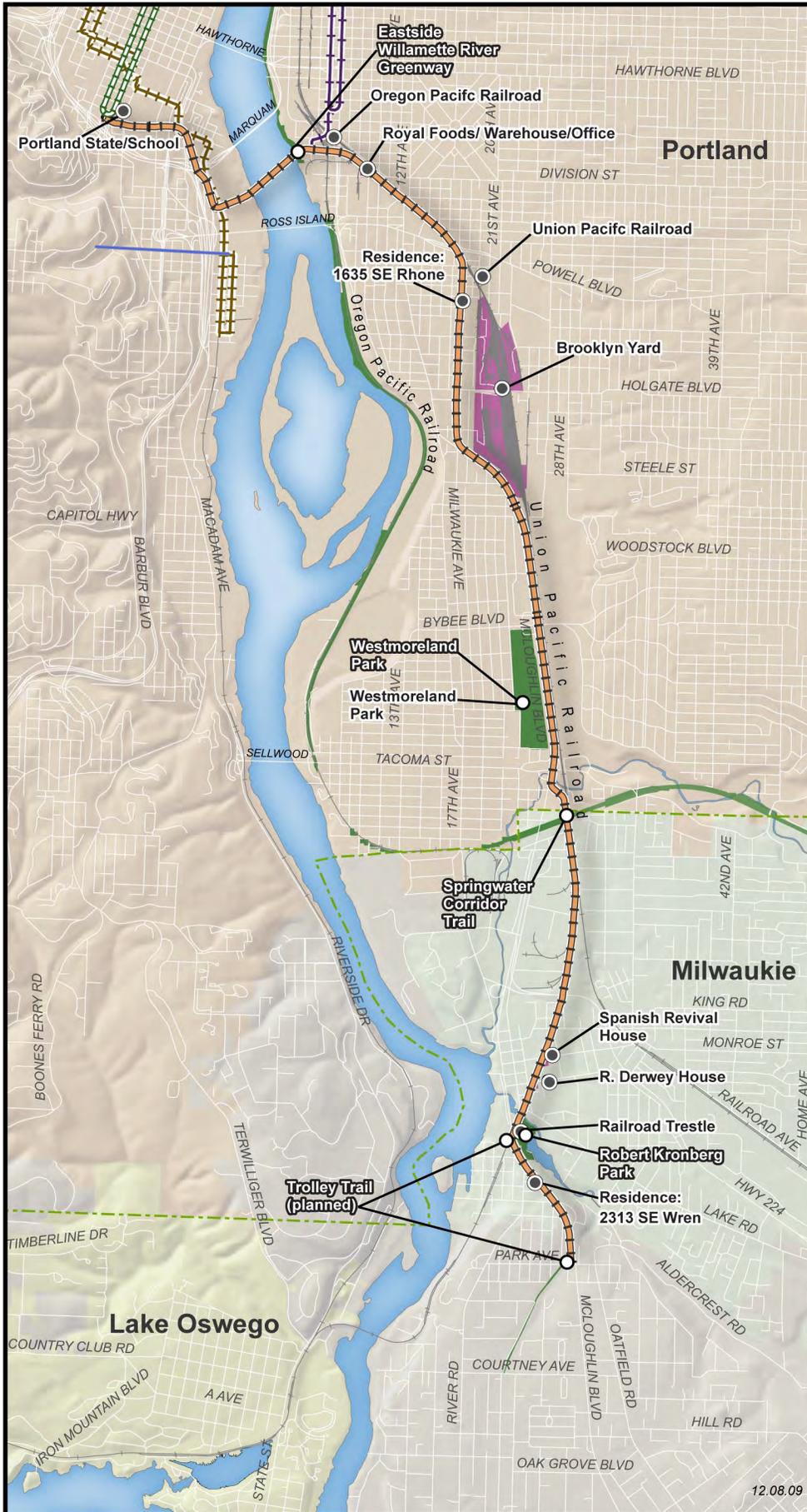
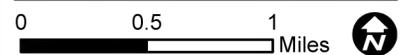
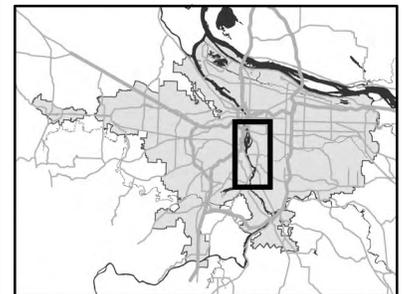
Park Resources

- Park Resource taxlot
- Eastside Willamette River Greenway
- Springwater Corridor Trail
- Westmoreland Park
- Robert Kronberg Park
- Trolley Trail (planned)

Historic Resources

- Historic Resource taxlot
- Portland State/School
- Royal Foods/Warehouse/Office
- Residence: 1635 SE Rhone St.
- Westmoreland Park
- Brooklyn Yard
- R. Derwey House
- Spanish Revival House
- Oregon Pacific Railroad
- Union Pacific Railroad
- Railroad Trestle
- Residence: 2313 SE Wren St.

- Light Rail
- Existing Light Rail
- Existing Streetcar
- Portland Aerial Tram
- Portland Streetcar Loop Project
- Railroad



12.08.09

K.4.5

K.4.6 U.S. Department of Interior

In accordance with the requirements of Section 4(f) regulations, the Section 4(f) evaluation has been made available for review by the DOI.

K.4.7 Oregon State Historic Preservation Officer (SHPO)

Oregon's SHPO was established in 1967 within the Oregon Parks and Recreation Department to manage and administer programs for the protection of the state's significant historic and prehistoric resources.

K.5 ALTERNATIVES CONSIDERED

The Final Section 4(f) Evaluation reviews the effects of the Portland-Milwaukie Light Rail Project on Section 4(f) resources. The Section 4(f) evaluation also reviews the potential for other potentially feasible and prudent alternatives to avoid the use of Section 4(f) resources while still maintaining the ability of the project to meet its purpose and need. The identification of feasible and prudent avoidance alternatives includes a review of alternatives that were previously considered and dismissed during the *South/North Corridor Project DEIS* in 1998, the *South Corridor SDEIS* in December 2002, and the most recent South Corridor SDEIS and LPA decision in 2008.

More detailed descriptions of the FEIS alternatives and the project's consideration of other alternatives are provided in Chapter 2 and Appendix L of the FEIS. The FEIS evaluation includes (see also Figure 1 above):

- No-Build Alternative
- Locally Preferred Alternative (LPA) to Park Avenue
- Minimum Operable Segment (MOS) to Lake Road

The LPA to Park Avenue and its MOS to Lake Road option are nearly identical, with the MOS to Lake Road representing a phasing approach that the project could pursue depending on funding and other project development decisions. Even if the MOS to Lake Road is identified as the first phase of construction and operation for the project, the project would still seek to ultimately extend to a terminus at SE Park Avenue.

The light rail project also includes the following facilities, none of which will involve a use of Section 4(f) resources:

- Ruby Junction Maintenance Facility
- Related Bridge Area Transportation Facilities

Locally Preferred Alternative (LPA) to Park Avenue

The LPA to Park Avenue from the Downtown Portland Transit Mall to SE Park Avenue in north Clackamas County includes approximately 7.3 miles of light rail, ten stations, plus five shelters and one station deferred from the Portland Transit Mall Project at SW Jackson Street, two park-and-rides, and a new bridge across the Willamette River.

Minimum Operable Segment (MOS) to Lake Road

The MOS to Lake Road provides an initial terminus at SE Lake Road in downtown Milwaukie, with 6.5 miles of light rail. This alignment could be constructed and operated until the full-length project is extended to SE Park Avenue. The MOS to Lake Road alignment is the same as the LPA to Park Avenue between the Downtown Portland Transit Mall and SE Lake Road, but it provides a park-and-ride facility associated with the Lake Road Station and increases park-and-ride capacity at the Tacoma Station.

Ruby Junction Maintenance Facility

The Portland-Milwaukie Light Rail Project would require expanding the existing Ruby Junction Operations and Maintenance Facility in Gresham to store and service the additional light rail vehicles and supporting maintenance activities associated with the project.

Related Bridge Area Transportation Facilities

This Final Section 4(f) Evaluation includes related streetcar and local street improvements that are being planned to maximize the transportation benefits of the light rail project and to allow it to be built and operated consistent with local development plans.

K.5.1 Previously Considered Alternatives

Nearly 20 years of previous studies of transit alternatives covering the Portland-Milwaukie corridor have been conducted. The key planning, engineering, and environmental efforts that have shaped the current definition of the Portland-Milwaukie Light Rail Project are:

- *1993 South/North Alternatives Analysis (1993 South/North AA)*
- *1998 South/North Corridor Project Draft Environmental Impact Statement (1998 South/North DEIS)*
- *2000 South Corridor Transportation Alternatives Study (2000 SCTAS)*
- *2002 South Corridor Supplemental Draft Environmental Impact Statement (2002 South Corridor SDEIS)*
- *2003 Downtown Amendment to the South Corridor Project Supplemental Draft Environmental Impact Statement (2003 Downtown Amendment)*
- *2008 Portland-Milwaukie Light Rail Project Supplemental Draft Environmental Impact Statement (Portland-Milwaukie SDEIS)*

Chapter 2 and Appendix L of this FEIS describe other alternatives previously considered through the project's development history, including documentation on why specific past alternatives were removed from further consideration due to their inability to fulfill the project's purpose and need, including higher costs, higher environmental impacts, or lower transportation and land use benefits.

K.6 SECTION 4(F) RESOURCES AFFECTED

Tables K-1 and K-2 below summarize the uses of Section 4(f) resources that are anticipated as a result of the construction or operation of the Portland-Milwaukie Light Rail Project.

Uses for the historic resources were determined through the direct use of the property containing an NHRP-eligible resource and/or a determination that the development of the LPA to Park Avenue would result in an effect under Section 106. The LPA to Park Avenue would have a *de minimis* Section 4(f) use to nine historic resources and a Section 4(f) use to two historic resources along its alignment. Specific impacts and mitigation commitments for the LPA to Park Avenue are addressed in a formal MOA with the SHPO. The MOA is included with this analysis in Attachment A.

One recreational resource has been identified as being required for temporary occupancy, which is an exception to Section 4(f) use requirements under CFR 23 part 774.13. Several other recreational resources were assessed for risk of constructive uses because of the proximity of light rail to the resource. FTA, TriMet, and Metro have determined that there would be no impacts from the project to any recreational resources that would substantially diminish any protected activities, features, or attributes of the recreational properties to the level that a constructive use would occur. As indicated in 23 CFR 774.15(c), the project proponents are "not required to document each determination that a project would not result in a constructive use of a nearby Section 4(f) property." Further information about project noise, vibration, and visual impacts may be found in Chapter 3 of the FEIS.

This section describes the potential uses of Section 4(f) resources by the Portland-Milwaukie Light Rail Project, and identifies whether the uses would occur with the LPA to Park Avenue and/or with the MOS to Lake Road option. The discussion addresses the Section 4(f) resources, based on analyses and coordination reported in the FEIS and related documentation.

**Table K-1
Portland-Milwaukie Light Rail Project - Summary of Park and Recreational Resource Use**

Name	Owner/Custodian	Type of Use and Project Element Involved	Description of Project Activity	Approximate Area of Use	Total Acreage of Resource
Eastside Willamette River Greenway Trail	City of Portland	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	Reconstruction of trail under a new Willamette River bridge, and construction of a bridge abutment	<0.05 acre Temporary use area and lowering of trail	4.27
Springwater Corridor Trail	Metro / City of Portland	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	Reconstruction of abutment of trail bridge over light rail; new trail access; potential sidewalk improvements	<0.1 acre use area beneath trail	n/a
Westmoreland Park	City of Portland	LPA to Park Ave. MOS to Lake Rd.	Partly funding City project to restore stream and wetland functions to replace a constructed pond; mitigates light rail wetland impacts	Restoring 3 acres of the pond, including 1.03 acres for wetland mitigation	
Trolley Trail (Planned)	North Clackamas Parks and Recreation District	<i>De minimis</i> LPA to Park Ave.	Use of trail right-of-way (ROW)	0.87 acres permanent use area	17.41

¹ Westmoreland Park is a Section 4(f) resource as a park as well as an historic resource under Section 106.

**Table K-2
Portland-Milwaukie Light Rail Project - Section 4(f) Historic Sites Used**

Name/Type	Address	Built Date	Section 106 Status¹	Section 106 Finding²	Type of Section 4(f) Use	Description of Use
PSU/School	2000 SW 5 th Ave.	1965	Determined Eligible	ROW acquisition; No adverse effect	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	No adverse effect; partial acquisition of property behind the building
Royal Foods/Warehouse/ Office	2425-2445 SE 8 th Ave.	1957	Determined Eligible	Full or Partial Demolition; Adverse effect	Use LPA to Park Ave. MOS to Lake Rd.	Adverse effect due to full acquisition and demolition
Residence	1635 SE Rhone St.	1926	Determined Eligible	Partial ROW acquisition; No adverse effect	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	No adverse effect; minor acquisition required for sidewalk and streetscape treatments

**Table K-2
Portland-Milwaukie Light Rail Project - Section 4(f) Historic Sites Used**

Name/Type	Address	Built Date	Section 106 Status¹	Section 106 Finding²	Type of Section 4(f) Use	Description of Use
Westmoreland Park	7605 SE McLoughlin Blvd.	1937	Determined Eligible	No ROW acquisition; adverse effect	Use LPA to Park Ave. MOS to Lake Rd.	Adverse effect due to enhancement of park feature as mitigation for project wetland impacts
Brooklyn Yard	2001 SE Holgate Blvd.	1912-1946	Determined Eligible	ROW acquisition; No adverse effect	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	No adverse effect; partial acquisition and relocation of one facility in yard; no change of use
R. Derwey House	2206 SE Washington St.	1925	Determined Eligible	ROW acquisition – Impacts setting; Adverse effect	Use LPA to Park Ave. MOS to Lake Rd.	Adverse effect due to partial acquisition and change of setting
Spanish Revival House	2326 SE Monroe St.	1928	Determined Eligible	ROW acquisition; No adverse effect	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	No adverse effect; partial acquisition but no change of setting
Oregon Pacific Railroad	Various locations along the alignment	Various	Determined Eligible	Direct use of ROW; No adverse effect, railroad only (not trestle)	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	No adverse effect; partial use of ROW and relocation of yard facilities
Union Pacific Railroad (excluding trestle)	Various locations along the alignment	1900	Determined Eligible	Direct use of ROW; No adverse effect, railroad only (not trestle)	<i>De minimis</i> LPA to Park Ave. MOS to Lake Rd.	No adverse effect; partial use of ROW and relocation of yard facilities
Railroad Trestle	At Kellogg Lake	1900	Determined Eligible	Indirect, visual; No adverse effect	<i>De minimis</i> LPA to Park Ave.	No adverse effect; use of ROW but no direct alterations; change of setting, decreased visual opportunities

**Table K-2
Portland-Milwaukie Light Rail Project - Section 4(f) Historic Sites Used**

Name/Type	Address	Built Date	Section 106 Status¹	Section 106 Finding²	Type of Section 4(f) Use	Description of Use
Residence	2313 SE Wren Street	1953	Determined Eligible	Partial acquisition; no adverse effect	<i>De minimis</i> LPA to Park Ave.	No adverse effect; use of small area at rear of lot; removal of trees

¹Listed or Determined Eligible for Listing in the National Register of Historic Places; Oregon SHPO has concurred.

²Determination of Effect with concurrence by the Oregon SHPO.

Portland State University (PSU)/School – The PSU building in the project area is located at 2000 SW 5th Avenue and was built in 1965. It is eligible for the NRHP for its architectural merit. The distinctive qualities of the architecture include the central block with vertical steel columns and painted steel plates. The projecting wings on either side of the building include decorative brickwork. This building blends horizontal and vertical features into a distinctive mid-century modern form. This resource qualifies under Section 106 Criterion C.

Eastside Willamette River Greenway Trail – The Eastside Willamette River Greenway Trail provides for a connection to the Springwater Corridor Trail (described in more detail below). Immediately south of the Eastbank Esplanade, and ending at SE Caruthers Street, the trail is located within easements from private landowners. The trail area is within an easement granted to the City of Portland for recreational purposes; therefore, Section 4(f) regulations apply.

For areas south of SE Caruthers Street and south to SE Ivon Street, the City of Portland envisions additional connections to be provided through future development or redevelopment actions, as required by the City of Portland’s greenway overlay code. Although the city envisions the area south of SE Caruthers Street as a future segment of the Eastside Willamette River Greenway Trail, this area is on private land, there are not yet permanent easements provided for the trail, and the existing land is not used for recreational purposes.

Royal Foods Warehouse and Office – This resource is located at 2425 and 2445 SE 8th Avenue and was built in 1957. This building is considered eligible for the NRHP for its architectural merit. The distinctive qualities of the architecture include the fenestration patterns consisting of vertical windows arranged in a horizontal pattern, the use of glass block interwoven with brick surfaces, and the cantilevered overhang on the second level of the front façade. This building illustrates the blending of traditional features, such as materials, with the mid-century modern streamlined forms. This resource qualifies under Section 106 Criterion C.

SE Rhone Street Residence – This resource is located at 1635 SE Rhone Street and was built in 1926. It is a good example of a circa 1920 Bungalow-style residence in the Brooklyn neighborhood, and it is eligible for the NRHP under Criterion C.

Brooklyn Yard – Brooklyn Yard is a freight rail yard located at 2001 SE Holgate Boulevard and consists of a complex of buildings and structures dating from 1912 to 1946. This district is historically significant for its association with early interstate and transcontinental steam-powered rail transportation in Oregon. This resource qualifies under Section 106 Criterion A.

Westmoreland Park – Westmoreland Park is a 40-acre facility owned and operated by PP&R and is a Section 4(f) recreational resource. It has a variety of park and recreation facilities, including a baseball field, basketball court, disabled access restroom, football field, paved and unpaved paths, picnic tables, playgrounds, soccer fields, softball fields, and tennis courts. Westmoreland Park began as a part of a residential subdivision that was subtracted from the Ladd Estate's Crystal Spring Stock Farm in 1909. By the 1930s, the site east of the subdivision had been converted from a wetland to serve time as a dairy, brickyard, and airstrip known as Broom Field.

In 1935, the City Planning Commission recommended development of recreational amenities for the nearby residents and later proposed a plan, prepared by architect Francis B. Jacobberger, that resulted in a casting pond, a cement-bordered model yacht lagoon (known as the Duck Pond), a fly caster's club house, bridges, a water supply for the casting pond supplied from Eastmoreland Golf Course, and grading of the athletic fields. The area of potential impact from the light rail project is restricted to the duck pond area.

Section 4(f) applies to Westmoreland Park as both a recreational and historic resource. This resource qualifies under Section 106 Criterion A because it is associated with the Works Progress Administration (WPA), a major Depression-era program that made a significant contribution to the broad patterns of our history.

Springwater Corridor Trail – The Springwater Corridor is a railbanked corridor and, under Section 8(d) of the National Trails Act, is still under jurisdiction of the Surface Transportation Board. Today, the trail is the major southeast segment of the 40-Mile Loop, which was inspired by the 1903 Olmsted Portland Parks Plan for a parkway and boulevard loop to connect park sites. When the Springwater Corridor Trail is fully developed, it will be over 21 miles long. The City of Portland and Metro own various sections of the right-of-way for the trail. Within the project area, the City of Portland owns, operates, and maintains the trail.

For the most part, the trail is separated from public roadways. A project constructing three bridges along the Springwater Corridor Trail was completed in early 2007. These bridges provide elevated crossings over Johnson Creek, SE McLoughlin Boulevard, and the Union Pacific Railroad (UPRR) line in Milwaukie.

The Springwater Corridor Trail is a multi-use trail. The paved surface is generally 10 to 12 feet wide with soft shoulders. The hard surface trail is designed to accommodate walkers, joggers, hikers, bicycles, wheelchairs, and strollers.

R. Derwey House – This resource is located at 2206 SE Washington Street. This two-and-one-half story Dutch Colonial style house was built in 1925 for a well-known Milwaukie jeweler and watchmaker named R. Derwey. It is architecturally significant as the best known example of a Dutch Colonial house in Milwaukie. This resource qualifies under Section 106 Criteria B and C.

Spanish Revival Residence – This resource is located at 2326 SE Monroe Street. This house, built in 1928, is architecturally significant. The character-defining features of the house include the stucco finish, tile roof, and arched openings. It is one of the best remaining examples of a Spanish Revival style residence in Milwaukie. This resource qualifies under Section 106 Criterion C.

Oregon Pacific Railroad (OPR) and the Union Pacific Railroad – The railroad system is significant for its association with early interstate and transcontinental rail transportation in Oregon. The railroads qualify under Section 106 Criterion A because they are associated with transcontinental rail transportation in Oregon, which made a significant contribution to the broad patterns of our history.

Historic Trestle – The wooden railroad trestle crossing Kellogg Creek is part of the Tillamook Branch line owned by the UPRR, and is a component of an extensive system of railroads that run throughout the project area; the entire railroad system has been determined an historic resource, significant for its association with early interstate and transcontinental rail transportation in Oregon. The trestle is located between the Robert Kronberg Park and a related park property known as the Milwaukie Local Share Parcel. The trestle qualifies under Section 106 Criterion A, because it is associated with transcontinental rail transportation in Oregon, which made a significant contribution to the broad patterns of our history and also qualifies under Criterion C, because it embodies the distinctive engineering characteristics of a type, period, or method of construction.

