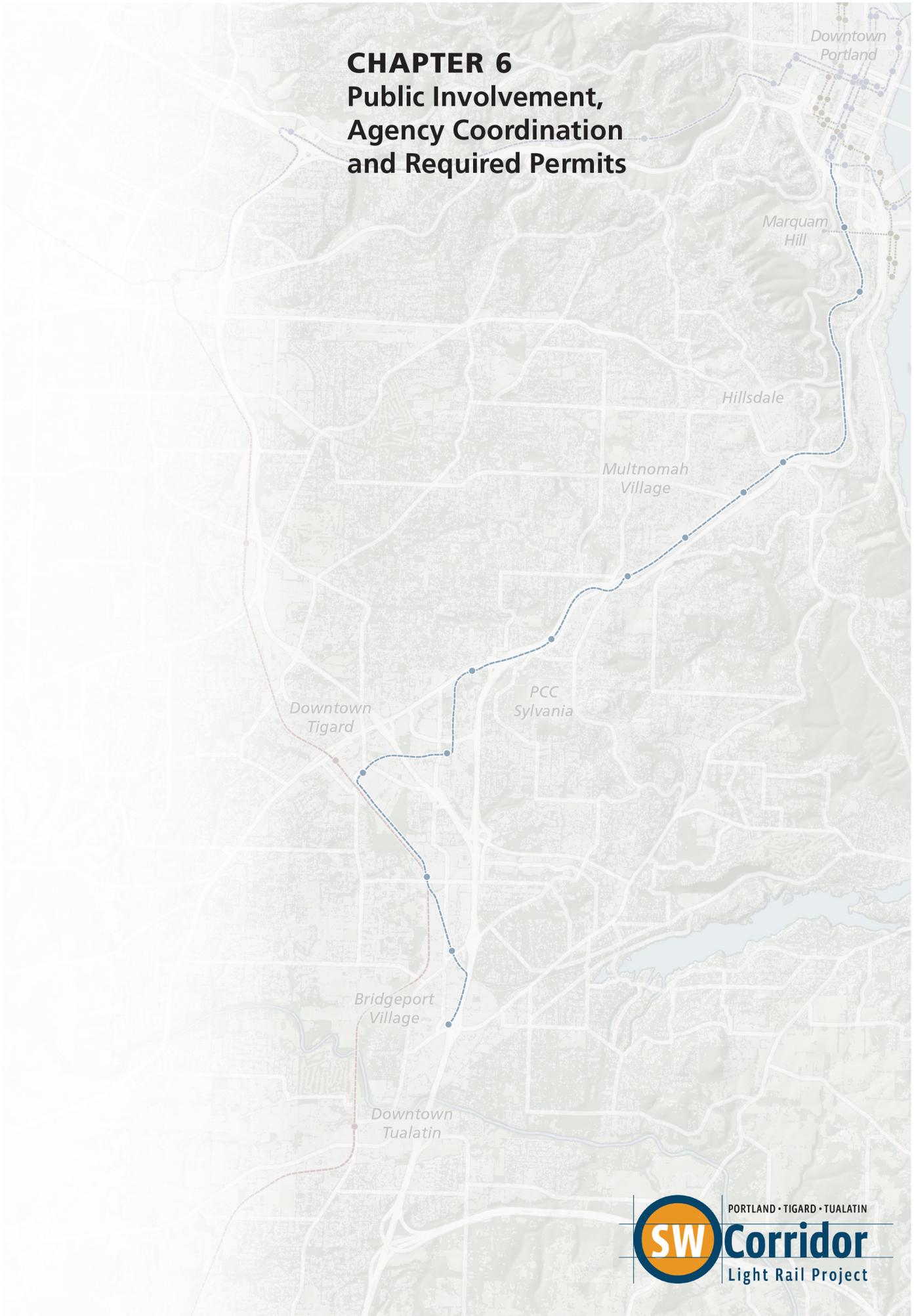


# CHAPTER 6 Public Involvement, Agency Coordination and Required Permits



## 6. PUBLIC INVOLVEMENT, AGENCY COORDINATION AND REQUIRED PERMITS

This chapter summarizes the Southwest Corridor Light Rail Project’s public, agency and tribal coordination during the Draft Environmental Impact Statement (EIS) comment period and leading up to the publication of this Final EIS. Chapter 6 of the Draft EIS, Public Involvement and Agency Coordination, describes the outreach and coordination activities prior to the Draft EIS comment period, including the formal scoping period for the EIS in 2016.<sup>1</sup>

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The following chapters and appendices of this Final EIS provide related information:

- **Chapter 7, Draft EIS Public Comment Summary**, provides a summary of the comments that were received during the Draft EIS comment period and how these comments have informed the Project’s designs and the Final EIS analysis.
- **Appendix C, Environmental Justice Compliance**, provides information about project outreach to low-income and minority populations in compliance with federal guidelines.
- **Appendix E, Agency Coordination and Correspondence**, lists the key dates of important correspondence with agencies and tribes, and provides copies of associated letters.
- **Appendix I, Preferred Alternative Selection and Project Refinements**, summarizes the selection of the Preferred Alternative for the light rail investment, including references to the reports and outreach efforts that informed decision-making.
- **Appendix J, Draft EIS Comments and Responses**, includes responses to Draft EIS comments and the full text of each comment received.

