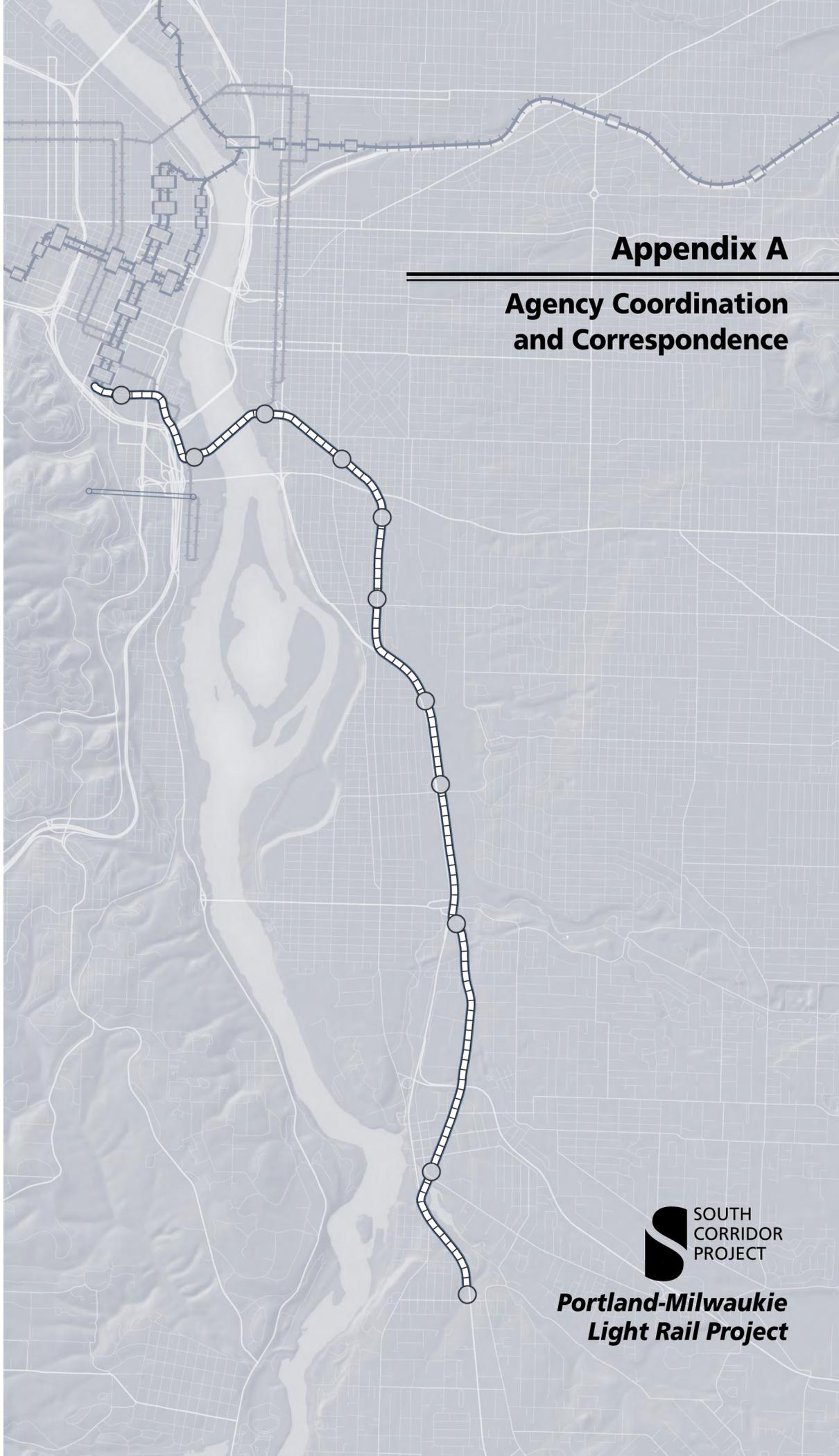


# Appendix A

## Agency Coordination and Correspondence



**Portland-Milwaukie  
Light Rail Project**

## **APPENDIX A. AGENCY COORDINATION AND CORRESPONDENCE**

This appendix lists coordination and correspondence with tribal representatives, and federal, state, and local agencies.

### **A.1 AGENCY AND TRIBAL COORDINATION**

#### **A.1.1 Agency Coordination**

Cooperating agencies are those agencies that have jurisdiction or special expertise with respect to some aspect of a project and that have agreed to formally coordinate. Cooperating agencies at the federal level for the Portland-Milwaukie Light Rail Project included:

- U.S. Coast Guard
- U.S. Army Corps of Engineers, Portland District
- Federal Highway Administration

Each of these agencies, as well as the Environmental Protection Agency and the Federal Rail Administration, were provided an administrative review draft of this FEIS in advance of publication for review and comment. Comments were provided and incorporated into this document.

In addition, there were coordinating meetings held to address various issues relating to the project and agency responsibilities. The following is a list of meetings held with other key agencies.

**Natural Resource Tours** (which focused on waterways, wetland and threatened and endangered species. These tours included local jurisdiction representatives, as well as federal and state agency representatives from National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, and Oregon Department of State Lands)

June 17, 2009; July 15, 2009

National Marine Fisheries Service Meetings

September 23, 2008; November 4, 2008; December 8, 2008; December 15, 2008; June 1, 2009; August 18, 2009; February 3, 2010; March 11, 2010; March 22, 2010; May 10, 2010

U.S. Army Corps of Engineers

September 30, 2008; April 27, 2010

**Portland Streamlining Committee** (which includes federal and state agency representatives from National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Army Corps of

Engineers, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of State Lands)

April 21, 2009; May 19, 2009; July 21, 2009; December 15, 2009

Other agencies contacted for various information include those listed in Chapter 6, Community Participation, Agency Coordination and Required Permits, Table 6.1.

### **A.1.2 Tribal Coordination**

The following summarizes the project's coordination with tribes.

1. June 2009 – sent invitation to attend Portland-Milwaukie Light Rail Project natural resource tour;
2. June 17, 2009 - held natural resource tour (attended by Mike Karnosh, Grand Ronde Tribe);
3. June 26, 2009 - email received from Mike Karnosh, Grand Ronde Tribe, commenting on proposed native plant list;
4. July 29, 2009 - email received from Robert Kentta, Siletz Tribe, commenting on proposed native plant list;
5. September 1, 2009 – sent letters from FTA concerning Area of Potential Effect and archaeological methods (attached);
6. October 20, 2009 - made calls to all tribes about timing and location of shovel testing, with the following comments:
  - Chinook Tribe, Tony Johnson. Mr. Johnson had no comment on the methodology. Since the majority of the work is being done outside of their general tribal area of concern he is deferring his involvement to the Grand Ronde tribe.
  - Confederated Tribes of Warm Springs Tribe, Bobby Brunoe. Mr. Brunoe Requested a copy of the letter, reconnaissance report and the SDEIS. For cultural information he mentioned we need to speak to Sally Bird. Called Sally Bird and left message.
  - Siletz Tribe, Robert Kentta. Mr. Kentta stated that at this time the Tribe has no outstanding concerns about the shovel testing. They do want to make sure with the archeological permit that if anything is found that they be contacted.
  - Confederated Tribes of the Grand Ronde, Mr. Eirik Thorsgard asked for a copy of the letter and reconnaissance report, and these were emailed to him.
  - Other tribes were left voice messages.
7. October 20, 2009 – sent email to Grand Ronde with electronic copy of the reconnaissance report;
8. October 20, 2009 - sent information to Warm Springs (shovel testing methodology, the reconnaissance report, and an electronic copy of the *Portland-Milwaukie Light Rail Project SDEIS*);

9. December 28, 2009 - sent letters from FTA concerning availability of the Biological Assessment (attached);
10. February 17, 2010 - sent letters from Metro about draft Memorandum of Agreement and inviting tribes to February 26, 2010 meeting to discuss with FTA, SHPO, local project partners (attached);
11. February 26, 2010 - held meeting with SHPO concerning draft MOA, attended by Eirik Thorsgard, Confederated Tribes of the Grand Ronde and Dave Burlingame (via phone) of the Cowlitz Tribe. The two tribal representatives concluded that there was not a need for their tribes to be sign the MOA, but that they wanted to be notified when excavation occurred for monitoring;
12. April 15, 2010 – sent letters from FTA including an attached bound paper copy of administrative draft of the project FEIS sent to tribal chairs with copies of letter and compact disk of CDs sent to tribal natural resource and cultural resource managers (attached);
13. May 7, 2010 – sent email to natural resource and cultural resource managers noting draft FEIS and requesting comments; and
14. May 7, 2010 – email received from Michael Karnosh, Confederated Tribes of the Grand Ronde, noting that his tribe had made comments earlier (see February 26, 2010 notation and June 26, 2009 notation) and had no further comments.

## **A.2 AGENCY AND TRIBAL CORRESPONDENCE**

Below is a list of state and federal agency letters relating to coordination for the Portland-Milwaukie Light Rail Project. The following pages contain copies of this correspondence or indicate where in the FEIS the correspondence is included.

1. U.S. Department of Transportation – February 29, 2008, Air Quality Conformity Determination for the 2035 Regional Transportation Plan (RTP) and Metropolitan Transportation Improvement Program (MTIP).
2. Oregon State Historic Preservation Office – April 25, 2008, letter to Metro conditionally approving survey project contingent on successful resolution of adverse effects to 17 properties.
3. U.S. Environmental Protection Agency – June 23, 2008, letter stating that in their review of the SDEIS, the agency had environmental concerns because of insufficient information (an April 15, 2010, response letter from FTA is also included).
4. U.S. Army Corps of Engineers – June 23, 2008, email citing concerns with bridge navigation (an April 15, 2010, response letter from FTA is also included).
5. Federal Transit Administration – October 13, 2009, letter to National Marine Fisheries Service (NMFS) submitting Biological Assessment.
6. Oregon Department of State Lands – October 28, 2009 letter of concurrence on wetland delineations

7. Oregon Parks and Recreation Department, State Historic Preservation Office – February 5, 2010, cover form stating SHPO concurrence concerning historic resources, eligibility and no adverse effect.
8. Advisory Council on Historic Preservation (ACHP) – March 3, 2010 letter indicating that their regulations do not apply to this project.
9. U.S. Department of Interior, National Parks Service – regarding Section 4(f) review – March 31, 2010, email citing concurrence.
10. Oregon Natural Heritage Information Center (ORNHIC)—April 9, 2010 letter citing the provided information concerning rare, threatened, and endangered plant and animal records.
11. U.S. Coast Guard - April 29, 2010 letter to FTA concluding that the FEIS is adequate for NEPA purposes for their upcoming Willamette River bridge permitting process.
12. Memorandum of Agreement (MOA) between SHPO, FTA and TriMet concerning historic properties (Appendix N).
13. National Marine Fisheries Service (NMFS), letter issuing a Biological Opinion, including the Biological Opinion (Appendix Q).

In addition, copies of correspondence for Section 4(f) properties are provided as attachments to Appendix K.



U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration  
The Oregon Division  
530 Center Street, Suite 100  
Salem, Oregon 97301  
503-399-5749

Federal Transit Administration  
Region 10  
915 Second Avenue, Room 3142  
Seattle, Washington 98174-1002  
206-220-7954

February 29, 2008  
IN REPLY REFER TO

MAR

90.220  
724.411  
724.412

Mr. David Bragdon  
President  
Metro Council  
600 N.E. Grand Avenue  
Portland, Oregon 97232-2736

RE: Conformity Determination for the 2035 Regional Transportation Plan (RTP) and  
Re-determination for the 2008-2011 Metropolitan Transportation Improvement Program  
(MTIP)

Dear Mr. Bragdon:

The Portland metropolitan area is designated maintenance for carbon monoxide. On January 24, 2006, the Environmental Protection Agency (EPA) published a Federal Register notice approving Portland's second carbon monoxide maintenance plan, with an effective date of February 23, 2006.

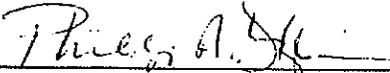
The Clean Air Act of 1990, as amended, requires that transportation plans, programs and projects cannot create new National Ambient Air Quality Standards (NAAQS) violations, increase the frequency or severity of existing NAAQS violations or delay attainment of the NAAQS. The Metropolitan Planning Organization (MPO) and the U.S. Department of Transportation (Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)) are required to make a transportation conformity determination in non-attainment and maintenance areas as outlined in 40 CFR Part 93.104, Frequency of Conformity Determinations. Transportation conformity ensures that Federal funding and approval are given to those transportation activities that are consistent with air quality goals, and do not worsen air quality or interfere with the purpose of the State Implementation Plan (SIP).

FHWA and FTA have completed our review of the Metro conformity determination for the 2035 RTP and the re-determination for the 2008-2011 MTIP. A joint FHWA and FTA air quality conformity determination for the RTP, and a re-determination of the TIP is required by Section 93.104 of the EPA's *Transportation Conformity Rule*, 23 C.F.R. Parts 51 and 93, and the FHWA/FTA *Metropolitan Planning Rule*, 23 C.F.R. Part 450, as well as Oregon Administrative Rule (OAR) 340-252-0050. Our USDOT conformity determination is based upon the Metro conformity determination analysis and documentation submitted to our offices by your February 29, 2008, letter and attachments.

The Metro Council adopted the 2035 RTP and associated air quality conformity determination on February 28, 2008, through Resolution 08-3911. The conformity analysis provided by Metro indicates that all air quality conformity requirements have been met. Based on our review, we find that the 2035 RTP and the 2008-2011 TIP conforms to the SIP in accordance with the *Transportation Conformity Rule* and the Oregon conformity SIP. The federal conformity determination does not change the frequency requirement for new TIPs. This federal conformity determination was made after consultation with EPA Region 10, pursuant to the *Transportation Conformity Rule*.

This letter constitutes the joint FHWA and FTA air quality conformity determination for Metro's 2035 RTP and the re-determination of the 2008-2011 MTIP. If you have any questions regarding this conformity determination, please contact Michelle Eraut, FHWA at (503) 587-4716 or Ned Conroy, FTA, at (206) 220-4318.

Sincerely,

  
Phillip A. Ditzler  
Division Administrator  
Federal Highway Administration

  
R. F. Krochalis  
Regional Administrator  
Federal Transit Administration

- cc:
- EPA (Wayne Elson)
- FTA (Ned Conroy)
- ODOT (Jason Tell, Region 1 Manager)  
(Rian Windsheimer, Region 1 Planning Manager)  
(Steve Leep, Program and Funding Services Manager)  
(Marina Orlando, Environmental Services)
- Metro (Andy Cotugno)  
(Ted Leybold)  
(Mark Turpel)
- ODEQ (Dave Nordberg)

ME/ig

**AMERICAN  
ECONOMY**

**BUCKLE UP  
AMERICA**



# Oregon

Theodore R. Kulongoski, Governor

## Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

FAX (503) 986-0793

[www.hcd.state.or.us](http://www.hcd.state.or.us)



April 25, 2008

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

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

Dear Ms. Wieghart,

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

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

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

Sincerely,

Stephen P. Poyser, PhD  
Sec. 106 Review & Compliance/Preservation Planner  
503.986.0686 or [stephen.poyser@state.or.us](mailto:stephen.poyser@state.or.us)



# Oregon Cover Sheet

Theodore R. Kulongoski, Governor

## Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

(503) 986-0793

www.hcd.state.or.us

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

Survey Project Name **Portland - Milwaukie LRT**

City **Portland**

County **Multnomah**

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

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

Year Completed **2007**

Date Submitted to SHPO

Survey Type **Selective Baseline**

Survey Sponsor **Parametrix**

Surveyor Name **Julie Osborne/Kimberl Fitzgerald**

# Contributing Properties

17

Acreage Surveyed

110

(estimate using USGS quad)

# Non-contributing Properties

64



Nature HISTORY Discovery

Survey Boundaries

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

Survey Summary

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

106 Effect:

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

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

To Be Completed by SHPO Staff

### SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

### SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
- Return for Additional Data

### Checklist of Required Items:

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

SHPO Staff Signature

Date

4/22/08

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

June 23, 2008

Reply To: EPTA - 088

Ref.: 98-028-FTA

Linda Gehrke, Deputy Regional Administrator  
Federal Transit Administration  
Jackson Federal Building, Suite 3142  
915 Second Ave.  
Seattle, WA 98174

Dear Ms. Gehrke:

The EPA has reviewed the fourth Draft Supplemental Environmental Impact Statement (SDEIS) for the proposed **South Corridor Portland-Milwaukie Light Rail Project** (CEQ No. 20080180) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we also evaluate the document's adequacy in meeting NEPA requirements.