Trolley Trail (Planned) – The NCPRD is planning the Trolley Trail along a six-mile stretch of a historic corridor once used by a streetcar line traveling between Portland and Oregon City. Although the trolley corridor purchased by NCPRD and Metro in 2001 is approximately 40 feet wide, the trail itself will be 16 feet wide.

The trail is expected to have an asphalt or concrete surface and soft shoulders to accommodate pedestrian, recreational, and commuting bicyclists, horses, wheelchairs, and other nonmotorized uses. The Trolley Trail will have 25 pedestrian access points from neighborhood roads. The trail will provide connections to community facilities, parks, and public transit. Intersection improvements will be designed to provide safe trail crossings at existing roads.

NCPRD was awarded federal funding to conduct preliminary engineering and design work for the entire trail and to construct the trail from Kellogg Creek south to Glen Echo Avenue. Design efforts were initiated in late 2007, and construction is expected to begin in 2010.

SE Wren Street Residence – This resource is located at 2313 SE Wren Street and was built in 1956. It is a good example of a mid-century Ranch-style house in Milwaukie. It is eligible for the NRHP under Criterion C, because it embodies the distinctive architectural characteristics of a type, period, or method of construction.

K.6.1 Cultural Resources

Five previously recorded archaeological resources are located within the APE. Four of these resources either have been previously removed and will not be impacted by the project or have been determined not eligible for inclusion in the NRHP and therefore are not subject to Section 4(f) requirements. The fifth resource is located along the proposed alignment in Milwaukie and

has not been evaluated for NRHP eligibility. This resource may potentially be impacted by the proposed project. Six additional archaeological sites containing historic-period and/or prehistoric materials have been recorded near the project area.

There are also locations along the corridor that have the potential to contain significant archaeological resources. The project inventory identified areas with high to moderate probabilities for encountering archaeological resources. The probability reflects available information about other known resources that may be nearby, as well as areas that are typically associated with the presence of Native American and historic-period Euroamerican archaeological sites. The project has conducted additional field surveys and assessments to assist in determining the likelihood that a significant archaeological resource is present in an area that could be disturbed by the project.

An area where there is a reasonable expectation that a significant archaeological site may be present is noted as having a high probability. Moderate probability areas are noted where there is less certainty, as a result of past impacts. Nineteen high probability areas and three moderate probability areas for the presence of Native American and historic-period Euroamerican archaeological sites have been identified within the APE. The areas include the following.

- Two high probability areas (HPA-1 and HPA-2) are located in downtown Portland; one is near a recorded archaeological site that is outside of the project APE, and the other high probability area is associated with a work space where a significant archaeological site, now removed, was previously recorded. Two additional high probability areas (HPA-9 and HPA-10) are positioned where the alignment transitions between downtown Portland and the South Waterfront area.
- One high probability area (HPA-3) is located near a recorded archaeological site on the east side of the Willamette River. There is an additional high probability area (HPA-11) located between the UPRR and OPR rail facilities.
- Two high probability areas (HPA-4 and HPA-5) were previously noted as part of the *South Corridor Project SDEIS*. They are in the vicinity of Crystal Springs and Johnson Creek.
- A high probability area (HPA-8) is located near SE McLoughlin Boulevard and is recorded as a former historic brick factory.
- An additional high probability area is located within Westmoreland Park (HPA-12), and would be related to a wetland mitigation site for the project.
- Three high probability areas (HPA-6, HPA-7, and HPA-16) are located north and south of Kellogg Lake.
- Three high probability areas for historic archaeological resources are within downtown Milwaukie: HPA-13, HPA-14, and HPA-15.
- Three moderate probability areas (MPA-A, MPA-B, and MPA-C) for historic archaeological resources are located along SW Lincoln Street where the corridor is wider than the historic-period street.
- Three high probability areas (HPA-17, HPA-18, and HPA-19) are within the expansion area for the Ruby Junction Maintenance Facility although HPA-19 would be initially

avoided by the LPA Phasing Option. There are also two identified sites containing prehistoric and historic-period archaeological resources in the vicinity. Maps indicate that a marsh was once present, and several areas within the expansion area do not appear to have been previously disturbed.

K.7 EVALUATION OF SECTION 4(F) RESOURCE USE

Except for the No-Build Alternative, the use of one or more Section 4(f) properties appears unavoidable for the light rail project's LPA or its MOS. However, all previously considered alternatives that have the potential to meet the project's purpose and need also required the use of one or more Section 4(f) resources. This reflects the difficulty of developing a new light rail facility to serve a densely developed urban area. More than 20 different alignment and modal alternatives have been considered through the alternatives analysis and previous National Environmental Policy Act environmental reviews conducted for this project. As noted above, Chapter 2 and Appendix L of this FEIS provide additional background on why previous alternatives have not been advanced, including as a result of their lower effectiveness in meeting the project's purpose and need, and because their costs and environmental impacts were higher than the alternatives carried forward. When there are no prudent and feasible alternatives that can avoid all Section 4(f) resources, the Section 4(f) analysis must determine that the selected alternative results in the least overall harm to Section 4(f) resources.

K.7.1 No-Build Alternative Uses of Section 4(f) Resources

With the No-Build Alternative, there would be no project-related uses of park, recreational, or historic resources subject to Section 4(f) provisions. However, the No-Build Alternative would not address the underlying project purpose and need and therefore it is not considered a prudent Section 4(f) avoidance alternative.

K.7.2 Locally Preferred Alternative (LPA) to Park Avenue: Uses of Recreational or Historic Properties

FTA, TriMet, Metro, and SHPO, when applicable, have determined that the LPA to Park Avenue will have a *de minimis* impact to the recreational and historic resources listed below. These findings would not change with the LPA Phasing Option. Attachments to this Final 4(f) evaluation include documentation of the *de minimis* determinations for these resources.

- Portland State University School
- Eastside Willamette River Greenway Trail
- SE Rhone Street Residence
- Brooklyn Yard
- Springwater Corridor Trail
- Spanish Revival House
- Oregon Pacific Railroad
- Union Pacific Railroad
- Westmoreland Park (as a recreational resource)

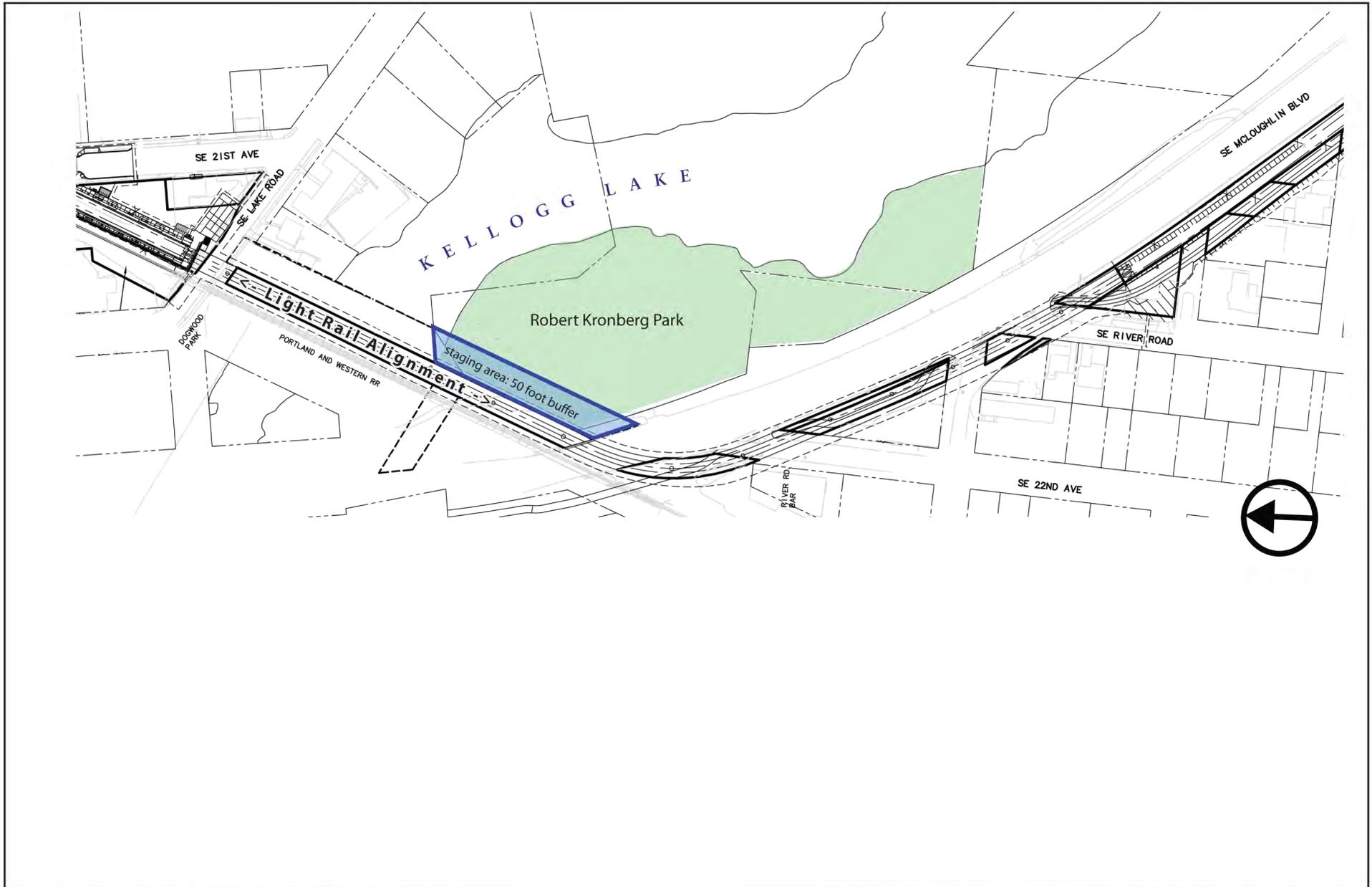
- Trolley Trail
- Railroad Trestle (Tillamook Branch Line)
- SE Wren Street House

FTA has determined that construction of the LPA to Park Avenue would require the temporary occupancy of a portion of Robert Kronberg Park. If specific conditions are met, a temporary occupancy does not constitute a use within the meaning of Section 4(f). A temporary occupancy must involve only a minor, short-term activity, and there should be no change in ownership of the land. The scope of the work must not create permanent adverse physical impacts, and no interference with the protected activities, features, or attributes of the property can occur on either a temporary or permanent basis. The land being used must be fully restored to a condition which is at least as good as that which existed prior to the project, and the agency with jurisdiction over the resource must agree in writing. The City of Milwaukie, the park owner, has agreed in writing (Attachment A) that the temporary occupancy would meet these conditions, and as provided under 23 CFR 774.13 it would qualify as an exception to Section 4(f) use approval requirements, and no further evaluation of the resource is required for its approval.

As detailed in the correspondence between the City of Milwaukie, FTA, TriMet, and Metro, the LPA to Park Avenue alignment would not require any permanent right-of-way from the park property, but it would construct a new bridge on the western boundary of the park (see Figure 2). The new bridge would be adjacent to an existing railroad trestle that separates Robert Kronberg Park from the Milwaukie Local Share Parcel. The LPA to Park Avenue alignment requires a temporary occupancy to allow construction staging within the park.

The construction staging will require approximately 0.3 acres of the park within a 50-foot-wide area immediately southeast of the light rail alignment. The park is currently open space, and public access is not restricted. It has no developed facilities and no formally designated activities, features, or attributes. During construction, the site would generally remain open to public access except for the 50-foot staging area. The construction staging area will be used for approximately three and one-half years, less than the estimated four-year construction period for the overall project.

The temporary occupancy of the parkland is not anticipated to adversely impair or diminish the open space or natural attributes of the park or preclude the ability of the City of Milwaukie to ultimately develop the park. The majority of the park's area will continue to be available to public access during construction. Because Robert Kronberg Park contains an existing railroad trestle that remains in operation, and because the park is also bounded by SE McLoughlin Boulevard, a busy thoroughfare, the LPA to Park Avenue will not greatly alter the park setting or atmosphere on a permanent basis. The light rail project also includes several features that would benefit long-term plans to develop the park, including a bridge structure over Kellogg Creek that has been designed to accommodate a future trail between downtown Milwaukie and the park.



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Figure 2: Robert Kronberg Park Staging Location

Robert Kronberg Park Staging Location
 Project will be staging within 50 foot buffer of light rail alignment (highlighted in blue).

- Robert Kronberg Park
- Staging Location

FTA has determined that the LPA to Park Avenue will have a full use of the recreational and historic resources listed below. An evaluation of these uses is included in this section.

- Royal Foods Warehouse and Office
- Westmoreland Park (as an historic resource)
- R. Derwey House

K.7.3 Locally Preferred Alternative (LPA) to Park Avenue Use and Extent of Its Effects to the Royal Foods Warehouse

Would this alternative result in a use of this resource?

Yes, the LPA to Park Avenue would require full acquisition and demolition of this property in order to provide adequate right-of-way for the light rail tracks. See Figure 3.

What measures to minimize harm to this resource have been incorporated into this alternative?

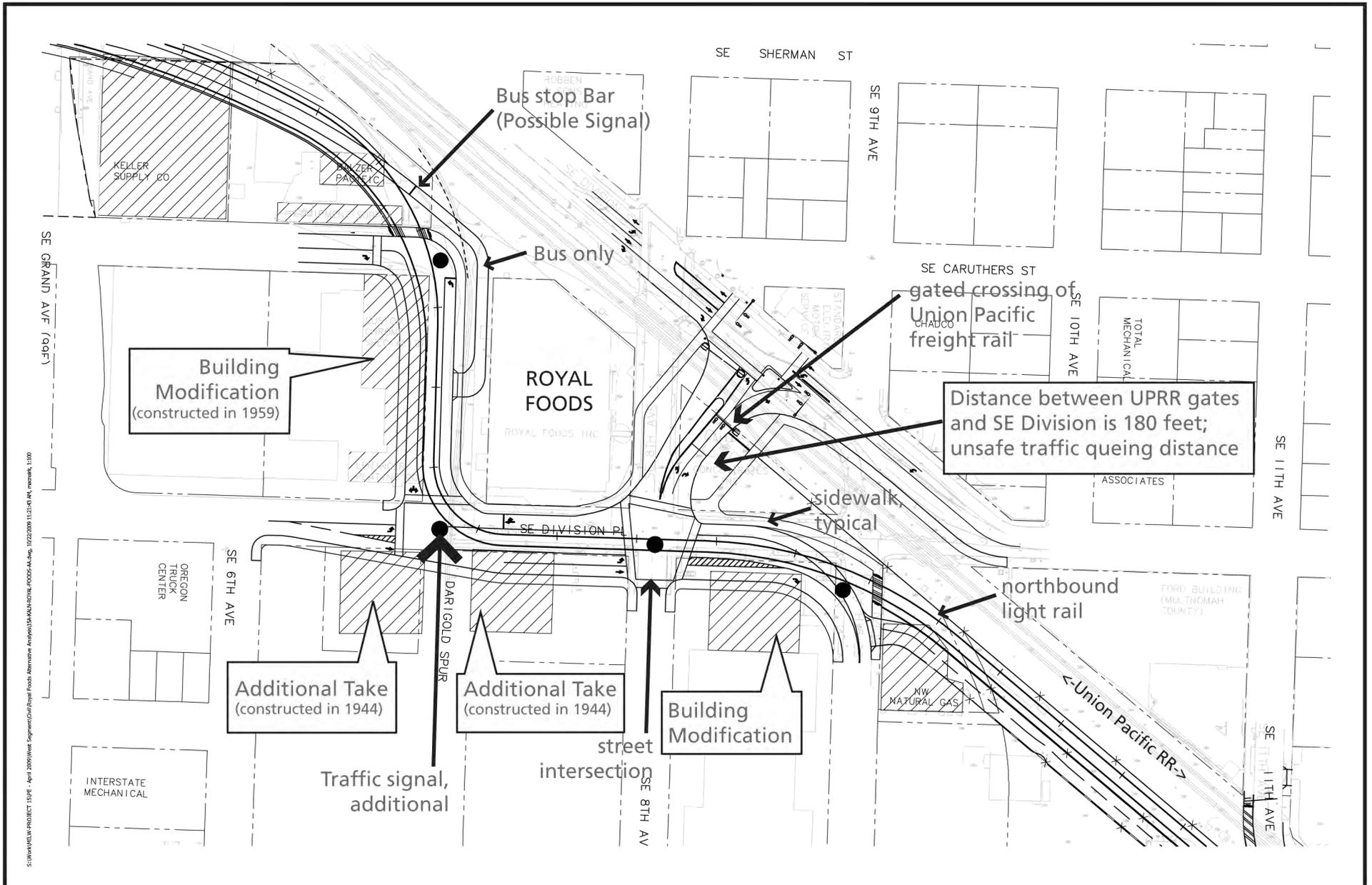
Because a large portion of the building will be required for use by the LPA to Park Avenue alignment, demolition of the building will be required. The project considered removal of one side of the building, but this would still result in an adverse effect and would eliminate key features that make the building eligible as a Section 4(f) resource. Viable economic use of the building remnant would also be unlikely. There were no other options to minimize harm except through avoidance, as illustrated in Figure 4 and discussed below. Because this is an historic resource, mitigation will include documentation of the resource.

Can this alternative be modified to avoid the use or to minimize the harm resulting from the use?

There are several reasons that it would be difficult to avoid the use of this resource or minimize harm to the resource to de minimis impact, without incurring high levels of other impacts, including to other potential Section 4(f) resources. This resource is close to the existing railroad right-of-way, a location that minimizes the proximity effects and traffic conflicts of a new at-grade light rail alignment serving this densely developed urban area. By locating any new light rail facilities in or near existing railroad right-of-way, overall project impacts are minimized, resulting in an alternative that creates less overall harm than other potential alternatives for light rail serving this area. Because of this resource's proximity to the railroad right-of-way, many previous light rail alignments studied, including the South/North alignments on the Hawthorne Bridge, considered this property to be a displacement.

SE Division Place Alignment

An alignment that still served the area but joined the railroad corridor farther to the south was considered (see Figure 4), but it would have had greater levels of property impacts and would have been located in the primary freight route, creating higher levels of congestion, impacting trucking operations and property access, and increasing the potential for unacceptable safety and operational conflicts between trucks, heavy rail, and light rail. A design using SE Division Place



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SE Division Alignment Options Impacts on Areas Near Royal Foods Office and Warehouse

also resulted in additional property impacts. The additional impacts of this option were great enough to lead to the dismissal of its further evaluation. Specific impacts included:

There would be impacts to four additional buildings. Two of these buildings, the Darigold property south of SE Division Place and the building north of SE Division Place, are older buildings that could also qualify as potentially eligible for the NRHP.

- The location of the tracks on SE Division Place would impact freight movement in this industrial sanctuary.
- The distance between the tracks on SE Division Place and the Union Pacific freight rail line is 180 feet. This would create an unsafe traffic queuing distance between railroad gates and could trap trucks/vehicles on either the Union Pacific or light rail tracks. It is unlikely that the Oregon Department of Transportation (ODOT) Rail Safety group would permit this design.

Southern Bridge Alternatives

In the 1998 *South/North Corridor DEIS*, the project considered alignments that did not serve the Oregon Museum of Science and Industry (OMSI), the Central Eastside Industrial District or the Brooklyn neighborhood of southeast Portland, and instead crossed south of the Ross Island Bridge. These alternatives were removed from consideration because they had lower transportation benefits and high levels of environmental impacts, including impacts to a nature refuge as well as historic neighborhoods.⁴ These options also did not serve key transit markets, including the Central Eastside Industrial District and OMSI.

Ross Island Bridge Alternative

An alignment adjacent to the Ross Island Bridge, south of the Royal Foods Warehouse, was eliminated from further consideration due to the significant impacts to the historic Ross Island Bridge, property impacts on the east side of the river, and high cost. Like the southern bridge alternatives studied in 1998, the Ross Island Bridge Alternative studied as part of the 2006 Refinement Study also lacked transit service to key markets, including the Central Eastside Industrial District and OMSI.

K.7.4 Locally Preferred Alternative (LPA) to Park Avenue and extent of its effects to Westmoreland Park

Would this alternative result in a use of this resource?

Yes, there would be a use of an historic resource because the project proposes to mitigate some of its natural resource impacts by developing a natural resource mitigation and enhancement project within the park. This action would alter an historic feature of the park. However, effects on the park as a park resource constitute a *de minimis* impact, and therefore the park effects are treated separately from the historic effects; see Attachment 4. The light rail project is mitigating wetland impacts that occur north of the Bybee Station outside of Westmoreland Park, by

⁴ See Appendix L.

providing funds to a City of Portland project to develop wetlands and enhance ecosystem functions within the park. The City is proposing a project to provide ecosystem enhancements to the park, restoring a stream that had been altered to be a duck pond when the park was first developed. The restored stream would have a functioning wetland; the action to alter the pond within the park has been determined by SHPO to have an adverse effect on the historic characteristics of the park. See Figure 5.

TriMet's funding to the City of Portland's project would improve natural functions to Crystal Springs Creek as it flows through Westmoreland Park. This mitigates the light rail project's natural resource impacts where it crosses the Crystal Springs Creek upstream near the Bybee Station, and impacts wetlands within the creek's drainage. The City of Portland's enhancement and restoration project for the park is proposed to restore wetland and natural stream functions in an area where a concrete lined pond currently exists. The light rail project would provide funds for developing approximately one acre of wetland mitigation area as part of the City of Portland's ecosystem restoration project. Based on the enhancement plan, between 2.5 to 3 acres of wetland and stream area are anticipated to be developed as part of the City of Portland's project. Further discussions with the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers will need to occur to determine whether this area and type of mitigation is sufficient to meet agency requirements.