### 6.1. Public Engagement Objectives and Desired Outcomes

The Project’s public engagement objectives and desired outcomes guided the outreach efforts for both the EIS analysis and the identification of the Preferred Alternative. Some adjustments have been made since the Draft EIS to better reflect the current phase of the Project and to respond to comments.

The public engagement objectives of the Project were to:

- provide relevant information to the public about upcoming project deliberations
- generate public feedback and ideas, and ensure that feedback is presented to decision-makers
- communicate with stakeholders in a way that generates understanding and enthusiasm for the Project
- provide stakeholders with access to project details, technical staff and decision-makers

<sup>1</sup> For information about the Project’s early scoping period, initiated in September 2011, see Metro’s Scoping Public Involvement Report from February 2012: [www.oregonmetro.gov/sites/default/files/2017/02/24/SWCP-Scoping-Public-Involvement-Report-201202.pdf](http://www.oregonmetro.gov/sites/default/files/2017/02/24/SWCP-Scoping-Public-Involvement-Report-201202.pdf).

- engage property owners who may be directly or indirectly impacted by the project to address questions and concerns
- build on existing relationships with engaged members of the public and build new relationships with members of the public whose perspectives have been underrepresented to date
- demonstrate how decision-makers are receiving and considering community input when deliberating decisions

The desired outcomes of the public engagement effort for the Project were:

- input on key issues and trade-offs specific to each key community in the corridor
- understanding of stakeholder perspectives on alignment choices and adverse effects
- input on desired benefits that Southwest Corridor Plan investments can bring to communities in the region
- decision-makers who understand and consider public input in their decision-making

## 6.2. Project Committees

In late 2018, after the Metro Council approved the Preferred Alternative and adopted it into the *Regional Transportation Plan*, leadership for project planning and public engagement transitioned from Metro to the Tri-County Metropolitan Transportation District of Oregon (TriMet). This transition point marked the end of the Southwest Corridor Steering Committee convened by Metro Council and the community advisory committee (CAC) convened by Metro's steering committee. In early 2019, TriMet created a new steering committee and CAC to advise on decisions through project construction. These project committees are described in more detail in the following sections. Both committees have been on hiatus since December 2020 while further planning and design work has been paused. These committees will be reconvened if future funding is identified to allow planning and design work to continue.

In addition to a steering committee and CAC, TriMet convened two stakeholder groups to inform refinements to the Marquam Hill Connection (see Section 6.4 for more information).

### Steering Committee

Metro's project steering committee was made up of elected officials from seven cities (Portland, Tigard, Tualatin, Sherwood, Beaverton, King City and Durham), Washington County, and Metro, and top leaders from TriMet and the Oregon Department of Transportation (ODOT). The steering committee made recommendations to Metro Council. Steering committee meetings were open to the public, and opportunities for public comment were provided in advance of all steering committee decisions.

TriMet's project steering committee focuses on the jurisdictions that would be most directly affected by the light rail investment: Portland, Tigard, Durham, Tualatin, Washington County, ODOT, TriMet and Metro. TriMet's steering committee advises the TriMet General Manager. The latest roster for the steering committee and notes and materials from past meetings are posted on TriMet's project website, [trimet.org/swcorridor](http://trimet.org/swcorridor). TriMet's steering committee meetings are also open to the public and include opportunities for public comment in advance of decisions. These meetings are scheduled based on the need for discussion and recommendations.

## Community Advisory Committee

Metro's CAC was a group of community members appointed by the steering committee in December 2016 to represent neighbors, businesses, institutions and advocates in decisions about the preferred route for light rail in the Southwest Corridor. Membership in the CAC was established through an open, public application process in late 2016. The process was advertised on the Metro website, on social media, via Metro's interested parties email list and by partner agencies including the City of Portland. The Project received 47 applications for the 19-person committee. The appointed committee members included twelve men and seven women, with nine members from Portland, seven from Tigard, two from Tualatin and one from Washington County.

Most meetings of Metro's CAC included project updates and presentations from project staff and discussion time for the committee. Each CAC meeting also included a period of public comment when members could hear testimony from the community. Before making a recommendation on the Preferred Alternative, the CAC members were presented a summary of public comments received during the Draft EIS comment period. The CAC formulated an official route recommendation for Metro's steering committee at its final meeting on July 30, 2018.

Since it was formed in 2019, TriMet's CAC has been serving as a sounding board for design issues, providing feedback to project partner staff and decision-makers at monthly meetings. Members were recruited in late 2018 via emails to TriMet's 4,000-person Southwest Corridor interested parties list and outreach to key stakeholders. From 54 applicants, 18 members were selected by project partner staff. The CAC is composed of business owners; technical experts; active transportation and affordable housing advocates; and representatives of major employers, education institutions and other organizations. The latest roster for the CAC and materials from past meetings are posted on TriMet's project website, [trimet.org/swcorridor](http://trimet.org/swcorridor). The CAC meetings are open to the public and include public comment opportunities.