The SDEIS evaluates potential environmental impacts of a proposal to develop a light rail transit system connecting downtown Portland, the City of Milwaukie and north Clackamas and Multnomah Counties, OR and Clark County, WA. Because of higher concentration of population and facilities (public and private) within the project corridor, there is need to provide a dependable way for people to travel conveniently, safely, and economically in the area. When complete, the project will improve the quality of transit service and help to meet significant travel needs expected within the project corridor due to projected high population and employment growth in the near future. In South Portland area, for example, there will be 221% change in forecasted households from 2005-2030 (p. 1-11), and the percent change in employment will be 59% over the same period.

In analyzing the impacts of the Light Rail project, the Federal Transit Administration (FTA) and its partners, Metro and Tri-County Metropolitan Transportation District of Oregon, considered a No-Build Alternative and Light Rail Alternatives based on the Locally Preferred Alternative (LPA) that was identified in the 2003 SDEIS. In addition to the LPA, FTA developed two alternatives for Light Rail corridor alignments (Fig. 2.1-3), four Willamette River crossing alternatives (Fig. 2.1-2), and three bridge designs (Fig. 2.1-4). Data presented in this document and resulting public comments will be used to identify a Preferred Alternative for the proposed Portland-Milwaukie Light Rail project.

In general, EPA supports mass transit services that reduce pollution, conserve energy, and minimize environmental degradation, while ensuring safety and security, so we are generally supportive of the project. However we have concerns about aspects that have potential to further degrade water quality, impact fisheries, and disturb and release pollutants from hazardous material sites and sites with contaminated sediments. We recommend selection of a bridge design with as few piers as possible to minimize disturbance of potentially contaminated sediment and minimize the impact to fisheries. We encourage FTA and project partners to continue to work with the Oregon Department of Environmental Quality (ODEQ) to obtain the Clean Water Act Section 401 Certificate and assure that the state of Oregon water quality standards are met. FTA should also coordinate with ODEQ as contaminated sites in the project area are identified and remedial actions are developed and implemented. Detailed comments are attached.

Because of concerns about water quality, hazardous materials and sites, and missing or unclear information, we have assigned a rating of EC-2 (Environmental Concerns - Insufficient information) to the draft EIS. This rating and a summary of our comments will be published in the *Federal Register*. For your reference, a copy of our rating system used in conducting our review is enclosed.

EPA commends FTA for working with a variety of stakeholders, coordinating with affected Tribes, establishing and working with a Citizen Advisory Committee for the project, and considering other public comments in developing and analyzing the impacts of the proposed project.

If you have questions or would like to discuss our comments in detail, please feel free to contact Theo Mbabaliye at (206) 553-6322 or me at (206) 553-1601.

Sincerely,

/s/  
Christine Reichgott, Manager  
NEPA Review Unit

Enclosure

cc:

EPA Oregon Operations Office  
The US Coast Guard in Portland, OR  
Oregon Department of Environmental Quality

**EPA Detailed Comments on the Proposed  
Portland-Milwaukie Light Rail Project**

**Water quality and hydrology**

Water quality degradation is one of EPA's primary concerns. Section 303(d) of the Clean Water Act (CWA) requires States (and Tribes with approved standards) to identify water bodies that do not meet water quality standards and to develop water quality restoration plans to meet established water quality criteria and associated beneficial uses. The SDEIS indicates that the project would cross up to eight waterways, including the Willamette River, Kellogg Lake and, depending on the alignment option selected, six more creeks (p. 3-122). Most of these waterways are on the state of Oregon most current EPA-approved 303(d) list of impaired waterbodies due to their exceedances of water quality criteria such as temperature, mercury, and bacteria. Nearly all the waterways in the project corridor support populations of anadromous and resident fish species, some of which are listed as threatened under the Endangered Species Act or are species of concern. For example, the Willamette River and Kellogg Lake/creek support both Coho salmon and Steelhead, which are listed as threatened by the federal government and as endangered by the state.

The project is expected to result in an increase of about 31-34 acres of impervious surfaces and almost 2-3 acres of potential floodplain fill. Such an increase could result in greater stormwater volumes and higher pollutant loading to 303(d)-listed streams. The project would also create in-water new structures (piers and bridge footings). We are concerned that construction of these structures could disturb and re-suspend contaminated sediment. We are also concerned that the structures, once constructed, could serve as cover for predators of listed fish species, thereby exacerbating threats to these species.

*Recommendations:*

1. We encourage FTA to select options to minimize the extent of impervious surfaces and consider use of Low Impact Development (LID) techniques that reduce the volume of stormwater and mimic natural conditions as closely as possible. Information about LID practices can be found at:  
[http://www.psat.wa.gov/Programs/LID/lid\\_cd/brochure.pdf](http://www.psat.wa.gov/Programs/LID/lid_cd/brochure.pdf) and  
<http://www.epa.gov/smartgrowth/stormwater.htm>.
2. We recommend selection of a bridge design with as few piers as possible to minimize disturbance of potentially contaminated sediment and minimize the impact to fisheries.

The final EIS should also include information about the status of the Clean Water Act Section 401 Certification process, and if possible, specific requirements to meet state water quality standards and Water Quality Monitoring Plan to address water quality problems. FTA should also coordinate with ODEQ as the TMDL for the Willamette River is implemented and other plans to restore water quality in other water quality limited waterbodies are also developed and implemented.

### **Hazardous materials**

The SDEIS indicates that construction of the Light Rail project may encounter 80-95 contaminated sites within the project corridor, of which 35-42 would be of high concern. During construction, petroleum products may be accidentally spilled to the ground and contaminate soils and groundwater. Paint, acids, solvents, asphalts, and other chemical pollutants may also be used at construction sites and be carried in stormwater runoff. Removal of structures containing contaminants such as lead, polychlorinated biphenyls (PCBs), and asbestos may also be necessary. Construction of river and stream crossings has the potential to stir up in-water sediments and riverbank soils contaminated with metals, PCBs, and polycyclic aromatic hydrocarbons. EPA is concerned about the project potential to mobilize contaminants currently in soils and sediments, impeding ongoing and planned remedial actions for the contaminated sites. As a result, the project would possibly exacerbate water quality problems within listed waterbodies, resulting in impacts to aquatic life and fish.

#### **Recommendations:**

1. FTA should coordinate with ODEQ as contaminated sites are identified; and cleanup plans are developed and implemented to minimize impacts resulting from possible release of hazardous materials in the environment and disturbance of contaminated sites.
2. The final EIS should include detailed information regarding specific measures that will be taken to reduce impacts of potential release of hazardous materials in the environment and disturbance of contaminated sites by the project. As an example, the final EIS could include information addressing Spill Prevention, Control, and Countermeasure (SPCC) plans for the project.

#### **Monitoring**

The proposed project has the potential to impact a variety of resources for an extended period of time. As a result, we recommend that the project be designed to include an environmental inspection and mitigation monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. The EIS document should describe the monitoring program and how it will be used as an effective feedback mechanism so that any needed adjustments can be made to the project to meet environmental objectives during the project operation and maintenance.



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)

April 15, 2010

Ms. Christine Reichgott, Manager  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

**Re: EPTA -- 088; Ref.: 98-028-FTA (Portland to Milwaukie Light Rail Transit Project)**

Dear Ms. Reichgott:

Thank you for your letter dated June 23, 2008 that provided the Federal Transit Administration with your comments on the *Draft Supplemental Environmental Impact Statement for the South Corridor Portland-Milwaukie Light Rail Project*.

Since receiving your letter, the Project has completed sufficient engineering and analysis in order to address your comments and concerns. Attached is a more detailed response to your concerns. Briefly, however, we believe that the Project has been responsive in the following ways:

- Water Quality: the Project design minimizes impervious surfaces and will use the standards of the 2008 City of Portland Stormwater Manual throughout the full extent of the Project. These are the best water quality standards in the region.
- Impact to Fisheries: the Project design was revised to minimize its impacts to fish including Willamette River bridge realignment, reduction in the number of in-water piers and revised construction methods. Other water crossing impacts were also reduced.
- Hazardous Materials: The Project has designed methods to address the existing contaminated sediments in the Willamette River so as not to disturb them. In addition, the Project has recognized the hazardous material handling requirements that will be followed during construction and transit operation. The Project has also coordinated with the Oregon DEQ as recommended by EPA.
- Monitoring: The Project has agreed to include a number of monitoring activities to address compliance with mitigation measures, in-water noise and vibration levels, monitoring of excavations that may be in proximity to potential cultural resources and monitoring of riparian plantings and stormwater and spill prevention programs.

Further, we have enclosed a copy of the administrative review draft of the *South Corridor, Portland/Milwaukie Light Rail Project Final Environmental Impact Statement*.

We would appreciate your review of this draft FEIS and welcome any further comments that you may have about this document and project. We request you provide any additional comments by April 30, 2010. If you are unable to complete your review within this timeframe, please provide a date when we can anticipate comments. If you have any questions, please contact James (Steve) Saxton at 206-220-4311, or via email at [james.saxton@dot.gov](mailto:james.saxton@dot.gov).

Please do not hesitate to contact Steve Saxton at FTA at 206-220-4311 if you have any questions.

Thank you.

Sincerely,



*for* Linda Gehrke  
Deputy Regional Administrator

cc: Steve Saxton, FTA  
Bridget Wieghart, Metro  
Dave Unsworth, TriMet

Enclosure

Attachment 1 of 1 for FTA letter to EPA

April 12, 2010

Detailed Response of the Federal Transit Administration, Region X, to the June 23, 2008 EPA comments concerning the Supplemental Draft Environmental Impact Statement for the Portland-Milwaukie Light Rail

### **Water Quality**

The first Project approach to stormwater runoff was to limit the amount of additional impervious surfaces. Wherever tie and ballast system design could be used (outside of structures and some urban areas where local officials urged, for urban design reasons, paved track design), the LRT track is pervious and allows stormwater to percolate into the ground. Similarly, where park and ride lots are needed, structured parking which reduces the amount of impervious surface to number of parking spaces was used in all instances.

For those elements of the project where impervious surfaces are required, the Project is applying the City of Portland Stormwater Manual (2008) as a standard for treating all stormwater runoff from the project (in Ruby Junction the City of Gresham stormwater requirements are used and these requirements are equal to City of Portland requirements.) Accordingly, the Project will treat stormwater runoff from the paved track and structures, including bridges, directing water to bioswales and other stormwater treatment designs prior to connection to municipal stormwater facilities and/or into water bodies.

In addition, the Project will submit an application for a Clean Water Act Section 401 Certificate to demonstrate Project compliance with the Clean Water Act and related regulations and standards.

### **Impact to Fisheries**

The potential impact of the project to fisheries was addressed in a number of ways and is addressed according to the seven water body crossings.

#### Willamette River Bridge

Extensive Project revisions were made to address potential impacts to fish. These included:

- Reduced the number of in-water piers from as many as four to the final design which has two in-water piers;
- Revised the bridge design by relocating the west piers to reduce the impact on scarce shallow water habitat;
- Revised the in-water construction periods to conform with Oregon Department of Fish and Wildlife in-water work window – eliminating all in-water work other than during the period July 1 to October 31 of any year so that fish passage, rearing and other fish activities are not disturbed;
- Reconfigured construction methods to use cofferdams with sheet piling vibrated rather than pile driven into place (though proofing with bubble curtains would be needed) and

drilled shafts rather than placing shafts that are pile driven to greatly reduce underwater noise and vibrations that can be injurious to fish and other aquatic species.

- Provided shoreline restoration with native plantings from the ordinary low water point landward to points between 45 and 100 feet land side of the top of bank;
- Designed mitigation to place sand and cobble to improve fish habitat and reduce the impact of pier and cofferdam scour protection intended to secure existing hazardous materials on the river bottom;
- Removed derelict remnant pilings that leach contaminants and which can provide fish predator cover;
- Agreed to adhere to best management practices, including SLOPES IV, to minimize the chance of contaminant spills or other adverse impacts to water or habitat important to fish.

#### Crystal Springs Creek

In order to avoid disturbance of existing conditions on this Creek, the project was designed to bridge this Creek – that is currently within a culvert. This design would allow future culvert removal or rebuilding to more fish friendly design. Nearby wetlands that will be impacted by the Project are mitigated through offsite wetland restoration of equal value.

#### Johnson Creek

In association with this crossing, the project has redesigned the crossing bth bridge the Creek so that there is no in-water work as well as to narrow the footprint of the structure crossing the Creek as well as determined that floodplain enhancement and wetland/streambank restoration will be provided.

#### Crystal Creek

The Project will replant areas disturbed during construction with native plantings that provide shade, habitat for species that fish feed on and which improve water quality thereby improving fish habitat.

#### Spring Creek

The Project has designed the crossing of the culvert containing Spring Creek so that disturbance of fish passage and of the existing culvert is keep to a minimum.

#### Kellogg Lake

The Project has created a design which limits in-water work to one set of in-water piers and will include streambank restoration to improve the fish habitat.

#### Courtney Creek

Because the Creek has been directed into a culvert about 30 feet below existing grade, the Project has limited ability to improve fish habitat with this crossing. However, stormwater generated from the Project at this site, including the park and ride structure as well as stormwater from adjacent properties and streets will be directed to an at-grade stormwater bioswale that will be planted with native plants and which will slow water flows, reduce contaminants in the water and cool the water – all actions that help promote better fish habitat.

## **Hazardous Materials/Contaminated Sediments**

### Overall Approach

In regard to the EPA concerns noted in this paragraph about hazardous materials, the project investigated earlier samplings as well as completed additional samplings of the Willamette River bottom. These samples indicated that there are sites with varying contaminants and varying levels of contamination in the vicinity of the Project. The PMLR project design recognizes these existing conditions and has designed its structure and construction methods to contain these hazardous materials in place. Prior to construction, geotechnical borings were completed in the Willamette River. In order to address disturbing hazardous materials, boring holes will be sealed with bentonite approximately five feet below the mudline.

Further, the temporary work bridge on the west bank has been redesigned to span the hazardous material containment cap to be constructed by the property owner (Zidell). This design reduces the number of temporary piers. In addition, the Project will be placing a layer of one foot of sand over this cap as well as over the location of the west bank temporary work bridge so that setting the temporary piers does not disturb existing sediments and contaminants (called the Sediment Management Area by Oregon Department of Environmental Quality).