The determination of a Section 106 adverse effect on this resource and the use of land within the park to provide natural resource mitigation needed for the light rail project is being considered a 4(f) use, and requires a full Section 4(f) evaluation.

What measures to minimize harm to this resource have been incorporated into this alternative?

FTA, TriMet, Metro, and the City of Portland are working with SHPO to design the wetland enhancements in ways that have minimal impact to the historic characteristics of the park.

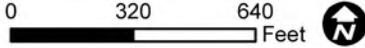
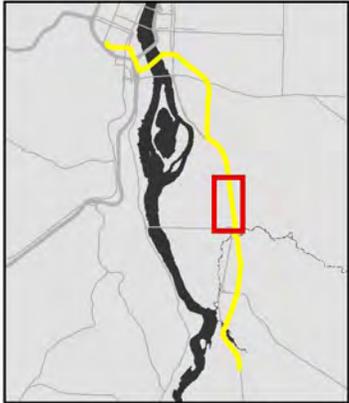
In addition to designing the wetland enhancements in ways that minimize changes to the historic characteristics of this resource, the project proponents have coordinated with SHPO to develop measures to mitigate the loss of these characteristics through measures such as documentation, site identification, or public education. These mitigation commitments have been documented in the project's MOA.

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Westmoreland Park

Figure 5

-  Proposed light rail alignments:
(LPA to Park and MOS to Lake)
-  Construction Limit
-  Westmoreland Park
-  Duck Pond Mitigation Site



Can this alternative be modified to avoid the use or to minimize the harm resulting from the use?

For impacts to wetlands, three mitigation options are available, but only the Westmoreland Park site provides the opportunity to address wetland and stream crossing mitigation impacts in a way that maximizes benefits to wetlands as well as aquatic habitats, particularly habitat for endangered species. The Westmoreland Park Alternative is a result of a combined parks enhancement and natural resource impact mitigation strategy designed to offset impacts of an upstream stream crossing and fill of wetlands within the Crystal Springs Creek drainage, outside of the park boundaries. The proposed location within the park was identified as the most beneficial to ecosystems and parks resources, based on a consensus of resource agencies, the City of Portland, Metro, and TriMet, and it supports long-term plans to restore and enhance the Crystal Springs Creek drainage for endangered species habitat.

The proposal would restore this section of Crystal Springs Creek to a more natural ecosystems function, and there are limited other opportunities for major improvements or enhancements within the drainage, which is otherwise largely developed. One benefit of the Westmoreland Park enhancement is the increase in functions for juvenile salmon. Currently, usage of the pond is limited to juveniles that emerge upstream of the site. The City of Portland is currently retrofitting and replacing culverts downstream to remove barriers for Johnson Creek juveniles to use the site. This project would benefit those populations in the Johnson Creek watershed.

The proposed enhancements are consistent with plans that the City of Portland has for improving the biological functions of the park. The City of Portland and several other natural resource agencies have written letters identifying the Westmoreland Park site as the most promising and beneficial mitigation site to address the natural resource impacts of the light rail project within the Crystal Springs Creek drainage. FTA, TriMet, and Metro are developing mitigation features and measures through SHPO to minimize impacts under Section 106. This includes additional documentation of the historic property to meet the standards of the Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER) and Historical American Landscapes Survey (HALS), including large scale photographs. The project will also develop an interpretive panel or display at the Bybee Station, and develop materials describing the historic attributes and features of the property for use by the City of Portland and other interested parties. The information will highlight the relationship of the park to Portland WPA projects, as well as the social, economic, and cultural trends of recreational city parks. Despite the fact that this alternative has a Section 106 adverse effect, FTA, TriMet, Metro, and the City of Portland believe this alternative will cause the least overall harm to the environment, when considering overall effects.

In addition, in the review of the Section 106 effects and consultation with the SHPO, FTA determined that although the alteration of the pond would constitute an adverse effect, the park overall would retain sufficient integrity to remain eligible for inclusion in the NRHP.

Bybee Wetland Mitigation Alternative

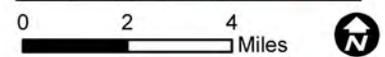
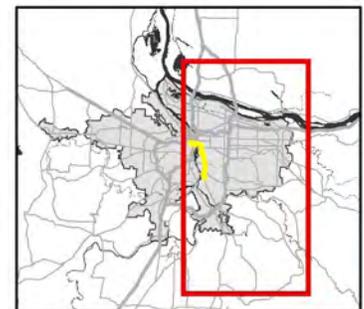
Another mitigation alternative is to create new wetland south of Bybee Boulevard (see Figure 6), and between SE McLoughlin Boulevard and the UPRR tracks. Based on the project's wetland delineation and a soil pit in the area, existing hydrology is not present. Therefore, the chance of

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Westmoreland - Alternative Mitigation Locations

Figure 6

Proposed LPA to Park Ave and MOS to Lake RD



December 7, 2009

creating successful mitigation at this site is low. If conducted, however, 1.575 acres of wetland would need to be created, based on DSL's requirement of a ratio of 1.5:1 for wetland creation. Due to the low potential for success and the lack of offsetting benefits for endangered species, this option is not considered prudent for the purposes of mitigating the light rail project's natural resource impacts.

Foster Creek Mitigation Alternative

Another alternative is to purchase mitigation credits from the Foster Creek wetland mitigation bank. Foster Creek is between Damascus and Estacada, off of the Clackamas River, and is not within the Johnson Creek watershed, so the mitigation would not benefit the location that is being impacted. It also does not provide the additional benefit of restoring endangered species habitat for salmon. Mitigating at Foster Creek is not preferred for meeting salmon uplift or watershed enhancement in the City of Portland or for Crystal Springs Creek or Johnson Creek because the mitigation is distant from the project impact. It therefore does not support the project goal of enhancing the environment nearly as well as the mitigation at Westmoreland Park does. Due to these factors and the lack of a connection to the Crystal Springs Creek or offsetting benefits for endangered species habitat, this option is not considered prudent for the purposes of mitigating the light rail project's natural resource impacts.

K.7.5 Locally Preferred Alternative (LPA) to Park Avenue Use and Extent of Its Effects to the R. Derwey House

Would this alternative result in a use of this resource?

The LPA to Park Avenue would require the acquisition of land along the west side of the parcel to within approximately 10 feet of the R. Derwey House, including the removal of a mature tree and other vegetation, as well as a detached shed on the property (see Figure 7). The project would also construct a retaining wall and a fence on the boundary of the property. The proximity of the light rail facilities and associated features would alter the setting of the building and compromise the historic characteristics of the site, constituting an adverse effect.

What measures to minimize harm to this resource have been incorporated into this alternative?

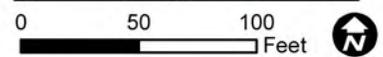
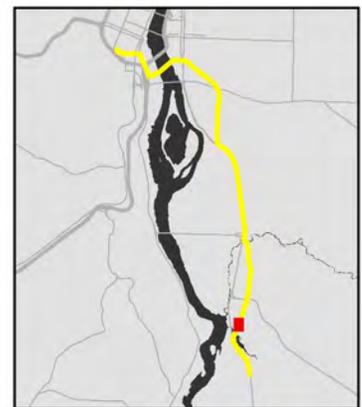
As noted previously, this resource qualifies for listing on the NRHP because of its representation of Dutch Colonial-style housing. Several efforts have been made to minimize harm to this resource, including omitting an early proposal for a light rail station at SE Monroe Street, which would have required an additional 10 to 15 feet of property from the R. Derwey House property. Additionally, the placement of the alignment was designed to be as close to the UPRR tracks as permitted by the UPRR, while maintaining adequate setbacks and sight distances at intersections to allow for safe and effective operation of the light rail system in a corridor shared with freight rail and with at-grade street crossings. The project includes several features, including retaining walls, to minimize the amount of land required from the R. Derwey House. The house itself is not physically impacted, and the use required for the project is related to the narrow strip of land required for the light rail project, and the unavoidable removal of mature landscaping. While the SHPO has concurred with a determination that this use would result in an adverse effect under Section 106, the R. Derwey House would remain eligible for listing in the NRHP.

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R. Derwey House

Figure 7

- Proposed LPA to Park Ave alignment
- Construction Limit
- R. Derwey House Property boundary



December 7, 2009

Can this alternative be modified to avoid the use or to minimize the harm resulting from the use?

There are several reasons that it would be difficult to modify this alternative to fully avoid the use of the property or minimize harm to the resource to the level of a *de minimis* impact. This resource is close to the existing railroad right-of-way, which provides an existing corridor for light rail facilities to serve the City of Milwaukie. By locating any new rail facilities in or near existing railroad right-of-way, the project is minimizing its overall impacts to the environment and to property, compared to other alignment options serving this heavily developed urban area.

Three other alignment options to avoid or minimize the harm to the R. Derwey House were considered leading up to the 2008 SDEIS. These included SE Main Street, SE Main Street and SE 21st Street, and SE McLoughlin Boulevard alignments, which are described below.

SE Main Street Alignment

This alignment considered placing the light rail alignment on SE Main Street through the middle of downtown Milwaukie. This would have avoided impacts to the R. Derwey House, but would have had serious impacts to downtown traffic circulation and business access, downtown parking, and potential impacts to other downtown historic resources such as the Masonic Temple and City Hall that are also Section 4(f) historic resources. City of Milwaukie staff determined this alignment to be incompatible with the *Milwaukie Downtown and Riverfront Land Use Framework Plan* because of impacts on SE Main Street and the connection to the Willamette River. In addition to the City of Milwaukie opposition, through public workshops it was determined that community opposition to this alignment was also high.

SE Main Street and SE 21st Street Rail Couplet Alignment

This alignment considered placing the light rail alignment on SE Main Street and in the opposite direction on SE 21st Street through the middle of downtown Milwaukie. Like the SE Main Street alignment, this alignment would have had no impact to the R. Derwey House, but would have had serious impacts to downtown traffic circulation and business access, downtown parking, and, similar to the SE Main Street alignment, this alignment would have potential impacts to other historic properties including the Masonic Temple and City Hall, which are Section 4(f) historic resources. City of Milwaukie staff determined this alignment to be incompatible with the *Milwaukie Downtown and Riverfront Land Use Framework Plan* because of impacts on Main Street and the connection to the Willamette River.

SE McLoughlin Boulevard Alignment

This alignment was studied during the 2008 SDEIS alternatives refinement and would have located light rail on SE McLoughlin Boulevard through Milwaukie. This alternative would have had no impact to the R. Derwey House. However, this alternative would require rebuilding and widening SE McLoughlin Boulevard, which had recently been reconstructed to incorporate streetscape and pedestrian facilities and improve operations and safety conditions. Widening would have also increased property impacts compared to other alternatives, and light rail operations on this major transportation facility had higher potential for substantial traffic impacts. This alternative would have also required a substantial amount of right-of-way from Riverfront Park, a Section 4(f)

resource to the west that is important to implementation of the Milwaukie downtown plan. In addition to requiring between 36,000 and 48,000 square feet of Riverfront Park, this alternative would have also impacted park access and circulation, and decreased vehicle parking for this resource. This alternative would have also had adverse effects to the historic trestle. The station facility would have been less accessible to the downtown, thus reducing mobility benefits.

K.7.6 Minimum Operable Segment (MOS) to Lake Road

The MOS to Lake Road has the same Section 4(f) uses as the LPA to Park Avenue until it reaches its terminus at SE Lake Road in downtown Milwaukie. The affected Section 4(f) properties include:

- Portland State University School (*de minimis*)
- Eastside Willamette River Greenway Trail (*de minimis*)
- Royal Foods Warehouse and Office (use)
- SE Rhone Street Residence (*de minimis*)
- Brooklyn Yard (*de minimis*)
- Westmoreland Park (*de minimis*)
- Springwater Corridor Trail (*de minimis*)
- Spanish Revival House (*de minimis*)
- Oregon Pacific Railroad (*de minimis*)
- Union Pacific Railroad (*de minimis*)

K.8 OVERALL COMPARISON OF ALTERNATIVES

To date, the project has been unable to identify a prudent and feasible project alternative that fulfills the project's purpose and need and completely avoids the use of Section 4(f) resources.

Of the alternatives considered in the FEIS, the No-Build Alternative does not meet the project's purpose and need, and over the long run, will contribute to increased traffic congestion and an inability to implement local community plans, both of which increase long-term environmental impacts. Therefore, it does not provide a feasible and prudent avoidance alternative to a Section 4(f) use.

As described above, both the LPA to Park Avenue and the MOS to Lake Road option would require the use of Section 4(f) properties. The project has been designed to incorporate measures to avoid Section 4(f) resources while still maintaining an effective balance of project benefits and avoiding significant environmental impacts. This effort includes all possible planning to minimize harm to specific resources and for the project overall. For example, the project's current alignment using railroad rights-of-way in many portions of the corridor avoids the much higher levels of impact that would otherwise occur with alignments that would be along local streets or through established neighborhoods where sufficient linear rights-of-way are not available.

In this final step of the Section 4(f) evaluation, the LPA to Park Avenue and the MOS to Lake Road option are compared to one another to determine which alternative causes the least overall harm,

consistent with Section 774.3(c)(1) of the Section 4(f) regulations. The evaluation also briefly reviews other alternatives previously considered, showing that they do not provide an opportunity to avoid Section 4(f) resources while also successfully fulfilling the project's purpose and need.

K.8.1 Locally Preferred Alternative (LPA) to Park Avenue

The LPA to Park Avenue would result in a permanent use of three historic Section 4(f) resources. It has been designed to minimize its effects on the other Section 4(f) resources that are along its alignment, with either *de minimis* or temporary use of other Section 4(f) resources. The LPA to Park Avenue is the only feasible and prudent alternative that has been found to satisfy the project's purpose and need for a major transit investment. The LPA to Park Avenue involves the same full use of Section 4(f) resources as does the MOS to Lake Road. While the LPA to Park Avenue does involve *de minimis* impacts of the historic trestle and the Trolley Trail, *de minimis* impacts do not require further evaluation of avoidance alternatives.

The LPA to Park Avenue would provide multimodal transportation options, support land use goals, contribute to the decrease in congestion, and provide better connections throughout the region. It would therefore best meet the project purposes of maintaining livability, supporting land use goals, minimizing environmental impacts, reflecting community values, and optimizing the transportation system.

K.8.2 Minimum Operable Segment (MOS) to Lake Road

The MOS to Lake Road does not offer the opportunity to avoid any Section 4(f) resources that require a full use under the LPA to Park Avenue. Because it has the same full uses of Section 4(f) properties, it does not represent a separate Section 4(f) avoidance alternative. The MOS to Lake Road, which is similar to a previously considered alternative terminating in downtown Milwaukie (as evaluated in the 2008 SDEIS), represents an interim phasing approach for the project, and is not considered an alternative to ultimately building and operating the LPA to Park Avenue. Further, because the MOS to Lake Road would have a terminus at SE Lake Road and requires developing a park-and-ride in downtown Milwaukie, it carries higher traffic impacts within the downtown area and increases the right-of-way acquisition in downtown to provide for a park-and-ride. The park-and-ride structure required for the MOS to Lake Road is more inconsistent with the City of Milwaukie's plans for its downtown revitalization, which includes goals for a pedestrian scale downtown area and a stronger connection between the downtown area and the Willamette River waterfront. It also has one less station and a lower supply of parking than the LPA to Park Avenue. It has lower ridership and lower transportation system benefits, and lower levels of environmental benefits. All of these factors show that the MOS to Lake Road would have higher localized impacts and lower local and regional mobility benefits than the LPA to Park Avenue. It also offers less opportunity for efficient transit connections from areas to the south. The region's *High Capacity Transit Plan*, an element of the adopted RTP, also identifies a future extension of light rail to Oregon City, which would further extend the benefits of light rail. As a stand-alone project, the MOS to Lake Road, with a permanent terminus at Lake Road, would therefore not fully achieve the project's purposes of maintaining the livability of the region, supporting land use goals, optimizing the transportation system, and reflecting community values.

K.8.3 Other Alternatives Previously Considered

The 2008 SDEIS for the Portland-Milwaukie Light Rail Project considered a 2003 LPA and a Tillamook Branch Alignment, as well as an extension to SE Park Avenue. Alternative alignments were also considered in two areas: for the Willamette River bridge and the Milwaukie Industrial Area. These alternatives and alignment options were variations on the overall project alignment currently proposed for the LPA to Park Avenue, and they did not include any alternatives that avoided the use of the Section 4(f) resources affected by the current light rail project. Therefore, they do not constitute a complete avoidance alternative to Section 4(f) use nor do they represent complete alternatives capable of meeting the project's purpose and need.

One of the alignment options (known as the 2003 LPA) had a Section 4(f) use that the current project alignment now avoids. The 2003 LPA extended from the Downtown Portland Transit Mall to SE Lake Road in Milwaukie with a new bridge across the Willamette River and an alignment along SE McLoughlin Boulevard and SE Main Street in the North Milwaukie Industrial Area. It terminated in Milwaukie with a Lake Road station and park-and-ride, similar to the current MOS to Lake Road. This route included uses of three Section 4(f) properties, including an historic ODOT building that the current LPA to Park Avenue avoids. It also carried higher traffic and property displacement impacts to streets in an industrial area that are now avoided. As the MOS to Lake Road now represents this alternative, it is not considered a separate alternative for comparison to the effects of the current FEIS alternatives.

A 2002 SDEIS for the South Corridor considered transit improvements between downtown Portland and Milwaukie and from the Clackamas Regional Center via the Gateway Regional Center. The SDEIS alternatives included a light rail alternative that served the Portland-Milwaukie corridor, and also included Bus Rapid Transit (BRT) and Busway Alternatives. The alternatives applicable to the Portland-Milwaukie corridor included:

Milwaukie Light Rail Alternative. This alternative was an early version of the current FEIS MOS to Lake Road, except it entered downtown Portland on the Hawthorne Bridge (with an adverse effect to that historic resource), and it had an additional alignment option at Brooklyn Yard. It did not provide the opportunity to avoid the Section 4(f) resources currently affected by the FEIS alternatives, and it had several other elements that no longer would comprise a prudent avoidance alternative to the currently proposed project.

Busway and BRT Alternatives. The Busway and BRT Alternatives were removed from further consideration with the 2003 LPA decision to move forward with light rail in the South Corridor in two investment phases. The region's 2003 LPA decision selecting light rail for the Portland-Milwaukie corridor found that these alternatives were much less effective in meeting the project's purpose and need, particularly in the areas of optimizing the transportation system, supporting land use plans, remaining environmentally sensitive, maintaining the livability of the region, and reflecting community values. They served far fewer transit trips and had less reliability and slower travel times than the light rail alternative. In light of the growth in corridor transit demand and congestion since then, the ability for the BRT or Busway Alternatives to serve the corridor's transportation need effectively is further compromised. The current light rail alignment, which includes a new bridge and connection to the transit mall and the Green Line light rail line built since 2002, offers a far better connection to Portland's downtown population and employment centers than the one studied in 2002. Therefore, the BRT and Busway

Alternatives are not prudent alternatives that would meet the project's purpose and need. The use of Busway or BRT to serve the Portland-Milwaukie corridor are also not consistent with the region's newest *High Capacity Transit Plan*, which calls for further extending light rail beyond Milwaukie to Oregon City. Finally, the Busway Alternative affected seven potential Section 4(f) resources, while the BRT Alternative affected at least one potential Section 4(f) resource, so neither comprise a complete Section 4(f) avoidance alternative. Based on more current information, including the identification of additional Section 4(f) resources along the corridor, it is likely that the BRT Alternative would impact additional Section 4(f) resources as well. See the FEIS Appendix J for additional details on prior decisions eliminating these alternatives from consideration.

1998 South/North DEIS

This DEIS reviewed alternatives from Vancouver, Washington, to North Clackamas County, including earlier variations of light rail alignments between Portland and Milwaukie. The alternatives applicable to the Portland-Milwaukie corridor included alignments that are similar to the LPA to Park Avenue, as well as several alternatives that were removed from consideration because of higher environmental impacts, higher costs, and lower transportation performance. These included several other alignments for Willamette River bridge crossings, alignments along Railroad Avenue rather than along the UPRR right-of-way, and an alignment turning eastward on Highway 224 rather than continuing into downtown Milwaukie. The potential for using portions of these alternatives to avoid Section 4(f) resources used by the current FEIS alternatives was discussed by resource above, and all involved either a direct use of a Section 4(f) resource, or they did not meet the project's purpose and need because they provided lower land use and transportation benefits and carried unacceptable levels of environmental impacts. This supports a conclusion that there are no longer any complete alternatives from the 1998 DEIS that remain prudent to implement today or that avoid Section 4(f) uses, other than the refinements that now comprise the current project's LPA to Park Avenue.