### 6.3. Draft EIS Comment Period

On June 7, 2018, Metro notified its interested parties email list of the availability of the Draft EIS and the opportunity to submit comments. The 45-day comment period began when a Notice of Availability was issued in the Federal Register on June 15, 2018. The comment period closed on July 30, 2018. All comments received between June 7 and July 30, 2018, are included as Draft EIS comments within this Final EIS.

#### Notification of Draft EIS Availability and Opportunity to Comment

Metro attempted to notify all potentially interested members of the public of the opportunity to comment on the Draft EIS through multiple sources of information and in several languages:

- **Notification postcards** were mailed to all physical addresses within approximately 0.25 mile of the Draft EIS alignment alternatives and design refinements (approximately 11,000 postcards). Postcards included the website address, the times and locations of open houses and the public hearing, and the closing date of the public comment period. The postcard included information in Spanish.
- **Letters** were sent to owners of properties that might have a full or partial acquisition under any alignment studied, including those who would be affected by the design refinements. These letters included information on the electronic and physical locations of the Draft EIS document, along with

a phone number to contact Metro directly with any questions. These letters included information in Spanish, Vietnamese, Russian, Chinese and Korean, as well as a phone number for the multilingual hotline.

- **Notices** were posted at bus stops at the Tualatin Park & Ride, Tigard Transit Center and Barbur Transit Center.
- **Newspaper advertisements** were run for several weeks after the June 7, 2018 Notice of Availability, announcing the availability of the Draft EIS, and the time and location of the public hearings. This effort included advertisements in three culturally specific periodicals and two advertisements in languages other than English (Spanish and Vietnamese).
- **Emails** were sent to Metro's Southwest Corridor interested parties email list of approximately 2,000 addresses with information about the Draft EIS comment period and how to participate. The project website included general project information, a calendar of upcoming events, and digital versions of the Draft EIS document and all of its appendices and attachments. The executive summary of the Draft EIS was translated into Spanish and posted on the project website. In addition, TriMet shared an announcement about the Draft EIS comment period using its Rider Insider email newsletter list, which had about 52,000 email addresses at the time.
- **A handout** was produced to explain the initial route proposal. This handout was used at all public events during the Draft EIS comment period. The handout was produced in English, Spanish, Arabic and Somali.

The Draft EIS document was made available to the public in both physical and digital versions. Metro's project website included the Draft EIS document and all appendices and attachments. These digital files were also made available to the public on compact discs that were mailed to those who requested them. Spiral-bound copies of the Draft EIS, including appendices, and compact discs were placed in 11 public locations in and around the project area:

- Metro's office
- TriMet's Transit Mobility Center
- City of Portland Bureau of Planning and Sustainability (Development Services Center)
- seven libraries throughout the project area: Hillsdale, Capitol Hill, Tigard, Tualatin, Portland State University, Portland Community College (PCC) Sylvania campus and National University of Natural Medicine
- St. Anthony's Catholic Church in Tigard, which serves as a gathering place for the Spanish-speaking and Vietnamese-speaking communities

## **Outreach Events**

During a period starting just before the release of the Draft EIS, and continuing through the close of the public comment period, project partner staff attended or hosted 33 community meetings and events attended by more than 650 people, including:

- two open house events (including translation services) on June 26 and July 12, 2019

- two public hearings on July 19 and 26, 2019
- one multilingual event/hearing (described below) on July 10, 2019
- four informational hours at libraries near the proposed alignments, with staff available to answer questions, on June 21, June 28, July 2 and July 16, 2019
- 24 association, commission or organization visits by project partner staff

In addition, staff fielded approximately 35 phone calls from the public during this period. The multilingual event/hearing was planned in collaboration with Unite Oregon, a community-based organization. Leading up to the Draft EIS comment period, Unite Oregon had been organizing residents in areas near the proposed alignments, focusing on concerns about the shortage of local affordable housing, and fears of rising rents and displacements resulting from the construction of light rail. The event was held at St. Anthony’s Catholic Church in Tigard. The event was bilingual in English and Spanish, with Arabic and Chinese interpreters available as well. Small groups of Somali speakers also participated. Two Metro councilors, who were also the chairs of the Southwest Corridor Steering Committee at the time, took testimony from attendees at the event. Before the formal hearing, participants were given guidance on how to provide public testimony. Testimony received in Spanish was translated into English for the Metro councilors in attendance.

Testimony provided at the public hearings, including the multilingual event/hearing, was recorded as Draft EIS public comments. Comment cards that were submitted the open house events are also included as Draft EIS public comments. See Appendix J for the Draft EIS comments and associated responses.

More detail about these events, including information about participants, can be found in the *Summary of Public Input on Route Selection for Southwest Corridor Light Rail* (Metro, 2018).

### **Draft EIS Comments Received**

During the Draft EIS comment period, comments were received in the form of mailed letters, petitions, online form submissions, emails and associated attachments, comment cards filled out at public events and spoken testimony at public hearings. Comments were submitted by individuals, businesses, organizations, public agencies and one tribe. Chapter 7 lists the groups that provided comments, summarizes what was heard in the comments and provides an overview of how the comments have been taken into account in this Final EIS.