For the permanent piers, a design was selected that reduced the number of in-water piers from as many as four to the final design which has only two in-water piers. Further, one foot layer of sand will be laid on the river bottom to contain any hazardous materials and then a cofferdam composed of vibrated in sheet piles will be constructed. A scour analysis was completed assessing the potential river bottom scour that could occur as a result of placing the coffer dam and permanent piers. Scour protection for the piers (placed on top of the sand layer) was designed to protect against the 500 year flood event for the permanent piers and the ten year event for the cofferdam, again to ensure that existing hazardous materials are not re-suspended into the water or otherwise transported as a result of Project actions.

On the west bank land side, the Project has coordinated with Oregon Department of Environmental Quality as well as the property owner (Zidell), who is under court order to complete site remediation, as well as other contaminated sites that the Project will construct upon. The PMLR project redesigned the LRT alignment to avoid more of the identified hazardous material sites and will conduct its construction consistent with the knowledge of hazardous materials and best management practices. (see the specific hazardous material handling response.)

The SDEIS and Water Quality & Hydrology Results Report discuss the 303(d) listings and the species known or suspected to occur in the streams affected by the project. Locally Preferred Alternative would cross the Willamette River, Kellogg Lake and five additional waterways. The Minimum Operable Segment would not cross Kellogg Lake or Courtney Springs Creek. The project would also expand the Ruby Junction Operations and Maintenance Facility in Gresham within the 100-year floodplain of Fairview Creek. Stormwater treatment for the LRT alignment is following City of Portland requirements, which should address increased stormwater volumes and pollutant loadings into project area streams. Where feasible, low-impact development (LID) is being integrated into the design. The Willamette River bridge and the Kellogg Lake bridge will have piers installed in the water column. The number and size of the piers have been reduced to extent practicable while still providing structural integrity.

Investigations into effects to known in-water contaminants are still being conducted. Further information on effects and minimization measures are discussed in Section 3.8 Ecosystems of the FEIS and the Biological Assessment for the project.

The FEIS provides an update on the permitting requirements and processes, including the Section 401 WQ certification. Communication with DEQ water quality staff has occurred during the preliminary design and NEPA stages, and will continue to occur through advanced design, NEPA, and permitting efforts.

#### Technical Responses: Accidental Spills, Removal of Structures, River and Stream Crossings

Regarding accidental spills and stormwater runoff during construction, the PMLR project team acknowledges that project construction activities can have an adverse effect on environmental media such as soil, sediment, surface water and groundwater from the release of hazardous substances and petroleum products. Construction activities will be conducted in a manner that is consistent with State of Oregon Revised Statute (ORS) Chapter 466, the City of Portland Charter and Code (CPC) Chapters 10 and 21, and/or other relevant or applicable rules or regulations. Actions would include preparing site specific spill control and prevention plans (SCPC), construction stormwater control and pollution prevention plan (SWCPP), health and safety plans (HASP), and implementing best management practices (BMPs).

Regarding removal of structures, buildings and structures that have lead or asbestos containing materials (ACMs) will need to have proper abatement conducted prior to any demolition, renovation, or repair activities. Abatement must follow state guidelines and be conducted by licensed abatement firms (Oregon Administrative Rules [OAR] 248). Abatement materials must be properly disposed of at authorized solid waste facilities. In general, building and structures that were built prior to 1980 have a higher likelihood of containing asbestos. EPA issued a ban and phase out rule of asbestos in 1989.

Regarding river and stream crossing impacts, the PMLR project team recognizes that potential adverse impacts to the environment could occur from the installation of the Willamette River Crossing. The project team has been and continues to discuss these issues with Keith Johnson at Oregon Department of Environmental Quality (ODEQ), the City of Portland, and other potentially responsible parties (PRPs) including Zidell Realty Company (ZRZ) (ESCI No. 698), Portland General Electric (PGE) Station L (ESCI No. 51) and Oregon Health and Sciences University (OHSU) Former Schnitzer Property (ESCI No. 875) that are undergoing cleanup. This discussion will help in the determination of avoidance, minimization and mitigation strategies. These strategies will be developed as the remedial actions at these sites are finalized and the preliminary design for the crossing is completed.

#### EPA Recommendations

*EPA Recommendation: FTA should coordinate with ODEQ as contaminated sites are identified; and cleanup plans are developed and implemented to minimize impacts resulting from possible release of hazardous materials in the environment and disturbance of contaminated sites.*

The PMLR project team has coordinated with ODEQ, especially on the existing hazardous materials located on the Zidell property and on the Willamette River bottom, as well as the hazardous waste users and known contaminated sites along the alignment. The Project will continue to coordinate through Project construction, and believes this will result in further protection to the environment and potential savings to the project in terms of costs and schedule.

*EPA Recommendation: The final EIS should include detailed information regarding specific measures that will be taken to reduce impacts of potential releases of hazardous materials in the environment and disturbances of contaminated sites by the project.*

The PMLR project team agrees with EPA's recommendation. The FEIS contains a number of detailed avoidance, minimization and mitigation strategies to reduce adverse effects to the environment noted in Chapter 3.13. These include, but are not limited to a contaminated media management plan (CMMP), phase 1 and phase 2 environmental site assessments, SCPP, SWCPP, HASP, and NPDES permitting.

### **Monitoring**

Following are the monitoring activities that the PMLR Project will be completing:

- The Federal Transit Administration will be monitoring compliance with the list of project mitigation measures so that all mitigation is completed prior to commencement of Project operation;
- The Project has agreed to monitor both land and limited in-water pile proofing for underwater noise and vibration levels and to promptly report to the National Marine Fisheries Service;
- The Project has an Inadvertent Discovery agreement with the State Office of Historic Preservation so that if any underground historic or prehistoric resources are discovered there are agreed upon procedures for next steps, including possible preservation;
- The Project has agreed to provide for Native American tribal monitoring of below ground excavation;
- The Project has agreed with the State Office of Historic Preservation through a Memorandum of Understanding, that the Project will coordinate with the SHPO on yet to be determined design details for treatments in the immediate vicinity of historic resources to ensure compatibility;
- The Project has agreed to monitor the health of all native plantings and streambank restoration areas for a period of five years to ensure that such plantings are well established;
- The Project has agreed to monitoring of all LRT bridges crossing water bodies to ensure that stormwater runoff systems and TriMet maintenance and operations methods successfully manage the potential for spills and surface water contamination.

**From:** "Yballe, Dominic P NWP" <Dominic.P.Yballe@usace.army.mil>  
**To:** "Bridget Wieghart" <wieghartb@metro.dst.or.us>, "Mark Turpel" <turpelm@m...>  
**CC:** "Carrubba, Sheryl A NWP" <Sheryl.A.Carrubba@usace.army.mil>  
**Date:** 6/23/2008 3:34 PM  
**Subject:** FW: Comments for South Corridor of Portland-Milwaukie Light Rail Project

Good Afternoon,

Comments from Corps regulatory included in this e-mail. Thank you!

Dominic Yballe  
CENWP-OD-G  
P.O. Box 2946  
Portland, Oregon 97208-2946  
Office: 503-808-4392  
fax: 503-808-4375

—Original Message—

**From:** Holm, James A NWP  
**Sent:** Monday, June 23, 2008 3:29 PM  
**To:** Yballe, Dominic P NWP  
**Subject:** Comments for South Corridor of Portland-Milwaukie Light Rail Project

Mr. Yballe,

I am interested in this project because I am the Corps Regulatory Project Manager for Multnomah and Clackamas Counties and this project includes both of those counties. My first comment has to do with the justification for another bridge across this section of the Willamette River. This would result in a fourth major river crossing in less than one river mile. Surely, it is feasible to tie into one of the existing three bridges to cross this water body.

My second comment is the height restriction on navigation of the Willamette River. Any new crossing (or bridge retro-fit) should not lower the height of vessels using the river. The new bridge clearance should be 120 feet or greater, just like the Ross Island and Marquam Bridges.

Please feel free to contact me regarding clarification of the two comments.

James A. Holm  
Project Manager, Regulatory Branch  
U.S. Army Corps of Engineers - Portland District  
333 S.W. First Avenue  
Portland, OR 97204  
Tel: 503-808-4385  
Fax: 503-808-4375  
james.a.holm@usace.army.mil



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)

April 15, 2010

Mr. James Holm, Project Manager  
United States Army, Corps of Engineers  
Portland District  
333 Southwest First Avenue  
Portland, Oregon 97204

Dear Mr. Holm:

Thank you for your email dated June 23, 2008 that provided the Federal Transit Administration with your comments on the *Draft Supplemental Environmental Impact Statement for the South Corridor Portland-Milwaukie Light Rail Project*.

We believe that the two comments that you raised have been addressed by the Project, in part through a meeting with you and Sheryl Carruba on September 30, 2008.

Your first comment concerned the justification of another bridge across the Willamette River. We provided documentation that use of existing bridges, including the Hawthorne Bridge, the Ross Island Bridge and the Marquam Bridge would result in substantially poorer transit service than a new bridge. (This information is included in Appendix L of the SDEIS and FEIS as well as work referenced in these appendices). It is our understanding that after your consideration of this information that you concurred and that this concern was addressed.

Your second comment was a concern that the bridge height should not lower the height of vessels using the River. There was discussion, including Project partners, with comments from the US Coast Guard. At the end of this discussion, it is our understanding that you concluded that you had been provided sufficient justification for the bridge height, especially given that the U.S. Coast Guard would be conducting separate proceedings that would include bridge height permitting.

We have enclosed a copy of the administrative review draft of the *South Corridor, Portland/Milwaukie Light Rail Project Final Environmental Impact Statement*. We would appreciate your review of this draft FEIS and welcome any further comments that you may have about this document and project. If you are unable to complete your review within this timeframe, please provide a date when we can anticipate comments. If you have any questions, please contact James (Steve) Saxton at 206-220-4311, or via email at [james.saxton@dot.gov](mailto:james.saxton@dot.gov).

Thank you.

Sincerely,

*for* Linda Gehrke  
Deputy Regional Administrator

cc: Bridget Wieghart, Metro  
Dave Unsworth, TriMet

Enclosure



U.S. Department  
of Transportation  
Federal Transit  
Administration

REGION 2  
Alaska, Idaho, Oregon,  
Washington

915 Second Avenue  
Federal Bldg. Suite J142  
Seattle, WA 98174-7002  
206-220-7954  
206-220-7959 (fax)

September 1, 2009

Dennis Griffin, Ph.D.  
State Historic Preservation Office  
725 Sumner Street NE, Suite C  
Salem, OR 97301-1271

**Re: Portland to Milwaukie Light Rail Transit project - Final EIS—Archaeological Study**

Dear Dr. Griffin,

This letter is to inform you of current archeological study for the proposed Portland-Milwaukie Light Rail Transit project. Metro has been assisting the Federal Transit Administration in completing an Environmental Impact Statement (EIS) for the proposed Portland-Milwaukie Light Rail project. Metro is the project's local lead agency, working in cooperation with the Tri-County Metropolitan Transportation District (TriMet). The Supplemental Draft EIS, which was sent to your office in April 2008, examined a proposal to develop light rail transit between downtown Portland, the City of Milwaukie, and north Clackamas County. This SDEIS was prepared in compliance with the National Environmental Policy Act, and the cultural resource studies were also prepared in compliance with Section 106 of the National Historic Preservation Act. The purpose of the SDEIS was to present details of the proposed alternatives and their environmental and transportation performance to decision-makers and the public to help them identify a preferred alternative. Portions of the Portland-Milwaukie Light Rail project have been studied as part of earlier transit projects, including the South Corridor Transit Study in 2002.

Additional archaeological tasks to complete the inventory phase of study for the preferred alternative will begin during the summer of 2009. Archaeological Investigations Northwest, Inc. (AINW), will be conducting the remaining tasks, and will provide a report of the archaeological study for your office to review. If public lands may need to be shovel tested, AINW will submit permit applications for those lands.

As noted in the SDEIS, the Area of Potential Effect (APE) that has been studied for cultural resources is one-half block on each side of the alignments within the defined street grid; 150 feet in each direction from the study alternatives outside of areas where there is a street grid; and is substantially larger at the proposed crossing of the Willamette River. The archaeological resources section of the SDEIS noted that portions of the alternatives were considered to have some likelihood of retaining archaeological sites. Those areas were noted as high or moderate probability areas; these areas will be surveyed and, if possible given the existing conditions, probed by shovel testing to determine whether significant archaeological resources are present. A map is attached showing these areas identified for the additional work; they are noted as HPA-1 through HPA-8 and Moderate Area. In addition to a pedestrian survey and shovel testing

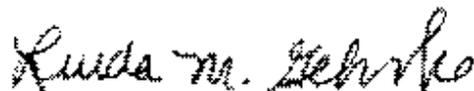
(where feasible) along the probability areas, AINW will be monitoring geotechnical probes that are planned in the probability areas.

Shovel tests will be done following the State Historic Preservation Office (SHPO) guidelines, and will measure 30 to 50 cm (12 to 20 in) at the surface and will be excavated to a minimum depth of 50 cm (20 in). Auger tests may be used to extend shovel tests and will be a minimum of 15 cm (6 in) in diameter. Excavations will extend to a depth of two 10 cm (4 in) levels below intact archaeological deposits. Sediments will be excavated manually and screened through nested 6.4 and 3.2 millimeter (¼ and ⅛ in) mesh hardware cloth. Artifacts from the shovel tests will be collected, if excavations are on public lands, and taken to the AINW laboratory for analysis and processing. The artifacts and records will subsequently be curated at the Oregon Museum of Natural and Cultural History (OMNCH) at the University of Oregon.

At the time the SDEIS was completed, no archaeological sites were recorded within the APE. Subsequent to that time, resources archeological investigations for a separate project, the Trolley Trail, have identified resources in at least one area near Milwaukie. The records of the SHPO will be checked to determine whether additional archaeological resources have been identified in the project APE since the time the SDEIS was completed.

Metro has been coordinating with the State Historic Preservation Office, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, Confederated Tribes of Warm Springs Reservation, and Cowlitz and the Chinook Tribes and will continue to do so throughout the project. I have appreciated your interest and the time your office has spent attending meetings on the project and providing comments and information. I look forward to hearing from you regarding any questions, and I would be happy to meet with you and your staff to discuss the project, if you would like.

Sincerely,



R.F. Krochalis  
Regional Administrator



Cc: Bridget Wiegart, Metro (electronic)  
David Unsworth, TriMet (electronic)  
Ross Kincaley, AINW (electronic)

Enclosure





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  
206-220-7864  
206-220-7869 (fax)

September 1, 2009

Ms. Delores Pigsley, Tribal Council Chairman  
The Confederate Tribes of Siletz Indians  
P.O. Box 549  
Siletz, OR 97380

**Re: Portland to Milwaukie Light Rail Transit project - Final EIS—Archaeological Study**

The Honorable Delores Pigsley:

This letter is to inform you of current archaeological study for the proposed Portland-Milwaukie Light Rail Transit project. Metro has been assisting the Federal Transit Administration in completing an Environmental Impact Statement (EIS) for the proposed Portland-Milwaukie Light Rail project. Metro is the project's local lead agency, working in cooperation with the Tri-County Metropolitan Transportation District (TriMet). The Supplemental Draft EIS, which was sent to your office in April 2008, examined a proposal to develop light rail transit between downtown Portland, the City of Milwaukie, and north Clackamas County. This SDEIS was prepared in compliance with the National Environmental Policy Act, and the cultural resource studies were also prepared in compliance with Section 106 of the National Historic Preservation Act. The purpose of the SDEIS was to present details of the proposed alternatives and their environmental and transportation performance to decision-makers and the public to help them identify a preferred alternative. Portions of the Portland-Milwaukie Light Rail project have been studied as part of earlier transit projects, including the South Corridor Transit Study in 2002.