K.8.3.1 Other Alignment Options

In addition to the full-length light rail alternatives considered through earlier Environmental Impact Statements (EISs) and related alternatives analysis and refinements, the project has considered the potential for localized alignment options to avoid impacts to individual Section 4(f) resources. These alignment options do not comprise a complete avoidance alternative for the entire project, and therefore feasible and prudent or least environmental harm tests do not directly apply. However, the alignments have been discussed by resource in support of the project's review of all possible planning that could either avoid or minimize the current project's effects on individual Section 4(f) resources. The alignment options for avoiding the project's use to Section 4(f) resources include:

- Alignments avoiding the Royal Foods Warehouse. In the *1998 South/North Corridor DEIS*, the project considered several river crossing alignments that did not serve OMSI, the Central Eastside Industrial District or the Brooklyn neighborhood of southeast Portland, and instead crossed near or south of the Ross Island Bridge. A later alignment, developed through alternatives analysis following the *1998 South/North Corridor DEIS*, also considered an alignment that would be adjacent to the Ross Island Bridge, south of OMSI and the Central Eastside Industrial District. These alignments were removed from

consideration because of their adverse impacts to other Section 4(f) resources, including the historic Ross Island Bridge,

- Hawthorne Bridge Alignment. An alternative in the *2002 South Corridor SDEIS* used the Hawthorne Bridge to cross the Willamette River. This alignment resulted in an adverse effect to the Hawthorne Bridge, an historic property. The alignment also resulted in high levels of traffic impacts to the downtown area, and it did not provide an opportunity to avoid other Section 4(f) uses of the current Portland-Milwaukie Light Rail Project.
- SE Division Place Alignment. An alignment that still served OMSI and the Central Eastside Industrial District but that joined the UPRR railroad corridor farther to the south would avoid the Royal Foods Warehouse but would involve other uses of Section 4(f) resources. It carries unacceptably high levels of traffic and freight transport impacts, and it also compromises safety and operating conditions for light rail.
- SE Main Street Alignment, SE Main Street and SE 21st Street Rail Couplet Alignment, SE McLoughlin Boulevard Alignment. These alignments considered placing the light rail alignment on SE Main Street through the middle of downtown Milwaukie, rather than along the Tillamook Branch line, thus avoiding the use of the R. Dewey House. These alignments would have involved other uses of Section 4(f) resources including park and historic resources; they carried higher impacts to traffic, property, and the environment; and they had lower levels of transportation performance, including travel times and reliability. The options for the location of the light rail alignment in downtown Milwaukie also conflicted with local land use plans, reducing their ability to meet the project's purpose and need. The *Milwaukie Downtown and Riverfront Land Use Framework Plan* (adopted in 2000 by Ordinance No. 1880) guides the development of private and public land in downtown Milwaukie, a small area centered on ten blocks that exhibit the classic structure and scale of a small town downtown. The plans call for building on existing assets (including Main Street), existing uses (including businesses), and the town's unique character; strengthening Main Street to ensure economic success; and featuring the natural environment, especially the Willamette River. The addition of light rail using downtown Milwaukie streets would not be consistent with local plans and would impact traffic and properties and potentially hinder its future economic vitality. It would also introduce another interruption between the east side of downtown and the river. The current LPA to Park Avenue alternative was identified as the best way to provide for a major transit improvement while minimizing environmental impacts and meeting land use goals in the downtown Milwaukie area.

K.8.4 Conclusions

Based on the foregoing analysis, FTA determines that:

1. there is no feasible and prudent alternative that completely avoids the use of Section 4(f) property;
2. the LPA to Park Avenue is the alternative that causes "least overall harm" and still meets the project's purpose and need; and
3. the LPA to Park Avenue incorporates all possible planning to minimize harm to Section 4(f) resources.

K.9 SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DOCUMENTATION

Congress amended Section 4(f) in 2005 when it approved SAFETEA-LU. Section 6009 of SAFETEA-LU added a new subsection to Section 4(f) authorizing the FHWA to approve a project that results in a *de minimis* impact to a Section 4(f) resource without the evaluation of avoidance alternatives typically required in a Section 4(f) evaluation.

K.9.1 Coordination

The LPA to Park Avenue and the MOS to Lake Road will require land from several historic NRHP-eligible properties, including a PSU building; land within the OPR and UPRR railroads, including Brooklyn Yard; Westmoreland Park within the City of Portland; and a property in Milwaukie known as the Spanish Revival House. In accordance with the FHWA/FTA *de minimis* guidance, FTA (or, its agents, Metro and TriMet) must notify SHPO that it intends to make a *de minimis* finding based on the Section 106 finding of “no adverse effect.” As stated in the “Guidance for Determining *De minimis* use to Section 4(f) Resources” (FHWA 2005), SHPO must concur in writing with FTA, Metro, and TriMet’s Section 106 “no adverse effect” finding for historic resources.

In 2008, FTA, Metro, and TriMet advertised a 45-day comment period with public meetings for the SDEIS and for the preliminary *de minimis* determinations. This comment period also served as the opportunity for public review and comments for proposed Section 4(f) *de minimis* impacts. In addition, as the project continued to be advanced through preliminary engineering, it advertised and conducted two public meetings on February 23 and 25, 2010. These two meetings provided additional public review and comment opportunity for *de minimis* treatments for all properties, including several Section 4(f) resources that involved *de minimis* impacts that were identified as a result of additional coordination with agencies with jurisdiction and based on the further detail available through preliminary engineering. These resources included Westmoreland Park, the Eastside Willamette River Greenway Trail, and the Springwater Corridor Trail, the Rhone Street house, and the Wren Street house.

No wildlife or waterfowl refuges or archaeological resources are being evaluated under the Section 4(f) *de minimis* provisions. Individual *de minimis* determinations for each resource are attached to this Section 4(f) Evaluation.

ATTACHMENT A

ADDITIONAL CORRESPONDENCE



January 28, 2010

Ms. Bridget Wieghart
Metro
600 NE Grand
Portland, OR 97232

Dear Ms. Wieghart:

The City of Milwaukie agrees that a proposed temporary occupancy to allow a construction staging area on a portion of Robert Kronberg Park, as proposed for the Portland Milwaukie Light Rail Project, is acceptable given the following conditions:

- (1) Duration will be temporary, i.e., less than the projected four years that are needed for construction of the overall project, and the City will retain ownership of the land;
- (2) The scope of the work as proposed is minor, involving construction staging on a currently undeveloped portion of the property;
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities, features, or attributes of the property, on either a temporary or permanent basis, as the park is currently an open space with no formally designated activities;
- (4) TriMet shall fully restore the areas to be used, returning the property to a condition which is at least as good as that which existed prior to the project.

The City recognizes that specific details of the property agreement between the City and TriMet, including compensation, restoration plans, or other benefits remain to be determined, based on final design and other project development activities following the release of the Final EIS. We look forward to working with TriMet to formalize an agreement to allow the project to use the property during construction.

We also wish to again express our support and preference for the LPA to Park Avenue, as described in the FEIS, which we believe provides the greatest access to downtown Milwaukie, while also having the least permanent impacts to the community, particularly compared to the MOS with a terminus station and park and ride in our downtown area.

We look forward to working with Metro and TriMet as it completes the Final EIS and begins final design and permitting phases for the project.

Sincerely,

Kenny Asher
Community Development Director

cc: JoAnne Herrigel, City of Milwaukie
Dave Unsworth, TriMet

COMMUNITY DEVELOPMENT
BUILDING * ECONOMIC DEVELOPMENT * ENGINEERING * PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
P) 503-786-7600 * F) 503-774-8236
www.cityofmilwaukie.org

Jenn Tuerk

To: Mark Turpel
Subject: FW: Status of ER 08/479 - DOI cmts on Portland to Milwaukie Light Rail Project, OR

-----Original Message-----

From: Joe_Carriero@nps.gov [mailto:Joe_Carriero@nps.gov]
Sent: Wednesday, March 31, 2010 4:21 PM
To: Smith, Ethel M
Cc: Morlock, Dale; Singleton, Ellen; Rai, Vijai N
Subject: RE: Status of ER 08/479 - DOI cmts on Portland to Milwaukie Light Rail Project, OR

Hi Ethel,

Sorry about that.

NPS concurs with the FTA/SHPO determination on ER-08/0479.

Thanks,

Joe

Joe Carriero, External Affairs Program Manager

NPS Environmental Quality Division

Mail Address: P.O. Box 25287; Denver, CO 80225

Location: 7333 W. Jefferson Ave.; Lakewood, CO 80235

303-987-6999 (phone); 303-987-6617 (fax)

ATTACHMENT 1

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – PORTLAND STATE UNIVERSITY

Property Description

The historic PSU building is located at 2000 SW 5th Avenue. Built in 1965, this building is considered eligible for the NRHP for its architectural merit. The distinctive qualities of the architecture include the central block with vertical steel columns and painted steel plates. The projecting wings on either side of the building include decorative brickwork. This building blends horizontal and vertical features into a distinctive mid-century modern form.

Locally Preferred Alternative (LPA) to Park Avenue

The acquisition of a portion of the parking lot of the PSU building (2000 SW 5th Avenue) and minor revisions in site access do not physically alter the building and do not substantially change the urban setting of the property. However, the use of a portion of the property is considered to be a direct effect. The introduction of light rail along the eastern portion of the property introduces a new visual element on this site; however, it would not constitute an adverse effect, because it would not significantly alter the integrity of the resource or its relationship with its setting. The SHPO concurred with the determination of no adverse effect following the publication of the 2008 SDEIS. Therefore, the light rail project meets the requirements for a *de minimis* determination for this resource.

Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

Survey Project Name	Portland - Milwaukie Light Rail 2	Survey Start Date	10/10/2009			
City	Portland	County	Multnomah			
Survey Type	Section 106 RLS	Survey End Date	11/11/2009			
Survey Sponsor	FTA/Metro/TriMet	Year Completed	2009			
Surveyor Name	Rosalind Keeney, Senior Cultural Resources Specialist, Parametrix 541-752-3449	Date Submitted to SHPO	12/7/2009			
# Elig. properties	37	# Ineligible properties	28	Acreage Surveyed	110	(approx)

Survey Boundaries The area surveyed is bounded on the west by SW 5th Ave. in Portland and extends southeastward to Milwaukie along either side of McLoughlin Blvd to approximately 13121 SE McLoughlin Blvd.

Survey Summary/ Comments This survey was done to review potentially historic properties in the expanded APE for the FEIS which builds upon the APE used for the SDEIS RLS (RLS and 106 Portland -Milwaukie Light Rail) submitted in 2008. The expansion is primarily comprised of intersection improvement areas required for safety. The selection of inventoried properties within the revised APE one-half block within the Portland grid system, and 150 on either side of the alignment outside the grid system) included all properties in the revised APE that will be affected to provide context for the resources that are potentially eligible. It included assessing properties built between 1890 and 1967.

The "use" of land from NHRP-eligible resources will require a Section 4(f) review for the historic properties. A determination of "no adverse effect" and the signed SHPO concurrence is intended to be used by the FTA in reaching a Section 4(f) De Minimis Finding consistent with the US Department of Transportation's Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, United States Code. On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which moves the Section 4(f) regulation to 23 CFR 774 and provides updated direction for Section 4(f) evaluations, including de minimis determinations.

In addition to relying upon the eligibility of historic resources for the NRHP for their eligibility as Section 4(f) resources, the Section 4(f) evaluation relies upon the determination of effects from the Section 106 process in determining whether or not there is a use of a Section 4(f) resource in the following ways:

If an alternative has a direct use of land from an historic site, but there is a finding of "no adverse effect" in the Section 106 process, a Section 4(f) de minimis finding would result. If the use results in an "adverse effect" in the Section 106 process, a Section 4(f) de minimis finding can not be made.

If an alternative avoids a direct use of land from an historic site, but has proximity impacts that are determined to have "no adverse effect" through the Section 106 process, there would be no constructive use under the Section 4(f) evaluation.

The Section 106 process requires consultation to resolve any adverse effects. Commitments made in the Section 106 process and documented in the MOA may also satisfy the requirement under Section 4(f) to minimize harm resulting from the use of a historic property.

106 Case #: 07 2748 Eligibility Evaluation Both Elig. and Inelig. Resources Effect Determination: No Adverse Effect

106 Comments The effects to eligible historic resources are included in the database comments. Summarized they are:

- 525 Jackson St. SW, residence, Portland, 1894, no effect
- 614 Jackson St SW, apartment, Portland, 1928, no effect
- 2001-2011 6th Ave SW, apartment, Portland, 1902, no effect
- 2021-2027 6th Ave SW, apartment, Portland, 1880, no effect
- 2000 1st Ave SW Portland State Building, 1965, no effect
- 3121 SW Moody, Zidell, industrial site, Portland, 1916, no adverse effect
- 3325 Moody Ave SW, industrial, Portland, 1951, no effect
- 619-627 SE Division, industrial, Portland, 1959, no effect
- 300 Caruthers and Water Ave. Portland, OPR Switching Yard, Portland 1891-2009, no adverse effect
- 1735 Franklin SE, residence, Portland, 1900, no effect
- 1528 Holgate Blvd SE, residence, Portland, 1928, no effect
- 1534 Holgate Blvd. SE, residence, Portland, 1915, no effect
- 3330 16th Ave SE, residence, Portland, 1910, no adverse effect
- 3338 16th Ave SE, residence, Portland, 1910, no adverse effect
- 4038 16th Ave. SE, residence, Portland, 1925, no effect
- 4244 16th Ave SE, residence, Portland, 1925, no effect
- 4326 16th Ave SE, residence, Portland, 1924, no effect
- 4414 16th Ave SE, residence, Portland, 1925, no effect
- 4806 16th Ave SE, residence, Portland, 1913, no effect
- 4816 16th Ave SE, residence, Portland, 1913, no effect
- 4904 16th Ave SE, residence. Portland, 1913, no effect

Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

- 4914 16th Ave. SE, residence, Portland, 1925, no effect
- 1635 SE Rhone, residence, Portland, 1926, no adverse effect
- 1625 Rhone SE, residence, Portland, 1926, no effect
- 3236 SE Johnson Cr. Blvd, residence, Portland, 1936, no effect
- 2535 SE Monroe, residence, Milwaukie, 1905, no effect
- 2606 SE Monroe, residence, Milwaukie, 1925, no effect
- 2607 SE Monroe, residence, Milwaukie, 1915, no effect
- 12320 SE 25th Ave, residence, Milwaukie, 1900, no effect
- 13003 SE Oatfield Rd, residence, Milwaukie, 1927, no effect
- 2616 SE Park Ave, residence, Milwaukie, 1930, no adverse effect
- 3020 SE Park, residence, Milwaukie, 1935, no effect
- 12025 SE River Road, residence, Milwaukie, 1925, no effect
- 12108 SE River Road, residence, Milwaukie, 1930, no effect
- 2311 SE Wren, residence, Milwaukie, 1938, no effect
- 2313 Wren, residence, Milwaukie, 1953, no adverse effect

-
-
-

To Be Completed by SHPO Staff

SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

SHPO Comment on NR Eligibility Evaluations

- Concur
- Do Not Concur
- Returned for Additional Data

SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
- Returned for Additional Data

Checklist of Required Items:

1. ___ Completed "Cover Sheet" (in data base and hard-copy)
2. ___ 106 Case # Obtained from SHPO and included on form
3. ___ Survey data submitted in electronic format
4. ___ Properly labeled photos (digital photos incl. with data)
5. ___ Properly marked survey map
6. ___ Copy of USGS Map Showing Location of Surveyed Area

Optional Items

- Research Design Completed Prior to Survey
- Completed Survey Forms (Field Forms)
- Final Report

SHPO Staff Signature

Date

Comments:

2/5/2010

ATTACHMENT 2

SECTION 4(F) DE MINIMIS IMPACT EVALUATION AND DETERMINATION – EASTSIDE WILLAMETTE RIVER GREENWAY TRAIL

Property Description

The Eastside Willamette River Greenway Trail provides for a connection to the Springwater Corridor Trail. Immediately south of the Eastbank Esplanade, and ending at SE Caruthers Street, the trail is located within easements from private landowners, granted to the City of Portland for recreational purposes; therefore, Section 4(f) regulations apply.

For areas south of SE Caruthers Street and south to SE Ivon Street, the City of Portland envisions additional connections to be provided through future development or redevelopment actions, as required by the City of Portland's greenway overlay code. Although the city envisions the area south of SE Caruthers Street as a future segment of the Eastside Willamette River Greenway Trail, this area is on private land, there are not yet permanent easements provided for the trail, and the existing land is not used for recreational purposes.

Locally Preferred Alternative (LPA) to Park Avenue Use

The LPA to Park Avenue alignment would cross over the Eastside Willamette River Greenway Trail on an elevated structure, inhabiting air space above the trail (see Figures 1 and 2), and requiring a temporary closure and detour during construction. While the use of air rights is not considered a direct use under Section 4(f) regulations and related guidance, construction of the new bridge and related improvements, which include abutment and embankment structures beside the trail and the reconstruction, lowering, and slight realignment of a portion of the trail, would be a modification that would constitute a use. The permanent modification of the trail elevation is to provide clearance of at least 14 feet 4 inches below the light rail project.

Several design and construction actions would minimize the effects of the LPA to Park Avenue alternative. These include providing connectivity during construction through a detour plan that is mutually agreeable to the City of Portland and FTA, TriMet, and Metro. Additionally, the new bridge would include a new path connection between existing and planned greenway trails on both sides of the Willamette River, providing increased access for regional trail system users. Design measures would ensure that visual impacts to this resource would not impair the essential activities, features, and attributes of the trail, which are to protect, conserve, restore, enhance, and maintain the ecological, natural, scenic, historical, agricultural, economic, cultural, and recreational qualities and resources along the Willamette River.

During construction, the trail would be temporarily rerouted away from construction activities, and adequate signage and way-finding mitigation would be implemented to ensure a safe and continuous pathway for the trail. FTA, Metro, and TriMet will reach agreements with the PP&R and the Portland Bureau of Transportation on an exact route for the temporary pathway during construction of the light rail bridge and the reconstruction of the permanent Eastside Willamette River Greenway Trail. The duration of construction will be less than duration period for the

construction of the bridge. Aside from the change in elevation and the minor realignment by the bridge abutments, reconstruction of the trail will leave it essentially in the same location as it is today.

The reconstructed trail will be returned to a similar or better condition compared to today. It will be similar in width, grade, and lighting to the current pathway, and will still safely accommodate pedestrians, cyclists, and other nonmotorized modes. The trail will maintain an open view to the river, except where it passes between the bridge abutment and landside pier. Specific design elements will be determined during final design, in consultation with the City of Portland. There will be no essential changes to the function of the trail, and the new light rail alignment will provide additional access to the trail, including an improved connection between the Central Eastside Industrial District and the South Waterfront area, providing a shorter route for bicycle commuters or walkers traveling between those areas.

FTA, in consultation with TriMet, Metro, and the City of Portland, has determined that the use of the Eastside Willamette River Greenway Trail will be *de minimis*. A letter from the City of Portland concurring in the determination of *de minimis* impact is included as an attachment to this document.

Portland-Milwaukie Light Rail Project

Eastside Willamette River Greenway Trail

Figure 1

Proposed light rail
alignments
(LPA to Park Ave
and MOS to Lake Rd)

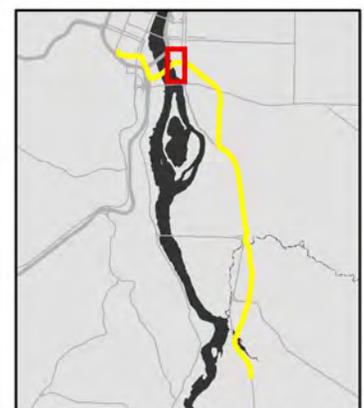
Trail - existing

Trail - new location

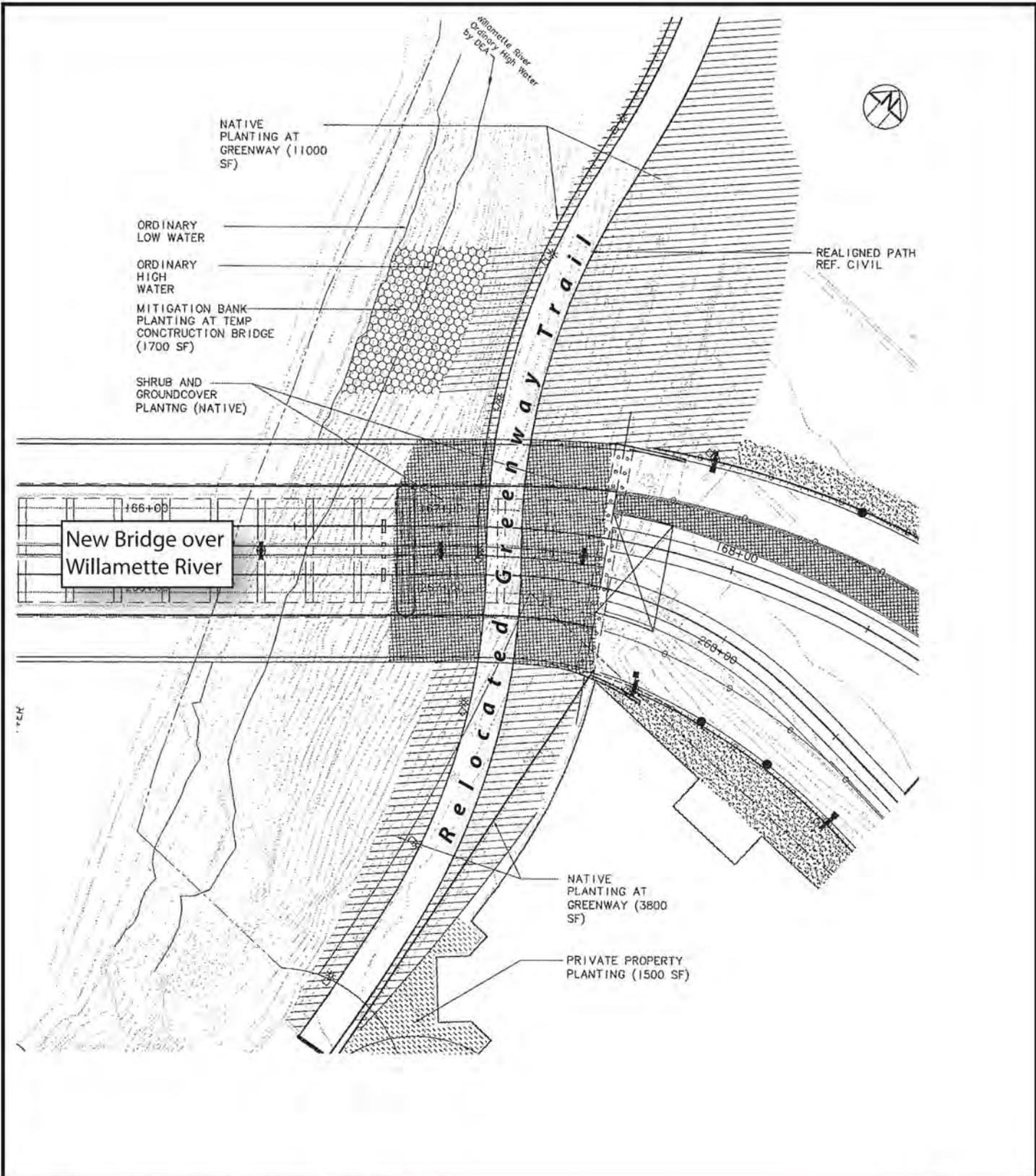
Potential
temporary trail
locations

Existing
on-street
connection to
Springwater-on-
the-Willamette
Trail

Springwater-on-
the-Willamette
Trail



December 7, 2009



Portland - Milwaukie Light Rail Project

Figure 2

Eastside Willamette River Greenway Trail and Proposed Light Rail Alignments



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

January 28, 2010

Bridget Wieghart
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Ms. Wieghart:

Portland Parks & Recreation would like to express its concurrence with the Portland-Milwaukie Light Rail Project's Section 4(f) determinations of *de minimis* use of small parts of the Eastside Willamette River Greenway Trail, Springwater Corridor Trail, and Westmoreland Park as a natural resource mitigation site for the project.