Each substantive issue raised in a comment is addressed as part of the comment responses in Appendix J, Draft EIS Comments and Responses. The comments submitted on the Draft EIS were also summarized and provided to project decision-makers before the steering committee made its recommendation for the Preferred Alternative, in the *Summary of Public Input on Route Selection for Southwest Corridor Light Rail* (Metro, 2018).

## **6.4. Final EIS Phase Outreach**

After the Preferred Alternative was approved in 2018, there were several outstanding issues identified to be resolved before the publication of the Final EIS. These decisions included selection of a light rail alignment in the Crossroads area, a Marquam Hill connection option, and park and ride locations and capacities. The outreach informing these decisions is described in the following sections, along with outreach associated with the Conceptual Design Report (CDR), which provides detailed information about

the light rail designs. TriMet led this phase of outreach and planning to inform project refinements and future design efforts.

In addition, TriMet considered several other refinements to reduce impacts and optimize the cost-effectiveness of the light rail investment, including some options that were considered but not pursued further. Outreach related to these refinements is summarized in Appendix I.

### **Crossroads Area**

In its Preferred Alternative recommendation, Metro's steering committee called for further consideration of alignment options in the Crossroads area, near the Barbur Transit Center Station, in response to input received during the Draft EIS comment period. These Draft EIS comments included requests to explore different designs that would reduce adverse effects and provide more benefits to the community in the Crossroads area. Appendix I contains more detailed information about the various options that were considered in this process and how decisions were made. Appendix I also includes references to relevant reports and summaries of public comments that informed the decision.

Project partner staff shared information about the Crossroads alignment options and gathered feedback from the public in the following ways:

- **Letters.** In September 2018, Metro and TriMet sent letters to potentially affected property owners in the Crossroads area. These letters informed property owners that project partner staff were considering multiple alignment options in the area and provided information about how the recipients could participate in the process to select an option.
- **Community meetings.** Project partner staff hosted a series of three community meetings about the Crossroads alignment options on October 29 and December 6, 2018, and January 31, 2019. The first community meeting addressed five options developed based on the Draft EIS alignment alternatives and suggestions from community members. The second and third community meetings focused on refined concepts for the two options that received the most support at the first meeting. At each of the three meetings, feedback was gathered both at the meeting itself and in emails and letters received afterward.

In addition to the broader community meetings, project partner staff presented to the Southwest Neighborhoods Incorporated (SWNI) Watershed Committee on January 17, 2019, to discuss stormwater drainage related to the Crossroads alignment options.

- **Community Advisory Committee meetings.** Information about the Crossroads alignment options was shared at the CAC meetings on February 7 and March 7, 2019. Two members of the public shared comments related to the Crossroads alignment options at the February meeting.
- **Steering committee meetings.** Information about the Crossroads alignment options was shared at the steering committee meetings on February 11 and March 11, 2019. One member of the public shared comments related to the Crossroads alignment options at the February meeting.

Based on public feedback and continued analysis, project partner staff recommended that the Preferred Alternative use the alignment of Alternative B2 in the Draft EIS. The CAC concurred with this

recommendation at its March 2019 meeting, and the steering committee approved the recommendation at its March 2019 meeting.

## **Marquam Hill Connection**

In its Preferred Alternative recommendation, Metro's steering committee called for further planning and public outreach to inform the selection of a mechanical connection between the Gibbs Station and the medical and educational facilities on Marquam Hill. Several Draft EIS commenters provided input on the connection options and raised concerns about the potential impacts of the connection on Terwilliger Parkway and the adjacent neighborhoods. Appendix I provides more information about the options considered during this process, and includes references to relevant reports and summaries of public comments that informed the decision. The outreach and decision-making occurred over two key phases, which are described in the sections below.

### ***Winter Through Summer 2019***

TriMet convened two stakeholder groups between February and June of 2019 to help explore and narrow options for the Marquam Hill Connection:

- The **Marquam Hill Connection Work Group** included neighborhood representatives and staff members from jurisdictional and institutional partners, including Oregon Health & Science University (OHSU) and the Veterans Affairs (VA) Portland Health Care System. The group met twice a month to work through ideas and options, and shared findings and recommendations with the green ribbon committee, described below.
- The **Marquam Hill Connection Green Ribbon Committee** was composed of design professionals and representatives from Metro, TriMet, the City of Portland, Portland Design Commission, OHSU and Friends of Terwilliger. This committee was tasked with recommending a connection type to TriMet's broader Southwest Corridor Project Steering Committee. The green ribbon committee meetings were open to the public and included a public comment period. The green ribbon committee's roster and meeting materials are available on TriMet's project website, [trimet.org/swcorridor](http://trimet.org/swcorridor).

During this time, the project partners engaged the broader public and other groups in the following ways:

- **Open house on goals and criteria for the Marquam Hill Connection.** TriMet held an online open house from March 18 to April 1, 2019, to gather input on the relative importance of a range of goals developed by the work group and the green ribbon committee to support the decision-making process. More than 1,000 responses were received. The goals and criteria addressed considerations about access, budget, schedule, environment, operations, context, safety and experience. Using these goals and criteria, along with public feedback, the green ribbon committee identified four connection types to be explored in further detail: an aerial tram, a tunnel and elevator, a bridge and elevator, and an inclined elevator.
- **Open houses to narrow connection types.** Information about the four connection types was shared through an in-person open house on April 10, 2019, and a second online open house from April 15 to 29, 2019. The in-person open house was attended by 29 people, and the online version received 291 comments. These open houses addressed preliminary alignments and designs for each of the connection types and analysis based on the goals and criteria. Results from both of the open houses

indicated preferences for an inclined elevator or a bridge and elevator over an aerial tram or a tunnel and elevator.