Additional archaeological tasks to complete the inventory phase of study for the preferred alternative will begin during the summer of 2009. Archaeological Investigations Northwest, Inc. (AINW), will be conducting the remaining tasks, and will provide a report of the archaeological study for your office to review. If public lands may need to be shovel tested, AINW will submit permit applications for those lands.

As noted in the SDEIS, the Area of Potential Effect (APE) that has been studied for cultural resources is one-half block on each side of the alignments within the defined street grid; 150 feet in each direction from the study alternatives outside of areas where there is a street grid; and is substantially larger at the proposed crossing of the Willamette River. The archaeological resources section of the SDEIS noted that portions of the alternatives were considered to have some likelihood of retaining archaeological sites. Those areas were noted as high or moderate probability areas; these areas will be surveyed and, if possible given the existing conditions, probed by shovel testing to determine whether significant archaeological resources are present. A map is attached showing these areas identified for the additional work; they are noted as HPA-1 through HPA-8 and Moderate Area. In addition to a pedestrian survey and shovel testing

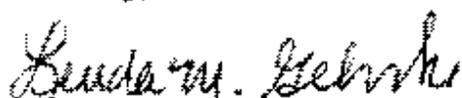
(where feasible) along the probability areas. AINW will be monitoring geotechnical probes that are planned in the probability areas.

Shovel tests will be done following the State Historic Preservation Office (SHPO) guidelines, and will measure 30 to 50 cm (12 to 20 in) at the surface and will be excavated to a minimum depth of 50 cm (20 in). Auger tests may be used to extend shovel tests and will be a minimum of 15 cm (6 in) in diameter. Excavations will extend to a depth of two 10 cm (4 in) levels below intact archaeological deposits. Sediments will be excavated manually and screened through nested 6.4 and 3.2 millimeter (¼ and ⅛ in) mesh hardware cloth. Artifacts from the shovel tests will be collected, if excavations are on public lands, and taken to the AINW laboratory for analysis and processing. The artifacts and records will subsequently be curated at the Oregon Museum of Natural and Cultural History (OMNCH) at the University of Oregon.

At the time the SDEIS was completed, no archaeological sites were recorded within the APE. Subsequent to that time, resources archaeological investigations for a separate project, the Trolley Trail, have identified resources in at least one area near Milwaukie. The records of the SHPO will be checked to determine whether additional archaeological resources have been identified in the project APE since the time the SDEIS was completed.

Metro has been coordinating with the State Historic Preservation Office, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, Confederated Tribes of Warm Springs Reservation, and Cowitz and the Chinook Tribes and will continue to do so throughout the project. I have appreciated your interest and the time your office has spent attending meetings on the project and providing comments and information. I look forward to hearing from you regarding any questions, and I would be happy to meet with you and your staff to discuss the project, if you would like.

Sincerely,



R.F. Krochalis  
Regional Administrator

*for*  
Cc: Mike Kennedy, Natural Resources Manager  
Robert Kennata, Cultural Resources Manager  
Dennis Griffin Ph.D., Oregon State Historic Preservation Office  
Bridget Wieghart, Metro (electronic)  
David Unsworth, TriMet (electronic)  
Ross Kinsley, AINW (electronic)

Enclosure

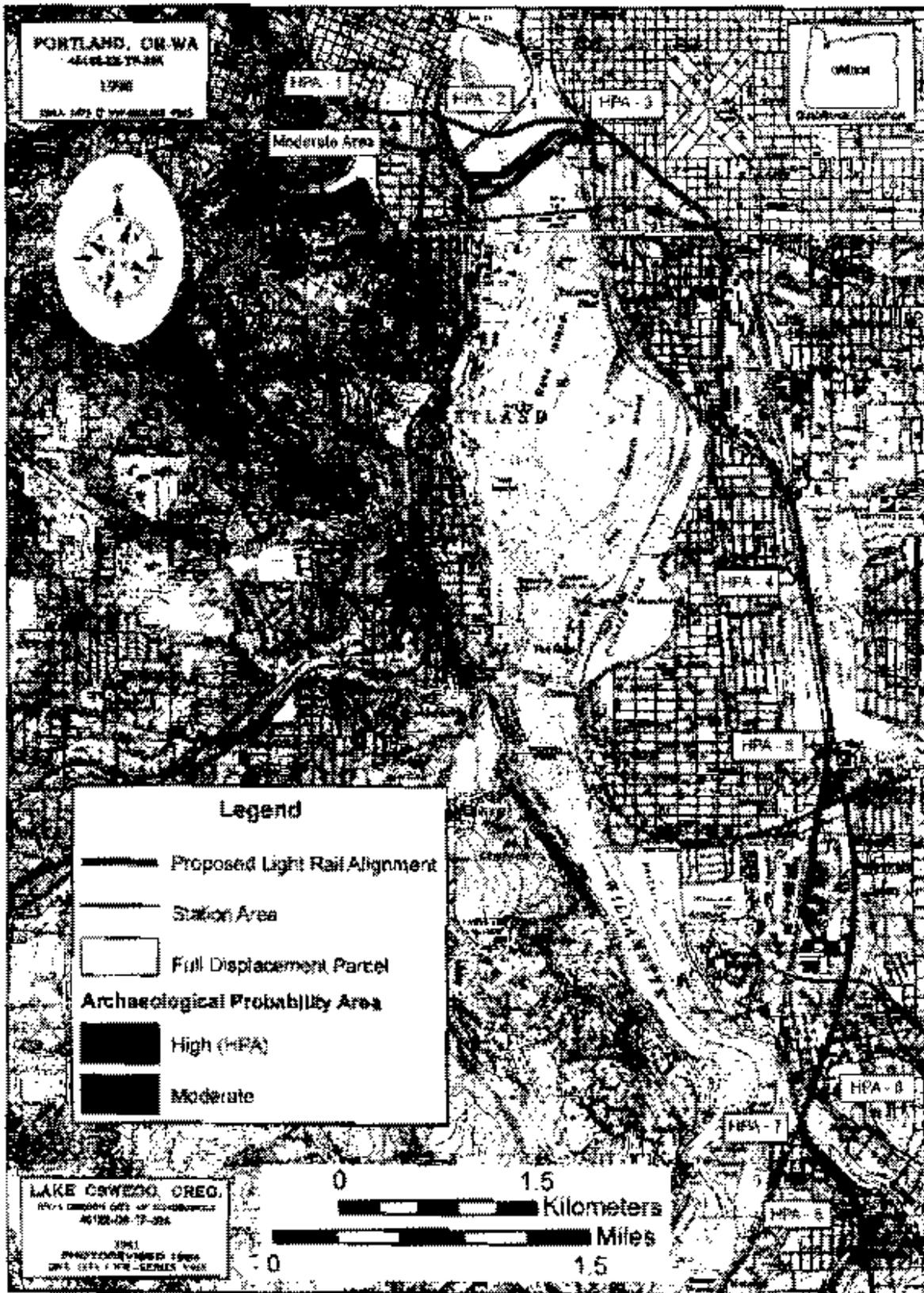


Figure 1. Project location with proposed light rail alignment, station area, full displacement parcel, and archaeological probability area locations.



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

REGION X  
Alaska, Idaho, Oregon,  
Washington

915 Second Avenue  
Federal Bldg, Suite 7142  
Seattle, WA 98174-1002  
206-220-7954  
206-220-7853 (fax)

September 1, 2009

Ms. Cheryle Kennedy, Tribal Council Chairwoman  
Confederate Tribes of Grand Ronde  
9615 Grand Ronde  
Grand Ronde, OR 97347

**Re: Portland to Milwaukie Light Rail Transit project - Final EIS—Archaeological Study**

The Honorable Cheryle Kennedy:

This letter is to inform you of current archeological study for the proposed Portland-Milwaukie Light Rail Transit project. Metro has been assisting the Federal Transit Administration in completing an Environmental Impact Statement (EIS) for the proposed Portland-Milwaukie Light Rail project. Metro is the project's local lead agency, working in cooperation with the Tri-County Metropolitan Transportation District (TriMet). The Supplemental Draft EIS, which was sent to your office in April 2008, examined a proposal to develop light rail transit between downtown Portland, the City of Milwaukie, and north Clackamas County. This SDEIS was prepared in compliance with the National Environmental Policy Act, and the cultural resource studies were also prepared in compliance with Section 106 of the National Historic Preservation Act. The purpose of the SDEIS was to present details of the proposed alternatives and their environmental and transportation performance to decision-makers and the public to help them identify a preferred alternative. Portions of the Portland-Milwaukie Light Rail project have been studied as part of earlier transit projects, including the South Corridor Transit Study in 2002.

Additional archaeological tasks to complete the inventory phase of study for the preferred alternative will begin during the summer of 2009. Archaeological Investigations Northwest, Inc. (AINW), will be conducting the remaining tasks, and will provide a report of the archaeological study for your office to review. If public lands may need to be shovel tested, AINW will submit permit applications for those lands.

As noted in the SDEIS, the Area of Potential Effect (APE) that has been studied for cultural resources is one-half block on each side of the alignments within the defined street grid; 150 feet in each direction from the study alternatives outside of areas where there is a street grid; and is substantially larger at the proposed crossing of the Willamette River. The archaeological resources section of the SDEIS noted that portions of the alternatives were considered to have some likelihood of retaining archaeological sites. Those areas were noted as high or moderate probability areas; these areas will be surveyed and, if possible given the existing conditions, probed by shovel testing to determine whether significant archaeological resources are present. A map is attached showing those areas identified for the additional work; they are noted as IHPA-1 through IHPA-8 and Moderate Area. In addition to a pedestrian survey and shovel testing

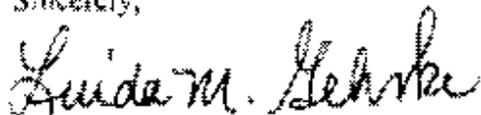
(where feasible) along the probability areas, AINW will be monitoring geotechnical probes that are planned in the probability areas.

Shovel tests will be done following the State Historic Preservation Office (SHPO) guidelines, and will measure 30 to 50 cm (12 to 20 in) at the surface and will be excavated to a minimum depth of 50 cm (20 in). Auger tests may be used to extend shovel tests and will be a minimum of 15 cm (6 in) in diameter. Excavations will extend to a depth of two 10 cm (4 in) levels below intact archaeological deposits. Sediments will be excavated manually and screened through nested 6.4 and 3.2 millimeter (¼ and ⅛ in) mesh hardware cloth. Artifacts from the shovel tests will be collected, if excavations are on public lands, and taken to the AINW laboratory for analysis and processing. The artifacts and records will subsequently be curated at the Oregon Museum of Natural and Cultural History (OMNCH) at the University of Oregon.

At the time the SDEIS was completed, no archaeological sites were recorded within the APE. Subsequent to that time, resources archeological investigations for a separate project, the Trolley Trail, have identified resources in at least one area near Milwaukie. The records of the SHPO will be checked to determine whether additional archaeological resources have been identified in the project APE since the time the SDEIS was completed.

Metro has been coordinating with the State Historic Preservation Office, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, Confederated Tribes of Warm Springs Reservation, and Cowlitz and the Chinook Tribes and will continue to do so throughout the project. I have appreciated your interest and the time your office has spent attending meetings on the project and providing comments and information. I look forward to hearing from you regarding any questions, and I would be happy to meet with you and your staff to discuss the project, if you would like.

Sincerely,



*for* R.F. Krochalis  
Regional Administrator

Cc: David Lewis, Cultural Resources Manager  
Mike Wilson, Natural Resources Manager  
Mike Karnosh, Natural Resources  
Dennis Griffin Ph.D., Oregon State Historic Preservation Office  
Bridget Wiegart, Metro (electronic)  
David Unsworth, TriMet (electronic)  
Ross Kimeley, AINW (electronic)

Enclosure

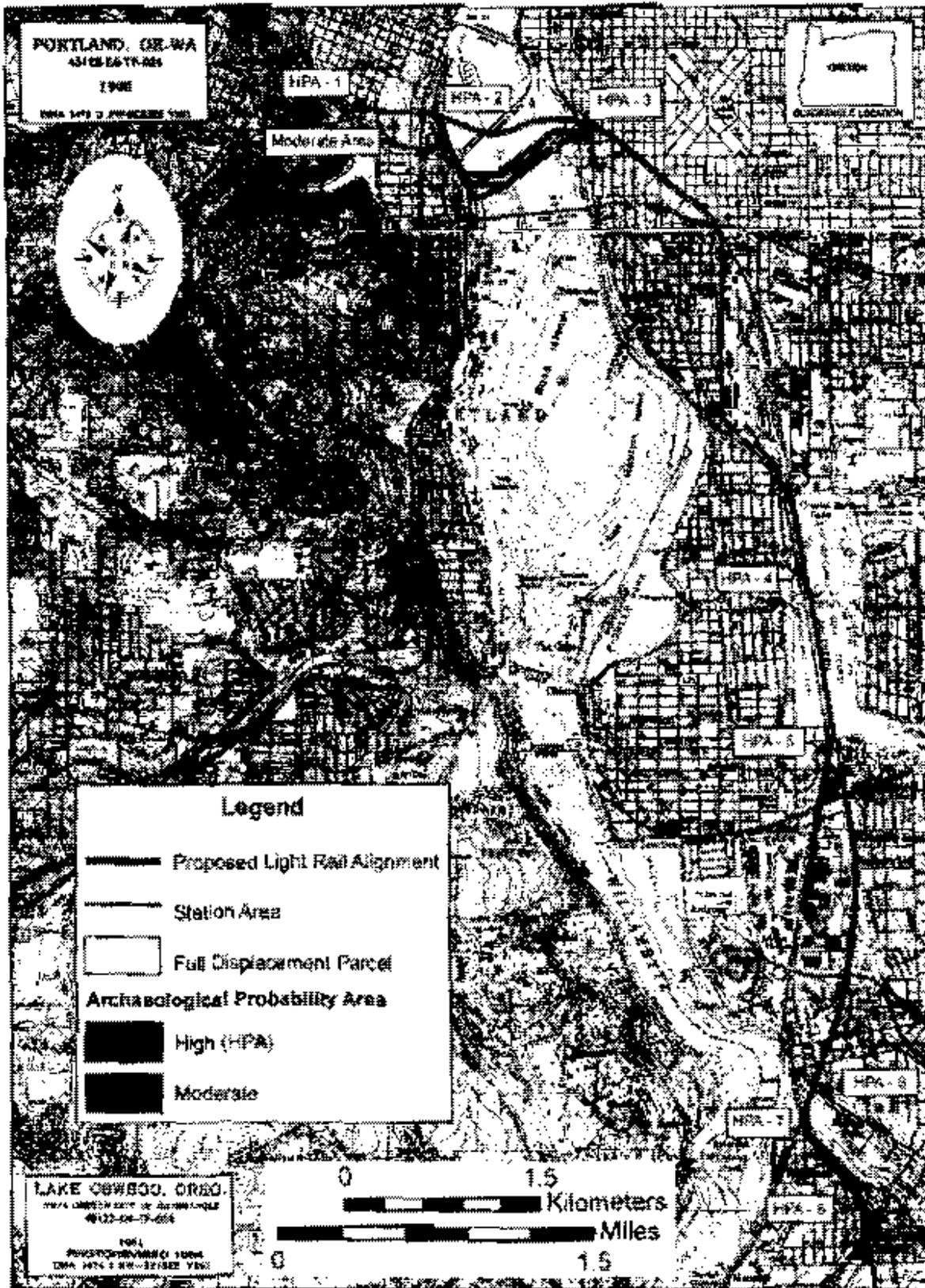


Figure 1. Project location with proposed light rail alignment, station area, full displacement parcel, and archaeological probability area locations.