We understand and concur with a *de minimis* use determination of Eastside Willamette River Greenway Trail and the Springwater Corridor Trail. We believe the project will not "adversely affect the activities, features, and attributes" that make these resources eligible for protection under Section 4(f).

We also strongly support the development of a natural resource mitigation and enhancement feature within Westmoreland Park, which provides an excellent opportunity for the City and TriMet to partner on one of our highest priority environmental enhancement actions on Crystal Springs Creek. We concur with a finding that the use of the park will not prevent the public's use and enjoyment of the majority of the park's features and facilities. We also support the Section 4(f) Evaluation finding that the impacts to the duck pond, one of the park's historic characteristics, are outweighed by the positive benefits that the mitigation and enhancement project would have for the natural environment, Crystal Springs, and the overall park setting.

We are confident that the project development approach described in your letter for the Section 4(f) properties under the City's jurisdiction will allow the City of Portland and TriMet to develop the formal agreements needed to develop the light rail project in a way that maximizes benefits to the City, while minimizing impacts

Administration

1120 S.W. 5th Ave., Suite 1302
Portland, OR 97204
Tel: (503) 823-7529 Fax: (503) 823-6007

www.PortlandParks.org
Nick Fish, Commissioner
Zari Santner, Director

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to its park and recreation resources. The City urges TriMet to design, fund, and construct trail connections from the new Willamette bridge to the Greenway Trails, particularly on the east side.

We look forward to having these important trail connections incorporated into the plans for the bridge, and collaborating with Metro and TriMet as the project completes the Final EIS and enters the final design and permitting phases for the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Zari Santner". The signature is fluid and cursive, with a large initial "Z" and a long, sweeping underline.

Zari Santner
Director

cc: Brett Horner, PP&R
Emily Roth, PP&R
Teresa Boyle, PBOT
Dave Unsworth, TriMet

ATTACHMENT 3

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – SE RHONE STREET HOUSE

Property Description

This historic resource is located at 1635 SE Rhone Street and was built in 1926. It is a good example of a circa 1920 Bungalow-style residence in the Brooklyn neighborhood, and it is eligible for the NRHP under Criterion C.

2008 Locally Preferred Alternative (LPA) to Park Avenue

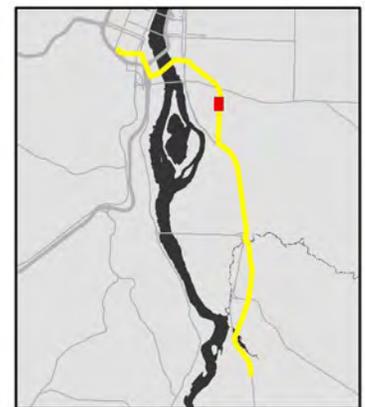
The LPA to Park Avenue requires a realignment of SE 17th Avenue and its related streetscape. This requires the acquisition of a strip of property, but would not physically alter the house or significantly alter the surrounding visual aspects of the property (see Figure 1). As part of the Section 106 process, FTA concluded that the project would not have an adverse effect, and the SHPO has concurred; this satisfies the requirements for a finding of *de minimis* impact of an historic resource.

Portland-Milwaukie Light Rail Project

**Residence:
1635 SE Rhone**

Figure 1

- Proposed light rail alignments
(LPA to Park Ave and MOS to Lake Rd)
- Construction Limit
- Property boundary



0 50 100 Feet 

December 7, 2009

Cover Sheet

for
"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

Survey Project Name	Portland - Milwaukie Light Rail 2	Survey Start Date	10/10/2009			
City	Portland	County	Multnomah			
Survey Type	Section 106 RLS	Survey End Date	11/11/2009			
Survey Sponsor	FTA/Metro/TriMet	Year Completed	2009			
Surveyor Name	Rosalind Keeney, Senior Cultural Resources Specialist, Parametrix 541-752-3449	Date Submitted to SHPO	12/7/2009			
# Elig. properties	37	# Ineligible properties	28	Acreage Surveyed	110	(approx)

Survey Boundaries The area surveyed is bounded on the west by SW 5th Ave. in Portland and extends southeastward to Milwaukie along either side of McLoughlin Blvd to approximately 13121 SE McLoughlin Blvd.

Survey Summary/Comments

This survey was done to review potentially historic properties in the expanded APE for the FEIS which builds upon the APE used for the SDEIS RLS (RLS and 106 Portland -Milwaukie Light Rail) submitted in 2008. The expansion is primarily comprised of intersection improvement areas required for safety. The selection of inventoried properties within the revised APE one-half block within the Portland grid system, and 150 on either side of the alignment outside the grid system) included all properties in the revised APE that will be affected to provide context for the resources that are potentially eligible. It included assessing properties built between 1890 and 1967.

The "use" of land from NHRP-eligible resources will require a Section 4(f) review for the historic properties. A determination of "no adverse effect" and the signed SHPO concurrence is intended to be used by the FTA in reaching a Section 4(f) De Minimis Finding consistent with the US Department of Transportation's Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, United States Code. On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which moves the Section 4(f) regulation to 23 CFR 774 and provides updated direction for Section 4(f) evaluations, including de minimis determinations.

In addition to relying upon the eligibility of historic resources for the NRHP for their eligibility as Section 4(f) resources, the Section 4(f) evaluation relies upon the determination of effects from the Section 106 process in determining whether or not there is a use of a Section 4(f) resource in the following ways:

If an alternative has a direct use of land from an historic site, but there is a finding of "no adverse effect" in the Section 106 process, a Section 4(f) de minimis finding would result. If the use results in an "adverse effect" in the Section 106 process, a Section 4(f) de minimis finding can not be made.

If an alternative avoids a direct use of land from an historic site, but has proximity impacts that are determined to have "no adverse effect" through the Section 106 process, there would be no constructive use under the Section 4(f) evaluation.

The Section 106 process requires consultation to resolve any adverse effects. Commitments made in the Section 106 process and documented in the MOA may also satisfy the requirement under Section 4(f) to minimize harm resulting from the use of a historic property.

106 Case #: 07 2748 Eligibility Evaluation: Both Elig. and Inelig. Resources Effect Determination: No Adverse Effect

106 Comments

The effects to eligible historic resources are included in the database comments. Summarized they are:

- 525 Jackson St. SW, residence, Portland, 1894, no effect
- 614 Jackson St SW, apartment, Portland, 1928, no effect
- 2001-2011 6th Ave SW, apartment, Portland, 1902, no effect
- 2021-2027 6th Ave SW, apartment, Portland, 1880, no effect
- 2000 1st Ave SW Portland State Building, 1965, no effect
- 3121 SW Moody, Zidell, industrial site, Portland, 1916, no adverse effect
- 3325 Moody Ave SW, industrial, Portland, 1951, no effect
- 619-627 SE Division, industrial, Portland, 1959, no effect
- 300 Caruthers and Water Ave. Portland, OPR Switching Yard, Portland 1891-2009, no adverse effect
- 1735 Franklin SE, residence, Portland, 1900, no effect
- 1528 Holgate Blvd SE, residence, Portland, 1928, no effect
- 1534 Holgate Blvd. SE, residence, Portland, 1915, no effect
- 3330 16th Ave SE, residence, Portland, 1910, no adverse effect
- 3338 16th Ave SE, residence, Portland, 1910, no adverse effect
- 4038 16th Ave. SE, residence, Portland, 1925, no effect
- 4244 16th Ave SE, residence, Portland, 1925, no effect
- 4326 16th Ave SE, residence, Portland, 1924, no effect
- 4414 16th Ave SE, residence, Portland, 1925, no effect
- 4806 16th Ave SE, residence, Portland, 1913, no effect
- 4816 16th Ave SE, residence, Portland, 1913, no effect
- 4904 16th Ave SE, residence. Portland, 1913, no effect

Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

- 4914 16th Ave. SE, residence, Portland, 1925, no effect
- 1635 SE Rhone, residence, Portland, 1926, no adverse effect
- 1625 Rhone SE, residence, Portland, 1926, no effect
- 3236 SE Johnson Cr. Blvd, residence, Portland, 1936, no effect
- 2535 SE Monroe, residence, Milwaukie, 1905, no effect
- 2606 SE Monroe, residence, Milwaukie, 1925, no effect
- 2607 SE Monroe, residence, Milwaukie, 1915, no effect
- 12320 SE 25th Ave, residence, Milwaukie, 1900, no effect
- 13003 SE Oatfield Rd, residence, Milwaukie, 1927, no effect
- 2616 SE Park Ave, residence, Milwaukie, 1930, no adverse effect
- 3020 SE Park, residence, Milwaukie, 1935, no effect
- 12025 SE River Road, residence, Milwaukie, 1925, no effect
- 12108 SE River Road, residence, Milwaukie, 1930, no effect
- 2311 SE Wren, residence, Milwaukie, 1938, no effect
- 2313 Wren, residence, Milwaukie, 1953, no adverse effect

-
-
-

To Be Completed by SHPO Staff

SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

SHPO Comment on NR Eligibility Evaluations

- Concur
- Do Not Concur
- Returned for Additional Data

SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
- Returned for Additional Data

Checklist of Required Items:

1. ___ Completed "Cover Sheet" (in data base and hard-copy)
2. ___ 106 Case # Obtained from SHPO and included on form
3. ___ Survey data submitted in electronic format
4. ___ Properly labeled photos (digital photos incl. with data)
5. ___ Properly marked survey map
6. ___ Copy of USGS Map Showing Location of Surveyed Area

Optional Items

- Research Design Completed Prior to Survey
- Completed Survey Forms (Field Forms)
- Final Report

SHPO Staff Signature

Date

Comments:

ATTACHMENT 4

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – WESTMORELAND PARK

Property Description

Westmoreland Park is owned and operated by PP&R, and is a Section 4(f) historic resource, as well as being a park and recreational resource. This *de minimis* determination is for the park as a recreational resource only. Westmoreland Park began as a part of a residential subdivision that was subtracted from the Ladd Estate's Crystal Spring Stock Farm in 1909. In 1935, the City Planning Commission recommended development of recreational amenities for the nearby residents. The following year, the City of Portland purchased the 45-acre parcel called Fairways Addition from Oregon Iron & Steel. The commission proposed a plan, prepared by architect Francis B. Jacobberger, for the park. The project resulted in a casting pond, a model yacht lagoon (known as the Duck Pond), a fly caster's club house, bridges, and grading of the athletic fields.

Locally Preferred Alternative (LPA) to Park Avenue Use

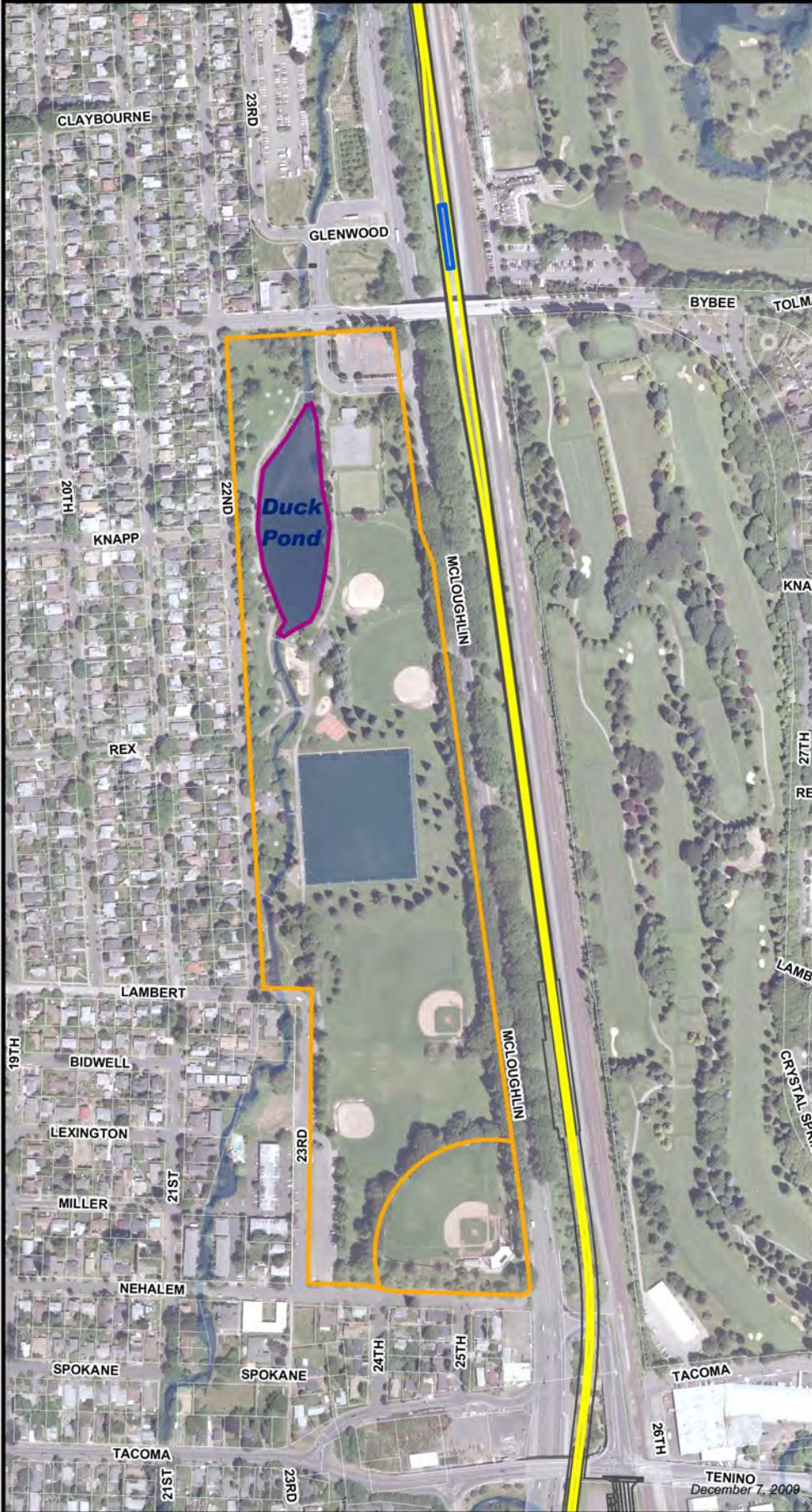
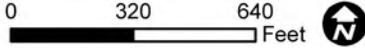
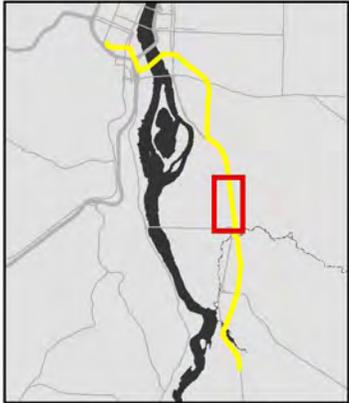
A wetland restoration of an existing pond in Westmoreland Park (see Figure 1) is proposed as mitigation for project impacts elsewhere in the alignment corridor. It is anticipated that any changes will remain consistent with the overall original design vision, and that impacts will be minimal and not adverse. FTA concluded that the project would not have an adverse effect to the recreational attributes, and the City of Portland has concurred in writing (attached); this satisfies the requirements for a *de minimis* finding.

Portland-Milwaukie Light Rail Project

Westmoreland Park

Figure 1

-  Proposed light rail alignments:
(LPA to Park and MOS to Lake)
-  Construction Limit
-  Westmoreland Park
-  Duck Pond Mitigation Site





PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

January 28, 2010

Bridget Wieghart
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Ms. Wieghart:

Portland Parks & Recreation would like to express its concurrence with the Portland-Milwaukie Light Rail Project's Section 4(f) determinations of *de minimis* use of small parts of the Eastside Willamette River Greenway Trail, Springwater Corridor Trail, and Westmoreland Park as a natural resource mitigation site for the project.

We understand and concur with a *de minimis* use determination of Eastside Willamette River Greenway Trail and the Springwater Corridor Trail. We believe the project will not "adversely affect the activities, features, and attributes" that make these resources eligible for protection under Section 4(f).

We also strongly support the development of a natural resource mitigation and enhancement feature within Westmoreland Park, which provides an excellent opportunity for the City and TriMet to partner on one of our highest priority environmental enhancement actions on Crystal Springs Creek. We concur with a finding that the use of the park will not prevent the public's use and enjoyment of the majority of the park's features and facilities. We also support the Section 4(f) Evaluation finding that the impacts to the duck pond, one of the park's historic characteristics, are outweighed by the positive benefits that the mitigation and enhancement project would have for the natural environment, Crystal Springs, and the overall park setting.

We are confident that the project development approach described in your letter for the Section 4(f) properties under the City's jurisdiction will allow the City of Portland and TriMet to develop the formal agreements needed to develop the light rail project in a way that maximizes benefits to the City, while minimizing impacts

Administration

1120 S.W. 5th Ave., Suite 1302
Portland, OR 97204
Tel: (503) 823-7529 Fax: (503) 823-6007

www.PortlandParks.org
Nick Fish, Commissioner
Zari Santner, Director

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to its park and recreation resources. The City urges TriMet to design, fund, and construct trail connections from the new Willamette bridge to the Greenway Trails, particularly on the east side.

We look forward to having these important trail connections incorporated into the plans for the bridge, and collaborating with Metro and TriMet as the project completes the Final EIS and enters the final design and permitting phases for the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Zari Santner". The signature is fluid and cursive, with a large initial "Z" and a long, sweeping underline.

Zari Santner
Director

cc: Brett Horner, PP&R
Emily Roth, PP&R
Teresa Boyle, PBOT
Dave Unsworth, TriMet

ATTACHMENT 5

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – BROOKLYN YARD

Property Description

Brooklyn Yard is located at 2001 SE Holgate Boulevard and consists of a complex of buildings and structures dating from 1912 to 1946. This district is historically significant for its association with early interstate and transcontinental steam-powered rail transportation in Oregon.

Locally Preferred Alternative (LPA) to Park Avenue

The LPA to Park Avenue would extend along the western edge of the Brooklyn Yard and would be considered an effect because it introduces a new visual element to this historic built environment resource. In addition, one modular building and an internal intersection would be relocated on the site. The LPA to Park Avenue, however, will be parallel with other rail lines, and the effect would therefore not constitute an adverse effect. As part of the Section 106 process, FTA concluded that the project would not have an adverse effect, and the SHPO has concurred; this satisfies the requirements for a finding of *de minimis* impact of an historic resource.



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

FAX (503) 986-0793

www.hcd.state.or.us



April 25, 2008

Ms. Bridget Wieghart
Portland Metro
600 NE Grand Avenue
Portland, OR 97232-2736

RE: SHPO Concurrence
South Corridor Portland-Milwaukie Light Rail Project
Multiple Sites, Portland/Milwaukie, Multnomah/Clackamas

Dear Ms. Wieghart,

The State Historic Preservation Office (SHPO) has reviewed the materials submitted on the project referenced above. SHPO conditionally approves the survey project contingent upon successful resolution of any adverse effects noted on the 17 National Register eligible properties listed below and on the attached Cover Sheet. Also, we concur with the effect determinations of the following properties, also listed below and on the attached Cover Sheet:

- 2300 SE Harrison, Milwaukie Middle School, No Adverse Effect
- 2405 SE Harrison, Residence, No Adverse Effect
- 2326 SE Monroe St., Spanish Revival Residence, No Adverse Effect
- 2001 SE Holgate, Brooklyn Yard, No Adverse Effect
- 11205 SE McLoughlin Blvd., Kellogg Lake Outlet, No Effect
- 12006 SE McLoughlin Blvd., Birkemeier-Sweetland Home, No Effect
- 2505 SE 11th Ave., Ford Motor Assembly Plant, No Effect
- 4784 SE 17th Ave., Iron Fireman Building, No Effect
- 2425 SE Bybee Blvd., Eastmoreland Golf Course, No Effect
- 7605 SE McLoughlin Blvd., Westmoreland Park, No Effect
- 1200 Naito Parkway, Hawthorne Bridge, No Effect
- 600 SE Powell Blvd., Ross Island Bridge, No Effect
- 9002 SE McLoughlin Blvd., ODOT Region Office, Adverse Effect with possible design refinements or mitigation options to reduce effect
- 2206 SE Washington, R. Derwey House, Adverse Effect with possible design refinements or mitigation options to reduce effect
- 2425 SE 8th Ave., Royal Foods, Adverse Effect, with possible design refinements or mitigation options to reduce effect
- 11200 SE McLoughlin Blvd., Oregon Pacific & Union Pacific Railroad/Trestle, No Adverse Effect to Railroad track/grade; Adverse Effect to Trestle with possible design refinements or mitigation options to reduce effect
- 2000 SW 5th Ave., Portland State School Building, No Adverse Effect (NP, however, due to acquisition of property, included for review)

Our response here is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (36 CFR Part 800). Please feel free to contact me if you have questions.

