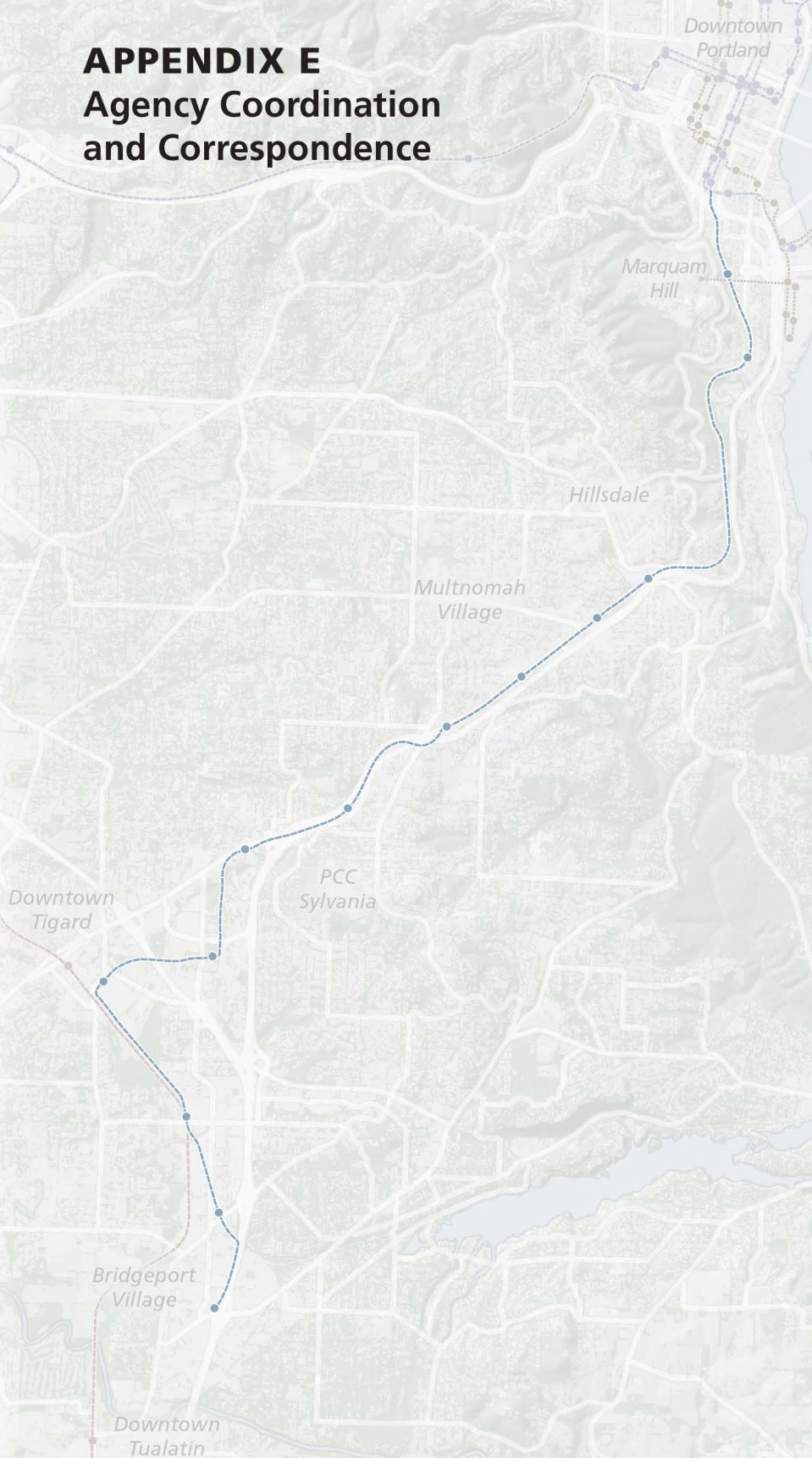


APPENDIX E

Agency Coordination and Correspondence



APPENDIX E – AGENCY COORDINATION AND CORRESPONDENCE

This appendix provides additional documentation of coordination and correspondence with tribes and agencies during the environmental review process. For a summary of tribal and agency coordination, see Chapter 6, Public Involvement, Agency Coordination and Required Permits, of this Final Environmental Impact Statement (EIS).

This appendix includes the following attachments:

- **Attachment E1, Correspondence with Section 106 Consulting Parties**, provides copies of key correspondence with tribes and agencies as part of the Section 106 consultation process.
- **Attachment E2, Section 106 and Section 4(f) Public Comments**, provides copies of public comments received during the Section 106 and Section 4(f) comment period, which is described in Section E.4 of this appendix.
- **Attachment E3, Section 7 Consultation Correspondence**, provides copies of key correspondence related to consultation under Section 7 of the Endangered Species Act.
- **Attachment E4, Interstate Access Correspondence**, provides correspondence from the Federal Highway Administration (FHWA) and the Oregon Department of Transportation (ODOT) regarding applications for modifications and use of interstate highway property.

E.1. Tribal Coordination

FTA has invited the following tribes to be participating agencies under the National Environmental Policy Act (NEPA), consulting parties under Section 106 of the National Historic Preservation Act, or both:

- Confederated Tribes and Bands of the Yakama Nation: Section 106 only
- Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde): NEPA and Section 106
- Confederated Tribes of Siletz Indians of Oregon: NEPA and Section 106
- Confederated Tribes of the Warm Springs Reservation of Oregon: NEPA and Section 106
- Cowlitz Indian Tribe: Section 106 only

Section E.2 describes the initial invitations to participate under NEPA. Section E.3 describes comments from tribes submitted on the Draft EIS. Section E.4 describes consultation with tribes in accordance with Section 106 including coordination related to archaeological field work.

One tribe, Grand Ronde, submitted a letter during the Draft EIS comment period. The letter noted that the project area is entirely within Grand Ronde's ceded lands, identified impacts of concern to the tribe, and invited FTA and Metro to a government-to-government consultation meeting. See Appendix J3.1, Original Copies of Draft EIS Comments – Tribe and Agency Comments, for a copy of this letter. FTA, Grand Ronde, Metro and the Tri-County Metropolitan Transportation District of Oregon (TriMet) held two government-to-government meetings to discuss the concerns raised in Grand Ronde's comment letter:

- **May 31, 2019.** The first meeting was held at TriMet's office in Portland. TriMet staff provided an overview of the project history. Metro staff described the environmental review process and addressed

impacts of concern noted in Grand Ronde's Draft EIS comment letter. All parties discussed potential approaches to minimize and mitigate these impacts, as well as opportunities for further coordination as the Project progresses. After the meeting, tribal staff followed up with further information, including lists of plant, fish and wildlife species of significance to Grand Ronde.

- **August 12, 2019.** The second meeting was held at the Grand Ronde Governance Center in Grand Ronde, Oregon. Because this meeting included members of the Grand Ronde Tribal Council and tribal staff who were not in the first meeting, similar information was shared by TriMet and Metro as in the prior meeting. Further detail was provided on the anticipated impact to the Grand Ronde Portland Office property, which is located along SW Barbur Boulevard near SW Hamilton Street.

E.2. Scoping and Invitations to Participate in Environmental Review Process

On September 8, 2016, FTA sent letters to potentially interested tribes and federal, state and local agencies to notify them of the opportunity to comment during the scoping comment period and to invite them to participate in the environmental review process under NEPA. See Table 6.5-1 in Chapter 6 for a list of all entities that were invited and how or whether they responded to the invitation to participate.

The letters also included an invitation to participate in an agency scoping meeting, which was held on September 20, 2016. See the *Scoping Summary Report* (Metro, 2016) for more information about that meeting, including a list of the agencies that participated.

Seven agencies submitted comment letters during the scoping comment period. Copies of those letters are provided in the *Scoping Summary Report*.

E.3. Draft EIS Comment Period

On June 7, 2018, Metro sent out email notifications of the availability of the Draft EIS and the opportunity to comment to all participating agencies and Section 106 consulting parties, as well as to other agencies that may have an interest in the document.¹ 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.

Comments were received from the following tribes and agencies during the Draft EIS comment period:

- The Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde)
- U.S. Department of the Interior (USDOI)
- U.S. Environmental Protection Agency
- ODOT

¹ These other agencies were: U.S. Department of the Interior, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of Geology and Mineral Industries, Oregon Department of Land Conservation and Development, Oregon Department of State Lands, Oregon Parks and Recreation, Regional Solutions Center, Multnomah County, City of Beaverton, City of Durham, City of King City, City of Sherwood, City of Rivergrove, Tualatin Hills Park & Recreation District, and Tualatin Valley Fire & Rescue.

- Clean Water Services (CWS)
- City of Lake Oswego
- City of Portland, including Portland Bureau of Development Services, Portland Bureau of Environmental Services, Portland Bureau of Planning and Sustainability, Portland Bureau of Transportation, Portland Housing Bureau, Portland Parks & Recreation (PP&R) and Portland Water Bureau
- City of Tigard
- Tualatin Valley Fire and Rescue
- Washington County

For copies of these comments, see Appendix J3.1, Original Copies of Draft EIS Comments – Tribe and Agency Comments. See Appendix J2.1, Responses to Draft EIS Comments – Tribe and Agency Comments, for the associated responses.

E.4. 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. Impacts to historic properties are summarized in Section 4.6, Historic and Archaeological Resources, and described in detail in Attachment C, *Cultural Resource Survey for the Southwest Corridor Light Rail Project, Multnomah and Washington Counties, Oregon*.

The following sections summarize correspondence with Section 106 consulting parties.

Invitations to Consult and to Comment on the Area of Potential Effect

In 2017 and 2018, FTA invited five tribes, seven agencies and one organization to consult under Section 106 and to comment on the area of potential effects (APE). Table E-1 lists when each party was first invited to consult and whether a response was received. Three agencies did not respond to the invitation and did not receive further correspondence related to Section 106. Tribes are assumed to be consulting parties even if they did not reply to the initial invitation.

In January 2020, FTA invited consulting parties to comment on a revised APE for this Final EIS. Table E-1 identifies when these letters were sent and whether a response was received.

Copies of all replies listed in Table E-1 are provided in Attachment E1 to this appendix.

Table E-1. Section 106 Correspondence: Invitations to Consult and to Comment on the APE

Tribe, Agency or Organization	Invitation and APE ¹		Revised APE ²	
	FTA Letter	Reply	FTA Letter	Reply
Tribes				
Confederated Tribes and Bands of the Yakama Nation	04/03/2018	No reply	01/07/2020	No reply
Confederated Tribes of the Grand Ronde Community of Oregon	04/21/2017	No reply	01/07/2020	No reply
Confederated Tribes of Siletz Indians of Oregon	04/21/2017	No reply	01/07/2020	No reply
Confederated Tribes of the Warm Springs Reservation of Oregon	04/21/2017	No reply	01/07/2020	No reply
Cowlitz Indian Tribe	05/26/2017	No reply	01/07/2020	No reply
Agencies				
Oregon Department of Transportation	07/07/2017	04/02/2018	01/07/2020	No reply
Oregon State Historic Preservation Office	05/26/2017	06/27/2017	01/07/2020	02/03/2020
Multnomah County	07/07/2017	No reply	No letter sent	N/A
Washington County	07/07/2017	No reply	No letter sent	N/A
City of Portland	07/07/2017	07/26/2017	01/07/2020	No reply
City of Tigard	07/07/2017	07/26/2017	01/07/2020	02/03/2020
City of Tualatin	07/07/2017	No reply	No letter sent	N/A
Organizations				
Restore Oregon	07/07/2017	07/26/2017	01/07/2020	No reply

Note: APE = area of potential effects; FTA = Federal Transit Administration; N/A = not applicable.