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  
206-220-7988 (fax)

September 1, 2009

Mr. John Barnett, Tribal Council Chairman  
Cowlitz Indian Tribe  
1055 9<sup>th</sup> Avenue, Suite B  
Longview, WA 98632

**Re: Portland to Milwaukie Light Rail Transit project - Final EIS—Archaeological Study**

The Honorable John Barnett:

This letter is to inform you of current archeological study for the proposed Portland-Milwaukie Light Rail Transit project. Metro has been assisting the Federal Transit Administration in completing an Environmental Impact Statement (EIS) for the proposed Portland-Milwaukie Light Rail project. Metro is the project's focal lead agency, working in cooperation with the Tri-County Metropolitan Transportation District (TriMet). The Supplemental Draft EIS, which was sent to your office in April 2008, examined a proposal to develop light rail transit between downtown Portland, the City of Milwaukie, and north Clackamas County. This SDEIS was prepared in compliance with the National Environmental Policy Act, and the cultural resource studies were also prepared in compliance with Section 106 of the National Historic Preservation Act. The purpose of the SDEIS was to present details of the proposed alternatives and their environmental and transportation performance to decision-makers and the public to help them identify a preferred alternative. Portions of the Portland-Milwaukie Light Rail project have been studied as part of earlier transit projects, including the South Corridor Transit Study in 2002.

Additional archaeological tasks to complete the inventory phase of study for the preferred alternative will begin during the summer of 2009. Archaeological Investigations Northwest, Inc. (AINW), will be conducting the remaining tasks, and will provide a report of the archaeological study for your office to review. If public lands may need to be shovel tested, AINW will submit permit applications for those lands.

As noted in the SDEIS, the Area of Potential Effect (APE) that has been studied for cultural resources is one-half block on each side of the alignments within the defined street grid; 150 feet in each direction from the study alternatives outside of areas where there is a street grid; and is substantially larger at the proposed crossing of the Willamette River. The archaeological resources section of the SDEIS noted that portions of the alternatives were considered to have some likelihood of retaining archaeological sites. Those areas were noted as high or moderate probability areas; these areas will be surveyed and, if possible given the existing conditions, probed by shovel testing to determine whether significant archaeological resources are present. A map is attached showing these areas identified for the additional work; they are noted as IIPA-1 through IIPA-8 and Moderate Area. In addition to a pedestrian survey and shovel testing

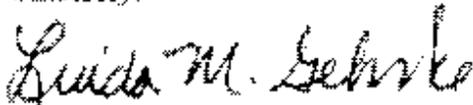
(where feasible) along the probability areas, AINW will be monitoring geotechnical probes that are planned in the probability areas.

Shovel tests will be done following the State Historic Preservation Office (SHPO) guidelines, and will measure 30 to 50 cm (12 to 20 in) at the surface and will be excavated to a minimum depth of 50 cm (20 in). Auger tests may be used to extend shovel tests and will be a minimum of 15 cm (6 in) in diameter. Excavations will extend to a depth of two 10 cm (4 in) levels below intact archaeological deposits. Sediments will be excavated manually and screened through nested 6.4 and 3.2 millimeter (¼ and ⅛ in) mesh hardware cloth. Artifacts from the shovel tests will be collected, if excavations are on public lands, and taken to the AINW laboratory for analysis and processing. The artifacts and records will subsequently be curated at the Oregon Museum of Natural and Cultural History (OMNCH) at the University of Oregon.

At the time the SDEIS was completed, no archaeological sites were recorded within the APE. Subsequent to that time, resources archeological investigations for a separate project, the Trolley Trail, have identified resources in at least one area near Milwaukie. The records of the SHPO will be checked to determine whether additional archaeological resources have been identified in the project APE since the time the SDEIS was completed.

Metro has been coordinating with the State Historic Preservation Office, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, Confederated Tribes of Warm Springs Reservation, and Cowitz and the Chinook Tribes and will continue to do so throughout the project. I have appreciated your interest and the time your office has spent attending meetings on the project and providing comments and information. I look forward to hearing from you regarding any questions, and I would be happy to meet with you and your staff to discuss the project, if you would like.

Sincerely,



*for*  
R.F. Krochalis  
Regional Administrator

Cc: David Burlingame, Cultural Resources Manager  
Nathan Reynolds, Lead Biologist, Natural Resources Department  
Dennis Griffin Ph.D., Oregon State Historic Preservation Office  
Bridget Wingham, Metro (electronic)  
David Unsworth, TriMet (electronic)  
Ross Kinley, AINW (electronic)

Enclosure

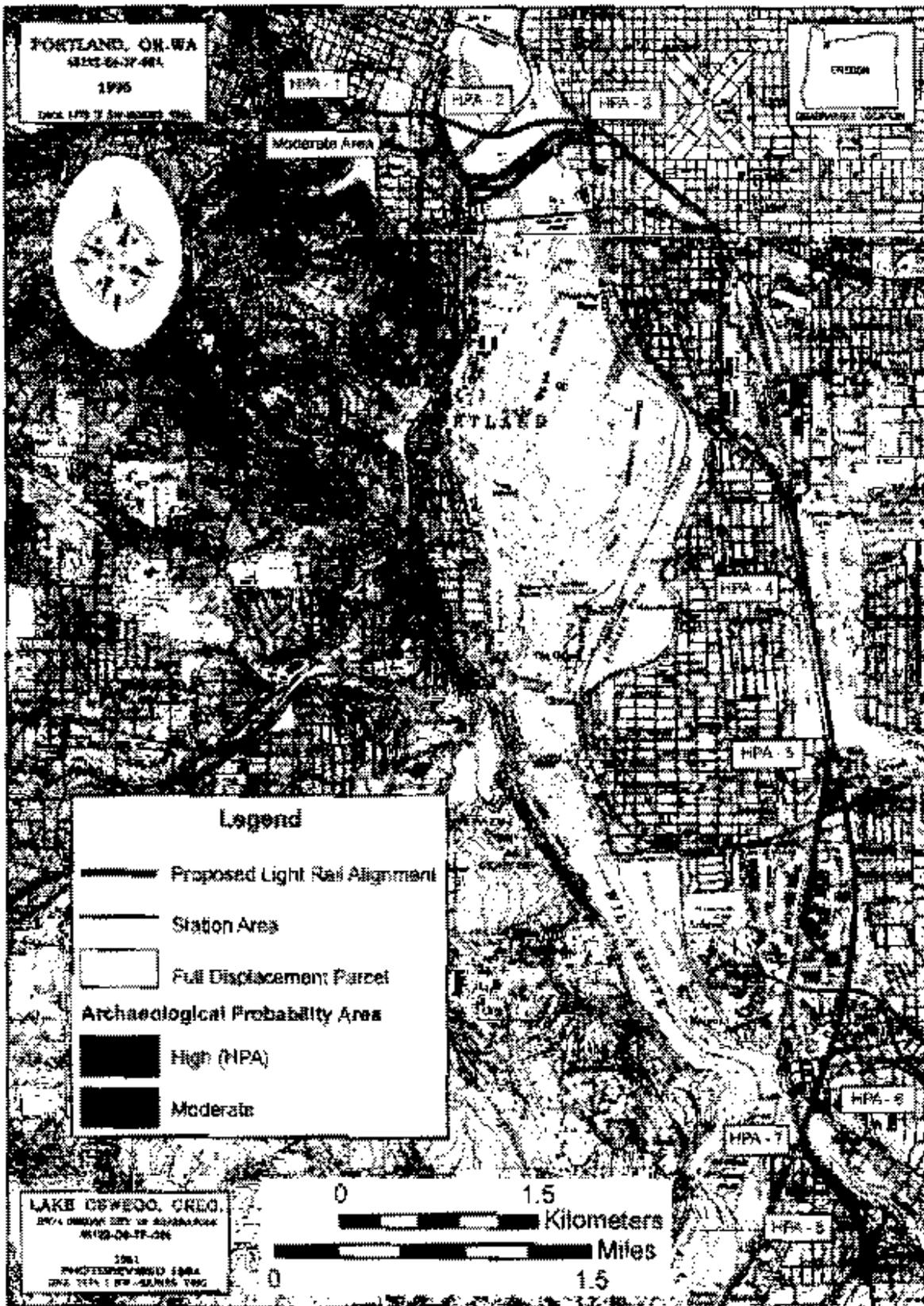


Figure 1. Project location with proposed light rail alignment, station areas, full displacement parcel, and archaeological probability area locations.



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

REGION X  
Alaska, Idaho, Oregon,  
Washington

815 Second Avenue  
Federal Bldg. Suite 2142  
Seattle, WA 98174-1002  
206-220-7954  
206-220-7859 (fax)

September 1, 2009

Mr. Ray Gardner, Tribal Council Chairman  
Chinook Tribe  
PO Box 228  
Chinook, WA 98614

**Re: Portland to Milwaukie Light Rail Transit project - Final EIS--Archaeological Study**

The Honorable Ray Gardner:

This letter is to inform you of current archeological study for the proposed Portland-Milwaukie Light Rail Transit project. Metro has been assisting the Federal Transit Administration in completing an Environmental Impact Statement (EIS) for the proposed Portland-Milwaukie Light Rail project. Metro is the project's local lead agency, working in cooperation with the Tri-County Metropolitan Transportation District (TriMet). The Supplemental Draft EIS, which was sent to your office in April 2008, examined a proposal to develop light rail transit between downtown Portland, the City of Milwaukie, and north Clackamas County. This SDEIS was prepared in compliance with the National Environmental Policy Act, and the cultural resource studies were also prepared in compliance with Section 106 of the National Historic Preservation Act. The purpose of the SDEIS was to present details of the proposed alternatives and their environmental and transportation performance to decision-makers and the public to help them identify a preferred alternative. Portions of the Portland-Milwaukie Light Rail project have been studied as part of earlier transit projects, including the South Corridor Transit Study in 2002.

Additional archaeological tasks to complete the inventory phase of study for the preferred alternative will begin during the summer of 2009. Archaeological Investigations Northwest, Inc. (AINW), will be conducting the remaining tasks, and will provide a report of the archaeological study for your office to review. If public lands may need to be shovel tested, AINW will submit permit applications for these lands.

As noted in the SDEIS, the Area of Potential Effect (APE) that has been studied for cultural resources is one-half block on each side of the alignments within the defined street grid; 150 feet in each direction from the study alternatives outside of areas where there is a street grid; and is substantially larger at the proposed crossing of the Willamette River. The archaeological resources section of the SDEIS noted that portions of the alternatives were considered to have some likelihood of retaining archaeological sites. Those areas were noted as high or moderate probability areas; these areas will be surveyed and, if possible given the existing conditions, probed by shovel testing to determine whether significant archaeological resources are present. A map is attached showing those areas identified for the additional work; they are noted as HPA-1 through HPA-8 and Moderate Area. In addition to a pedestrian survey and shovel testing

(where feasible) along the probability areas, AINW will be monitoring geotechnical probes that are planned in the probability areas.

Shovel tests will be done following the State Historic Preservation Office (SHPO) guidelines, and will measure 30 to 50 cm (12 to 20 in) at the surface and will be excavated to a minimum depth of 50 cm (20 in). Auger tests may be used to extend shovel tests and will be a minimum of 15 cm (6 in) in diameter. Excavations will extend to a depth of two 10 cm (4 in) levels below intact archaeological deposits. Sediments will be excavated manually and screened through nested 6.4 and 3.2 millimeter (¼ and ⅛ in) mesh hardware cloth. Artifacts from the shovel tests will be collected, if excavations are on public lands, and taken to the AINW laboratory for analysis and processing. The artifacts and records will subsequently be curated at the Oregon Museum of Natural and Cultural History (OMNCH) at the University of Oregon.

At the time the SDEIS was completed, no archaeological sites were recorded within the APE. Subsequent to that time, resources archaeological investigations for a separate project, the Trolley Trail, have identified resources in at least one area near Milwaukie. The records of the SHPO will be checked to determine whether additional archaeological resources have been identified in the project APE since the time the SDEIS was completed.

Metro has been coordinating with the State Historic Preservation Office, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, Confederated Tribes of Warm Springs Reservation, and Cowlitz and the Chinook Tribes and will continue to do so throughout the project. I have appreciated your interest and the time your office has spent attending meetings on the project and providing comments and information. I look forward to hearing from you regarding any questions, and I would be happy to meet with you and your staff to discuss the project, if you would like.

Sincerely,



*for*  
R.F. Krochalis  
Regional Administrator

Cc: Tony Johnson, Cultural Resources Manager  
Dennis Griffin Ph.D., Oregon State Historic Preservation Office  
Bridget Wiegart, Metro (electronic)  
David Unsworth, TriMet (electronic)  
Ross Kimeley, AINW (electronic)

Enclosure

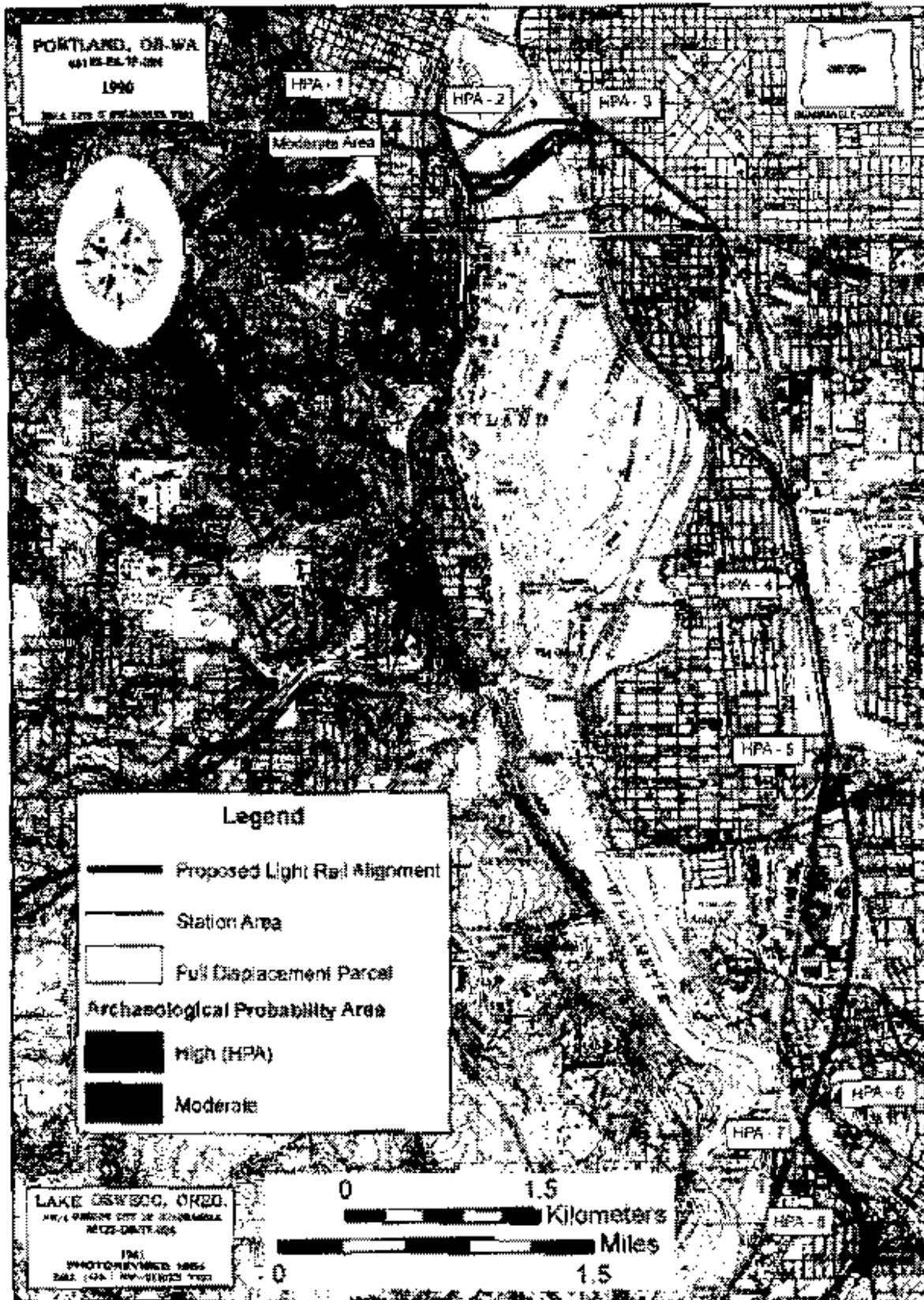


Figure 1. Project location with proposed light rail alignment, station area, full displacement parcel, and archaeological probability area locations.