Sincerely,

Stephen P. Poyser, PhD
Sec. 106 Review & Compliance/Preservation Planner
503.986.0686 or stephen.poyser@state.or.us



Oregon Cover Sheet

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

(503) 986-0793

www.hcd.state.or.us

Reconnaissance Level Surveys and 106 Compliance
Submit this Cover Sheet to SHPO along with all survey materials (see checklist below).

Survey Project Name **Portland - Milwaukie LRT**

City **Portland**

County **Multnomah**

Survey Start Date **10/14/2007**

Survey End Date **12/15/2007**

Year Completed **2007**

Date Submitted to SHPO

Survey Type **Selective Baseline**

Survey Sponsor **Parametrix**

Surveyor Name **Julie Osborne/Kimberl Fitzgerald**

Contributing Properties

17

Acreage Surveyed

110

(estimate using USGS quad)

Non-contributing Properties

64



Nature HISTORY Discovery

Survey Boundaries

The area surveyed is bounded on the west by SW 5th Ave and spans southeastward to Milwaukie along either side (north/south) of McLoughlin Blvd.

Survey Summary

The selection of inventoried properties within the APE (one-half block within the Portland grid system, and 150 on either side of the alignment outside the grid system) was based on several factors: (1) It was to build on the information prepared for the 2002 SDEIS; (2) it included all properties along the transit line that will be affected to provide context for the resources that are potentially eligible; (3) and it included assessing properties built between 1957 and 1967 that may become eligible when they reach the 50-year age criterion.

106 Effect:

The effects to eligible historic resources are included in the database comments. Summarized they are:

- 2300 SE Harrison, Milwaukie Middle School, No Adverse Effect
- 2405 SE Harrison, Residence, No Adverse Effect
- 2326 SE Monroe St., Spanish Revival Residence, No Adverse Effect
- 2001 SE Holgate, Brooklyn Yard, No Adverse Effect
- 711205 SE McLoughlin Blvd., Kellogg Lake Outlet, No Effect
- 12006 SE McLoughlin Blvd., Birkemeier-Sweetland Home, No Effect
- 2505 SE 11th Ave., Ford Motor Assembly Plant, No Effect
- 4784 SE 17th Ave., Iron Fireman Building, No Effect
- 2425 SE Bybee Blvd., Eastmoreland Golf Course, No Effect
- 7606 SE McLoughlin Blvd., Westmoreland Park, No Effect
- 1200 Naito Parkway, Hawthorne Bridge, No Effect
- 600 SE Powell Blvd., Ross Island Bridge, No Effect
- 9002 SE McLoughlin Blvd., ODOT Region Office, Adverse Effect with possible design refinements or mitigation options to reduce effect
- 2206 SE Washington, R. Derwey House, Adverse Effect with possible design refinements or mitigation options to reduce effect
- 2426 SE 8th Ave., Royal Foods, Adverse Effect, with possible design refinements or mitigation options to reduce effect
- 711200 SE McLoughlin Blvd., Oregon Pacific & Union Pacific Railroad/Trestle, No Adverse Effect to Railroad track/grade; Adverse Effect to Trestle with possible design refinements or mitigation options to reduce effect
- 2000 SW 5th Ave., Portland State School Building, No Adverse Effect (NP, however, due to acquisition of property, included for review)

To Be Completed by SHPO Staff

SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
- Return for Additional Data

Checklist of Required Items:

1. *Research Design Completed Prior to Survey
2. Properly Marked Survey Map
3. Copy of USGS Map Showing Location of Surveyed Area
4. Completed Survey Forms (Field Forms)
5. Survey Data Submitted in Electronic Format
6. Properly Labeled Photos
7. *Final Report, including outline of historic contexts and recommendations for future action
8. Completed "Cover Sheet"
9. Duplicates of everything: one for SHPO and one for the contracting community or agency.

SHPO Staff Signature

Date

4/22/08

Oregon State Historic Preservation Office, 725 Summer Street NE, Suite C, Salem OR 97301

ATTACHMENT 6

SECTION 4(F) DE MINIMIS IMPACT EVALUATION AND DETERMINATION – SPRINGWATER CORRIDOR TRAIL

Property Description

The Springwater Division Line was developed for rail service in 1903. By 1906, under a joint ownership with Portland General Electric and the Portland Railway Light and Power Company, the line reached its peak usage. By 1910, the company had six electric plants and 161 miles of rail, carrying 16,000 passengers each year on a citywide system.

The Springwater Corridor is a railbanked corridor and, under Section 8(d) of the National Trails Act, is still under jurisdiction of the Surface Transportation Board. Today, the Springwater Corridor Trail is the major southeast segment of the 40-Mile Loop that was inspired by the 1903 Olmsted plan for a parkway and boulevard loop to connect park sites. When the Springwater Corridor Trail is fully developed, it will be over 21 miles long.

For the most part, the trail is separated from public roadways. A project constructing three bridges along the Springwater Corridor Trail was completed in early 2007. These bridges provide elevated crossings over Johnson Creek, SE McLoughlin Boulevard, and the UPRR line in Milwaukie.

The Springwater Corridor Trail is a multi-use trail. The paved surface is generally 10 to 12 feet wide, with soft shoulders. The hard surface trail is designed to accommodate walkers, joggers, hikers, bicycles, wheelchairs, and strollers. Equestrian use is more common east of I-205, where a separate, soft-surface path meanders away from the main trail where topography allows.

Locally Preferred Alternative (LPA) to Park Avenue

The LPA to Park Avenue would travel along the UPRR right-of-way and cross under the Springwater Corridor Trail's existing bridge above the UPRR line (see Figure 1). The LPA to Park Avenue would not require any trail land during construction in this location, and it is not expected to require closing or rerouting the trail. Through an agreement with Metro, a small area under the Springwater Corridor Trail overcrossing will be controlled by TriMet for the purposes of operating the light rail line. Some reconstruction of one of the trail's bridge abutments will be required, and the reconstruction is not expected to prevent the use of the trail. The minimal reconstruction of the bridge abutment will take less time than the construction of the project; there will be no change in ownership; and there will be no permanent physical changes to the trail features. If a temporary closure is necessary for safety reasons during construction, the closure would be brief, and a temporary detour route will be provided to maintain the trail's function. In addition, traffic mitigation measures to the east of this location (near SE Johnson Creek Boulevard) require a minor roadway widening that would encroach on the trail's right-of-way, affecting a vegetated area uphill from the trail itself. A partial acquisition or easement would be needed to construct the widened roadway within an area that would be approximately 200 feet long and 7 feet wide.

Neither the construction nor the operation of the LPA to Park Avenue is anticipated to create proximity impacts that would substantially impair or diminish the trail characteristics so that it

could not be used as a recreational resource for pedestrians, bicyclists, or other nonmotorized recreational modes. The trail in this area already crosses over a transportation corridor that has substantial traffic and freight rail traffic, with other industrial uses nearby. No appreciable noise or visual impacts have been identified, and it is not anticipated that the LPA to Park Avenue would result in a constructive use of the trail. The nearby station would improve access to the trail, and a new pathway and stairway will connect directly to the trail from the station; these new connections to the trail would be considered an improvement and does not constitute a Section 4(f) use. With the LPA Phasing Option, the stairway construction may be deferred in the project's initial construction, but the pathway would still provide a new ADA-compliant connection to the trail.

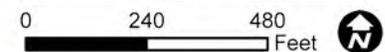
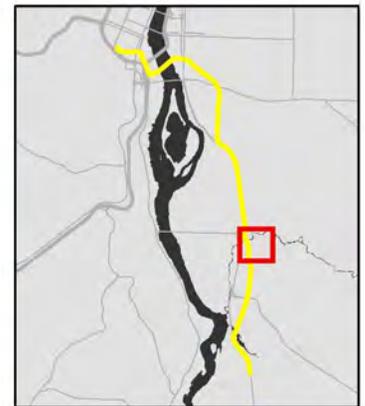
Considering these factors, the FTA has determined that the temporary construction near the overcrossing, for the connection to the trail, and the potential minor property impact for the improved intersection are a *de minimis* impact of the property. The City of Portland and Metro have both concurred, and their concurrence letters are included as Exhibits to this document.

Portland-Milwaukie Light Rail Project

Springwater Corridor

Figure 1

- Light Rail track
- Station platforms
- Construction limit
- Springwater Corridor
- Trail connection to station





PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

January 28, 2010

Bridget Wieghart
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Ms. Wieghart:

Portland Parks & Recreation would like to express its concurrence with the Portland-Milwaukie Light Rail Project's Section 4(f) determinations of *de minimis* use of small parts of the Eastside Willamette River Greenway Trail, Springwater Corridor Trail, and Westmoreland Park as a natural resource mitigation site for the project.

We understand and concur with a *de minimis* use determination of Eastside Willamette River Greenway Trail and the Springwater Corridor Trail. We believe the project will not "adversely affect the activities, features, and attributes" that make these resources eligible for protection under Section 4(f).

We also strongly support the development of a natural resource mitigation and enhancement feature within Westmoreland Park, which provides an excellent opportunity for the City and TriMet to partner on one of our highest priority environmental enhancement actions on Crystal Springs Creek. We concur with a finding that the use of the park will not prevent the public's use and enjoyment of the majority of the park's features and facilities. We also support the Section 4(f) Evaluation finding that the impacts to the duck pond, one of the park's historic characteristics, are outweighed by the positive benefits that the mitigation and enhancement project would have for the natural environment, Crystal Springs, and the overall park setting.

We are confident that the project development approach described in your letter for the Section 4(f) properties under the City's jurisdiction will allow the City of Portland and TriMet to develop the formal agreements needed to develop the light rail project in a way that maximizes benefits to the City, while minimizing impacts

Administration

1120 S.W. 5th Ave., Suite 1302
Portland, OR 97204
Tel: (503) 823-7529 Fax: (503) 823-6007

www.PortlandParks.org
Nick Fish, Commissioner
Zari Santner, Director

Sustaining a healthy park and recreation system to make Portland a great place to live, work and play.



to its park and recreation resources. The City urges TriMet to design, fund, and construct trail connections from the new Willamette bridge to the Greenway Trails, particularly on the east side.

We look forward to having these important trail connections incorporated into the plans for the bridge, and collaborating with Metro and TriMet as the project completes the Final EIS and enters the final design and permitting phases for the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Zari Santner". The signature is fluid and cursive, with a large initial "Z" and a long, sweeping underline.

Zari Santner
Director

cc: Brett Horner, PP&R
Emily Roth, PP&R
Teresa Boyle, PBOT
Dave Unsworth, TriMet



February 5, 2010

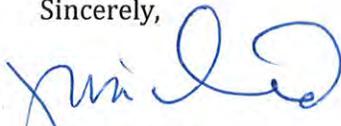
Ms. Bridget Wieghart
Metro
600 NE Grand Avenue
Portland, OR


Dear Ms. Wieghart,

Metro would like to express its support for the Portland-Milwaukie Light Rail project and we concur with a *de minimis* finding for the Springwater Corridor Trail. We agree with a finding that the proposed activities would not adversely affect the trail. We understand that a *de minimis* use is allowed when the use is so small or minimal that it will not "adversely affect the activities, features, and attributes" that make the resource eligible for protection under Section 4(f).

We will continue to review and advise the project, in cooperation with The City of Portland, which owns the structures as well as maintains and operates the trail in this section, as the light rail project continues into final design and construction.

Sincerely,


Jim Desmond

cc:
Dave Unsworth, TriMet

ATTACHMENT 7

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – SPANISH REVIVAL HOUSE

Property Description

The Spanish Revival house, located at 2326 SE Monroe Street, was built in 1928. It is architecturally significant and its character-defining features include the stucco finish, tile roof, and arched openings. It is one of the best remaining examples of a Spanish Revival style residence in Milwaukie.

Locally Preferred Alternative (LPA) to Park Avenue

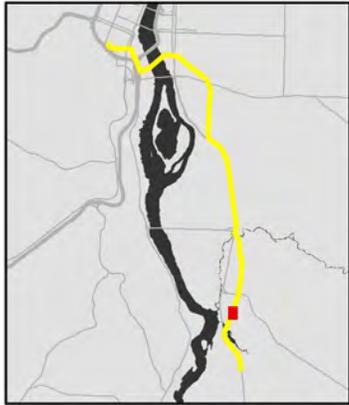
The acquisition of a strip of land approximately 10 feet wide adjacent to the public right-of-way on the south side of the Spanish Revival residence (2326 SE Monroe Street) would not adversely affect the house's historic characteristics (see Figure 1). The LPA to Park Avenue would be parallel with other rail lines and would not significantly alter the surrounding visual aspects of the property. Therefore, the effect would not constitute an adverse effect. As part of the Section 106 process, FTA concluded that the project would not have an adverse effect, and the SHPO has concurred; this satisfies the requirements for a finding of *de minimis* impact of an historic resource.

Portland-Milwaukie Light Rail Project

Spanish Revival House

Figure 1

- Proposed light rail alignments (LPA to Park Ave and MOS to Lake Rd)
- Construction Limit
- Property boundary



0 50 100 Feet



December 7, 2009



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

FAX (503) 986-0793

www.hcd.state.or.us



April 25, 2008

Ms. Bridget Wieghart
Portland Metro
600 NE Grand Avenue
Portland, OR 97232-2736

RE: SHPO Concurrence
South Corridor Portland-Milwaukie Light Rail Project
Multiple Sites, Portland/Milwaukie, Multnomah/Clackamas

Dear Ms. Wieghart,

The State Historic Preservation Office (SHPO) has reviewed the materials submitted on the project referenced above. SHPO conditionally approves the survey project contingent upon successful resolution of any adverse effects noted on the 17 National Register eligible properties listed below and on the attached Cover Sheet. Also, we concur with the effect determinations of the following properties, also listed below and on the attached Cover Sheet:

- 2300 SE Harrison, Milwaukie Middle School, No Adverse Effect
- 2405 SE Harrison, Residence, No Adverse Effect
- 2326 SE Monroe St., Spanish Revival Residence, No Adverse Effect
- 2001 SE Holgate, Brooklyn Yard, No Adverse Effect
- 11205 SE McLoughlin Blvd., Kellogg Lake Outlet, No Effect
- 12006 SE McLoughlin Blvd., Birkemeier-Sweetland Home, No Effect
- 2505 SE 11th Ave., Ford Motor Assembly Plant, No Effect
- 4784 SE 17th Ave., Iron Fireman Building, No Effect
- 2425 SE Bybee Blvd., Eastmoreland Golf Course, No Effect
- 7605 SE McLoughlin Blvd., Westmoreland Park, No Effect
- 1200 Naito Parkway, Hawthorne Bridge, No Effect
- 600 SE Powell Blvd., Ross Island Bridge, No Effect
- 9002 SE McLoughlin Blvd., ODOT Region Office, Adverse Effect with possible design refinements or mitigation options to reduce effect
- 2206 SE Washington, R. Derwey House, Adverse Effect with possible design refinements or mitigation options to reduce effect
- 2425 SE 8th Ave., Royal Foods, Adverse Effect, with possible design refinements or mitigation options to reduce effect
- 11200 SE McLoughlin Blvd., Oregon Pacific & Union Pacific Railroad/Trestle, No Adverse Effect to Railroad track/grade; Adverse Effect to Trestle with possible design refinements or mitigation options to reduce effect
- 2000 SW 5th Ave., Portland State School Building, No Adverse Effect (NP, however, due to acquisition of property, included for review)

Our response here is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (36 CFR Part 800). Please feel free to contact me if you have questions.

Sincerely,

Stephen P. Poyser, PhD
Sec. 106 Review & Compliance/Preservation Planner
503.986.0686 or stephen.poyser@state.or.us



Oregon Cover Sheet

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

(503) 986-0793

www.hcd.state.or.us

Reconnaissance Level Surveys and 106 Compliance
Submit this Cover Sheet to SHPO along with all survey materials (see checklist below).

Survey Project Name **Portland - Milwaukie LRT**

City **Portland**

County **Multnomah**

Survey Start Date **10/14/2007**

Survey End Date **12/15/2007**

Year Completed **2007**

Date Submitted to SHPO

Survey Type **Selective Baseline**

Survey Sponsor **Parametrix**

Surveyor Name **Julie Osborne/Kimberl Fitzgerald**

# Contributing Properties	17	Acreage Surveyed (estimate using USGS quad)	110
# Non-contributing Properties	64		



Nature HISTORY Discovery

Survey Boundaries The area surveyed is bounded on the west by SW 5th Ave and spans southeastward to Milwaukie along either side (north/south) of McLoughlin Blvd.

Survey Summary The selection of inventoried properties within the APE (one-half block within the Portland grid system, and 150 on either side of the alignment outside the grid system) was based on several factors: (1) It was to build on the information prepared for the 2002 SDEIS; (2) it included all properties along the transit line that will be affected to provide context for the resources that are potentially eligible; (3) and it included assessing properties built between 1957 and 1967 that may become eligible when they reach the 50-year age criterion.

- 106 Effect:** The effects to eligible historic resources are included in the database comments. Summarized they are:
- 2300 SE Harrison, Milwaukie Middle School, No Adverse Effect
 - 2405 SE Harrison, Residence, No Adverse Effect
 - 2326 SE Monroe St., Spanish Revival Residence, No Adverse Effect
 - 2001 SE Holgate, Brooklyn Yard, No Adverse Effect
 - 711205 SE McLoughlin Blvd., Kellogg Lake Outlet, No Effect
 - 12006 SE McLoughlin Blvd., Birkemeier-Sweetland Home, No Effect
 - 2505 SE 11th Ave., Ford Motor Assembly Plant, No Effect
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 - 9002 SE McLoughlin Blvd., ODOT Region Office, Adverse Effect with possible design refinements or mitigation options to reduce effect
 - 2206 SE Washington, R. Derwey House, Adverse Effect with possible design refinements or mitigation options to reduce effect
 - 2426 SE 8th Ave., Royal Foods, Adverse Effect, with possible design refinements or mitigation options to reduce effect
 - 711200 SE McLoughlin Blvd., Oregon Pacific & Union Pacific Railroad/Trestle, No Adverse Effect to Railroad track/grade; Adverse Effect to Trestle with possible design refinements or mitigation options to reduce effect
 - 2000 SW 5th Ave., Portland State School Building, No Adverse Effect (NP, however, due to acquisition of property, included for review)

To Be Completed by SHPO Staff

SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
- Return for Additional Data

Checklist of Required Items:

1. *Research Design Completed Prior to Survey
2. Properly Marked Survey Map
3. Copy of USGS Map Showing Location of Surveyed Area
4. Completed Survey Forms (Field Forms)
5. Survey Data Submitted in Electronic Format
6. Properly Labeled Photos
7. *Final Report, including outline of historic contexts and recommendations for future action
8. Completed "Cover Sheet"
9. Duplicates of everything: one for SHPO and one for the contracting community or agency.

SHPO Staff Signature

Date

4/22/08

Oregon State Historic Preservation Office, 725 Summer Street NE, Suite C, Salem OR 97301



ATTACHMENT 8

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – UNION PACIFIC RAILROAD

Property Description

Railroad tracks run throughout the project area, and the system is an historic resource, significant for its association with early interstate and transcontinental rail transportation in Oregon.

Locally Preferred Alternative (LPA) to Park Avenue

The LPA to Park Avenue would require the use of railroad right-of-way, including building structures parallel to and crossing over the UPRR (two facilities associated with the railroad, the Brooklyn Yard and an existing trestle that is part of the Tillamook Branch line, are addressed as related facilities with qualities that also qualify them as Section 4(f) resources). As part of the Section 106 process, FTA concluded in the 2008 SDEIS that the project would not have an adverse effect, and the SHPO subsequently concurred; this satisfies the requirements for a finding of *de minimis* impact of an historic resource.



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1266

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April 25, 2008

Ms. Bridget Wieghart
Portland Metro
600 NE Grand Avenue
Portland, OR 97232-2736

RE: SHPO Concurrence
South Corridor Portland-Milwaukie Light Rail Project
Multiple Sites, Portland/Milwaukie, Multnomah/Clackamas

Dear Ms. Wieghart,

The State Historic Preservation Office (SHPO) has reviewed the materials submitted on the project referenced above. SHPO conditionally approves the survey project contingent upon successful resolution of any adverse effects noted on the 17 National Register eligible properties listed below and on the attached Cover Sheet. Also, we concur with the effect determinations of the following properties, also listed below and on the attached Cover Sheet:

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- 2405 SE Harrison, Residence, No Adverse Effect
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- 2000 SW 5th Ave., Portland State School Building, No Adverse Effect (NP, however, due to acquisition of property, included for review)

Our response here is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (36 CFR Part 800). Please feel free to contact me if you have questions.