- **Focus group with members of TriMet’s Committee on Accessible Transportation.** TriMet also engaged TriMet’s Committee on Accessible Transportation to gather its input on the four narrowed connection options. TriMet conducted a two-hour focus group with five members from the Committee on Accessible Transportation on April 11, 2019. All focus group attendees had some limited mobility, and two used wheelchairs. After significant discussion, the group stated that they felt most comfortable with the inclined elevator and bridge and elevator options.

Based on this public feedback, analysis of the options relative to the goals and criteria, and recommendations from the work group, the green ribbon committee recommended the inclined elevator option to the steering committee. TriMet’s steering committee requested that staff further analyze both the inclined elevator and bridge, and the elevator connection options. This additional study was intended to develop more information about costs and benefits of each option, as well as to evaluate the impacts of each option in the context of Section 4(f) of the U.S. Department of Transportation Act, which requires consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development. See Appendix D, Final Section 4(f) Evaluation, for more information about Section 4(f). Appendix I provides more information about this decision, including references to supporting documents.

Through this process, the western connection point for the Marquam Hill connection options also shifted to connect with pedestrian improvements planned by OHSU. See Appendix I for more information.

### ***Fall 2019 to Summer 2020***

Through the remainder of 2019, TriMet continued to refine and develop the options for both a bridge and elevator and an inclined elevator, and developed a series of renderings of each of the connection types to help assess the visual impacts. During this design effort, TriMet engaged staff from Portland Parks & Recreation (PP&R) in a series of meetings about potential impacts and associated mitigation measures for Section 4(f) resources, including the impacts of the various connection options on Terwilliger Parkway. Input from PP&R helped to inform refinements to the designs before the subsequent broader public engagement efforts. See Appendix D and Appendix I for more information.

In February and March of 2020, information about the Marquam Hill Connection was shared in an online open house, in-person open houses, and a range of presentations to stakeholder groups and jurisdictional committees as part of TriMet’s public engagement about the draft CDR. (See the section below about the CDR for more detail.) Appendix I provides a summary of the information TriMet shared during these events and the feedback from the public. The public feedback indicated an overall preference for the inclined elevator.

Through further consultation with PP&R in the spring and summer of 2020, the inclined elevator was determined to have the least harm to the Terwilliger Parkway park resource compared to other connection options and was selected for the Marquam Hill Connection included in the Preferred Alternative for this Final EIS. See Appendix D for more information.

## **Park and Rides**

The steering committee's Preferred Alternative recommendation called for a planning process to inform refinements to the locations and capacities of park and rides as part of the light rail investment.

In June 2019, TriMet conducted an online open house to gather feedback on park and rides and other aspects of access to stations. The online open house and an accompanying report included information about three different conceptual scenarios for the capacities and distribution of park and rides in the corridor (see Appendix I for more details). Online open house participants were also asked to rank the importance of five considerations for determining park and ride locations and capacities: access, environment, demand, development and budget. The information was available in English and Spanish. The feedback form was available for two weeks and received 569 responses.

This feedback helped inform refinements to park and ride locations and capacities analyzed in this Final EIS for the Preferred Alternative, as described in Appendix I.

## **Conceptual Design Report**

In early 2020, TriMet engaged the public on more detailed aspects of the light rail design using the draft CDR, which was published in February 2020. The purpose of the CDR is to provide preliminary design details for the stations and route, including many visuals, such as maps and renderings. After publishing the draft CDR, TriMet kicked off a phase of engagement focused on more detailed aspects of project design than are addressed within the EIS process; that engagement will continue through final design.

TriMet used a variety of strategies to share information and gather feedback on the draft CDR, including:

- 41,000 postcards to property owners and households within 0.5 mile of the alignment
- an online open house, which received 806 comments from 372 commenters
- social media posts that included a “flyover” video of the alignment
- a video in Spanish distributed through TV JAM, an online platform serving Oregon’s Latinx community
- three in-person open houses with a combined total of more than 300 attendees and 172 comment cards submitted
- a focus group in Swahili with 12 attendees, which was organized in collaboration with Centro Cultural de Washington County, a non-profit organization offering a wide range of services for low-income families and communities of color, and HAKI, a community organization for East African Immigrants in the Portland region
- 22 public presentations to interested organizations, such as neighborhood associations and a range of committees and commissions

The resulting public feedback informed ongoing design efforts, as well as refinements made in the final draft CDR, which was published in August 2020. As noted earlier in this Section 6.4, this feedback was also a factor in the selection of the inclined elevator for the Marquam Hill Connection.