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)

September 1, 2009

Mr. Ron Sappah, Tribal Council Chairman  
The Confederate Tribes of Warm Springs  
1233 Veterans Street  
Warm Springs, OR 97761

**Re: Portland to Milwaukie Light Rail Transit project - Final EIS—Archaeological Study**

The Honorable Ron Sappah:

This letter is to inform you of current archeological study for the proposed Portland-Milwaukie Light Rail Transit project. Metro has been assisting the Federal Transit Administration in completing an Environmental Impact Statement (EIS) for the proposed Portland-Milwaukie Light Rail project. Metro is the project's local lead agency, working in cooperation with the Tri-County Metropolitan Transportation District (TriMet). The Supplemental Draft EIS, which was sent to your office in April 2008, examined a proposal to develop light rail transit between downtown Portland, the City of Milwaukie, and north Clackamas County. This SDEIS was prepared in compliance with the National Environmental Policy Act, and the cultural resource studies were also prepared in compliance with Section 106 of the National Historic Preservation Act. The purpose of the SDEIS was to present details of the proposed alternatives and their environmental and transportation performance to decision-makers and the public to help them identify a preferred alternative. Portions of the Portland-Milwaukie Light Rail project have been studied as part of earlier transit projects, including the South Corridor Transit Study in 2002.

Additional archaeological tasks to complete the inventory phase of study for the preferred alternative will begin during the summer of 2009. Archaeological Investigations Northwest, Inc. (AINW), will be conducting the remaining tasks, and will provide a report of the archaeological study for your office to review. If public lands may need to be shovel tested, AINW will submit permit applications for those lands.

As noted in the SDEIS, the Area of Potential Effect (APE) that has been studied for cultural resources is one-half block on each side of the alignments within the defined street grid; 150 feet in each direction from the study alternatives outside of areas where there is a street grid; and is substantially larger at the proposed crossing of the Willamette River. The archaeological resources section of the SDEIS noted that portions of the alternatives were considered to have some likelihood of retaining archaeological sites. Those areas were noted as high or moderate probability areas; these areas will be surveyed and, if possible given the existing conditions, probed by shovel testing to determine whether significant archaeological resources are present. A map is attached showing those areas identified for the additional work; they are noted as HPA-1 through HPA-8 and Moderate Area. In addition to a pedestrian survey and shovel testing

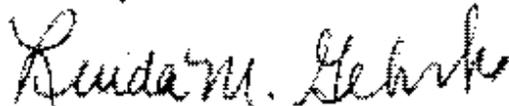
(where feasible) along the probability areas. AINW will be monitoring geotechnical probes that are planned in the probability areas.

Shovel tests will be done following the State Historic Preservation Office (SHPO) guidelines, and will measure 30 to 50 cm (12 to 20 in) at the surface and will be excavated to a minimum depth of 50 cm (20 in). Auger tests may be used to extend shovel tests and will be a minimum of 15 cm (6 in) in diameter. Excavations will extend to a depth of two 10 cm (4 in) levels below intact archaeological deposits. Sediments will be excavated manually and screened through nested 6.4 and 3.2 millimeter (¼ and ⅛ in) mesh hardware cloth. Artifacts from the shovel tests will be collected, if excavations are on public lands, and taken to the AINW laboratory for analysis and processing. The artifacts and records will subsequently be curated at the Oregon Museum of Natural and Cultural History (OMNH) at the University of Oregon.

At the time the SDEIS was completed, no archaeological sites were recorded within the APE. Subsequent to that time, resources archaeological investigations for a separate project, the Trolley Trail, have identified resources in at least one area near Milwaukie. The records of the SHPO will be checked to determine whether additional archaeological resources have been identified in the project APE since the time the SDEIS was completed.

Metro has been coordinating with the State Historic Preservation Office, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, Confederated Tribes of Warm Springs Reservation, and Cowitz and the Chinook Tribes and will continue to do so throughout the project. I have appreciated your interest and the time your office has spent attending meetings on the project and providing comments and information. I look forward to hearing from you regarding any questions, and I would be happy to meet with you and your staff to discuss the project, if you would like.

Sincerely,



R.F. Krochalis  
Regional Administrator

Cc: Robert Brumoe, Director of Natural Resources  
Dennis Griffin Ph.D., Oregon State Historic Preservation Office  
Bridget Wieghart, Metro (electronic)  
David Unsworth, TriMet (electronic)  
Ross Kameley, AINW (electronic)

Enclosure

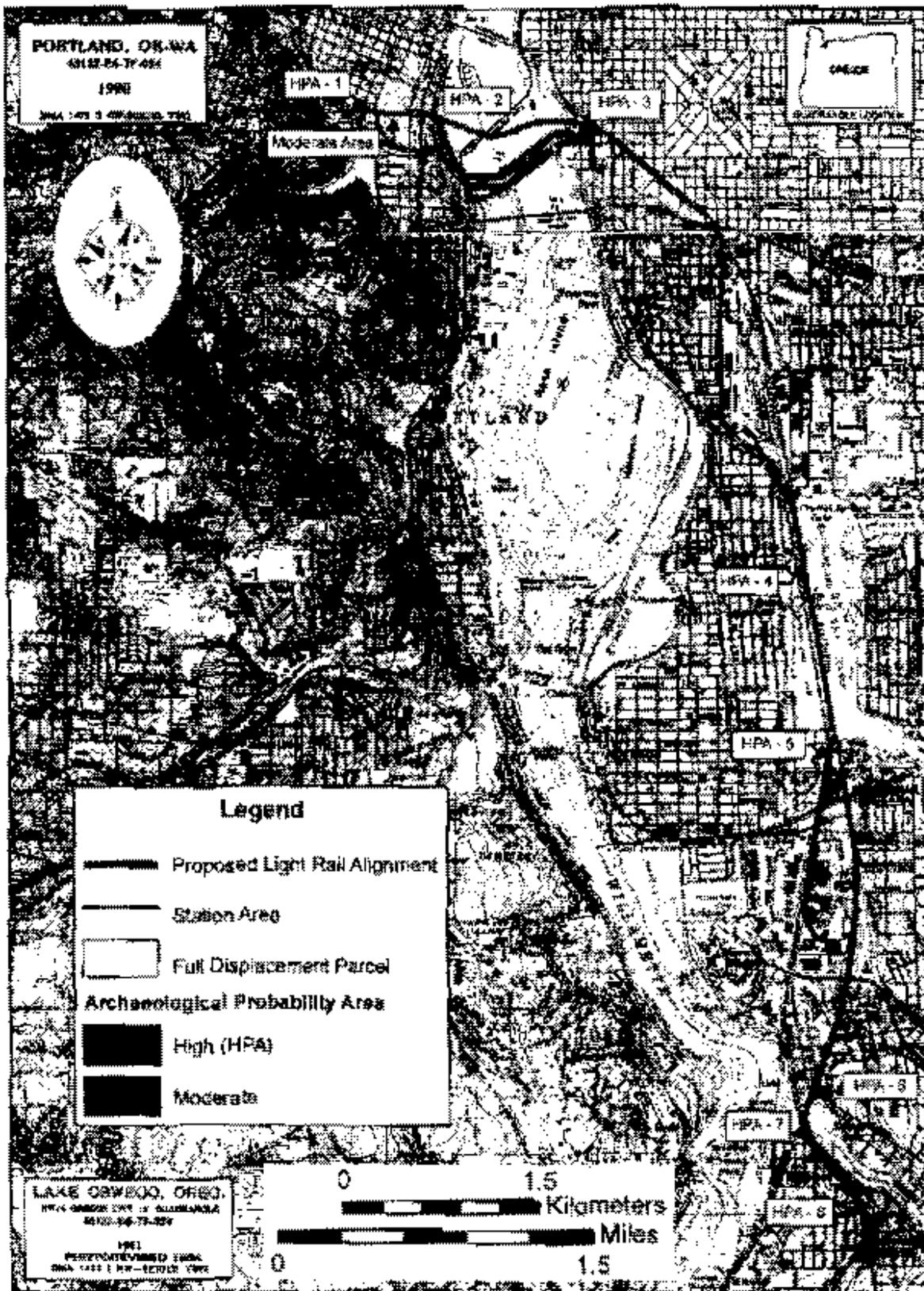


Figure 1. Project location with proposed light rail alignment, station area, full displacement parcel, and archaeological probability area locations.



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

Federal Transit Administration  
Jackson Federal Building  
915 Second Ave, Suite 3142  
Seattle, WA 98174-1002

October 13, 2009

Ben Meyer, Branch Manager  
NOAA National Marine Fisheries  
Willamette Basin Habitat Branch  
1201 NE Lloyd Blvd, Suite 1100  
Portland, OR 97232

Re: Biological Assessment for the Portland-Milwaukie Light Rail Project

Dear Mr. Meyer,

Attached for your review is the Biological Assessment for the Portland-Milwaukie Light Rail project submitted by the Federal Transit Administration (FTA), in cooperation with Metro and the Tri-County Metropolitan Transportation District of Oregon (TriMet). The proposed project is the second phase of the South Corridor Light Rail project and would extend the light rail from the Portland Mall to a terminus south of the City of Milwaukie in Clackamas County. The purpose of the project is to implement a major transit program that maintains livability in the metropolitan region, supports land use goals, optimizes the transportation system, is environmentally sensitive, reflects community values, and is fiscally responsive.

This Biological Assessment, pursuant to Section 7 of the Endangered Species Act of 1973, addresses the proposed action's potential impact to the following evolutionarily significant units (ESUs) or distinct population segments (DPSs):

- Green Sturgeon, Southern DPS;
- Chum Salmon, Columbia River ESU;
- Coho Salmon, Lower Columbia River ESU;
- Steelhead, Lower Columbia River DPS;
- Steelhead, Upper Willamette River DPS;
- Chinook Salmon, Lower Columbia River ESU; and
- Chinook Salmon, Upper Willamette River ESU

The new light rail alignment proposes to cross seven streams: the Lower Willamette River, Crystal Springs Creek, Johnson Creek, Crystal Creek, Spring Creek, Kellogg Lake, and Courtney Springs Creek. Several of these streams are designated critical habitat for the following ESUs/DPSs:

- Steelhead, LCR DPS
- Steelhead, UPR DPS

- Chinook salmon, LCR ESU
- Chinook Salmon, UWR ESU
- Green Sturgeon southern DPS (proposed)

TriMet, Metro, and FTA have participated in early coordination with the NOAA Fisheries in an effort to ensure this document will meet NOAA Fisheries expectations and requirements.

If you have questions regarding this request for review, please contact Steve Saxton at 206-220-4311.

Sincerely,



R.F. Krochalis  
Regional Administrator

Cc: Paul Henson, USFWS  
w/o att. Christy Fellas, NOAA

Enclosure



# Oregon

Theodore R. Kulongoski, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
www.oregonstatelands.us.

October 28, 2009

State Land Board

Mark Turpel  
Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736

Theodore R. Kulongoski  
Governor

Kate Brown  
Secretary of State

Ben Westlund  
State Treasurer

Re: Wetland Delineation Report for Portions of the Portland to Milwaukie Light Rail Project Corridor, Multnomah and Clackamas Counties, T1S R1E and T2S R1E, Portions of Multiple Sections and Tax Lots; WD #09-0285

Dear Mr. Turpel:

The Department of State Lands has reviewed the wetland delineation report prepared by David Evans and Associates, Inc. for the site referenced above. Based upon our review and additional information submitted upon request, we concur with their delineation and conclusions. Within the focused study area, 6 wetlands (totaling 3.12 acres) and segments of seven waterways, including the Willamette River, Johnson Creek, Crystal Springs Creek, Kellogg Creek, Crystal Creek, Spring Creek, and Courtney Springs Creek (also referred to as Linder Creek), were identified. All these wetlands and waterways are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined). However, the Willamette River, Johnson Creek, Crystal Springs Creek, and Kellogg Creek are all essential salmonid streams; and therefore, fill or removal of any amount of material below the OHWL, or within any hydrologically-connected wetlands, may require a state permit.

In addition, due to access issues, Wetland PM 5b was mapped using offsite wetland determination methods including observations from adjacent properties and interpretation of aerial photographs. Because offsite determination methods are not suitable for removal-fill permitting, it will be necessary to use onsite methods and delineate these areas prior to project construction. If the subsequent onsite wetland delineation changes the areas of wetland and wetland impact appreciably, the Department may require an addendum wetland report and a revised permit application.

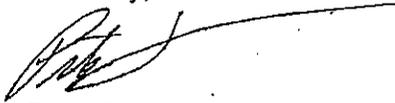
This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the



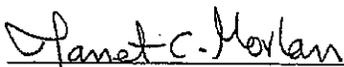
date of this letter, unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at (503) 986-5232 if you have any questions.

Sincerely,



Peter Ryan, PWS  
Wetland Specialist

Approved by   
Janet C. Morlan, PWS  
Wetlands Program Manager

Enclosures

ec: Ethan Rosenthal, David Evans and Associates, Inc.  
Tom Taylor, Corps of Engineers  
Mike McCabe, DSL



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)

December 28, 2009

Shannon E. Wills, Lead Biologist  
Cowlitz Indian Tribe  
Natural Resource Department  
1055 9<sup>th</sup> Avenue, Suite B  
Longview, WA 98632

**Re: Portland to Milwaukie Light Rail Transit Project – Biological Assessment**

Dear Ms Willis:

Attached please find a copy of the Biological Assessment for the Portland-Milwaukie Light Rail Project (PMLR). The FTA, along with project partners, TriMet and Metro, are sponsoring the Portland-Milwaukie Project that proposes to construct a new 7.3 mile light rail from downtown Portland to south of the city of Milwaukie. The light rail would cross the Willamette River on a new bridge, and cross six other bodies of water.