Sincerely,

Stephen P. Poyser, PhD
Sec. 106 Review & Compliance/Preservation Planner
503.986.0686 or stephen.poyser@state.or.us



Oregon Cover Sheet

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

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Reconnaissance Level Surveys and 106 Compliance
Submit this Cover Sheet to SHPO along with all survey materials (see checklist below).

Survey Project Name **Portland - Milwaukie LRT**

City **Portland**

County **Multnomah**

Survey Start Date **10/14/2007**

Survey End Date **12/15/2007**

Year Completed **2007**

Date Submitted to SHPO

Survey Type **Selective Baseline**

Survey Sponsor **Parametrix**

Surveyor Name **Julie Osborne/Kimberl Fitzgerald**

Contributing Properties

17

Acreage Surveyed

110

(estimate using USGS quad)

Non-contributing Properties

64



Nature HISTORY Discovery

Survey Boundaries

The area surveyed is bounded on the west by SW 5th Ave and spans southeastward to Milwaukie along either side (north/south) of McLoughlin Blvd.

Survey Summary

The selection of inventoried properties within the APE (one-half block within the Portland grid system, and 150 on either side of the alignment outside the grid system) was based on several factors: (1) It was to build on the information prepared for the 2002 SDEIS; (2) it included all properties along the transit line that will be affected to provide context for the resources that are potentially eligible; (3) and it included assessing properties built between 1957 and 1967 that may become eligible when they reach the 50-year age criterion.

106 Effect:

The effects to eligible historic resources are included in the database comments. Summarized they are:

- 2300 SE Harrison, Milwaukie Middle School, No Adverse Effect
- 2405 SE Harrison, Residence, No Adverse Effect
- 2326 SE Monroe St., Spanish Revival Residence, No Adverse Effect
- 2001 SE Holgate, Brooklyn Yard, No Adverse Effect
- 711205 SE McLoughlin Blvd., Kellogg Lake Outlet, No Effect
- 12006 SE McLoughlin Blvd., Birkemeier-Sweetland Home, No Effect
- 2505 SE 11th Ave., Ford Motor Assembly Plant, No Effect
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- 2425 SE Bybee Blvd., Eastmoreland Golf Course, No Effect
- 7606 SE McLoughlin Blvd., Westmoreland Park, No Effect
- 1200 Naito Parkway, Hawthorne Bridge, No Effect
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- 9002 SE McLoughlin Blvd., ODOT Region Office, Adverse Effect with possible design refinements or mitigation options to reduce effect
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- 2426 SE 8th Ave., Royal Foods, Adverse Effect, with possible design refinements or mitigation options to reduce effect
- 711200 SE McLoughlin Blvd., Oregon Pacific & Union Pacific Railroad/Trestle, No Adverse Effect to Railroad track/grade; Adverse Effect to Trestle with possible design refinements or mitigation options to reduce effect
- 2000 SW 5th Ave., Portland State School Building, No Adverse Effect (NP, however, due to acquisition of property, included for review)

To Be Completed by SHPO Staff

SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
- Return for Additional Data

Checklist of Required Items:

- *Research Design Completed Prior to Survey
- Properly Marked Survey Map
- Copy of USGS Map Showing Location of Surveyed Area
- Completed Survey Forms (Field Forms)
- Survey Data Submitted in Electronic Format
- Properly Labeled Photos
- *Final Report, including outline of historic contexts and recommendations for future action
- Completed "Cover Sheet"
- Duplicates of everything: one for SHPO and one for the contracting community or agency.

SHPO Staff Signature

Date

4/22/08

Oregon State Historic Preservation Office, 725 Summer Street NE, Suite C, Salem OR 97301

ATTACHMENT 9

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – OREGON PACIFIC RAILROAD

Property Description

The OPR is part of an extensive system of railroads that run throughout the project area; the entire railroad system has been determined an historic resource, significant for its association with early interstate and transcontinental rail transportation in Oregon. OPR is a short-line rail operator connecting to the UPRR mainline in southeast Portland, and it extends along the eastern bank of the Willamette River to serve a customer base five miles to the south in Milwaukie, in the vicinity of SE 17th Avenue and SE McBrod Street.

The OPR has a railyard located at SE Caruthers and SE Water streets, consisting of seven tracks that include a mainline, a connection to the UPRR mainline, an interchange track between the UPRR and OPR, a crossover track, a track siding in the OPR yard, and three stub tracks. While the individual facilities and tracks within the yard have been modified over time, the OPR railyard allows OPR to arrange and store cars transferring to and from UPRR and OPR.

Locally Preferred Alternative (LPA) to Park Avenue

The LPA to Park Avenue has an at-grade crossing of the OPR and requires relocating its switching yard near SE Caruthers Street. The project does not propose moving the location of the OPR mainline. However, the Portland-Milwaukie Light Rail Project will create an at-grade light rail track crossing of the OPR tracks at the SE Sherman Street right-of-way. The proposed track crossing would bisect the current OPR yard. After consulting with OPR, UPRR, the Federal Railroad Administration, and ODOT rail, the project developed a design that relocates the OPR yard functions to the north to avoid freight yard train movements across the light rail alignment. The replacement yard meets the functional requirements of the OPR, and the quality of the track and beds would be upgraded from the current equipment. As part of the Section 106 process, FTA concluded that the project would not have an adverse effect, and the SHPO has subsequently concurred; this satisfies the requirements for a finding of *de minimis* impact of an historic resource.

Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

Survey Project Name	Portland - Milwaukie Light Rail 2	Survey Start Date	10/10/2009			
City	Portland	County	Multnomah			
Survey Type	Section 106 RLS	Survey End Date	11/11/2009			
Survey Sponsor	FTA/Metro/TriMet	Year Completed	2009			
Surveyor Name	Rosalind Keeney, Senior Cultural Resources Specialist, Parametrix 541-752-3449	Date Submitted to SHPO	12/7/2009			
# Elig. properties	37	# Ineligible properties	28	Acreage Surveyed	110	(approx)

Survey Boundaries The area surveyed is bounded on the west by SW 5th Ave. in Portland and extends southeastward to Milwaukie along either side of McLoughlin Blvd to approximately 13121 SE McLoughlin Blvd.

Survey Summary/Comments This survey was done to review potentially historic properties in the expanded APE for the FEIS which builds upon the APE used for the SDEIS RLS (RLS and 106 Portland -Milwaukie Light Rail) submitted in 2008. The expansion is primarily comprised of intersection improvement areas required for safety. The selection of inventoried properties within the revised APE one-half block within the Portland grid system, and 150 on either side of the alignment outside the grid system) included all properties in the revised APE that will be affected to provide context for the resources that are potentially eligible. It included assessing properties built between 1890 and 1967.

The "use" of land from NHRP-eligible resources will require a Section 4(f) review for the historic properties. A determination of "no adverse effect" and the signed SHPO concurrence is intended to be used by the FTA in reaching a Section 4(f) De Minimis Finding consistent with the US Department of Transportation's Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, United States Code. On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which moves the Section 4(f) regulation to 23 CFR 774 and provides updated direction for Section 4(f) evaluations, including de minimis determinations.

In addition to relying upon the eligibility of historic resources for the NRHP for their eligibility as Section 4(f) resources, the Section 4(f) evaluation relies upon the determination of effects from the Section 106 process in determining whether or not there is a use of a Section 4(f) resource in the following ways:

If an alternative has a direct use of land from an historic site, but there is a finding of "no adverse effect" in the Section 106 process, a Section 4(f) de minimis finding would result. If the use results in an "adverse effect" in the Section 106 process, a Section 4(f) de minimis finding can not be made.

If an alternative avoids a direct use of land from an historic site, but has proximity impacts that are determined to have "no adverse effect" through the Section 106 process, there would be no constructive use under the Section 4(f) evaluation.

The Section 106 process requires consultation to resolve any adverse effects. Commitments made in the Section 106 process and documented in the MOA may also satisfy the requirement under Section 4(f) to minimize harm resulting from the use of a historic property.

106 Case #: 07 2748 Eligibility Evaluation Both Elig. and Inelig. Resources Effect Determination: No Adverse Effect

106 Comments The effects to eligible historic resources are included in the database comments. Summarized they are:

- 525 Jackson St. SW, residence, Portland, 1894, no effect
- 614 Jackson St SW, apartment, Portland, 1928, no effect
- 2001-2011 6th Ave SW, apartment, Portland, 1902, no effect
- 2021-2027 6th Ave SW, apartment, Portland, 1880, no effect
- 2000 1st Ave SW Portland State Building, 1965, no effect
- 3121 SW Moody, Zidell, industrial site, Portland, 1916, no adverse effect
- 3325 Moody Ave SW, industrial, Portland, 1951, no effect
- 619-627 SE Division, industrial, Portland, 1959, no effect
- 300 Caruthers and Water Ave. Portland, OPR Switching Yard, Portland 1891-2009, no adverse effect
- 1735 Franklin SE, residence, Portland, 1900, no effect
- 1528 Holgate Blvd SE, residence, Portland, 1928, no effect
- 1534 Holgate Blvd. SE, residence, Portland, 1915, no effect
- 3330 16th Ave SE, residence, Portland, 1910, no adverse effect
- 3338 16th Ave SE, residence, Portland, 1910, no adverse effect
- 4038 16th Ave. SE, residence, Portland, 1925, no effect
- 4244 16th Ave SE, residence, Portland, 1925, no effect
- 4326 16th Ave SE, residence, Portland, 1924, no effect
- 4414 16th Ave SE, residence, Portland, 1925, no effect
- 4806 16th Ave SE, residence, Portland, 1913, no effect
- 4816 16th Ave SE, residence, Portland, 1913, no effect
- 4904 16th Ave SE, residence. Portland, 1913, no effect

Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

- 4914 16th Ave. SE, residence, Portland, 1925, no effect
- 1635 SE Rhone, residence, Portland, 1926, no adverse effect
- 1625 Rhone SE, residence, Portland, 1926, no effect
- 3236 SE Johnson Cr. Blvd, residence, Portland, 1936, no effect
- 2535 SE Monroe, residence, Milwaukie, 1905, no effect
- 2606 SE Monroe, residence, Milwaukie, 1925, no effect
- 2607 SE Monroe, residence, Milwaukie, 1915, no effect
- 12320 SE 25th Ave, residence, Milwaukie, 1900, no effect
- 13003 SE Oatfield Rd, residence, Milwaukie, 1927, no effect
- 2616 SE Park Ave, residence, Milwaukie, 1930, no adverse effect
- 3020 SE Park, residence, Milwaukie, 1935, no effect
- 12025 SE River Road, residence, Milwaukie, 1925, no effect
- 12108 SE River Road, residence, Milwaukie, 1930, no effect
- 2311 SE Wren, residence, Milwaukie, 1938, no effect
- 2313 Wren, residence, Milwaukie, 1953, no adverse effect

-
-
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To Be Completed by SHPO Staff

SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

SHPO Comment on NR Eligibility Evaluations

- Concur
- Do Not Concur
- Returned for Additional Data

SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
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Checklist of Required Items:

1. ___ Completed "Cover Sheet" (in data base and hard-copy)
2. ___ 106 Case # Obtained from SHPO and included on form
3. ___ Survey data submitted in electronic format
4. ___ Properly labeled photos (digital photos incl. with data)
5. ___ Properly marked survey map
6. ___ Copy of USGS Map Showing Location of Surveyed Area

Optional Items

- Research Design Completed Prior to Survey
- Completed Survey Forms (Field Forms)
- Final Report

SHPO Staff Signature

Date

2/5/2010

Comments:

ATTACHMENT 10

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – RAILROAD TRESTLE

Property Description

The wooden railroad trestle crossing Kellogg Creek is part of the Tillamook Branch line owned by the UPRR and is a component of an extensive system of railroads that run throughout the project area. The entire railroad system has been determined an historic resource, significant for its association with early interstate and transcontinental rail transportation in Oregon. The trestle is located in between Robert Kronberg Park and the Milwaukie Local Share Parcel.

Locally Preferred Alternative (LPA) to Park Avenue

The LPA to Park Avenue requires the use of railroad right-of-way and would build a structure parallel to the existing trestle (see Figure 1). In 2008, the SDEIS analysis concluded that the introduction of the new structure could have high visual impacts to the trestle if no design or other measures to reduce the visual impacts could be found. The SDEIS identified an adverse effect. Following the SDEIS, FTA, TriMet, and Metro have worked with SHPO to provide further information on the characteristics of setting and contrast for the trestle, and also developed design and enhancement measures that would minimize the visual impacts and provide additional opportunities for the public to see and appreciate the structure.

The light rail bridge is being designed and constructed to accommodate a potential pedestrian bridge connecting from Robert Kronberg Park to SE Lake Road, which would increase the number of people who would have access to view the trestle. The LPA to Park Avenue would include development of a station near the trestle, in an area that is currently undeveloped. Other improvements for pedestrians and landscaping would also be made to SE Lake Road, and would include clearing brush and debris in areas adjacent to the trestle. These actions would mitigate some of the reduced views of the historic trestle by providing additional opportunities for people to see the trestle as they walk or drive along SE Lake Road.

The project is also developing design elements in the station area that would include interpretive displays in the adjacent Robert Kronberg Park, along SE Lake Road, or in the station area, which would illuminate the historic significance of the rail line and the trestle to the surrounding area.

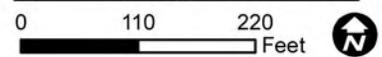
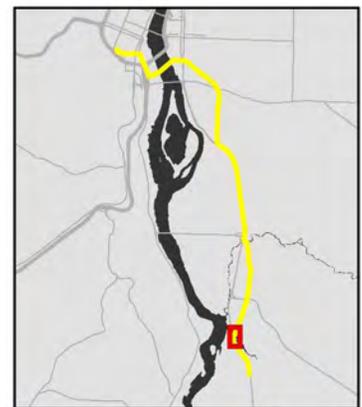
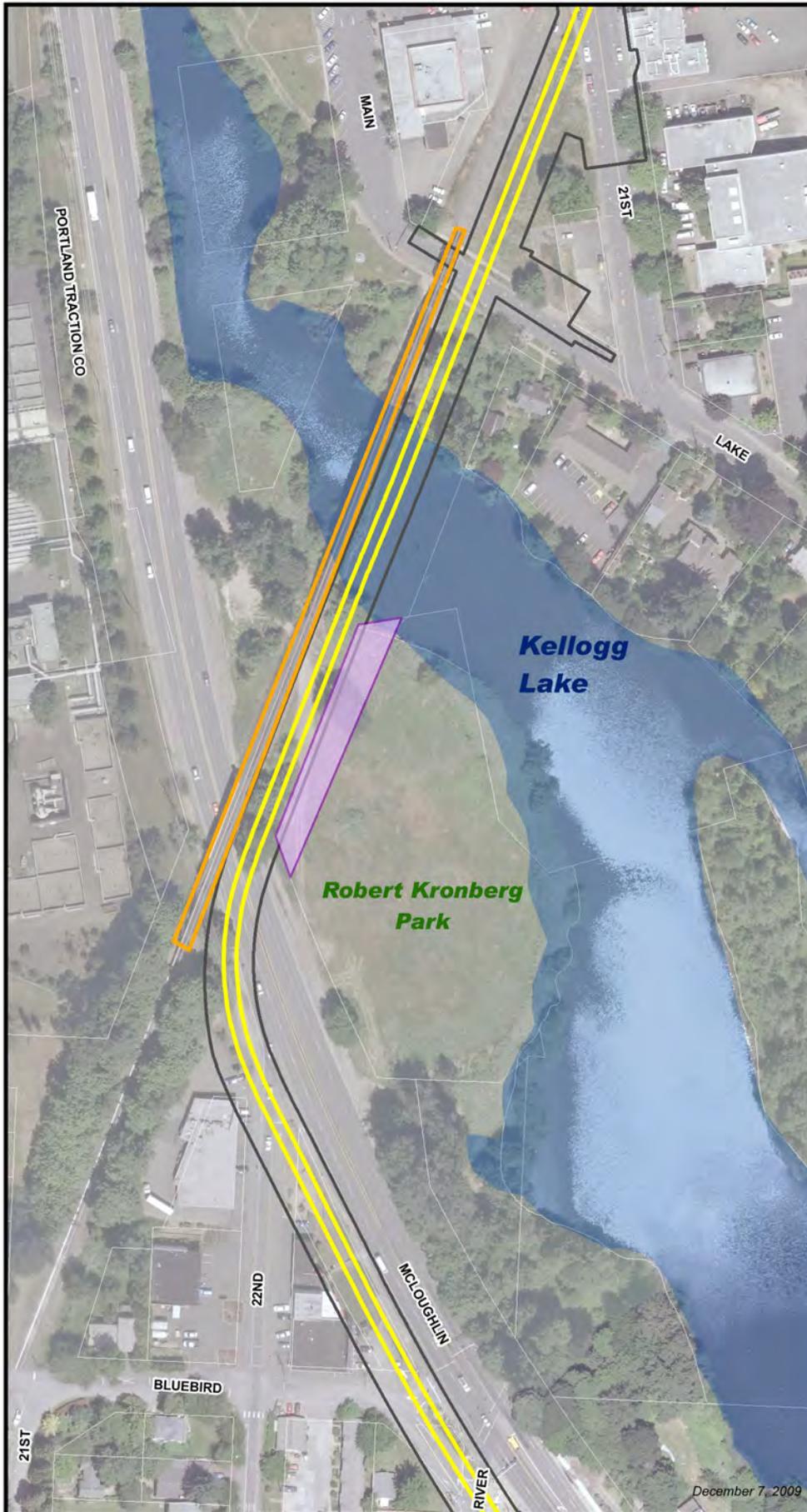
With these measures incorporated within the project, FTA determined that the project would have no adverse effects under the Section 106 process, and the SHPO has subsequently concurred, meeting the requirements for a *de minimis* determination.

Portland-Milwaukie Light Rail Project

Railroad Trestle

Figure 1

- Proposed LPA to Park Ave alignment
- Construction Limit
- Railroad Trestle
- Staging: 50 foot buffer



OREGON SHPO CLEARANCE FORM

SECTION 4: ALTERATIONS

Only complete this section for buildings that are at least 50 years old or older. Describe any material replacement, including siding, windows, and doors; any additions, including garages; and any removal or addition of architectural details, such as brackets, columns, and trim. Attach additional pages as necessary.

The trestle was constructed in circa 1900 and has been repaired and maintained over the years but is generally remains as built.

SECTION 5: PROJECT DESCRIPTION

Describe what work will be done, including what materials will be used and how they will be installed. Specifically identify what historic materials will be retained, restored, replaced, or covered. Include drawings, photos, cut sheets (product descriptions), additional sheets, and other materials as necessary. For vacant lots, please describe the intended use.

The project requires the use of railroad right of way, and would build a structure parallel and on the east side of the trestle, but does not physically alter the trestle. The new light rail bridge would be approximately 6 feet high higher than the trestle and make it less visible for people to view from the east side, but it would make it more visible to the passengers riding the light rail and in the station area to the north. Vehicle traffic southbound on McLoughlin Boulevard will still have a good view of the trestle.

The main aspects of integrity important to understanding the historic significance of the trestle are: Location (not being changed), Design (not being changed), Materials (not being changed), workmanship (not being changed), and association (not being changed). While some views of the trestle would be altered, the visual characteristics are less important to the historic significance of the trestle.

Historic setting of the trestle:

- **Topography.** The trestle crosses from a bluff overlooking Kellogg Creek/Lake to a hill to the south side of McLoughlin Boulevard. The function and design considerations were influenced by the need to cross over the lake and maintain railroad grades to continue to the south. The project is not changing the topographic setting.
- **Design features, including Relationship to open space or nearby public viewpoints, and settings influence on Design:** The trestle was designed for a rural area to the north of the established town, and was not a densely developed area during historic period. Open spaces or the planned park nearby is not a factor of setting that is particularly important to understanding the trestle's historic importance to railroading or community development. The trestle's design is unlikely to have been influenced by visual or aesthetic aspects of the local setting, as there are no apparent design elements such as curves or aesthetic design features that are not typical of a wooden trestle, indicating that the setting was important to the RR function, aesthetics.
- **Design materials.** The crossing is accomplished through the use of standard trestle materials/design of the period, and will not be affected. The design materials do not appear to be uniquely affected by the setting required.
- Subsequent park development may have taken into consideration the trestle, but not the other way around. The subsequent development probably changed the vegetation, not the RR.

Setting is therefore not a significant character defining element for making the trestle eligible for the NRHP or for understanding the historic significance of the structure. Topography, design features and design materials are the most important and are not being changed. The project would therefore not have an adverse effect to that topographical aspect of integrity under 106.

REQUIRED

- 3 – 4, color, 4 x 5 photographs of the subject property, digital or print.
One photo is sufficient for vacant property

AS NEEDED

Contact SHPO staff with questions

- Project area map, for projects including more than one tax lot
 Additional drawings, reports, or other relevant materials

SECTION 6: AGENCY CONTACT INFORMATION

Federal, State, or Local Agency Name: Federal Transit Administration

Contact Name and Title: _____

Street Address, City, Zip: _____

Phone: _____

Email: _____

SHPO Mailing Address: Review and Compliance, Oregon SHPO, 725 Summer St. NE, Suite C, Salem OR, 97301

ATTACHMENT 11

SECTION 4(F) DE MINIMIS IMPACT EVALUATION AND DETERMINATION – TROLLEY TRAIL

Property Description

The NCPRD is planning the Trolley Trail along a six-mile stretch of an historic corridor once used by a streetcar line traveling between Portland and Oregon City. Although the trolley corridor purchased by NCPRD and Metro in 2001 is approximately 40 feet wide, the trail plans call for a typical section that would be 20 feet wide, including a 16-foot trail and 4 feet of buffer area that in many locations includes swales for stormwater management.