¹ These letters included an invitation to be a consulting party and to comment on the draft APE.

² These letters included an invitation to comment on the revised APE.

Public Comments on the Draft EIS

The Draft EIS comment period provided an opportunity for any agency, organization or other member of the public to submit comments on Section 106 considerations, including the APE and the draft Cultural Resources Survey, which contained initial recommendations on the eligibility of resources.²

Comments were submitted stating concerns about adverse effects on the historic attributes of Terwilliger Parkway, the Congregation Ahavath Achim Synagogue, historic parks, and other potentially eligible resources, as well as general comments on historic resources and the process for evaluating impacts and mitigation. As described in Section E.1, Grand Ronde submitted comments asking for government-to-government consultation on the potential impacts of the Project, including disturbance or destruction of archaeological resources and permanent alteration of tribal cultural landscapes.

See Appendix J3, Original Copies of Draft EIS Comments, for the full text of comments and Appendix J2, Responses to Draft EIS Comments, for relevant responses.

Informal Consultations

FTA, Metro and TriMet consulted informally with several interested parties regarding historic and archaeological resources during preparation of the Draft EIS and Final EIS.

² The full title of the Cultural Resource Survey is the *Cultural Resource Survey for the Southwest Corridor Light Rail Project, Multnomah and Washington Counties, Oregon*. This report was published in its draft form as Attachment C to the Draft EIS and is provided in its final form as Attachment C to this Final EIS.

FTA undertook ongoing informal consultation with the Oregon State Historic Preservation Office (SHPO) beginning in 2017. Through email correspondence, in-person meetings, alignment tours and calls, SHPO provided informal comments on determinations of eligibility, findings of effect and proposed mitigations. In March 2018, SHPO provided comments on draft sections of the Draft EIS, including Section 4.6, Historic and Archaeological Resources, and Appendix D, Draft Section 4(f) Evaluation (this letter from SHPO is provided in Attachment E1 to this appendix).

After selection of the Preferred Alternative, TriMet created an informal “green ribbon committee”—a public process—to evaluate and select a Marquam Hill connection option, taking into account the Draft EIS findings including Section 106 concerns related to Terwilliger Parkway. This process directly engaged neighborhood associations, organizations and other experts, who provided informal input at internal workshops as well as the committee meetings and which accepted public comment. See Chapter 6, Public Involvement, Agency Coordination and Required Permits, and Appendix I, Preferred Alternative Selection and Project Refinements, for more detail.

In addition, TriMet and Metro engaged in informal discussions with interested parties for the Project, including Friends of Terwilliger, DoCoMoMo and the Portland Historic Landmarks Commission, through emails, phone calls, meetings and presentations. These informal consultations included updates and feedback on refinements to the Preferred Alternative and the development of mitigations for adverse effects. TriMet also engaged in one-on-one conversations with the owners of eligible properties, such as the Jewish Shelter Home.

Section 106 Public Comment Period

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. 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 Attachment E2 for copies and transcripts of the comments.

Invitations to Comment on Eligibility, Effects and Mitigations

In December 2020, FTA invited the consulting parties to comment on the preliminary determinations of eligibility and findings of effect for historic and archaeological resources, as well as a draft memorandum of agreement (MOA) identifying proposed mitigations to address adverse effects. SHPO replied with two comment letters in February 2021, one focused on eligibility and effects for historic resources and the other focused on the draft MOA (see Attachment E1). SHPO sent a third comment letter in May 2021 regarding eligibility determinations for archaeological resources. No other consulting parties responded to this opportunity to comment.

On April 30, 2021, FTA notified the Advisory Council on Historic Preservation (ACHP) of the preliminary determination that the Project would result in an adverse effect to historic properties. On May 13, 2021, ACHP informed FTA that they did not believe ACHP would need to participate in the Section 106 consultation to resolve adverse effects (see Attachment E1 for this letter).

In September 2021, FTA invited the consulting parties to comment again on the determinations of eligibility and findings of effect for historic and archaeological resources, which were unchanged since the December 2020 invitation for comments. FTA provided additional documentation to support these determinations in two addenda to the Cultural Resources Survey (see Attachment C). The first addendum provided the determination of eligibility for one additional archaeological resource, and also provided information about the listing of Terwilliger Parkway in the National Register of Historic Places in March 2021. The second addendum provided additional information about four archaeological sites in response to SHPO's May 2021 comment letter. No consulting parties provided comments in response to FTA's September 2021 letter.

FTA and TriMet revised the MOA in response to comments from the public and SHPO, and informed by further informal consultation with SHPO, the City of Portland, and Friends of Terwilliger in the spring and summer of 2021. In October 2021, FTA invited the consulting parties to comment on this revised MOA; no comments were received.

State Historic Preservation Office Concurrence and Mitigation Agreement

SHPO initially concurred with the determinations of eligibility and findings of effect for historic resources in February 2021, and reiterated this concurrence in their May 2021 letter requesting information on certain archaeological resources. After receiving further information about archaeological resources in the August 2021 letter from FTA and the accompanying addenda, SHPO concurred with the determinations for archaeological resources in October 2021. See Attachment E1 for these SHPO concurrence letters.

In December 2021 SHPO, FTA and TriMet signed the MOA, which is provided as Appendix K of this Final EIS, Memorandum of Agreement for Historic and Archaeological Resources.

Correspondence Related to Archaeological Field Work

The Project undertook monitored shovel testing and geotechnical borings at defined work areas to provide information in support of advanced design work. This effort was approved by FTA in consultation with SHPO and treated as a separate federal undertaking from the Project, but it was still subject to the provisions of Section 106. When planning and design of the Project were paused in late 2020, the geotechnical borings and associated archaeological work were also paused. Most but not all of the boring locations were located within the Project APE. Tribal historic preservation officers were informed of the effort, including the discovery of a pre-contact artifact at one location.

E.5. Section 4(f) of the U.S. Department of Transportation Act

Agency coordination related to Section 4(f) of the U.S. Department of Transportation Act is described in Appendix D, Final Section 4(f) Evaluation, of this Final EIS. This coordination has included correspondence with SHPO and Portland Parks & Recreation, which are the officials with jurisdiction over the affected Section 4(f) resources. See Appendix D for more information.

E.6. Section 6(f) of the Land and Water Conservation Fund Act

The National Parks Service (NPS) oversees compliance with Section 6(f) of the Land and Water Conservation Fund (LWCF) Act. FTA has corresponded with NPS and the USDOT, which manages NPS, regarding potential conversion of land associated with LWCF funding. Because the Project is no longer anticipated to acquire land protected by Section 6(f), approval of replacement land from NPS is not required and is not included in this Final EIS. See Appendix N, Section 6(f) of the Land and Water Conservation Fund Act Evaluation, for more information and copies of key correspondence.

E.7. Section 7 of the Endangered Species Act

Section 7 of the Endangered Species Act requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), as appropriate, on actions that may affect a listed endangered or threatened species. NMFS is primarily responsible for marine wildlife and anadromous fish (such as salmon), while USFWS is primarily responsible for terrestrial and freshwater organisms. Consultation with NMFS and USFWS regarding the Project is described in the following subsections. See Section 4.9, Ecosystems, for further discussion of impacts to threatened and endangered species.

National Marine Fisheries Service

FTA has consulted with NMFS in accordance with Section 7, including the following key correspondences:

- FTA undertook ongoing informal consultation with NMFS beginning in 2018, including email correspondence, in-person meetings, virtual meetings and calls. During this time, Metro and TriMet presented twice to the City of Portland's Streamlining Team, which includes representatives from NMFS and other federal and state natural resource agencies.³
- On March 18, 2020, FTA requested formal consultation with NMFS and submitted a biological assessment that addresses the effects of the Project on several fish species and essential habitat. NMFS acknowledged receipt of this correspondence on the same day. This letter and the email response are provided in Attachment E3 to this appendix.
- On September 1, 2021, NMFS issued the Biological Opinion for the Project, which is presented in Appendix L, Biological Opinion, of this Final EIS. 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.

³ The other federal agencies represented on the Streamlining Team are the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. The state agencies represented are the Oregon Department of State Lands, Oregon Department of Environmental Quality and Oregon Department of Fish and Wildlife. The Streamlining Team is coordinated by the City of Portland's Bureau of Environmental Services and also includes representatives from the City's Bureau of Development Services. For more information, see the team website at www.portlandoregon.gov/bes/58878. Metro and TriMet attended Streamlining Team meetings in February 2019 and January 2020.

U.S. Fish and Wildlife Service

Through informal consultation with USFWS, FTA has determined that the Project would have no effect on listed species or critical habitat under USFWS jurisdiction. This determination was informed by field surveys and formal reviews of the USFWS Information for Planning and Consultation database. Species and habitat lists received from USFWS in March and October 2020 are included in Attachment E3 to this appendix. Metro and TriMet summarized these findings in project updates to the City of Portland's Streamlining Team, which includes representatives from USFWS.

E.8. Interstate Access

FTA, Metro and TriMet have coordinated with FHWA and ODOT regarding the Project's potential impacts on interstate facilities, including as a result of new light rail and pedestrian bridges over interstates, modifications to interstate ramps, and traffic safety or operational impacts at interstate ramp terminals. Attachment E4 contains a letter received from FHWA noting the need for the Project to complete an Interstate Access Modification Request to receive FHWA approval. As noted in Chapter 6, Public Involvement, Agency Coordination and Required Permits, this process would be completed during final design.