TriMet had planned additional in-person outreach events in March and April 2020 that were canceled due to concerns about the spread of COVID-19. A Spanish-language open house, which had been planned for March, was replaced by a virtual meeting in May 2020. TriMet also continued to meet virtually with organizations during the spring and summer of 2020. Although these events occurred after the publication

of the *Southwest Corridor Light Rail Project Conceptual Design Engagement Report* (TriMet, 2020), the feedback will continue to inform future design efforts. TriMet’s public engagement efforts also will to inform the development of the light rail investment through final design.

### Section 106 and Section 4(f) Outreach

TriMet developed a public engagement program to support the Section 106 and Section 4(f) process in advance of publication of this Final EIS. The public materials described the Section 106 and Section 4(f) regulations, and disclosed the impacts and findings associated with the Project. On December 17, 2020, TriMet posted the information on its project website, [trimet.org/swcorridor](http://trimet.org/swcorridor). Notice of the opportunity to comment was distributed through an email to TriMet’s 4,000-person Southwest Corridor interested parties list. TriMet and Metro hosted a virtual public meeting on January 7, 2021. Both the website and the virtual meeting provided opportunities for public comment. The comment period closed on January 19, 2021.

Staff received seven written comments and one oral comment from a total of six commenters. One comment was in general opposition to the anticipated impacts and another proposed reuse of the Congregation Ahavath Achim Synagogue building. The remaining five comments related to impacts and proposed mitigation associated with Terwilliger Parkway. See Appendix E for copies and transcripts of the comments.

### 6.5. Agency and Tribal Coordination

The Federal Transit Administration (FTA), TriMet and Metro and are the lead agencies for the Southwest Corridor Light Rail Project EIS. The *Agency Coordination Plan* was first published in 2017 to describe how the lead agencies would engage with participating tribes and agencies during the environmental review process, and to identify tribal and agency roles and responsibilities. This plan was updated in January 2021, before publication of this Final EIS, to provide further clarity on roles and responsibilities.

Table 6.5-1 lists all tribes, agencies and organizations that have been invited to participate in the environmental review process based on the natural, cultural and socioeconomic resources in the project area, or because of other agency jurisdiction and expertise.

**Table 6.5-1. Entities Invited to Participate in the NEPA and Section 106 Process (multipage table)**

Tribe, Agency or Organization	Status by Related Regulation	
	NEPA <sup>1</sup>	Section 106 <sup>2</sup>
<b>Tribes</b>		
Confederated Tribes and Bands of the Yakama Nation	N/A	Consulting party
Confederated Tribes of the Grand Ronde Community of Oregon	Participating agency	Consulting party
Confederated Tribes of Siletz Indians of Oregon	Participating agency	Consulting party
Confederated Tribes of the Warm Springs Reservation of Oregon	Participating agency	Consulting party
Cowlitz Indian Tribe	N/A	Consulting party
<b>Federal Agencies</b>		
Federal Highway Administration	Cooperating agency	N/A
Federal Railroad Administration	Participating agency	N/A
National Park Service	Participating agency	N/A
National Marine Fisheries Service (also known as NOAA Fisheries)	Participating agency	N/A
U.S. Army Corps of Engineers	Participating agency	N/A
U.S. Environmental Protection Agency	Participating agency	N/A
U.S. Fish and Wildlife Service	Participating agency	N/A

**Table 6.5-1. Entities Invited to Participate in the NEPA and Section 106 Process (multipage table)**

Tribe, Agency or Organization	Status by Related Regulation	
	NEPA <sup>1</sup>	Section 106 <sup>2</sup>
<b>State Agencies</b>		
Oregon Department of Energy	No response	N/A
Oregon Department of Environmental Quality	Declined	N/A
Oregon Department of Fish and Wildlife	No response	N/A
Oregon Department of Geology and Mineral Industries	No response	N/A
Oregon Department of Land Conservation and Development	No response	N/A
Oregon Department of State Lands	No response	N/A
Oregon Department of Transportation	Participating agency	Consulting party
Oregon Parks and Recreation	No response	N/A
Oregon State Historic Preservation Office	Participating agency	Consulting party
<b>Local Agencies</b>		
Clackamas County	Participating agency	N/A
Multnomah County	Declined	Invited, no reply
Washington County	Participating agency	Invited, no reply
City of Beaverton	No response	N/A
City of Durham	No response	N/A
City of King City	No response	N/A
City of Lake Oswego	Participating agency	N/A
City of Portland	Participating agency	Consulting party
City of Rivergrove	No response	N/A
City of Sherwood	No response	N/A
City of Tigard	Participating agency	Consulting party
City of Tualatin	Participating agency	Invited, no reply
Clean Water Services	Participating agency	N/A
Tualatin Hills Park & Recreation District	No response	N/A
Tualatin Valley Fire & Rescue	Declined	N/A
Tualatin Valley Water District	Participating agency	N/A
West Multnomah Soil & Water Conservation District	Participating agency	N/A
<b>Organizations</b>		
Restore Oregon	N/A	Consulting party

Note: N/A = not applicable; NEPA = National Environmental Policy Act; NOAA = National Oceanic and Atmospheric Administration; Section 106 = Section 106 of the National Historic Preservation Act.