We have provided the National Marine Fisheries Service with copies and have initiated consultation with them. We have transmitted this BA to the Grande Ronde, the Siletz, Warm Springs, Chinook, and Cowlitz Tribes.

As you will see with this Biological Assessment, substantial efforts have been made to avoid or minimize the impacts of this project. For example the project has:

- Scheduled and designed construction to observe the in-water work window;
- Designed all but two crossings to clear span water crossings;
- Revised the design of the Willamette River Transit Bridge to reduce the number of piers in the water, and relocated the remaining piers to minimize the impact on shallow water;
- Located suitable sites for streambank and wetland restoration, as well as created balanced cut and fill designs in association with PMLR elements located in floodplains;
- Designed the crossing of Crystal Spring Creek to span the existing culvert so that the culvert can be more easily removed in the future;
- Proposed to meet City of Portland 2008 *Stormwater Manual* requirements for the entire alignment to help ensure that stormwater is effectively treated before entering surface water and streams along the alignment;

Should you have comments about this Biological Assessment, we would be happy to convey these to the National Marine Fisheries Service.

Please do not hesitate to contact Steve Saxton at FTA at 206-220-4311 if you have any questions.

Thank you.

Linda Gehrke  
Deputy Regional Administrator

cc: Christine Golightly, Columbia River Inter-Tribal Fish Commission

Enclosure



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)

December 28, 2009

Mr. Mike Kennedy, Natural Resources Manager  
Confederate Tribes of The Siletz Reservation  
PO Box 549  
Siletz, OR 97347

**Re: Portland to Milwaukie Light Rail Transit Project – Biological Assessment**

Dear Mr. Kennedy:

Attached please find a copy of the Biological Assessment for the Portland-Milwaukie Light Rail Project (PMLR). The FTA, along with project partners, TriMet and Metro, are sponsoring the Portland-Milwaukie Project that proposes to construct a new 7.3 mile light rail from downtown Portland to south of the city of Milwaukie. The light rail would cross the Willamette River on a new bridge, and cross six other bodies of water.

We have provided the National Marine Fisheries Service with copies and have initiated consultation with them. We have transmitted this BA to the Grande Ronde, the Siletz, Warm Springs, Chinook, and Cowlitz Tribes.

As you will see with this Biological Assessment, substantial efforts have been made to avoid or minimize the impacts of this project. For example the project has:

- Scheduled and designed construction to observe the in-water work window;
- Designed all but two crossings to clear span water crossings;
- Revised the design of the Willamette River Transit Bridge to reduce the number of piers in the water, and relocated the remaining piers to minimize the impact on shallow water;
- Located suitable sites for streambank and wetland restoration, as well as created balanced cut and fill designs in association with PMLR elements located in floodplains;
- Designed the crossing of Crystal Spring Creek to span the existing culvert so that the culvert can be more easily removed in the future;
- Proposed to meet City of Portland 2008 *Stormwater Manual* requirements for the entire alignment to help ensure that stormwater is effectively treated before entering surface water and streams along the alignment;

Should you have comments about this Biological Assessment, we would be happy to convey these to the National Marine Fisheries Service.

Please do not hesitate to contact Steve Saxton at FTA at 206-220-4311 if you have any questions.

Thank you.

  
Linda Gehrke  
Deputy Regional Administrator

cc: Christine Golightly, Columbia River Inter-Tribal Fish Commission

Enclosure



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)

December 28, 2009

Mr. Bobby Brunoe, Natural Resources  
The Confederate Tribes of The Warm Springs Reservation of Oregon  
1233 Veterans Street  
Warm Springs, OR 97761

**Re: Portland to Milwaukie Light Rail Transit Project – Biological Assessment**

Dear Mr. Brunoe:

Attached please find a copy of the Biological Assessment for the Portland-Milwaukie Light Rail Project (PMLR). The FTA, along with project partners, TriMet and Metro, are sponsoring the Portland-Milwaukie Project that proposes to construct a new 7.3 mile light rail from downtown Portland to south of the city of Milwaukie. The light rail would cross the Willamette River on a new bridge, and cross six other bodies of water.

We have provided the National Marine Fisheries Service with copies and have initiated consultation with them. We have transmitted this BA to the Grande Ronde, the Siletz, Warm Springs, Chinook, and Cowlitz Tribes.

As you will see with this Biological Assessment, substantial efforts have been made to avoid or minimize the impacts of this project. For example the project has:

- Scheduled and designed construction to observe the in-water work window;
- Designed all but two crossings to clear span water crossings;
- Revised the design of the Willamette River Transit Bridge to reduce the number of piers in the water, and relocated the remaining piers to minimize the impact on shallow water;
- Located suitable sites for streambank and wetland restoration, as well as created balanced cut and fill designs in association with PMLR elements located in floodplains;
- Designed the crossing of Crystal Spring Creek to span the existing culvert so that the culvert can be more easily removed in the future;
- Proposed to meet City of Portland 2008 *Stormwater Manual* requirements for the entire alignment to help ensure that stormwater is effectively treated before entering surface water and streams along the alignment;

Should you have comments about this Biological Assessment, we would be happy to convey these to the National Marine Fisheries Service.

Please do not hesitate to contact Steve Saxton at FTA at 206-220-4311 if you have any questions.

Thank you.

Linda Gehrke  
Deputy Regional Administrator

cc: Christine Golightly, Columbia River Inter-Tribal Fish Commission

Enclosure



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)

December 28, 2009

Mr. Mike Karnosh, Natural Resources  
Confederate Tribes of The Grand Ronde Community of Oregon  
9615 Grand Ronde  
Grand Ronde, OR 97347

**Re: Portland to Milwaukie Light Rail Transit Project – Biological Assessment**

Dear Mr. Karnosh:

Attached please find a copy of the Biological Assessment for the Portland-Milwaukie Light Rail Project (PMLR). The FTA, along with project partners, TriMet and Metro, are sponsoring the Portland-Milwaukie Project that proposes to construct a new 7.3 mile light rail from downtown Portland to south of the city of Milwaukie. The light rail would cross the Willamette River on a new bridge, and cross six other bodies of water.

We have provided the National Marine Fisheries Service with copies and have initiated consultation with them. We have transmitted this BA to the Grande Ronde, the Siletz, Warm Springs, Chinook, and Cowlitz Tribes.

As you will see with this Biological Assessment, substantial efforts have been made to avoid or minimize the impacts of this project. For example the project has:

- Scheduled and designed construction to observe the in-water work window;
- Designed all but two crossings to clear span water crossings;
- Revised the design of the Willamette River Transit Bridge to reduce the number of piers in the water, and relocated the remaining piers to minimize the impact on shallow water;
- Located suitable sites for streambank and wetland restoration, as well as created balanced cut and fill designs in association with PMLR elements located in floodplains;
- Designed the crossing of Crystal Spring Creek to span the existing culvert so that the culvert can be more easily removed in the future;
- Proposed to meet City of Portland 2008 *Stormwater Manual* requirements for the entire alignment to help ensure that stormwater is effectively treated before entering surface water and streams along the alignment;

Should you have comments about this Biological Assessment, we would be happy to convey these to the National Marine Fisheries Service.

Please do not hesitate to contact Steve Saxton at FTA at 206-220-4311 if you have any questions.

Thank you.  
  
Linda Gehrke  
Deputy Regional Administrator

cc: Christine Golightly, Columbia River Inter-Tribal Fish Commission

Enclosure



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)

December 28, 2009

Mr. Tony Johnson, Natural Resources  
Chinook Tribe  
c/o Confederate Tribes of The Grand Ronde Community of Oregon  
9615 Grand Ronde  
Grand Ronde, OR 97347

**Re: Portland to Milwaukie Light Rail Transit Project – Biological Assessment**

Dear Mr. Johnson:

Attached please find a copy of the Biological Assessment for the Portland-Milwaukie Light Rail Project (PMLR). The FTA, along with project partners, TriMet and Metro, are sponsoring the Portland-Milwaukie Project that proposes to construct a new 7.3 mile light rail from downtown Portland to south of the city of Milwaukie. The light rail would cross the Willamette River on a new bridge, and cross six other bodies of water.

We have provided the National Marine Fisheries Service with copies and have initiated consultation with them. We have transmitted this BA to the Grande Ronde, the Siletz, Warm Springs, Chinook, and Cowlitz Tribes.

As you will see with this Biological Assessment, substantial efforts have been made to avoid or minimize the impacts of this project. For example the project has:

- Scheduled and designed construction to observe the in-water work window;
- Designed all but two crossings to clear span water crossings;
- Revised the design of the Willamette River Transit Bridge to reduce the number of piers in the water, and relocated the remaining piers to minimize the impact on shallow water;
- Located suitable sites for streambank and wetland restoration, as well as created balanced cut and fill designs in association with PMLR elements located in floodplains;
- Designed the crossing of Crystal Spring Creek to span the existing culvert so that the culvert can be more easily removed in the future;
- Proposed to meet City of Portland 2008 *Stormwater Manual* requirements for the entire alignment to help ensure that stormwater is effectively treated before entering surface water and streams along the alignment;

Should you have comments about this Biological Assessment, we would be happy to convey these to the National Marine Fisheries Service.

Please do not hesitate to contact Steve Saxton at FTA at 206-220-4311 if you have any questions.

Thank you.  
  
Linda Gehrke  
Deputy Regional Administrator

cc: Christine Golightly, Columbia River Inter-Tribal Fish Commission

Enclosure



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)

December 28, 2009

Christine Golightly  
Columbia River Inter-Tribal Fish Commission  
729 NE Oregon St., Ste. 200  
Portland, OR 97232

**Re: Portland to Milwaukie Light Rail Transit Project – Biological Assessment**

Dear Ms. Golightly:

Attached please find a copy of the Biological Assessment for the Portland-Milwaukie Light Rail Project (PMLR). The FTA, along with project partners, TriMet and Metro, are sponsoring the Portland-Milwaukie Project that proposes to construct a new 7.3 mile light rail from downtown Portland to south of the city of Milwaukie. The light rail would cross the Willamette River on a new bridge, and cross six other bodies of water.

We have provided the National Marine Fisheries Service with copies and have initiated consultation with them. We have also transmitted this BA to the Grande Ronde, the Siletz, Warm Springs, Chinook, and Cowlitz Tribes.

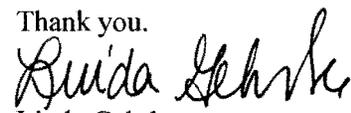
As you will see with this Biological Assessment, substantial efforts have been made to avoid or minimize the impacts of this project. For example the project has:

- Scheduled and designed construction to observe the in-water work window;
- Designed all but two crossings to clear span water crossings;
- Revised the design of the Willamette River Transit Bridge to reduce the number of piers in the water, and relocated the remaining piers to minimize the impact on shallow water;
- Located suitable sites for streambank and wetland restoration, as well as created balanced cut and fill designs in association with PMLR elements located in floodplains;
- Designed the crossing of Crystal Spring Creek to span the existing culvert so that the culvert can be more easily removed in the future;
- Proposed to meet City of Portland 2008 *Stormwater Manual* requirements for the entire alignment to help ensure that stormwater is effectively treated before entering surface water and streams along the alignment;

Should you have comments about this Biological Assessment, we would be happy to convey these to the National Marine Fisheries Service.

Please do not hesitate to contact Steve Saxton at FTA at 206-220-4311 if you have any questions.

Thank you.

  
Linda Gehrke  
Deputy Regional Administrator

Enclosure

# Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

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

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

**Survey Boundaries**

**Survey Summary/Comments**

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

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

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

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

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

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

**106 Case #:**  Eligibility Evaluation  Effect Determination:

**106 Comments**

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

- 525 Jackson St. SW, residence, Portland, 1894, no effect
- 614 Jackson St SW, apartment, Portland, 1928, no effect
- 2001-2011 6th Ave SW, apartment, Portland, 1902, no effect
- 2021-2027 6th Ave SW, apartment, Portland, 1880, no effect
- 2000 1st Ave SW Portland State Building, 1965, no effect
- 3121 SW Moody, Zidell, industrial site, Portland, 1918, no adverse effect
- 3325 Moody Ave SW, industrial, Portland, 1951, no effect
- 619-827 SE Division, industrial, Portland, 1959, no effect
- 300 Ceruthers and Water Ave. Portland, OPR Switching Yard, Portland 1891-2009, no adverse effect
- 1735 Franklin SE, residence, Portland, 1900, no effect
- 1528 Holgate Blvd SE, residence, Portland, 1928, no effect
- 1534 Holgate Blvd. SE, residence, Portland, 1915, no effect
- 3330 16th Ave SE, residence, Portland, 1910, no adverse effect
- 3338 16th Ave SE, residence, Portland, 1910, no adverse effect
- 4038 16th Ave. SE, residence, Portland, 1925, no effect
- 4244 16th Ave SE, residence, Portland, 1925, no effect
- 4328 16th Ave SE, residence, Portland, 1924, no effect
- 4414 16th Ave SE, residence, Portland, 1925, no effect
- 4806 16th Ave SE, residence, Portland, 1913, no effect
- 4818 16th Ave SE, residence, Portland, 1913, no effect
- 4904 16th Ave SE, residence. Portland, 1913, no effect

# Cover Sheet

for

"Section 106" Reconnaissance Level Surveys

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

- 4914 16th Ave. SE, residence, Portland, 1925, no effect
- 1635 SE Rhona, residence, Portland, 1926, no adverse effect
- 1625 Rhona SE, residence, Portland, 1926, no effect
- 3238 SE Johnson Cr. Blvd, residence, Portland, 1936, no effect
- 2535 SE Monroe, residence, Milwaukie, 1905, no effect
- 2806 SE Monroe, residence, Milwaukie, 1925, no effect
- 2607 SE Monroe, residence, Milwaukie, 1915, no effect
- 12320 SE 25th Ave, residence, Milwaukie, 1900, no effect
- 13003 SE Oakfield Rd, residence, Milwaukie, 1927, no effect
- 2816 SE Park Ave, residence, Milwaukie, 1930, no adverse effect
- 3020 SE Park, residence, Milwaukie, 1935, no effect
- 12025 SE River Road, residence, Milwaukie, 1925, no effect
- 12108 SE River Road, residence, Milwaukie, 1930, no effect
- 2311 SE Wren, residence, Milwaukie, 1938, no effect
- 2313 Wren, residence, Milwaukie, 1953, no adverse effect

- 
- 

To Be Completed by SHPO Staff

### SHPO Evaluation of Survey Project

- Approved
- Conditionally Approved
- Returned for Corrections

### SHPO Comment on NR Eligibility Evaluations

- Concur
- Do Not Concur
- Returned for Additional Data

### SHPO Comment on Effect Determinations

- Concur
- Do Not Concur
- Returned for Additional Data

### Checklist of Required Items:

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

### Optional Items:

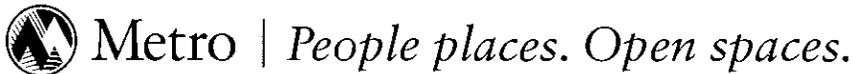
- Research Design Completed Prior to Survey
- Completed Survey Forms (Field Forms)
- Final Report

SHPO Staff Signature

Date

Comments:

2/5/2010



February 17, 2010

Mr. David Burlingame, Cultural Resources Manager  
Cowlitz Indian Tribe  
1055 9<sup>th</sup> Avenue, Suite B  
Longview, WA 98632

Re: SHPO Case No. #09-1983, SHPO Case # 07-2748: Portland-Milwaukie Light Rail Project

Dear Mr. Burlingame:

To supplement a forth coming formal invitation from the Federal Transit Administration, Metro staff (Jenn Tuerk) invited you and your tribe over the phone on February 11, 2010 to a meeting with the SHPO archeologist, Dr. Dennis Griffin, and SHPO historian, Dr. Stephen Poyser, to discuss the draft MOA and final archeological survey results will be held on February 26, 2010; 2:30 – 3:45 p.m. at Parks and Recreation Department, State Historic Preservation Office, 725 Summer Street NE, Ste C, Salem, OR 97301-1266. In that meeting, SHPO will review archeological findings and begin the conversation about how to prepare a memorandum of agreement (MOA) for the historic and archeological portion of the Final Environmental Impact Statement (FEIS).