ATTACHMENT E1 – CORRESPONDENCE WITH SECTION 106 CONSULTING PARTIES

This attachment provides copies of correspondence with Section 106 consulting parties, ordered chronologically and numbered as follows:

- 1. 06/27/2017 letter from SHPO to FTA** providing comments on the APE
- 2. 07/26/2017 email from the City of Portland to FTA** accepting invitation to consult under Section 106 and providing comments on the APE
- 3. 07/26/2017 email from the City of Tigard to FTA** accepting invitation to consult under Section 106
- 4. 07/26/2017 email from Restore Oregon to FTA** accepting invitation to consult under Section 106
- 5. 03/02/2018 letter from SHPO to Metro** commenting on draft sections of the Draft EIS, including Section 4.6, Historic and Archaeological Resources, and Appendix D, Draft Section 4(f) Evaluation
- 6. 04/02/2018 letter from ODOT to FTA** accepting invitation to consult under Section 106
- 7. 02/03/2020 letter from SHPO to FTA** concurring with the revised APE and suggesting invitations to consulting parties
- 8. 02/03/2020 letter from the City of Tigard to FTA** commenting on the revised APE
- 9. 02/12/2021 letter from SHPO to FTA (1 of 2)** generally concurring with the evaluations of eligibility and findings of effects on historic resources
- 10. 02/12/2021 letter from SHPO to FTA (2 of 2)** providing comments on the proposed mitigations to address adverse effects on historic and archaeological resources
- 11. 05/13/2021 letter from ACHP to FTA** providing notice that they did not believe ACHP would need to participate in the Section 106 consultation to resolve adverse effects
- 12. 05/27/2021 letter from SHPO to FTA** concurring that four archaeological resources are unevaluated and requesting more information on four other archaeological resources that FTA had determined to be not eligible
- 13. 10/20/2021 letter from SHPO to FTA** concurring with the evaluations of eligibility and findings of effect on archaeological resources

1. 06/27/2017 Letter from SHPO to FTA



Oregon
Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



June 27, 2017

Mr. Daniel Drais
FTA Region 10
915 2nd Ave, #3142
Seattle, WA 98174

RE: SHPO Case No. 16-1621

FTA, Metro, TriMet Portland Southwest Corridor Light Rail Transit Project (SWC LRT)

Install light rail system

, Portland Tigard

Dear Mr. Drais:

Our office has recently received a letter from your agency requesting initial comments regarding your Area of Potential Effect (APE) boundaries for the project referenced above. Upon review of your letter/ document, we agree with the recommendation for project's APE boundaries for direct effects to historic properties. Our office looks forward to receiving a request for concurrence on the final APE, which will need to address visual effects, as well, once the preferred route is determined.

Under federal and state law archaeological sites, objects, and human remains are protected on both public and private lands in Oregon. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If you have any questions or comments regarding this letter, please do not hesitate to contact me. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Matt Diederich, MAIS
SHPO Archaeologist
(503) 986-0577
Matthew.Diederich@oregon.gov



2. 07/26/2017 Email from the City of Portland to FTA

From: [Boyle, Teresa](#)
To: [Assam, Mark \(FTA\)](#)
Cc: [Gillam, John](#); [Matthew.Diederich@oregon.gov](#); [Jessica.Gabriel@oregon.gov](#); [Saxton, James \(FTA\)](#); [Chris Ford](#); [Unsworth, David](#); [ReckerJ@trimet.org](#); [Jennifer Horwitz](#); [Michaela Skiles](#); [Homer, Brett](#); [Beckman, Stephanie](#); [Engstrom, Eric](#); [Gillam, John](#)
Subject: RE: Southwest Corridor Light Rail Transit Project - Invitation to Participate as a Section 106 Consulting Party
Date: Wednesday, July 26, 2017 3:48:29 PM

Mark –

Thank you for the invitation to participate as a Consulting Party for the Section 106 assessment for the Southwest Corridor LRT Project. I am following up on my email to you earlier this month. The City of Portland does want to be a Consulting Party for the project and we are looking forward to this process.

As you may know, there are several different bureaus with policy and administrative responsibilities for cultural, historic and archaeological resources within the City. These bureaus include Bureau of Planning and Sustainability, Bureau of Parks and Recreation and Bureau of Development Services. The Bureau of Transportation (PBOT) as the lead bureau for this project for the City, intends to solicit involvement from these bureaus as part of the consulting party role. PBOT will also assure a coordinated and consolidated review and response from the City for proceedings of this Section 106 assessment.

Regarding the initial Area of Potential Effects (APE) for this project, we are encouraged that the connections to Marquam Hill and the SW 53rd Avenue connection to Portland Community College – Sylvania campus will be included. We would suggest that the impact area of 50 feet on either side of alternative alignments and options be considered more broadly for the Lair Hill Historic Conservation District and the Terwilliger Parkway as that potential site or edge impacts could affect the overall geographic composition of these significant resources.

Please let me know if you have any questions.

From: Boyle, Teresa
Sent: Tuesday, July 11, 2017 2:00 PM
To: 'Assam, Mark (FTA)' <Mark.Assam@dot.gov>
Cc: Gillam, John <John.Gillam@portlandoregon.gov>; Matthew.Diederich@oregon.gov; Jessica.Gabriel@oregon.gov; Saxton, James (FTA) <james.saxton@dot.gov>; Chris Ford <Chris.Ford@oregonmetro.gov>; Unsworth, David <UnswortD@trimet.org>; ReckerJ@trimet.org; Jennifer Horwitz <jhorwitz@anchorqea.com>; Michaela.skiles@oregonmetro.gov
Subject: RE: Southwest Corridor Light Rail Transit Project - Invitation to Participate as a Section 106 Consulting Party

Mark –

Thank you for the invitation.

I am sure we will be interested in participating in the Section 106 portion of the project's EIS as a consulting party.

I will check with my other partners at the City of Portland and provide you with a response by July 26th.

From: Assam, Mark (FTA) [<mailto:Mark.Assam@dot.gov>]

Sent: Tuesday, July 11, 2017 11:47 AM

To: Boyle, Teresa <Teresa.Boyle@portlandoregon.gov>

Cc: Gillam, John <John.Gillam@portlandoregon.gov>; Matthew.Diederich@oregon.gov; Jessica.Gabriel@oregon.gov; Saxton, James (FTA) <james.saxton@dot.gov>; Chris Ford <Chris.Ford@oregonmetro.gov>; Unsworth, David <UnsworthD@trimet.org>; ReckerJ@trimet.org; Jennifer Horwitz <jhorwitz@anchoragea.com>; Michaela.skiles@oregonmetro.gov

Subject: Southwest Corridor Light Rail Transit Project - Invitation to Participate as a Section 106 Consulting Party

Teresa,

Please see the attached Section 106 consulting party invitation letter.

Thanks,

Mark A. Assam, AICP

U.S. Department of Transportation
Federal Transit Administration, Region X
915 2nd Avenue, Suite 3142 | Seattle, WA 98174-1002
(206) 220-4465 | mark.assam@dot.gov | www.transit.dot.gov

3. 07/26/2017 Email from the City of Tigard to FTA

From: [Susan Shanks](#)
To: ["Mark.Assam@dot.gov"; Chris Ford](#)
Subject: SWC LRT Section 106 Consulting Party Invitation
Date: Wednesday, July 26, 2017 5:12:52 PM

Mark and Chris,

Thank you for your invitation to participate as a Section 106 Consulting Party on the SW Corridor Light Rail Project. Please consider this email formal acceptance by the City of Tigard to participate as a Section 106 Consulting Party. I will be the city's liaison in this matter. Please send all future correspondence to me.

Thank you,

Susan P Shanks | Senior Planner
Community Development Department | City of Tigard

Email susans@tigard-or.gov

Phone [503-718-2454](tel:503-718-2454)

Fax [503-718-2748](tel:503-718-2748)

DISCLAIMER: E-mails sent or received by City of Tigard employees are subject to public record laws. If requested, e-mail may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law. E-mails are retained by the City of Tigard in compliance with the Oregon Administrative Rules "City General Records Retention Schedule."

4. 07/26/2017 Email from Restore Oregon to FTA

From: [Assam, Mark \(FTA\)](#)
To: [Chris Ford](#)
Cc: [Jennifer Horwitz](#)
Subject: FW: Southwest Corridor Light Rail Transit Project - Invitation to Participate as a Section 106 Consulting Party
Date: Wednesday, July 26, 2017 7:50:21 PM

Chris, FYI...

Thanks,

Mark Assam
(206) 220-4465

From: Peggy Moretti [mailto:PeggyM@restoreoregon.org]
Sent: Wednesday, July 26, 2017 12:48 PM
To: Assam, Mark (FTA) <Mark.Assam@dot.gov>
Cc: Dan Everhart <Dan@restoreoregon.org>
Subject: RE: Southwest Corridor Light Rail Transit Project - Invitation to Participate as a Section 106 Consulting Party

Hello, Mark – yes, Restore Oregon accepts your invitation to participate as a consulting party.
Please let me know what the next steps are.
Thank you.

Peggy

Peggy Moretti, Executive Director
[Restore Oregon](#)
503 243-1923 (main)
503 946-6446 (direct)

From: Assam, Mark (FTA) [mailto:Mark.Assam@dot.gov]
Sent: Tuesday, July 11, 2017 11:50 AM
To: Peggy Moretti <PeggyM@restoreoregon.org>
Cc: Matthew.Diederich@oregon.gov; Jessica.Gabriel@oregon.gov; Saxton, James (FTA) <james.saxton@dot.gov>; Chris Ford <Chris.Ford@oregonmetro.gov>; Unsworth, David <UnsworD@trimet.org>; ReckerJ@trimet.org; Jennifer Horwitz <jhorwitz@anchorage.com>; Michaela.skiles@oregonmetro.gov
Subject: Southwest Corridor Light Rail Transit Project - Invitation to Participate as a Section 106 Consulting Party

Peggy,

Please see the attached Section 106 consulting party invitation letter.

Thanks,

Mark A. Assam, AICP

U.S. Department of Transportation
Federal Transit Administration, Region X
915 2nd Avenue, Suite 3142 | Seattle, WA 98174-1002
(206) 220-4465 | mark.assam@dot.gov | www.transit.dot.gov

5. 03/02/2018 Letter from SHPO to Metro



Oregon
Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



March 2, 2018

Mr. Chris Ford
Metro
600 NE Grand Ave
Portland, OR 97232

RE: SHPO Case No. 16-1621

FTA, Metro, TriMet Portland Southwest Corridor Light Rail Transit Project (SWC LRT)

Install light rail system

, Portland to Tigard, Multnomah Washington County

Draft Section 4(f) analysis for the SW Corridor LRT DEIS

Draft Historic, Archeological and Cultural Resources section for the SW Corridor LRT DEIS

Dear Mr. Ford:

Thank you for the opportunity to review and comment on the above submitted information. We have consolidated our comments into one letter for both submittals and for both archaeological and built resources.

Currently, I have no substantive comments regarding the approach to addressing archaeological resources. I agree with the identification and proposed treatment of the HPAs outlined by AINW. I look forward to the development of a plan for implementing the recommendations made by AINW. Developing a well thought out and comprehensive inadvertent discovery plan will be crucial to ensuring that archaeological resources are adequately addressed during construction without negatively affecting project timelines.

Jessica has reviewed the built resource documentation and agrees with the approach that is being taken for identifying and assessing those resources. She agrees that much of the data will be fleshed out once the preferred alternative is selected and an intensive level survey can be completed. She also recognizes that the project will most likely have an adverse effect but the number of resources impacted and the level of mitigation will become clearer as you move forward with the preferred alternative and final design of the project.

We both have no comments regarding the Section 4f documentation. It is clear that your approach is in following the letter and spirit of the law. We look forward to coordinating with you regarding section 4f issues.