<sup>1</sup> *Cooperating agency* is defined in NEPA regulation as an agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in the proposed project (see 40 Code of Federal Regulations [CFR] 1508.1). Typically, cooperating agencies are federal agencies, but in certain circumstances they may be tribes, state agencies or local agencies. *Participating agencies* are, more broadly, those with an interest in the project (see 23 U.S. Code 139(d) for relevant guidance). Cooperating agencies are, by definition, also participating agencies.

<sup>2</sup> *Consulting parties* for Section 106 typically include the state historic preservation officer, Indian tribes and Native Hawaiian organizations, and local governments. They may also include applicants for federal assistance, permits, licenses and other approvals, and other individuals or organizations with a demonstrated interest in the undertaking. See 36 CFR 800.2(c) for specific definitions.

Many participating agencies reviewed draft versions of relevant sections of the Draft EIS, and several agencies also submitted comments during the Draft EIS comment period. See Chapter 7 for a summary of these comments. Appendix J includes all of the comments received, as well as responses to these comments. Metro and TriMet coordinated with relevant participating agencies to discuss certain mitigations identified within this Final EIS (in Appendix M, Mitigation Plan).

During the development of this Final EIS, there has been ongoing consultation with certain agencies as part of the following federal regulations:

- **Section 106 of the National Historic Preservation Act.** Section 106 requires federal agencies to consider the effects on historic properties from projects with federal funding or approval. FTA coordinated with the Section 106 consulting parties listed in Table 6.5-1 regarding historic and archaeological resources, including by providing opportunities to review and comment on an updated area of potential effects, determinations of eligibility and findings of effect, and the proposed mitigations to address adverse effects. FTA, the Oregon State Historic Preservation Office and TriMet signed a Memorandum of Agreement that outlines commitments to mitigate the Project's adverse impacts on historic and archaeological resources (see Appendix K, Memorandum of Agreement for Historic and Archaeological Resources). See Appendix E, Agency Coordination and Correspondence, for more information on Section 106 consultation, including copies of key correspondence. See Attachment C, *Cultural Resource Survey for the Southwest Corridor Light Rail Project, Multnomah and Washington Counties, Oregon*, for more information on the Project's impacts to historic and archaeological resources.
- **Section 4(f) of the U.S. Department of Transportation Act.** Section 4(f) protects park and recreation lands, wildlife and waterfowl refuges, and historic sites from projects funded by or requiring approval from the U.S. Department of Transportation. Section 4(f) properties may be used only if there is no prudent and feasible alternative to avoid the properties, and if all possible planning to minimize harm to the properties has been conducted. FTA, Metro and TriMet have consulted with the officials with jurisdiction over the Section 4(f) properties that would be affected by the Project, which are PP&R and the State Historic Preservation Office. For more information about Section 4(f), see Appendix D.
- **Section 6(f) of the Land and Water Conservation Fund (LWCF) Act.** Section 6(f) provides federal assistance for land acquisition and improvements for public outdoor recreation areas and facilities, and also establishes protections for properties acquired or developed with this funding. These protections cover the entire area of a park at the time it received LWCF funding, in addition to the specific parcels or facilities within the park that were acquired or developed with these LWCF funds. The Draft EIS identified potential LWCF conversions for the Project at two separate parcels that are part of Terwilliger Parkway (a city park). FTA later provided documentation to the NPS showing that the Project as described in this Final EIS would avoid impacts to properties associated with LWCF funding. The Preferred Alternative would avoid impacts to one of the two parcels identified in the Draft EIS. The other parcel would be partially or fully acquired for the Preferred Alternative, but based on additional information provided by FTA, NPS has determined that this parcel is not tied to any LWCF funding. For more information about both parcels, see Appendix N, Section 6(f) of the Land and Water Conservation Fund Documentation.
- **Section 7 of the Endangered Species Act.** Section 7 requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), as appropriate, on actions that may affect a listed endangered or threatened species. FTA has consulted with NMFS, because the Project could affect listed fish species under NMFS jurisdiction. No listed species under the jurisdiction of USFWS are likely to be affected by the Project. FTA requested formal consultation with NMFS and submitted the Project's biological assessment that addresses the effects of the Project on several fish species and essential habitat. Appendix L, Biological Opinion, contains the Biological Opinion for the Project issued by NMFS. NMFS determined that the Project is likely to

adversely affect the populations and critical habitat of 15 listed endangered or threatened species of fish, but that the Project is not likely to jeopardize the continued existence of these species or destroy or adversely modify their designated critical habitat. Appendix E provides more information about consultation with NMFS, including copies of key correspondence.

FTA, TriMet and Metro have also held government-to-government meetings with the Confederated Tribes of the Grand Ronde Community of Oregon in response to their letter submitted during the Draft EIS comment period. For more information, see Appendix E.

## 6.6. Required Permits and Approvals

Multiple permits and other approvals from federal, state and local agencies would be required leading up to project construction, as identified in Table 6.6-1.