The trail is expected to have an asphalt or concrete surface and soft shoulders to accommodate pedestrians, recreational and commuting bicyclists, and horses, wheelchairs, and other nonmotorized uses. The Trolley Trail will have 25 pedestrian access points from neighborhood roads. The trail will provide connections to community facilities, parks, and public transit. Intersection improvements will be designed to provide safe trail crossings at existing roads. The trail project will include safety and security features such as lighting and good definition between the trail and adjacent neighbors.

NCPRD was awarded federal funding to conduct preliminary engineering and design work for the entire trail and to construct the trail from Kellogg Creek south to Glen Echo Avenue. Design efforts were initiated in late 2007, and construction is expected to begin in 2010.

Locally Preferred Alternative (LPA) to Park Avenue

To extend light rail to a station and park-and-ride at SE Park Avenue, the LPA to Park Avenue would use right-of-way within part of the 40-foot corridor purchased for the trail. The LPA to Park Avenue design would place light rail on the west side of SE McLoughlin Boulevard, between the roadway and the planned Trolley Trail, which would be aligned along the western edge of the right-of-way originally purchased for the trail (see Figures 1, 2, and 3).

The LPA to Park Avenue would include a bridge over SE McLoughlin Boulevard, curving southeast to align with the western edge of SE McLoughlin Boulevard. Light rail would remain elevated to cross over SE 22nd Street and SE River Road, and then descend onto a retained fill structure to transition to at-grade. The trail would be alongside of the retaining wall and would cross under the bridge for the SE McLoughlin Boulevard overcrossing bridge.

Once light rail is at-grade beside SE McLoughlin Boulevard, a buffer area with a barrier would run between light rail and the trail. Light rail and trail operations will remain physically separated, avoiding conflicts between trains and trail users. In several locations, where topography and right-of-way allow, the buffer area widens to allow the trail to meander away from the light rail line.

The proposed shared use of the trail right-of-way would affect 0.6 miles of the 6-mile-long right-of way, and will maintain the ability of Clackamas County to complete the Trolley Trail project.

Through coordination with NCPRD to define a plan for developing the trail cooperatively with the light rail project, the project has defined the measures to be taken to ensure that the trail's function as part of a regional system is maintained. In several areas, the light rail project provides additional enhancements and benefits to the facility. Developing the trail and the light rail line together provides the opportunity to improve regional mobility and maximize the benefits of public investments, while still allowing the development of the trail in a manner that would be consistent with the Trolley Trail Master Plan.

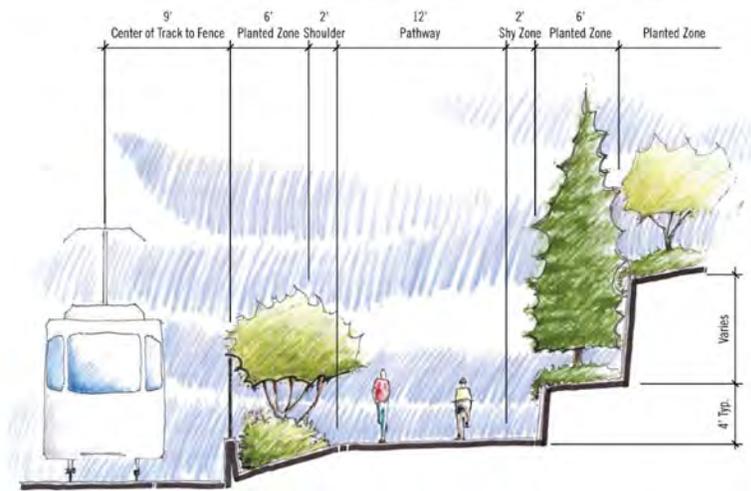
The proposed integration of the two projects in the 0.6-mile section where they share right-of-way recognizes the considerable work that NCPRD and the community have invested in developing the Trolley Trail project. By developing the two projects within a shared alignment, the light rail project will minimize overall impacts to the development of the trail. The plan for developing the two projects concurrently includes project features, amenities, and a construction approach that both TriMet and Clackamas County have concluded will offer the highest benefits to the public, while preserving the essential attributes, features and activities of the future regional multi-use trail. The following features are the key elements of the plan:

- TriMet will purchase either property or a property easement from NCPRD, and this purchase will be based on an appraisal to be conducted after the record of decision.
- TriMet would construct the trail section between the park-and-ride at SE Park Avenue to SE River Road, as part of the light rail project civil construction contract.
- TriMet will be responsible for relocating the Portland General Electric utility at SE Park Avenue.
- TriMet has worked extensively with NCPRD to minimize the impacts on the trail by defining the following features as part of the project:
 - The design of the light rail project maximizes the amount of space for the trail. At a minimum, a six-foot planted buffer zone will be located between light rail and the trail. Where possible, the trail will be designed to utilize adjacent right-of-way to create an additional buffer zone.
 - The light rail project is designing the retaining walls required for the light rail project and trolley trail to include terracing and/or planted slopes to provide a natural setting adjacent to the trail.
 - The trail elevation will be designed relative to the light rail elevation in such a way as to maximize visibility to and from the trail to maintain safety and security using “Crime Prevention Through Environmental Design” (CPTED) principles.
 - For the trail section between SE Park Avenue and SE River Road, pedestrian-scale lighting will be provided under the light rail structure and adjacent to light rail. The design of the lighting may be incorporated into the light rail system or be within the trail section; details of this design will continue to be developed in partnership with the NCPRD.
 - The light rail project is designing fencing and other light-rail related utilities and features to be aesthetically compatible with the adjacent trail.
- Recognizing the importance of delivering the new regional trail connection envisioned for the Trolley Trail, TriMet, the City of Milwaukie, and the NCPRD have developed an

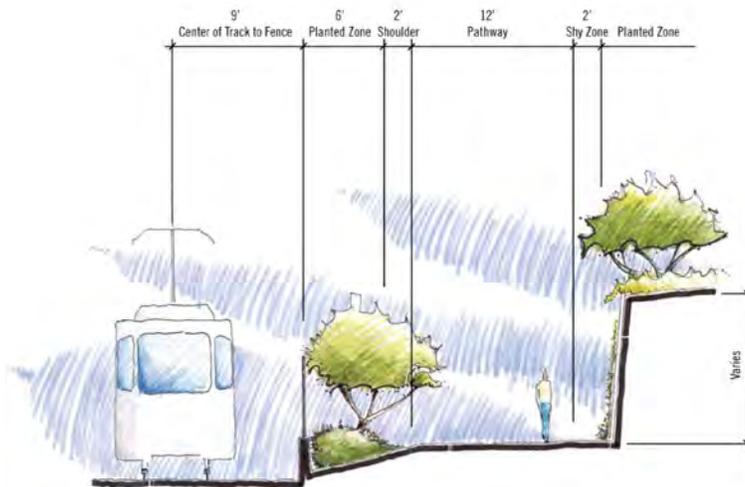
approach for completing the link from SE Park Avenue to Kellogg Creek prior to construction of the light rail in this area. Trail users for this section of trail would be directed to a sidewalk and bike lane on the east side of SE McLoughlin Boulevard from SE Park Avenue to the existing crosswalk at SE River Road until the light rail and trail construction are completed in this section. Pedestrians and bicyclists would be able to utilize existing bike lanes and sidewalk on the east side of SE McLoughlin Boulevard. TriMet will provide accommodations for gaps in the sidewalk on the east side of SE McLoughlin Boulevard between SE Park Avenue and SE River Road. This limit was identified as a project element because it will connect the two built elements of the Trolley Trail affected by the construction of the light rail project (SE River Road – SE Park Avenue).

- All parties recognize the desire to open the trail in its permanent location as soon as possible.
- Public access to the trail would be increased by providing a light rail station at SE Park Avenue. Further, access to the trail would be improved by allowing trail users to park in the Park Avenue park-and-ride structure in non-peak times.

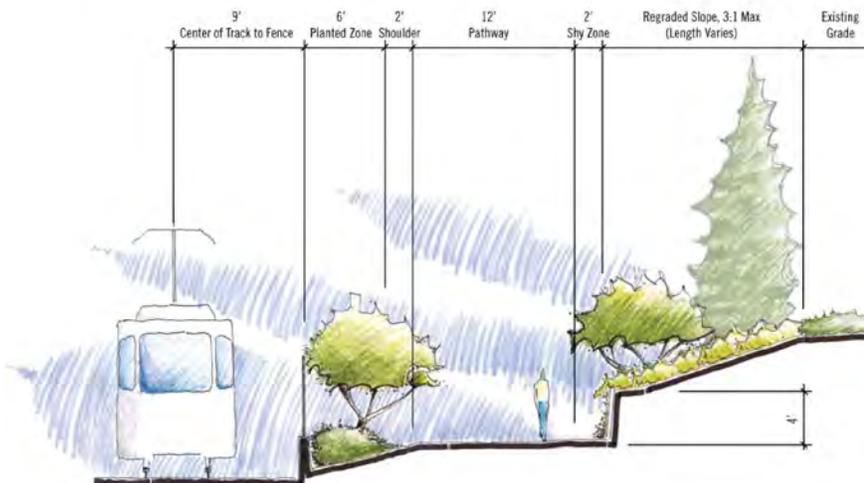
Considering these factors, the FTA has determined that the development of the light rail project on the Trolley Trail's currently undeveloped right-of-way is a *de minimis* impact. Clackamas County has concurred, and this concurrence is included as an Attachment to this document.



Section -
Terraced Double Wall



Section -
Single Wall



Section -
4 Foot Single Wall



**NORTH
CLACKAMAS**
PARKS & RECREATION
DISTRICT

January 14, 2010

Ms. Bridget Wieghart
Metro
600 NE Grand
Portland, OR 97232

Dear Ms. Wieghart:

The North Clackamas Parks and Recreation District (NCPRD) concurs with the Section 4(f) *de minimis* finding involving the use of a portion of the Trolley Trail right of way for the construction and operation of the Portland Milwaukie Light Rail Project, while accommodating the development of the Trolley Trail. As the light rail project enters final design and continues toward permitting and construction, NCPRD looks forward to working with TriMet to finalize the terms and agreements needed to develop our projects in collaboration.

Based on the analysis and proposed features discussed by the project partners to date, we concur with the finding that the proposed activities would not adversely affect the long term activities and attributes envisioned for the trail, consistent with a *de minimis* use determination that allows a small or minimal action that will not “adversely affect the activities, features, and attributes” that make the Trolley Trail eligible for protection under Section 4(f). The specific findings in support of this concurrence include:

- TriMet will purchase either property or a property easement from NCPRD and this will be based on an appraisal to be conducted after the record of decision.
- TriMet would construct the trail section between the park-and-ride at SE Park Avenue to SE River Road, as part of the light rail project civil construction contract.
- TriMet will be responsible for relocating the PGE utility at SE Park Avenue.
- TriMet has worked extensively with NCPRD to minimize the impacts on the trail by defining the following features as part of the project:
 - A design that maximizes the amount of space for the trail. At a minimum, a six foot planted buffer zone will be located between light rail and trail. Where possible the trail will be designed to utilize adjacent right-of-way to create additional buffer zone.
 - The light rail project is designing the retaining walls required for the light rail project and trolley trail to include terracing and/or planted slopes to provide a natural setting adjacent to the trail.
 - By designing the trail elevation relative to light rail elevation to maximize visibility to and from the trail to maintain safety and security “Crime Prevention Through Environmental Design” (CPTED) principles.

www.co.clackamas.or.us/ncprd

Administration Office
150 Beaver Creek Road
Oregon City, OR 97045
503-742-4348
fax: 503-742-4349

Aquatic & Recreation Services
7300 SE Harmony Road
Milwaukie, OR 97222
503-794-8080
fax: 503-794-8085

Milwaukie Center
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222
503-653-8100
fax: 503-794-8016

Parks Maintenance Office
9909 SE 40th Avenue
Milwaukie, OR 97222
503-794-8030
fax: 503-794-8087

**A service district
of Clackamas County**

- For the trail section between SE Park Avenue and SE River Road, providing pedestrian-scale lighting under the light rail structure and adjacent to light rail. The design of the lighting may be incorporated into the light rail system or be within the trail section; details of this design will continue to be developed in partnership with the NCPRD.
 - The light rail project is designing fencing and other light-rail related utilities and features to be aesthetically compatible with the adjacent trail.
- Recognizing the importance of delivering the new regional trail connection envisioned for the Trolley Trail, TriMet, City of Milwaukie and the NCPRD have developed an approach for completing the link from SE Park Avenue to Kellogg Creek prior to construction of the light rail in this area. Trail users for this section of trail would be directed to a sidewalk and bike lane on the east side of SE McLoughlin Boulevard from Park Avenue to the existing crosswalk at River Road until the light rail and trail construction are completed in this section. Pedestrians and bicyclists would be able to utilize existing bike lanes and sidewalk on the east side of SE McLoughlin Boulevard. TriMet will provide accommodations for gaps in the sidewalk on the east side of McLoughlin Boulevard between Park Avenue and River Road. This limit was identified as a project element because it will connect the two built elements of the Trolley Trail affected by the construction of the light rail project (River Road – Park Avenue).
 - All parties recognize the desire to open the trail in its permanent location as soon as possible.
 - Public access to the trail would be increased by providing a light rail station at SE Park Avenue. Further, access to the trail would be improved by allowing trail users to park in the Park Avenue park-and-ride structure in non-peak times.
 - NCPRD and TriMet are jointly drafting an Intergovernmental Agreement (IGA) further defining our shared understanding of our approach to developing our two projects in collaboration.

We support the project's plan to allow our two projects to be developed together, and we believe it will have benefits to users of the Trolley Trail, as well as to the general public and the regional transportation system.

Sincerely,



Bob Austin, Vice Chair
Clackamas County Board of County Commissioners

cc:

Mark Turpel, Metro
Dave Unsworth, TriMet
Dan Zinzer, NCPRD
Michelle Healy, NCPRD

ATTACHMENT 12

SECTION 4(F) *DE MINIMIS* IMPACT EVALUATION AND DETERMINATION – SE WREN STREET HOUSE

Property Description

This resource is located at 2313 SE Wren Street and was built in 1956. It is a good example of a mid-century Ranch-style house in Milwaukie. It is eligible for the NRHP under Criterion C, because it embodies the distinctive architectural characteristics of a type, period, or method of construction.

Locally Preferred Alternative (LPA) to Park Avenue

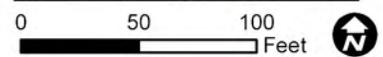
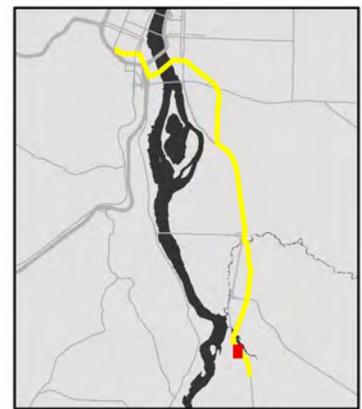
In order to develop the light rail project and the Trolley Trail within a shared alignment, the LPA to Park Avenue would require a corner of the backyard to this parcel, which slopes down to the Trolley Trail right-of-way (see Figure 1). The project would remove some mature trees and would construct a fence and retaining wall, and would provide replacement trees and landscaping. As part of the Section 106 process, FTA concluded that the project would not have an adverse effect, and the SHPO has concurred; this satisfies the requirements for a finding of *de minimis* impact of an historic resource.

Portland-Milwaukie Light Rail Project

**Residence:
2313 SE Wren**

Figure 1

-  Proposed light rail alignment (LPA to Park Ave)
-  Construction Limit
-  Property boundary



Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

Survey Project Name	Portland - Milwaukie Light Rail 2	Survey Start Date	10/10/2009			
City	Portland	County	Multnomah			
Survey Type	Section 106 RLS	Survey End Date	11/11/2009			
Survey Sponsor	FTA/Metro/TriMet	Year Completed	2009			
Surveyor Name	Rosalind Keeney, Senior Cultural Resources Specialist, Parametrix 541-752-3449	Date Submitted to SHPO	12/7/2009			
# Elig. properties	37	# Ineligible properties	28	Acreage Surveyed	110	(approx)

Survey Boundaries The area surveyed is bounded on the west by SW 5th Ave. in Portland and extends southeastward to Milwaukie along either side of McLoughlin Blvd to approximately 13121 SE McLoughlin Blvd.

Survey Summary/ Comments

This survey was done to review potentially historic properties in the expanded APE for the FEIS which builds upon the APE used for the SDEIS RLS (RLS and 106 Portland -Milwaukie Light Rail) submitted in 2008. The expansion is primarily comprised of intersection improvement areas required for safety. The selection of inventoried properties within the revised APE one-half block within the Portland grid system, and 150 on either side of the alignment outside the grid system) included all properties in the revised APE that will be affected to provide context for the resources that are potentially eligible. It included assessing properties built between 1890 and 1967.

The "use" of land from NHRP-eligible resources will require a Section 4(f) review for the historic properties. A determination of "no adverse effect" and the signed SHPO concurrence is intended to be used by the FTA in reaching a Section 4(f) De Minimis Finding consistent with the US Department of Transportation's Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, United States Code. On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which moves the Section 4(f) regulation to 23 CFR 774 and provides updated direction for Section 4(f) evaluations, including de minimis determinations.

In addition to relying upon the eligibility of historic resources for the NRHP for their eligibility as Section 4(f) resources, the Section 4(f) evaluation relies upon the determination of effects from the Section 106 process in determining whether or not there is a use of a Section 4(f) resource in the following ways:

If an alternative has a direct use of land from an historic site, but there is a finding of "no adverse effect" in the Section 106 process, a Section 4(f) de minimis finding would result. If the use results in an "adverse effect" in the Section 106 process, a Section 4(f) de minimis finding can not be made.

If an alternative avoids a direct use of land from an historic site, but has proximity impacts that are determined to have "no adverse effect" through the Section 106 process, there would be no constructive use under the Section 4(f) evaluation.

The Section 106 process requires consultation to resolve any adverse effects. Commitments made in the Section 106 process and documented in the MOA may also satisfy the requirement under Section 4(f) to minimize harm resulting from the use of a historic property.

106 Case #: 07 2748 Eligibility Evaluation Both Elig. and Inelig. Resources Effect Determination: No Adverse Effect

106 Comments

The effects to eligible historic resources are included in the database comments. Summarized they are:

- 525 Jackson St. SW, residence, Portland, 1894, no effect
- 614 Jackson St SW, apartment, Portland, 1928, no effect
- 2001-2011 6th Ave SW, apartment, Portland, 1902, no effect
- 2021-2027 6th Ave SW, apartment, Portland, 1880, no effect
- 2000 1st Ave SW Portland State Building, 1965, no effect
- 3121 SW Moody, Zidell, industrial site, Portland, 1916, no adverse effect
- 3325 Moody Ave SW, industrial, Portland, 1951, no effect
- 619-627 SE Division, industrial, Portland, 1959, no effect
- 300 Caruthers and Water Ave. Portland, OPR Switching Yard, Portland 1891-2009, no adverse effect
- 1735 Franklin SE, residence, Portland, 1900, no effect
- 1528 Holgate Blvd SE, residence, Portland, 1928, no effect
- 1534 Holgate Blvd. SE, residence, Portland, 1915, no effect
- 3330 16th Ave SE, residence, Portland, 1910, no adverse effect
- 3338 16th Ave SE, residence, Portland, 1910, no adverse effect
- 4038 16th Ave. SE, residence, Portland, 1925, no effect
- 4244 16th Ave SE, residence, Portland, 1925, no effect
- 4326 16th Ave SE, residence, Portland, 1924, no effect
- 4414 16th Ave SE, residence, Portland, 1925, no effect
- 4806 16th Ave SE, residence, Portland, 1913, no effect
- 4816 16th Ave SE, residence, Portland, 1913, no effect
- 4904 16th Ave SE, residence. Portland, 1913, no effect

Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

Submit this Cover Sheet to the Oregon SHPO along with all survey materials (see checklist below).

- 4914 16th Ave. SE, residence, Portland, 1925, no effect
- 1635 SE Rhone, residence, Portland, 1926, no adverse effect
- 1625 Rhone SE, residence, Portland, 1926, no effect
- 3236 SE Johnson Cr. Blvd, residence, Portland, 1936, no effect
- 2535 SE Monroe, residence, Milwaukie, 1905, no effect
- 2606 SE Monroe, residence, Milwaukie, 1925, no effect
- 2607 SE Monroe, residence, Milwaukie, 1915, no effect
- 12320 SE 25th Ave, residence, Milwaukie, 1900, no effect
- 13003 SE Oatfield Rd, residence, Milwaukie, 1927, no effect
- 2616 SE Park Ave, residence, Milwaukie, 1930, no adverse effect
- 3020 SE Park, residence, Milwaukie, 1935, no effect
- 12025 SE River Road, residence, Milwaukie, 1925, no effect
- 12108 SE River Road, residence, Milwaukie, 1930, no effect
- 2311 SE Wren, residence, Milwaukie, 1938, no effect
- 2313 Wren, residence, Milwaukie, 1953, no adverse effect

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-
-

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