Finally, we look forward to reviewing the final Draft Environmental Impact Statement (EIS) when it is prepared. As mentioned prior, we prefer to review only the selected sections indicated. If need be, we can provide additional time for review and comment, as you approach the final product and may require more focused input from us. We also look forward to working with you in developing and implementing the Programmatic Agreement (PA) which will be needed to facilitate the Section 106 process. Please let us know when you would like to engage in beginning the discussion regarding the PA. If you have any questions for either of us, please feel free to contact us.

For Jessica Gabriel,



Sincerely,



Matt Diederich, MAIS
SHPO Archaeologist
(503) 986-0577
Matthew.Diederich@oregon.gov

cc: Mark Assam, FTA, Region X

6. 04/02/2018 Letter from ODOT to FTA



Oregon

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8531

April 2, 2018

Amy Changchien
Director, Office of Planning & Program Development
Federal Transit Administration
915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002

**Subject: Southwest Corridor Light Rail Transit Project
Acceptance of Invitation to Participate as a Section 106 Consulting Party and Request
for Comment on Area of Potential Effects**

Dear Ms. Changchien,

The Oregon Department of Transportation (ODOT) thanks you for the Federal Transit Administration's March 9, 2018 letter inviting ODOT to participate as a Section 106 consulting party for the Southwest Corridor Light Rail Transit Project (Project). ODOT accepts the invitation to be a Section 106 consulting party for the Project.

ODOT's point of contact on this Project is Megan Channell, Region 1 Major Projects Principal Planner. Please contact Megan at megan.channell@odot.state.or.us or (503) 731-8245 with any additional questions or comments.

We look forward to working with the Federal Transit Administration and partnering agencies, including Metro and TriMet, on this Project.

Sincerely,

Mandy Putney
ODOT Region 1 Policy and Development Manager

Cc by e-mail: Mark Assam, FTA
Chris Ford, Metro
Megan Channell, ODOT

7. 02/03/2020 Letter from SHPO to FTA



Oregon
Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



February 3, 2020

Mr. Mark Assam
FTA, Region X
915 2nd Ave, Ste 3142
Seattle, WA 98174-1002

RE: SHPO Case No. 16-1621

FTA, Metro, TriMet Portland Southwest Corridor Light Rail Transit Project (SWC LRT)
Install light rail system
, Portland to Tigard, Multnomah Washington County

Dear Mr. Assam:

Our office recently received a letter from your agency requesting concurrence regarding the revised proposed Area of Potential Effect (APE) for the Southwest Corridor Light Rail Project, as referenced above. Thank you for your submittal and continued consultation on the undertaking.

In a meeting with FTA, Metro, TriMet, and our office on January 28, 2020, we mentioned that the APE should include areas that might be visually impacted by the project (primarily by the introduction of elevated structures). We also requested that the APE include areas where the project construction and operation may be felt (vibrations) or the heard. Upon review of your letter and documentation, and based on conversations during the meeting that these effects were considered, we concur with the project's proposed APE based on the current design. As design is continually refined and other impacts (wetland banking, access, Bridgehead improvements) are determined, a revised APE may be needed.

We recommend that FTA invite consulting parties – including tribes, Restore Oregon, Portland Historic Landmark Commission, Clackamas County Certified Local Government, local historical societies and museums (including the Oregon Jewish Museum), friend groups (such as Friends of Terwilliger), neighborhood associations, and other parties with an interest in the undertaking or affected properties - to participate in Section 106 consultation. We recognize and appreciate that FTA has already been consulting with many of these parties.

We look forward to continued consultation regarding the identification of historic properties, assessment of effects, and preparing a Memorandum of Agreement, if needed, to address adverse effects and phased identification during construction.

For questions regarding archaeological resources please contact Jamie French, GIS Archaeologist (503.986.0729, Jamie.French@oregon.gov), and for questions about built environment resources please contact Tracy Schwartz, Architectural Historian (503.986.0677, Tracy.Schwartz@oregon.gov).

Sincerely,

Tracy Schwartz
Historic Preservation Specialist



(503) 986-0677
tracy.schwartz@oregon.gov

cc: Chris Ford, Metro

8. 02/03/2020 Letter from the City of Tigard to FTA



February 3, 2020

Linda M Gehrke
Regional Administrator
Federal Transit Administration
915 Second Avenue, Suite 3142
Seattle, WA 98174

Re: Southwest Corridor Light Rail Project
Revised Area of Potential Effects
SHPO Case No. 16-1621

Dear Ms. Gehrke:

The City of Tigard appreciates the opportunity to comment on the Revised Area of Potential Effects (APE) for the Southwest Corridor Light Rail Project pursuant to Section 106 of the National Historic Preservation Act. The city understands the major changes to the APE that have occurred since the DEIS was published and that these changes were the result of the project steering committee's Preferred Alternative selection in November 2018.

Since that time, the city has reviewed draft FEIS drawings dated August 2019. We understand from TriMet that the FEIS APE now includes the entire SW Hall Blvd right-of-way as shown in the Preferred Alternative APE forwarded to us by your office (*Attachment A: Sheet 13*).

However, the city was surprised to see the Preferred Alternative APE (*Attachment A: Sheet 13*) include several parcels on either side of SW Hunziker Rd that were not included in the August 2019 FEIS drawings. Absent information about the scope of impact or the reason for this expansion, the city cannot comment on the Section 106 or other possible impacts related to these parcels.

In light of significant changes made to the alignment since the DEIS comment period, the city would also like to register a request it has already made to TriMet regarding reevaluation of the Station Access APE. A reevaluation should consider the location of the new alignment, particularly along SW Hermoso Way and SW Atlanta Street, and update the assumption that improvements would remain within the right-of-way. In the case of Atlanta Street, the right-of-way does not yet exist in many locations.

13125 SW Hall Blvd. • Tigard, Oregon 97223 • 503.639.4171
TTY Relay: 503.684.2772 • www.tigard-or.gov

Thank you for the opportunity to comment on the Preferred Alternative APE. Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenny Asher', with a long horizontal flourish extending to the right.

Kenny Asher
Community Development Director

CC: Marty Wine, City Manager (via email)
Shelby Rihala, City Attorney (via email)
Mark Assam, FTA (via email)
Chris Ford, Metro (via email)
Joe Recker, TriMet (via email)

9. 02/12/2021 Letter from SHPO to FTA (1 of 2)



Oregon

Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



February 12, 2021

Mr. Mark Assam
FTA, Region X
915 2nd Ave, Ste 3142
Seattle, WA 98174-1002

RE: SHPO Case No. 16-1621

FTA, Metro, TriMet Portland Southwest Corridor Light Rail Transit Project (SWC LRT)
Install light rail system Portland to Bridgeport
, Portland to Tigard, Multnomah Washington County

Dear Mr. Assam:

We have reviewed the Federal Transit Administration's (FTA's) accounting of the identification of historic properties and evaluation of effects arising from the project. We concur with the evaluations of eligibility provided, and concur that the project will result in adverse effects to historic resources with the identification of adverse effects for the project.

We would like to clarify that, in addition to the adverse effect Terwilliger Parkway arising from the diminished integrity of setting resulting from the introduction of the connector to Oregon Health Science University there is also a direct effect resulting from the associated with the introduction a new stoplight into the parkway, interrupting the historically intended flow of automobile traffic along its length.

We look forward to receiving the remaining evaluation for the house at 12265 SW 72nd Ave. If found to be eligible for listing in the National Register, suitable mitigation will need to be developed.

At this time our office is unable to concur with eligibility regarding the archaeological resources. The required site forms need to be submitted through our online site form system before we can concur. Once that has been done please contact Jamie French (Jamie.French@oregon.gov) and she will respond to the eligibility determinations.

We have reviewed the draft MOA, as well as comments received during the public comment period, and will provide our comments and suggestions for the MOA separately.

Sincerely,

Jason Allen, M.A.
Historic Preservation Specialist
(503) 986-0579
jason.allen@oregon.gov

cc: Chris Ford, Metro



10. 02/12/2021 Letter from SHPO to FTA (2 of 2)



Oregon

Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



February 12, 2021

Mr. Mark Assam
FTA, Region X
915 2nd Ave, Ste 3142
Seattle, WA 98174-1002

RE: SHPO Case No. 16-1621

FTA, Metro, TriMet Portland Southwest Corridor Light Rail Transit Project (SWC LRT)
Install light rail system Portland to Bridgeport
, Portland to Tigard, Multnomah Washington County

Dear Mr. Assam:

Thank you for submitting the draft of the Memorandum of Agreement for our comment. We have the following comments on the draft received by our office:

Whereas clauses:

- Didn't they meet with Friend of Terwiliger Parkway too? If so it should be included in 8th whereas clause.
- Were any of the tribes or consulting parties invited to be concurring parties or signatories?
- Our office requests the following be added as a new clause:

"WHEREAS, FTA acknowledges its continued responsibility to engage in meaningful consultation with tribes throughout the process of carrying out the stipulations of this agreement as applicable; and"

- Since TriMet is an invited signatories, this should be called out in the whereas clauses.

Stipulations:

- I(B): this uses capitalized Signatories and Consulting Parties but the consulting parties have not been previously defined in the whereas clauses. Recommend adding Tribes to this as they are not typically lumped in with "Consulting parties".
- I(B): include SOI qualified.
- I(F): Signatories and Consulting Parties not capitalized here but were capitalized in I(B). No preference, just needs to be consistent.
- II: this should also include a digital component so it is accessible to those that may not have the ability to visit the location.
- III: refer to submitted public comment from Anton Vetterlein regarding strengthening the continuity of the linear district – this is a good idea, and should be explored, particularly the streetlights element. The gateway signage suggestions are good ones as well, we would like to see both of these addressed and incorporated into the mitigation.
- IV: what would this look like? Perhaps additionally signage about the structure on the back side which faces the main roadway?
- V: we would also like the Barbur boulevard context information be sent to our office.
- VI: possible to have bridge design rhyme with older design so that it echoes it?
- VII: is there neighborhood signage already in place? If so, this should also be amended to reflect the new district once stipulation VII(D) is complete.



- VII(C): we would like HABS documentation for any properties that do not get relocated, and are demolished. NPS to determine level of effort through consultation with TriMet.
- VII(D): resurvey by itself is not very effective mitigation, beyond documenting the cumulative effects of projects and integrity erosion. We would like to see something of use come out of the resurvey, such as identifying common integrity losses, and establishing a workshop series to assist residents with understanding repair of wood windows (for example), grant workshops, consider offering microgrants up to a certain level of funding to assist owners with this, etc. We'd like to see some tools made available to residents of the district that will help recover integrity.

Other:

- Would like comments reflecting what will be done if additional adverse effects are found, either through project redesign, unidentified historic properties, or archaeological resources which have yet to be identified.
- Not seeing reference to potential adverse effect of a visual nature. Did we ever see the updated APE with the visual effects included after they determined the height of the overhead rails?
- Would like to see reference to the place of aromatic herbs and what has been done to identify that location and what may be done in the future. Our office has said from the beginning that this most likely will need ethnographic information if FTA believes that the location is incorrect in our database. It needs to be addressed in this MOA.
- Don't think attachment B is necessary.