**Table 6.6-1. Anticipated Agency Permits and Approvals (multipage table)**

Regulation/Permit/Approval	Responsible Agency/Department	Time Frame to Request
<b>Federal</b>		
Clean Water Act Section 401 Permit	Oregon DEQ, in coordination with USACE	During final design
Clean Water Act Section 404 Permit	USACE, Oregon DSL	During final design
Executive Order 11514: Protection and Enhancement of Environmental Quality	FTA	Concurrent with Final EIS/ROD
Executive Order 11593: Protection and Enhancement of the Cultural Environment	FTA, USDOJ, Oregon SHPO	Concurrent with Final EIS/ROD
Executive Order 11988: Floodplain Management	FTA, USACE, NMFS	Concurrent with Final EIS/ROD
Executive Order 11990: Protection of Wetlands	FTA, USACE, NMFS	Concurrent with Final EIS/ROD
Executive Order 12898: Environmental Justice	FTA	Concurrent with Final EIS/ROD
Executive Order 13175: Consultation and Coordination with Indian Tribal Governments	FTA	Concurrent with Final EIS/ROD
Federal Endangered Species Act	NMFS, USFWS	Concurrent with Final EIS/ROD
FEMA Conditional Letter of Map Revision (for the Flood Insurance Rate Map)	FEMA, in coordination with the City of Tigard	Prior to construction
FEMA Letter of Map Revision (for the Flood Insurance Rate Map)	FEMA, in coordination with the City of Tigard	After construction
Fish and Wildlife Coordination Act	USFWS	Concurrent with Final EIS/ROD
Interchange Access Modification Requests	FHWA, ODOT	During final design
Magnuson-Stevens Fishery Conservation and Management Act	NMFS	Concurrent with Final EIS/ROD
Migratory Bird Treaty Act	USFWS	Concurrent with Final EIS/ROD
National Environmental Policy Act	FTA	Concurrent with Final EIS/ROD
Rail Safety Improvement Act	FRA, ODOT	During final design
Right of Way Permit (Interstate)	FHWA, ODOT	Prior to construction
Section 106 of the National Historic Preservation Act	FTA, Oregon SHPO	Concurrent with Final EIS/ROD
Section 4(f) Impact to Historic and Recreation Resources	FTA, USDOJ	Concurrent with Final EIS/ROD
<b>State of Oregon</b>		
1200-C Construction Storm Water Permits NPDES	Oregon DEQ	Prior to construction
Oregon Fish Passage Requirements	ODFW	Prior to construction
Removal and Fill (404) Permit	Oregon DSL	During final design
Right of Way Permit (state highway)	ODOT	Prior to construction

**Table 6.6-1. Anticipated Agency Permits and Approvals (multipage table)**

Regulation/Permit/Approval	Responsible Agency/Department	Time Frame to Request
Rail Crossing Order	ODOT	During final design
Section 106 Memorandum of Agreement	Oregon SHPO	Concurrent with Final EIS/ROD
Section 401 Water Quality Certification	Oregon DEQ	During final design
Underground Injection Control Permit	Oregon DEQ	During construction
Waterway Structure Registration	Oregon DSL	Prior to construction
<b>City of Portland</b>		
Environmental Overlay Zone	BDS	During final design
Design Review	BDS	During final design
Historic Landmarks Review	BDS	During final design
Construction within Right of Way Permit	PBOT	Prior to construction
Public Works Permit	PBOT	Prior to construction
Demolition	BDS	Prior to construction
Building Permits	BDS	Prior to construction
Electrical, Mechanical and Plumbing Trade Permits	BDS	Prior to construction
Noise Variance	Office of Community and City Life	During construction
<b>City of Tigard</b>		
Comprehensive Plan and Zoning Map Amendment	Community Development, City Council	During final design
Site Development Review	Community Development	During final design
Transportation Mitigation Review	Community Development, Public Works	During final design
Adjustment Review	Community Development	During final design
Sensitive Lands Review	Community Development	During final design
Design Review	Community Development	During final design
Conditional Use Permit	Community Development	During final design
Building Permit	Community Development	Prior to construction
Grading Permit	Community Development	Prior to construction
Tree Removal / Pruning Permit	Community Development	Prior to construction
Electrical, Mechanical and Plumbing Trade Permits	Community Development	Prior to construction
Right of Way Permit	Public Works	Prior to construction
Erosion Permit	Community Development	Prior to construction
Demolition Permit	Community Development	Prior to construction
Sign Permit	Community Development	Prior to construction
Noise Exception	City Management	During construction
<b>City of Tualatin</b>		
Architectural Review	Planning and Zoning	During final design
Demolition Permit	Building	Prior to construction
Building Permit	Building	Prior to construction
Electrical, Mechanical and Plumbing Trade Permits	Building	Prior to construction
<b>Clean Water Services District</b>		
Environmental Review	Clean Water Services	During final design

Note: BDS = Bureau of Development Services; DEQ = Department of Environmental Quality; DSL = Department of State Lands; EIS = Environmental Impact Statement; FEMA = Federal Emergency Management Agency; FHWA = Federal Highway Administration; FTA = Federal Transit Administration; NMFS = National Marine Fisheries Service (also known as NOAA Fisheries); NPDES = National Pollutant Discharge Elimination System; ODFW = Oregon Department of Fish and Wildlife; ODOT = Oregon Department of Transportation; PBOT = Portland Bureau of Transportation; ROD = Record of Decision; SHPO = State Historic Preservation Office; USACE = U.S. Army Corps of Engineers; USDOl = U.S. Department of the Interior; USFWS = U.S. Fish and Wildlife Service.