Additional comments regarding the determinations of eligibility that were also sent to our office we be responded to separately.

Please let me know if you have any questions or would like to schedule time to discuss our comments.

Sincerely,



Jamie French, M.A.
SHPO Archaeologist
(503) 979-7580
Jamie.French@oregon.gov

cc: Chris Ford, Metro

11. 05/13/2021 Letter from ACHP to FTA



May 13, 2021

Mr. Mark Assam
Environmental Protection Specialist
Federal Transit Administration, Region X
915 2nd Avenue, Suite 3142
Seattle, WA 98174-1002

Ref: *Proposed Southwest Corridor Light Rail Project*
Multnomah and Washington Counties, Oregon
ACHP Project Number: 16834

Dear Mr. Assam:

On April 29, 2021, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Oregon State Historic Preservation Office and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have questions or require our further assistance, please contact Anthony G. Lopez at (202) 517-0220 or by e-mail at alopez@achp.gov and reference the ACHP Project Number above.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

12. 05/27/2021 Letter from SHPO to FTA



Oregon
Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



May 27, 2021

Mr. Mark Assam
FTA, Region X
915 2nd Ave, Ste 3142
Seattle, WA 98174-1002

RE: SHPO Case No. 16-1621

FTA, Metro, TriMet Portland Southwest Corridor Light Rail Transit Project (SWC LRT)

Install light rail system Portland to Bridgeport

, Portland to Tigard, Multnomah Washington County

Dear Mr. Assam:

Thank you for submitting information for the undertaking referenced above. We concur that there will be an adverse effect to historic properties and look forward to developing an appropriate approach toward mitigating the adverse effect and continuing with resource identification as the project proceeds.

Our office does not concur with the finding of not eligible for resources 17/2534-3, 4, 5, and 6. Our office does not feel that there is adequate information regarding what the resources are or how and when they were formed to make a sufficient argument to their eligibility. We request additional information on these resources. We do concur with the findings of unevaluated ISO 19/2798-1, 17/2534-1, 35MU129 and 35MU238. Information about these archaeological sites should be added to the whereas clauses prior to MOA signature.

Included is a signed 4F TOE.

If you have not already done so, be sure to consult with all appropriate Native American tribes and interested parties regarding the proposed undertaking. Additional consultation regarding this case must be sent through Go Digital. In order to help us track the undertaking accurately, reference the SHPO case number above in all correspondence.

Our office has assigned SHPO biblio number 31562, details available on bibliographic database.

Please contact our office if you have any questions, comments or need additional assistance.

Sincerely,

Jamie French, M.A.
SHPO Archaeologist
(503) 979-7580
Jamie.French@oregon.gov

cc: Chris Ford, Metro



13. 10/20/2021 Letter from SHPO to FTA



Oregon
Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

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October 20, 2021

Mr. Mark Assam
FTA, Region X
915 2nd Ave, Ste 3142
Seattle, WA 98174-1002

RE: SHPO Case No. 16-1621

FTA, Metro, TriMet Portland Southwest Corridor Light Rail Transit Project (SWC LRT)

Install light rail system Portland to Bridgeport

, Portland to Tigard, Multnomah Washington County

Dear Mr. Assam:

Thank you for submitting information for the undertaking referenced above. We concur that there will be an adverse effect to historic properties and look forward to developing an appropriate approach toward mitigating the adverse effect. We also concur with the determination of not eligible for archaeological sites 17/2534-3, 17/2534-4, 17/2534-5, and 17/2534-6.

We look forward to continuing consultation on the Memorandum of Agreement for the adverse effects identified.

If you have not already done so, be sure to consult with all appropriate Native American tribes and interested parties regarding the proposed undertaking. Additional consultation regarding this case must be sent through Go Digital. In order to help us track the undertaking accurately, reference the SHPO case number above in all correspondence.

Our office has assigned SHPO biblio numbers 31591 and 31592, details available on bibliographic database.

Please contact our office if you have any questions, comments or need additional assistance.

Sincerely,

Jamie French, M.A.
Assistant State Archaeologist
(503) 979-7580
Jamie.French@oregon.gov

cc: Michaela Skiles, Metro



ATTACHMENT E2 – SECTION 106 AND SECTION 4(F) PUBLIC COMMENTS

This attachment provides copies of the following public comments received during the Section 106 and Section 4(f) comment period:

1. **12/22/2020 email** from Wayne Stewart
2. **12/23/2020 email** from Anne and Steve
3. **01/07/2021 oral comment** from Anton Vetterlein
4. **01/18/2021 email** from Jeff Lang
5. **01/19/2021 email** from Richard Stein
6. **01/19/2021 email** from Robin Vesey
7. **01/19/2021 email and attachment** from Anton Vetterlein

1. 12/22/2020 email from Wayne Stewart

Agosto, Amparo

From: Carolyn and Wayne Stewart <[REDACTED]>
Sent: Tuesday, December 22, 2020 2:15 PM
To: SW Corridor
Cc: [REDACTED]
Subject: Comments on impacts to Terwilliger Parkway, an historic and cultural property and City of Portland park

The proposed Barbur to Terwilliger connection project (an inclined elevator) will cause an adverse effect on Terwilliger Parkway, an historic and cultural resource, in that it will diminish the integrity of the Parkway, require damage and destruction, change the forested character of the Parkway, and introduce incompatible visual elements. Section 106 requires exploration of measures to avoid or reduce adverse impacts to historic properties.

Section 4(f) requires that special effort be made to preserve the natural beauty of park lands and historic sites. A project can be approved ONLY IF there is no prudent and feasible alternative and if the project includes ALL possible planning to MINIMIZE harm. The selected alternative that has the LEAST IMPACT on the resource MUST BE SELECTED. The proposed project does not fulfill the requirements of Section 106 nor of Section 4(f). Terwilliger Parkway is a two-lane scenic road used by motorists and bicyclists with a nine foot sidewalk used by many walkers, joggers, and families with small children. The natural setting of the Parkway, which was essential to the 1903 plan for Terwilliger Parkway proposed by the nationally admired Olmsted Brothers, includes a slow speed winding road and trail set in this heavily forested corridor. The proposed inclined elevator would introduce jarring urban infrastructure elements (e.g., station house, auxiliary structures, urban scale plaza, elevator cars, bright lighting, signalized intersection) into this scenic forested corridor.

There are two alternatives to the inclined elevator proposal that would create less of an impact on Terwilliger Parkway. First, a shuttle bus system would have the least impact on this natural resource and would meet the Section 4(f) requirement that the alternative with the LEAST IMPACT on the resource MUST BE SELECTED. In fact, a shuttle bus system integrated with the MAX schedule would be much superior to the proposal in that it would provide weather protected service directly to key buildings on the OHSU and VA campuses. As a side note, the inclined elevator proposal will only bring staff, patients and visitors to the east side of Terwilliger Parkway, far from any of the destinations on the vast OHSU and VA campuses. The projected 10,000 users per day, including those with mobility and other issues, would be forced to navigate the hilly campuses on foot and without weather protection.

The second alternative is for the previously considered Tower and Bridge Concept. While this alternative is not the "least impactful" solution, it does somewhat reduce the impacts to Terwilliger Parkway over the proposed inclined elevator project. The bridge would touch down at Terwilliger and reduces the impact on tree cover, does not impede wildlife movement, does not require a large plaza, does not require any buildings, and can be fitted with low level path lighting. Unfortunately, a signalized crossing of Terwilliger may still be needed, although queueing will be less of an issue, the daily users would only be brought to Terwilliger, leaving them far from their destinations on campus.

In summary, the inclined elevator proposal fails to meet the requirements of Section 106 and Section 4(f) in the following regards:

1. The integrity of Terwilliger Parkway will be significantly diminished.
 2. The character of Terwilliger Parkway will be changed from a slow speed winding road and sidewalk in a heavily forested setting into an highly urbanized street intersection serving 10,000 people per day.
 3. Incompatible visual elements will be introduced (e.g., signalized intersection, urban plaza, buildings and structures, elevator cars, urban level lighting).
- Under Section 4(f), a "special effort" must be made to preserve the natural beauty of park and recreation lands and historic sites.

Under Section 4(f), the alternative that has the "least overall impact on the resource MUST be selected".

The proposed mitigating efforts (interpretive signage, monument sign, tree planting) will not, in any way, compensate for the scale of damage that would be done to this historic and cultural resource should the proposed project be implemented.

Please go back to the drawing board and come up with a proposal that will preserve Terwilliger Parkway in its current natural state for the enjoyment of future generations of Oregonians.

Wayne P. Stewart

[REDACTED]

Sent from my iPad

2. 12/23/2020 email from Anne and Steve

Agosto, Amparo

From: A Olsofka [REDACTED] >
Sent: Wednesday, December 23, 2020 12:16 PM
To: SW Corridor
Subject: Public Parks and Historic Properties

Good Day,

We have lived in SW Portland for 35 years and have followed the SW Corridor Project. First I would like to say that the planning and design were poorly executed and a huge waste of Tax Payer Dollars. The best route would be to follow I5 or SW Barber BLVD. The planners made the route convoluted rather than following a logical path.

It is unconscionable that now the project wants to impact our Public Parks to the extent noted in the publication. The buildings and properties mentioned should be left as they are. They are an integral part of Portland's history.

Thousands of older growth trees have been lost in SW Portland in the last 10 years due to PBOT and Metro Projects and infill. Please reconsider the impacts to our neighborhoods and the residents that live in Southwest.

Thanks for the opportunity to comment,
Anne and Steve

3. 01/07/2021 oral comment from Anton Vetterlein

Transcribed oral comment from 01/07/2021 virtual public meeting:

Good evening, I am Anton Vetterlein with Friends of Terwilliger. We are preparing some comments to send to FTA or TriMet and I just wanted to summarize. The main concern we have is that it seems that the proposed mitigation for the historic aspect, I believe that is the 106, seems really paltry. A couple of historic signs doesn't seem to come anywhere close to compensating for the impacts to the parkway. It is a major urban intrusion in a forested park area, but also by pushing all of the impacts down onto the parkway and not connecting directly to OHSU, the project – as some of the other proposals did – it saved the project tens of millions of dollars and so I think a couple of interpretive signs doesn't come anywhere close to making up for that. The impacts have been pushed off of OHSU and down onto the parkway, and we've talked before about how we'd like to see something that works to kind of tie the parkway together from one end to the other. Improvements to the lighting system or something else and so, I'll say more about that in our letter. Thank you.

4. 01/18/2021 email from Jeff Lang

Agosto, Amparo

From: JEFFREY M LANG [REDACTED] >
Sent: Monday, January 18, 2021 10:33 PM
To: SW Corridor
Subject: RE: 3225 SW Barbur Blvd-Portland, Or. Public Record/west side Light Rail
FEIS/106-4F/1966 Historic preservation Act-eligibility

Aster Moulton (They/Them)

Community Affairs Representative
Transit Equity, Inclusion and Community Affairs
Office: 503-962-2284 Mobile: 503-956-9702
Email: MoultonA@TriMet.org

To whom it may concern & representatives, Board, Staff and agency of record TriMet,

Please consider this a public notice that a group of individuals located in South Portland neighborhoods have interest in investigating the possibility of preserving the Building known as "Barbur Blvd Bee Hive," referenced above. We were unable to testify at Trimet public hearing last week and ask that this document be added to the record.

The Signer below have no affiliation or representation to the buildings current tenant, Congregation Ahavath Achim Synagogue.

The Signer below is a Board member of the South Portland Neighborhood Association (SPNA) but this request/notice is not written by or represent SPNA.

Contacts have been made with the Bee Hive Building designer & Architect, John Storrs' family. Members of Portland Architectural community have expressed interest. The SPNA have interest in further research, analysis and exploration of preservation of this unique-historical building. The SPNA Land-use committee has reviewed the buildings current situation.

The Bee Hive Building built in 1966 is a very unique structure on the West Coast. Its stained glass lit catenary style dome and non-electrical natural audio amplification system make it a very arresting building. Built and formerly occupied by Turkish and island of Rhodes diaspora Sephardic Jews who made Portland their home since the late 1890's.

We have received comments from neighbors and Architects that believe the building has the possibility of many utilitarian purposes. Coffee Shop, Community Choral Center or Neighborhood administrative offices. etc. etc.

Deliberations are on-going. We will advise Trimet of our progress.

Thanks for the opportunity to testify and good luck lifting the South West Corridor "Pause."

Respectfully yours, jeffrey

Jeff Lang

JM Lang, LLC



5. 01/19/2021 email from Richard Stein

Agosto, Amparo

From: richard stein [REDACTED] >
Sent: Tuesday, January 19, 2021 1:16 PM
To: SW Corridor
Cc: Earl; Senator Jeff Merkley; Senator Ron Wyden
Subject: No to the historical Terwilliger Parkway land being taken for SW Corridor transportation infrastructure

I ask that you please vote against taking part of the Terwilliger Parkway for the proposed Light Rail transportation infrastructure.

Terwilliger Parkway was clearly seen as a legacy piece by the Portland city council in the early 1900's and again in the 1970's when adopting the Terwilliger Parkway Design Guidelines Plan. Threats to the Parkway have been staved off for over 100 years both by activists and elected officials. This legacy is in **our** hands now for the benefit of many future generations of Portlanders. As Ru Paul says to those on his t.v. program, "Don't fuck it up!"

Let's all be exemplary stewards of this incredibly valuable public park.

Thank you,
Richard Stein

901 SW Westwood Drive
Portland, OR. 97239

P.S. rather than repeat what my neighbor Robin Vesey has already stated, I've included her letter and please know I agree completely with all her points.

Robin's letter:

No to historical Terwilliger Parkway land being taken for SW Corridor transportation infrastructure. RE: Sections 4(f) and 106

I'm asking that you rule against the Marquam Hill Connection (MHC), part of the SW Corridor Light Rail Project, due to its planned adverse and permanent impacts to a historic park and a local green treasure: Terwilliger Parkway. Taking public, historic parkland for building a transportation connection would require a major and life-long alteration to this park. It would lose its integrity and function as a wildlife corridor due to this permanent interruption. It would set a precedent by "paving" the way to the taking of other historic Portland parks.

Terwilliger Parkway is a historic, tree-lined **linear park** designed in 1903 and opened in 1912. Three land grants between 1910 and 1912 formed the beginnings of this linear park. The park is defined by the city of Portland

as “city or parks bureau-owned property adjacent to and/or within 400 feet of Terwilliger Boulevard”, the road. “The deeds of gift for the donated lands mandated that the Parkway be improved for public enjoyment rather than commercial use.” In 1959, “an overlay design zone was adopted using the (Terwilliger Parkway) boundary established in 1928. The objective for the design zone stated that: Primary consideration shall be given to safeguarding unobstructed views and to preserving the heavily wooded character. Improvements shall make a minimal amount of interruption to the natural topography.”

This MHC as it is proposed, will create immense destruction by cutting down hundreds of trees, changing the hilly topography, offering the potential for landslides, and removing land from the public’s hands.

I encourage you to abandon the proposed MHC infrastructure therefore not requiring use of Section 4(f) and continued protection of this historic resource, regulated under Section 106.

Sincerely,

Robin Vesey

SW Portland resident

6. 01/19/2021 email from Robin Vesey

Agosto, Amparo

From: Robin Vesey [REDACTED] >
Sent: Tuesday, January 19, 2021 8:11 AM
To: SW Corridor
Cc: Blumenauer, Earl; Senator Jeff Merkley; Senator Ron Wyden
Subject: No to Historical Terwilliger Parkway land being taken for SW Corridor

No to historical Terwilliger Parkway land being taken for SW Corridor transportation infrastructure. RE: Sections 4(f) and 106

I'm asking that you rule against the Marquam Hill Connection (MHC), part of the SW Corridor Light Rail Project, due to its planned adverse and permanent impacts to a historic park and a local green treasure: Terwilliger Parkway. Taking public, historic parkland for building a transportation connection would require a major and life-long alteration to this park. It would lose its integrity and function as a wildlife corridor due to this permanent interruption. It would set a precedent by "paving" the way to the taking of other historic Portland parks.

Terwilliger Parkway is a historic, tree-lined **linear park** designed in 1903 and opened in 1912. Three land grants between 1910 and 1912 formed the beginnings of this linear park. The park is defined by the city of Portland as "city or parks bureau-owned property adjacent to and/or within 400 feet of Terwilliger Boulevard", ^[1] the road. "The deeds of gift for the donated lands mandated that the Parkway be improved for public enjoyment rather than commercial use." ^[2] In 1959, "an overlay design zone was adopted using the (Terwilliger Parkway) boundary established in 1928. The objective for the design zone stated that: Primary consideration shall be given to safeguarding unobstructed views and to preserving the heavily wooded character. Improvements shall make a minimal amount of interruption to the natural topography." ^[3]

This MHC as it is proposed, will create immense destruction by cutting down hundreds of trees, changing the hilly topography, offering the potential for landslides, and removing land from the public's hands.

I encourage you to abandon the proposed MHC infrastructure therefore not requiring use of Section 4(f) and continued protection of this historic resource, regulated under Section 106.

Sincerely,

Robin Vesey

SW Portland resident

^[1] Terwilliger Parkway Design Guidelines, page4

^[2] Terwilliger Parkway Corridor Plan, page3

^[3] Terwilliger Parkway Design Guidelines, page 1

7. 01/19/2021 email and attachment from Anton Vetterlein

Email:

Agosto, Amparo

From: Anton Vetterlein [REDACTED] >
Sent: Tuesday, January 19, 2021 1:12 PM
To: SW Corridor
Subject: SW Corridor Light Rail Project EIS Comments
Attachments: SWCP EIS RESPONSE to FTA.docx

Comments on “Potential Impacts and Mitigations for Historic Properties and Public Parks document” – SW Corridor Light Rail Project EIS

Friends of Terwilliger is a 501c(3) non-profit whose mission is to protect and enhance the historic, scenic, natural, and recreational character of Terwilliger Parkway. Terwilliger Parkway is a linear Portland park whose oldest historic section was conceived by the Olmsted Brothers of Brookline, Mass. It is 2.5 miles long and 115 acres, from the edge of downtown Portland to SW Capitol Hwy. We have submitted a nomination to list it on the National Register of Historic Places that has been approved by the Oregon State Parks Department and forwarded to the National Park Service for their consideration in March 2021.

TriMet’s Section 106 statement of adverse effects to the historic resources of Terwilliger Parkway does not fully describe the impacts that the Southwest Corridor Project’s Marquam Hill Connector will cause. A particular vulnerability of a narrow linear park is its susceptibility to fragmentation. The Connector will bifurcate the park and interrupt the linear continuity of the scenic and natural experience that the Olmsteds conceived. The Connector cuts a swath of urban transportation infrastructure through a wooded canyon, and its head house and a small plaza will crowd the park pathway on the east side next to the roadway. A new traffic light and roadway changes will be required at the intersection for all the pedestrian traffic. The Terwilliger Parkway Corridor Plan (CoP ord. 155241, 1983) Transportation Policy A.2 states “*Traffic signals, channelization and other spot improvements are inconsistent with the character of Terwilliger; ...*” which makes clear that such intrusions should not be taken lightly. And changes such as long ADA ramps and lighting within the park west of the roadway will be required to convey pedestrians up to OHSU (these associated improvements may not be part of TriMet’s project but will certainly be required due to the project and thus should be included among the impacts.)

Terwilliger Parkway is very popular with runners and walkers throughout the day, week, and year and there will undoubtedly be conflicts between Connector users and recreationalists where their paths meet in the narrow space between the top of the Connector and the roadway. The parkway is also a very popular recreational and commuter bike route that will likewise be interrupted at the crossing. The impacts of the Connector will be felt beyond its immediate location and could discourage park users from passing its congested location and cause fragmentation of the whole corridor. Once it has been justified in this location, it can be justified elsewhere.

The Terwilliger Parkway Corridor Plan calls for a “Forest Corridor” at this location and defines it as “*A continuous, visually uninterrupted segment of the roadway which is heavily enclosed by native forest plantings and hillsides. Development is completely screened from view*”. The Forest Corridor has already been largely eliminated on the west side of the park due to OHSU development, and now the Connector project will eliminate a swath of it on the east side of the park. Screening will be impossible because it will be built right up to the pathway and roadway.

The Connector will violate almost every Goal of the Terwilliger Parkway Corridor Plan, which are as follows:

- A. To preserve and enhance the scenic character and natural beauty of Terwilliger Parkway and Boulevard.
- B. To maintain and enhance unobstructed views from Terwilliger Boulevard and Trail.
- C. To improve opportunities for a variety of recreational uses along Terwilliger and reduce conflicts between these uses.
- D. To guide the siting, scale, landscaping, traffic impacts and design of new development to enhance the aesthetic experience of Terwilliger.
- E. To manage the location and design of new vehicular and pedestrian access to Terwilliger in order to reduce traffic hazards and incompatible visual impacts.
- F. To reinforce the primary transportation function of the parkway as a leisurely, scenic drive and bicycle commuting path, rather than a heavily used route for vehicle through traffic.
- G. To improve public safety and protect citizens from crime.
- H. To reduce maintenance and improvement costs.

The Connector proposal of an Inclined Elevator terminating on the east side of Terwilliger Blvd. has placed all the impacts in the park in order to minimize project costs and reduce the impacts on OHSU (Oregon Health and Science University, which is the primary destination of the Connector.) Numerous options were considered in the planning process that would have minimized impacts to the park and connected closer and more directly to the main levels of OHSU, but these were rejected because of cost and because OHSU is unwilling to bear the associated impacts. Cost estimates for a pedestrian tunnel or second aerial tram, both of which would have far fewer long term impacts to the parkway, were from \$5 million to \$80 million more than the proposed Inclined Elevator option. That savings comes at the expense of the historic, scenic, recreational, wildlife, and habitat resources of Terwilliger Parkway. TriMet's proposed mitigation of a couple signs and a "collaborative process" does not come close to mitigating for the permanent impacts or compensating for the reduced cost and logistical advantage of building the Connector on park property.

Compared to the mitigations proposed for the Section 4(f) impacts, the Section 106 mitigations seem token at best. A commemorative sign may be appropriate to memorialize something of low historical value, or a very minor intrusion, or something that was marred in an earlier age that we now regret. But erecting a sign to commemorate something that you are planning on destroying or significantly altering is a cynical ploy. We would welcome commemorative or interpretive signage in the parkway only in addition to more robust mitigation. We are also very skeptical of the offer of a "collaborative process" in designing the Connector because there is little to be decided at this point that will compensate for the damage done by placing the Connector in the park in the first place.

Friends of Terwilliger have tried throughout the EIS process to engage with TriMet and Metro in a discussion about appropriate mitigation but we have been held at arms length. They listen but haven't responded in any way to our proposals. They mentioned commemorative signage at the outset and they haven't changed that proposal regardless of our arguments. Because the Connector project interrupts the continuity of the linear parkway corridor we think appropriate mitigation should reinforce the continuity and identity of the parkway so that it does not become fragmented. The one element (besides the roadway itself) that identifies and characterizes the continuity of the parkway is the lighting system with its regularly placed flared concrete light

poles, underground wiring, and unique globe light fixtures on top. Many of the light poles are old and deteriorating, and many have been carelessly replaced by the Portland Bureau of Transportation with new poles of varying height and often in non-original locations, creating a haphazard look. And some poles have simply been eliminated without replacement. Restoring and replacing the light poles in their original locations between SW Sheridan St. and SW Capitol Hwy. is appropriate mitigation that would greatly enhance the historic identity of Terwilliger Parkway.

The other mitigation that would reinforce the identity of the parkway is gateway signs marking the major entry points. One such sign was erected near SW Sheridan St. at the north entrance to the parkway as part of the 2012 Centennial celebration of the parkway. That sign was intended to be a prototype for additional gateway signs. The location for the south gateway sign has already been prepared near Barbur Blvd. at the intersection of SW 7th Ave. and Terwilliger Blvd. The third major entry point is at the Capitol Hwy. intersection with Terwilliger Blvd. where a site for a gateway sign that is highly visible has been identified close to the N.E. corner. If gateway signage is being considered as mitigation for the Connector then at least two new signs should be required. Moreover, additional design elements were part of the gateway sign design but were omitted on the only one built because of limited funding from Portland Parks and Recreation. Those additional design elements (stone work and plantings) should also be completed for all three gateway signs.

If TriMet has determined that it is absolutely necessary to irreparably alter and interrupt Terwilliger Parkway then mitigation should be required that attempts to make the park whole again. Interpretive signs are a welcome addition to the park if sensitively done, but they by no means mitigate for the extensive harm that the Connector project will cause to the historic and scenic qualities of the park. We ask that FTA require more robust mitigation.

Sincerely,

Anton Vetterlein

Friends of Terwilliger president

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██████████████████

Comments on "Potential Impacts and Mitigations for Historic Properties and Public Parks document" – SW Corridor Light Rail Project EIS – Portland, Oregon – Jan. 19, 2021

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Sincerely,

Anton Vetterlein
Friends of Terwilliger president



ATTACHMENT E3 – SECTION 7 CONSULTATION CORRESPONDENCE

This attachment provides copies of the following correspondence with the National Marine Fisheries Service (NMFS) related to consultation under Section 7 of the Endangered Species Act:

1. **03/10/2020 letter from USFWS to the Southwest Corridor Project** identifying threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of the Project and/or may be affected by the Project
2. **03/18/2020 letter from FTA to NMFS** requesting formal consultation and submitting the Biological Assessment
3. **03/18/2020 email from NMFS to FTA** acknowledging receipt of the formal consultation request and Biological Assessment
4. **10/22/2020 letter from USFWS to the Southwest Corridor Project** providing an updated list per request from the project team

1. 03/10/2020 letter from USFWS to the Southwest Corridor Project



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
Phone: (503) 231-6179 Fax: (503) 231-6195

<https://www.fws.gov/oregonfwo/articles.cfm?id=149489416>



In Reply Refer To:

March 10, 2020

Consultation Code: 01EOW00-2020-SLI-0287

Event Code: 01EOW00-2020-E-00545

Project Name: SW Corridor Light Rail

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact the Endangered Species Division at the Service's Oregon Fish and Wildlife Office at (503) 231-6179. For information regarding listed marine and anadromous species under the jurisdiction of NOAA Fisheries Service, please see their website (http://www.nwr.noaa.gov/habitat/habitat_conservation_in_the_nw/habitat_conservation_in_the_nw.html).

Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
(503) 231-6179

Project Summary

Consultation Code: 01EOFW00-2020-SLI-0287

Event Code: 01EOFW00-2020-E-00545

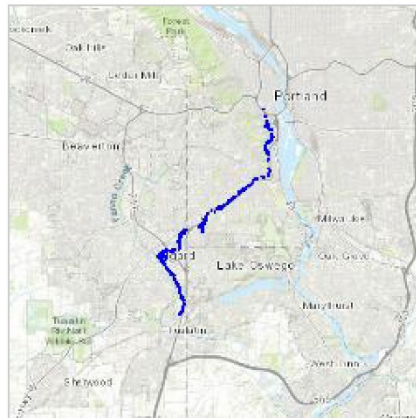
Project Name: SW Corridor Light Rail

Project Type: TRANSPORTATION

Project Description: Light rail extension

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/45.43112135750005N122.75525265383394W>



Counties: Multnomah, OR | Washington, OR

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1123	Threatened
Streaked Horned Lark <i>Eremophila alpestris strigata</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7268	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Insects

NAME	STATUS
Fender's Blue Butterfly <i>Icaricia icarioides fenderi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6659	Endangered

Flowering Plants

NAME	STATUS
Bradshaw's Desert-parsley <i>Lomatium bradshawii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5743	Endangered
Kincaid's Lupine <i>Lupinus sulphureus ssp. kincaidii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3747	Threatened
Nelson's Checker-mallow <i>Sidalcea nelsoniana</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7340	Threatened
Water Howellia <i>Howellia aquatilis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7090	Threatened
Willamette Daisy <i>Erigeron decumbens</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6270	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

2. 03/18/2020 Letter from FTA to NMFS



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

March 18, 2020

Barry Thom
Regional Administrator
United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
Portland, OR 97232

**Subject: Metro and TriMet
Southwest Corridor Light Rail Project
Endangered Species Act, Section 7
Effects Determinations**

Dear Mr. Thom:

The Federal Transit Administration (FTA), in cooperation with Metro and the Tri-County Metropolitan Transportation District of Oregon (TriMet), is proposing the Southwest Corridor Light Rail Project (Project). The Project would provide light rail service along an approximately 11-mile route within Multnomah and Washington counties, including the cities of Portland, Tigard, and Tualatin, Oregon. TriMet intends to apply for federal funds administered by FTA for the Project, making it subject to compliance with Section 7 of the Endangered Species Act of 1973 (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

After many conversations between, FTA, Metro, TriMet, and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries), NOAA Fisheries has communicated a position that if a given project were unable retain 100% of the stormwater on-site, then the project would be considered “likely to adversely affect” endangered species and/or critical habitat. FTA does not necessarily agree that this perspective is applicable to the Project, because the stormwater issues being associated with the Project are reasonably certain to occur with or without the Project. However, as a show of consideration and a willingness to work collaboratively, this letter requests an initiation of formal consultation with NOAA Fisheries

under ESA. A Biological Assessment (BA) for the Project has been prepared, and is enclosed with this letter for your review.

Project Description

The Project consists of light rail and related transportation investments. The light rail portion of the Project proposes to construct a new 11-mile Metropolitan Area Express (MAX) light rail line extending from the Downtown Portland Transit Mall at SW Jackson Street to a southern terminus at Bridgeport Village in Tualatin. This alignment, referred to as the Preferred Alternative, includes four surface water crossings, 13 new light rail stations, and new park-and-ride facilities with approximately 2,100 new or reconstructed parking spaces. These investments also include connections to the hospital at Oregon Health & Science University and Portland Community College Sylvania Campus.

The Project also includes related transportation investment options, which are additional access improvements that would extend the mobility benefits of developing light rail. These optional investments could be phased to be built before, after, or with the light rail investment, depending on funding, including other federal grants or local initiatives. The related transportation improvements include a roadway configuration project, called the Ross Island Bridgehead Reconfiguration, and station access improvements.

The Project would create approximately 46.4 acres of new impervious surface, primarily through roadway expansions to accommodate the light rail line, sidewalks, bike lanes, park-and-ride facilities, and a new operations and maintenance facility. Runoff from 12.6 acres of new impervious surfaces would be conveyed to the City of Portland's existing Columbia Boulevard Wastewater Treatment Plant (CBWWTP). The CBWWTP treats water using chemically enhanced primary treatment and secondary treatment that exceeds local stormwater runoff treatment requirements. Runoff from the additional 33.8 acres of new impervious surfaces would be treated for water quality by facilities designed to accept and fully treat the volume of water up to 42% of the cumulative rainfall from the modeled 2-year, 24-hour storm. Most of the proposed facilities would detain stormwater to reduce or equal the existing stormwater flows in accordance with target design criteria. In addition, the Project would provide treatment of stormwater runoff from approximately 82 acres of currently untreated impervious surfaces within Project basins.

Despite treatment of runoff from all new and large areas of existing impervious surfaces, the Project may result in long-term detrimental effects on listed fish from stormwater input of pollutants and unnatural hydrologic flow regimes. Input of persistent molecules and metals, such as copper and zinc, could increase after heavy precipitation events that exceed the design storm of the treatment facilities. Similarly, excess flow would contribute to unnatural flow regimes that can increase stream turbidity, affect prey productivity, and disrupt rearing habitats lower in the stream systems. While these effects are likely very small and might not be measurable at the basin-scale, the pollutants would be added to the existing and future contaminant load within the region. Some of these contaminants are long-lived and could be absorbed or ingested by listed fish in quantities sufficient to cause injury or death by modifying their behavior, disrupting endocrine functions, or causing immunotoxic disease effects, either by themselves or through additive, interactive, and synergistic interactions with other contaminants in receiving waters.

Listed Species and Critical Habitat Effect Determinations

Based on the documentation provided, FTA has made the determinations listed in Table 1 below for listed species and critical habitat under the jurisdiction of NOAA Fisheries, that could occur in the Project action area.

Table 1. Summary of Likely Effects for Listed Threatened and Endangered Species, and Critical Habitat Potentially in the Action Area

Species	Federal Status	Federal Jurisdiction	Effect Determination	Critical Habitat	Critical Habitat Effect Determination
Chinook salmon (<i>Oncorhynchus tshawytscha</i>)	Lower Columbia River ESU (Threatened); Upper Columbia River Spring-Run ESU (Endangered); Upper Willamette River ESU (Threatened); Snake River Fall-Run ESU (Threatened); Snake River Spring/Summer-Run ESU (Threatened)	NOAA Fisheries	Likely to Adversely Affect	Yes	Likely to Adversely Affect
Steelhead (<i>O. mykiss</i>)	Lower Columbia River DPS (Threatened); Middle Columbia River DPS (Threatened); Upper Columbia River DPS (Endangered); Upper Willamette River DPS (Threatened); Snake River DPS (Threatened)	NOAA Fisheries	Likely to Adversely Affect	Yes	Likely to Adversely Affect
Sockeye salmon (<i>O. nerka</i>)	SNAKE RIVER ESU (Endangered)	NOAA Fisheries	Likely to Adversely Affect	Yes	Likely to Adversely Affect
Coho salmon (<i>O. kisutch</i>)	Lower Columbia River ESU (Threatened)	NOAA Fisheries	Likely to Adversely Affect	Yes	Likely to Adversely Affect
Chum salmon (<i>O. keta</i>)	Columbia River ESU (Threatened)	NOAA Fisheries	Likely to Adversely Affect	Yes	Likely to Adversely Affect
Eulachon (<i>Thaleichthys pacificus</i>)	Southern DPS (Threatened)	NOAA Fisheries	Likely to Adversely Affect	Yes	Likely to Adversely Affect
Green sturgeon (<i>Acipenser medirostris</i>)	Southern DPS (Threatened)	NOAA Fisheries	Likely to Adversely Affect	Yes	Likely to Adversely Affect

ESU - Evolutionarily Significant Unit; DPS - Distinct Population Segment

As outlined in Table 1, FTA has determined that the Project **may affect** and is **likely to adversely affect** the Evolutionarily Significant Units (ESUs) and Distinct Population Segments (DPSs) of Chinook salmon, steelhead, sockeye salmon, coho salmon, chum salmon, eulachon, and green sturgeon, and the designated critical habitat for these species. FTA has made this determination to be consistent with NOAA Fisheries' current direction that incremental changes

March 18, 2020
Page 4

in water quality from stormwater runoff may result in adverse effects on fish species in receiving waters extending far downstream from project-related discharge points.

Essential Fish Habitat Effect Determination

Section 8 of the BA summarizes the potential impacts to Essential Fish Habitat (EFH), as required by MSA. FTA has determined that the Project **may adversely affect** EFH for Pacific Salmon.

Request for Consultation

Based on the information provided, FTA requests the initiation of formal consultation on the ESUs and DPSs of Chinook salmon, steelhead, sockeye salmon, coho salmon, chum salmon, eulachon, and green sturgeon listed in Table 1. FTA understands that formal consultation will be initiated by the receipt of this formal consultation request and will conclude within 90 days from that date. Additionally, FTA understands that a Biological Opinion will be prepared by NOAA Fisheries within 45 days of completing the consultation period. FTA requests copies of the draft Biological Opinion, incidental take statement, terms and conditions, and reasonable and prudent measures for review prior to NOAA Fisheries finalizing the Biological Opinion.

Should you have any questions or require additional information, please contact Mark Assam, FTA, at (206) 220-4465 or mark.assam@dot.gov.

Sincerely,

LINDA M. GEHRKE
Digitally signed by
LINDA M. GEHRKE
Date: 2020.03.18
09:41:53 -0700

Linda M. Gehrke
Regional Administrator

cc: Chris Ford, Investment Areas Project Manager, Metro
Dave Unsworth, Director of Project Development and Permitting, TriMet Engineering & Construction

Enclosure: Biological Assessment, Southwest Corridor Light Rail Project, Multnomah and Washington Counties, March 3, 2020

3. 03/18/2020 Email from NMFS to FTA

From: OWCO ConsultationRequest - NOAA Service Account [mailto:owco.or.consultationrequest@noaa.gov]
Sent: Wednesday, March 18, 2020 12:12 PM
To: Assam, Mark (FTA) <Mark.Assam@dot.gov>
Cc: Barry.Thom@noaa.gov; brad.rawls@noaa.gov; Marc.liverman@noaa.gov; Unsworth, David <UnswortD@trimet.org>; Chris Ford <Chris.Ford@oregonmetro.gov>; Saxton, James (FTA) <james.saxton@dot.gov>; Changchien, Amy (FTA) <Amy.Changchien@dot.gov>; Kim Marcotte <kmarcotte@anchoragea.com>; Marc Auten <mauten@anchoragea.com>; fta.tro10mail <fta.tro10mail@dot.gov>
Subject: Re: Metro and TriMet - Southwest Corridor Light Rail Project - Endangered Species Act, Section 7, Effects Determinations

We have received your request for consultation and it has been logged into our database. The number that it has been issued is WCRO-2020-00611. Please refer to that number in future correspondence with NMFS. I have included the branch chief in this email so you are aware of who the project has been given to initially, they will assign it to one of their project managers and that person will be in contact with you. Please send any additional information regarding this project directly to the project manager you are working with.

Frankie Johnson [360-753-9531](tel:360-753-9531)

On Wed, Mar 18, 2020 at 10:40 AM Assam, Mark (FTA) <Mark.Assam@dot.gov> wrote:

Dear NOAA Fisheries Reviewer:

Please see the attached letter regarding the Southwest Corridor Light Rail Project for Metro and TriMet. Please confirm receipt of this correspondence, and let me know if I can answer any questions.

Thanks,

Mark A. Assam, AICP

U.S. Department of Transportation

Federal Transit Administration, Region X

915 2nd Avenue, Suite 3142 | Seattle, WA 98174-1002

(206) 220-4465 | mark.assam@dot.gov | www.transit.dot.gov

4. 10/22/2020 letter from USFWS to the Southwest Corridor Project



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398

Phone: (503) 231-6179 Fax: (503) 231-6195

<https://www.fws.gov/oregonfwo/articles.cfm?id=149489416>



In Reply Refer To:
Consultation Code: 01EOFW00-2020-SLI-0287
Event Code: 01EOFW00-2021-E-00056
Project Name: SW Corridor Light Rail

October 22, 2020

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact the Endangered Species Division at the Service's Oregon Fish and Wildlife Office at (503) 231-6179. For information regarding listed marine and anadromous species under the jurisdiction of NOAA Fisheries Service, please see their website (http://www.nwr.noaa.gov/habitat/habitat_conservation_in_the_nw/habitat_conservation_in_the_nw.html).

Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
(503) 231-6179

Project Summary

Consultation Code: 01EOFW00-2020-SLI-0287

Event Code: 01EOFW00-2021-E-00056

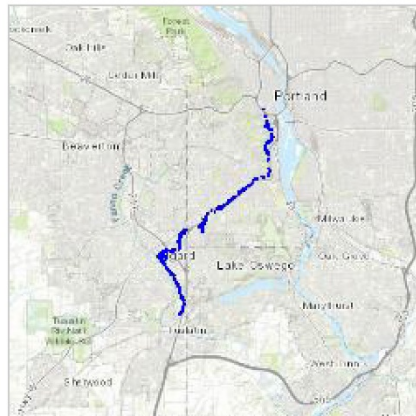
Project Name: SW Corridor Light Rail

Project Type: TRANSPORTATION

Project Description: Light rail extension

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/45.43112135750005N122.75525265383394W>



Counties: Multnomah, OR | Washington, OR

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1123	Threatened
Streaked Horned Lark <i>Eremophila alpestris strigata</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7268	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Insects

NAME	STATUS
Fender's Blue Butterfly <i>Icaricia icarioides fenderi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6659	Endangered

Flowering Plants

NAME	STATUS
Bradshaw's Desert-parsley <i>Lomatium bradshawii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5743	Endangered
Kincaid's Lupine <i>Lupinus sulphureus ssp. kincaidii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3747	Threatened
Nelson's Checker-mallow <i>Sidalcea nelsoniana</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7340	Threatened
Water Howellia <i>Howellia aquatilis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7090	Threatened
Willamette Daisy <i>Erigeron decumbens</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6270	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

ATTACHMENT E4 – INTERSTATE ACCESS CORRESPONDENCE

This attachment provides a copy of the following correspondence related to interstate access:

- 1. 02/09/2021 letter from the Federal Highway Administration (FHWA) to the Oregon Department of Transportation (ODOT) and copying the Federal Transit Administration (FTA), identifying the process requirements for future approvals related to the Project's modifications to Interstate 405 and Interstate 5.**

1. 02/09/2021 letter from FHWA to ODOT and copying FTA



U.S. Department
of Transportation
**Federal Highway
Administration**

Oregon Division

February 2, 2021

530 Center St. NE, Ste 420
Salem, OR 97301
Phone: (503) 399-5749
Fax: (503) 399-5838
<https://www.fhwa.dot.gov/ordiv/>

In Reply Refer To:
HDA-OR

Mr. Steve Cooley, P.E.
Technical Services Manager and Chief Engineer
Oregon Department of Transportation
Technical Services Branch
40040 Fairview Industrial Drive SE
Salem, Oregon 97302-1142

SUBJECT: Interstate Access Modification Request – Southwest Corridor Light Rail Transit Project

Dear Mr. Cooley,

We have reviewed the Supplemental Draft Environmental Impact Study comments and data supplied by ODOT on November 18, 2020. During earlier stages of the Southwest Corridor Light Rail Transit Project, the FHWA reviewed transportation analysis methods and alignments and subsequently declined to continue as a participating agency since at the time there weren't significant enough impacts to I-5 to warrant additional FHWA involvement. FHWA stated once additional information was available in relation to impacts, we would reassess our role on the project. After review of comments and supplemental data provided from ODOT staff, we concur with ODOT's concern related to safety and operational impacts at the ramp terminals. Therefore, we have concluded that an Interstate Access Modification Request (IMR) will be necessary for the Southwest Corridor Light Rail Project.

We appreciate ODOT's continued partnership and would like to thank the staff in the Roadway Engineering Section as well as ODOT Region 1 for bringing this additional information to our attention. Please let us know if we may be of assistance if issues arise when informing TRIMET and Metro of this change.

Sincerely,

MICHAEL L
MORROW

Digitally signed by MICHAEL
L. MORROW
Date: 2021.02.09 10:59:55
-08'00'

Mike Morrow
Senior Field Operations Engineer

cc:

ODOT: David Warwick, Interchange Engineer
Paul Langdale, Environmental Coordinator
Denis Reich, Environmental Manager
Eduardo Miranda, Tech Center Manager
Rory Renfro, Principal Transit Planner
FTA: James Saxton, Region 10 Transportation Program Specialist