As part of the February 11, 2010 phone communication, materials for the meeting on February 26, 2010 were discussed. Accordingly, we have enclosed the following materials for discussion:

1. **Draft Agenda**
2. **Archeological Survey for the Portland-Milwaukie Light Rail Project, Multnomah and Clackamas Counties, Oregon** (*AINW Report No. 2451; February 12, 2010*). This archaeological survey report prepared by AINW describes the survey findings for the project. In summary:
  - Six previously record sites are within the project APE. Of those sites, three are recommended not eligible for listing in the NRHP, one was completely removed by previous archaeological data recovery, one related to the Ruby Junction facility has been determined not eligible, and one will not be impact by project construction as currently designed.
  - One new archaeological resource, 07/1507-1, recorded within project area. It is recommended not eligible for listing in the NRHP due to lack of integrity.
  - Twenty-five (25) high probability areas are recommended for additional archaeological work.
3. **Figures 1-13 within AINW Report No. 2451:** This set of maps shows the archaeological probability areas in relation to the most updated project APE, footprint, and staging areas. Previous archaeological studies that have been conducted in the project area and recorded archaeological sites are also shown on the maps. Areas where shovel testing was conducted by AINW as part of the current project are shown.

4. **Historic Sanborn Map Overlays, Appendix A in AINW Report No. 2451:** These maps highlight historic-period land use in relation to the project. These maps aided in the delineation of archaeological probability areas.
5. **GLO Overlays, Appendix B in AINW Report No. 2451:** These maps highlight landforms and natural as well as cultural features that were present during early settlement of the area. These maps aided in the delineation of archaeological probability areas. These maps also show the locations of the possible "Indian Camps" that were drawn onto the SHPO maps by Dr. Le Gilson.
6. **Discussion Draft Memo: Memorandum of Agreement (MOA):** We will bring with us an updated version of this discussion draft memo.

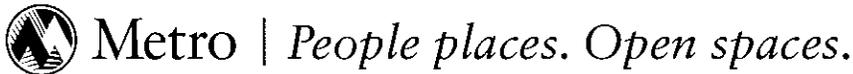
We look forward to discussing the enclosed survey report, maps, discussion draft MOA language, and the most current project information in more detail with you when we meet February 26, 2010, from 2:30 p.m. to 3:45 p.m. If you or your tribe would prefer an individual meeting, we are also happy to meet with your tribe at a later date. To request a meeting or for more information, please contact me at 503.797.1864 or [crista.gardner@oregonmetro.gov](mailto:crista.gardner@oregonmetro.gov).

Thank you,



Crista Gardner  
Senior Transportation Planner

CC: Bridget Wieghart, Metro  
Dennis Griffin, SHPO  
Steve Poyser, SHPO  
Steve Saxton, FTA Region X  
Michele Punke and Jo Reese, AINW



February 17, 2010

Mr. Eirik Thorsgard, Cultural Resource Manager  
The Confederate Tribes of Grande Ronde  
9615 Grand Ronde  
Grand Ronde, OR 97347

Re: SHPO Case No. #09-1983, SHPO Case # 07-2748: Portland-Milwaukie Light Rail Project

Dear Mr. Thorsgard:

To supplement a forth coming formal invitation from the Federal Transit Administration, Metro staff (Jenn Tuerk) invited you and your tribe over the phone on February 11, 2010 to a meeting with the SHPO archeologist, Dr. Dennis Griffin, and SHPO historian, Dr. Stephen Poyser, to discuss the draft MOA and final archeological survey results will be held on February 26, 2010; 2:30 – 3:45 p.m. at Parks and Recreation Department, State Historic Preservation Office, 725 Summer Street NE, Ste C, Salem, OR 97301-1266. In that meeting, SHPO will review archeological findings and begin the conversation about how to prepare a memorandum of agreement (MOA) for the historic and archeological portion of the Final Environmental Impact Statement (FEIS).

As part of the February 11, 2010 phone communication, materials for the meeting on February 26, 2010 were discussed. Accordingly, we have enclosed the following materials for discussion:

1. **Draft Agenda**
2. **Archeological Survey for the Portland-Milwaukie Light Rail Project, Multnomah and Clackamas Counties, Oregon** (*AINW Report No. 2451*; February 12, 2010). This archaeological survey report prepared by AINW describes the survey findings for the project. In summary:
  - Six previously record sites are within the project APE. Of those sites, three are recommended not eligible for listing in the NRHP, one was completely removed by previous archaeological data recovery, one related to the Ruby Junction facility has been determined not eligible, and one will not be impact by project construction as currently designed.
  - One new archaeological resource, 07/1507-1, recorded within project area. It is recommended not eligible for listing in the NRHP due to lack of integrity.
  - Twenty-five (25) high probability areas are recommended for additional archaeological work.
3. **Figures 1-13 within AINW Report No. 2451:** This set of maps shows the archaeological probability areas in relation to the most updated project APE, footprint, and staging areas. Previous archaeological studies that have been conducted in the project area and recorded archaeological sites are also shown on the maps. Areas where shovel testing was conducted by AINW as part of the current project are shown.

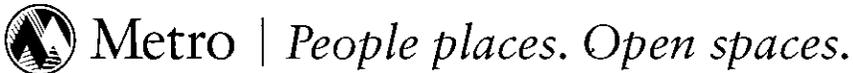
4. **Historic Sanborn Map Overlays, Appendix A in AINW Report No. 2451:** These maps highlight historic-period land use in relation to the project. These maps aided in the delineation of archaeological probability areas.
5. **GLO Overlays, Appendix B in AINW Report No. 2451:** These maps highlight landforms and natural as well as cultural features that were present during early settlement of the area. These maps aided in the delineation of archaeological probability areas. These maps also show the locations of the possible "Indian Camps" that were drawn onto the SHPO maps by Dr. Le Gilson.
6. **Discussion Draft Memo: Memorandum of Agreement (MOA):** We will bring with us an updated version of this discussion draft memo.

We look forward to discussing the enclosed survey report, maps, discussion draft MOA language, and the most current project information in more detail with you when we meet February 26, 2010, from 2:30 p.m. to 3:45 p.m. If you or your tribe would prefer an individual meeting, we are also happy to meet with your tribe at a later date. To request a meeting or for more information, please contact me at 503.797.1864 or [crista.gardner@oregonmetro.gov](mailto:crista.gardner@oregonmetro.gov).

Thank you,

  
Crista Gardner  
Senior Transportation Planner

CC: Bridget Wieghart, Metro  
Dennis Griffin, SHPO  
Steve Poyser, SHPO  
Steve Saxton, FTA Region X  
Michele Punke and Jo Reese, AINW



February 17, 2010

Mr. Robert Kentta, Director, Cultural Resources  
The Confederate Tribes of Siletz  
PO Box 549  
Siletz, OR 97347

Re: SHPO Case No. #09-1983, SHPO Case # 07-2748: Portland-Milwaukie Light Rail Project

Dear Mr. Kentta:

To supplement a forth coming formal invitation from the Federal Transit Administration, Metro staff (Jenn Tuerk) invited you and your tribe over the phone on February 11, 2010 to a meeting with the SHPO archeologist, Dr. Dennis Griffin, and SHPO historian, Dr. Stephen Poyser, to discuss the draft MOA and final archeological survey results will be held on February 26, 2010; 2:30 – 3:45 p.m. at Parks and Recreation Department, State Historic Preservation Office, 725 Summer Street NE, Ste C, Salem, OR 97301-1266. In that meeting, SHPO will review archeological findings and begin the conversation about how to prepare a memorandum of agreement (MOA) for the historic and archeological portion of the Final Environmental Impact Statement (FEIS).

As part of the February 11, 2010 phone communication, materials for the meeting on February 26, 2010 were discussed. Accordingly, we have enclosed the following materials for discussion:

1. **Draft Agenda**
2. **Archeological Survey for the Portland-Milwaukie Light Rail Project, Multnomah and Clackamas Counties, Oregon** (*AINW Report No. 2451; February 12, 2010*). This archaeological survey report prepared by AINW describes the survey findings for the project. In summary:
  - Six previously record sites are within the project APE. Of those sites, three are recommended not eligible for listing in the NRHP, one was completely removed by previous archaeological data recovery, one related to the Ruby Junction facility has been determined not eligible, and one will not be impact by project construction as currently designed.
  - One new archaeological resource, 07/1507-1, recorded within project area. It is recommended not eligible for listing in the NRHP due to lack of integrity.
  - Twenty-five (25) high probability areas are recommended for additional archaeological work.
3. **Figures 1-13 within AINW Report No. 2451:** This set of maps shows the archaeological probability areas in relation to the most updated project APE, footprint, and staging areas. Previous archaeological studies that have been conducted in the project area and recorded archaeological sites are also shown on the maps. Areas where shovel testing was conducted by AINW as part of the current project are shown.

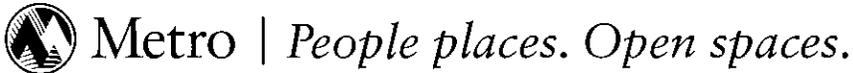
4. **Historic Sanborn Map Overlays, Appendix A in AINW Report No. 2451:** These maps highlight historic-period land use in relation to the project. These maps aided in the delineation of archaeological probability areas.
5. **GLO Overlays, Appendix B in AINW Report No. 2451:** These maps highlight landforms and natural as well as cultural features that were present during early settlement of the area. These maps aided in the delineation of archaeological probability areas. These maps also show the locations of the possible "Indian Camps" that were drawn onto the SHPO maps by Dr. Le Gilson.
6. **Discussion Draft Memo: Memorandum of Agreement (MOA):** We will bring with us an updated version of this discussion draft memo.

We look forward to discussing the enclosed survey report, maps, discussion draft MOA language, and the most current project information in more detail with you when we meet February 26, 2010, from 2:30 p.m. to 3:45 p.m. If you or your tribe would prefer an individual meeting, we are also happy to meet with your tribe at a later date. To request a meeting or for more information, please contact me at 503.797.1864 or [crista.gardner@oregonmetro.gov](mailto:crista.gardner@oregonmetro.gov).

Thank you,

  
Crista Gardner  
Senior Transportation Planner

CC: Bridget Wieghart, Metro  
Dennis Griffin, SHPO  
Steve Poyser, SHPO  
Steve Saxton, FTA Region X  
Michele Punke and Jo Reese, AINW



February 17, 2010

Mr. Bobby Brunoe, General Manager, Natural Resources Department  
The Confederate Tribes of Warm Springs  
P.O. Box C  
Warm Springs, OR 97761

Re: SHPO Case No. #09-1983, SHPO Case # 07-2748: Portland-Milwaukie Light Rail Project

Dear Mr. Brunoe:

To supplement a forth coming formal invitation from the Federal Transit Administration, Metro staff (Jenn Tuerk) invited you and your tribe over the phone on February 11, 2010 to a meeting with the SHPO archeologist, Dr. Dennis Griffin, and SHPO historian, Dr. Stephen Poyser, to discuss the draft MOA and final archeological survey results will be held on February 26, 2010; 2:30 – 3:45 p.m. at Parks and Recreation Department, State Historic Preservation Office, 725 Summer Street NE, Ste C, Salem, OR 97301-1266. In that meeting, SHPO will review archeological findings and begin the conversation about how to prepare a memorandum of agreement (MOA) for the historic and archeological portion of the Final Environmental Impact Statement (FEIS).

As part of the February 11, 2010 phone communication, materials for the meeting on February 26, 2010 were discussed. Accordingly, we have enclosed the following materials for discussion:

1. **Draft Agenda**
2. **Archeological Survey for the Portland-Milwaukie Light Rail Project, Multnomah and Clackamas Counties, Oregon** (*AINW Report No. 2451; February 12, 2010*). This archaeological survey report prepared by AINW describes the survey findings for the project. In summary:
  - Six previously record sites are within the project APE. Of those sites, three are recommended not eligible for listing in the NRHP, one was completely removed by previous archaeological data recovery, one related to the Ruby Junction facility has been determined not eligible, and one will not be impact by project construction as currently designed.
  - One new archaeological resource, 07/1507-1, recorded within project area. It is recommended not eligible for listing in the NRHP due to lack of integrity.
  - Twenty-five (25) high probability areas are recommended for additional archaeological work.
3. **Figures 1-13 within AINW Report No. 2451:** This set of maps shows the archaeological probability areas in relation to the most updated project APE, footprint, and staging areas. Previous archaeological studies that have been conducted in the project area and recorded archaeological sites are also shown on the maps. Areas where shovel testing was conducted by AINW as part of the current project are shown.

4. **Historic Sanborn Map Overlays, Appendix A in AINW Report No. 2451:** These maps highlight historic-period land use in relation to the project. These maps aided in the delineation of archaeological probability areas.
5. **GLO Overlays, Appendix B in AINW Report No. 2451:** These maps highlight landforms and natural as well as cultural features that were present during early settlement of the area. These maps aided in the delineation of archaeological probability areas. These maps also show the locations of the possible "Indian Camps" that were drawn onto the SHPO maps by Dr. Le Gilson.
6. **Discussion Draft Memo: Memorandum of Agreement (MOA):** We will bring with us an updated version of this discussion draft memo.

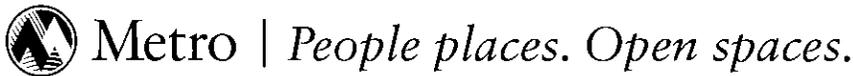
We look forward to discussing the enclosed survey report, maps, discussion draft MOA language, and the most current project information in more detail with you when we meet February 26, 2010, from 2:30 p.m. to 3:45 p.m. If you or your tribe would prefer an individual meeting, we are also happy to meet with your tribe at a later date. To request a meeting or for more information, please contact me at 503.797.1864 or [crista.gardner@oregonmetro.gov](mailto:crista.gardner@oregonmetro.gov).

Thank you,



Crista Gardner  
Senior Transportation Planner

CC: Sally Bird, Cultural Resources Manager  
Bridget Wieghart, Metro  
Dennis Griffin, SHPO  
Steve Poyser, SHPO  
Steve Saxton, FTA Region X  
Michele Punke and Jo Reese, AINW



February 17, 2010

Mr. Tony Johnson, Cultural Resources  
Chinook Tribe  
PO Box 228  
Chinook, WA 98614

Re: SHPO Case No. #09-1983, SHPO Case # 07-2748: Portland-Milwaukie Light Rail Project

Dear Mr. Johnson:

To supplement a forth coming formal invitation from the Federal Transit Administration, Metro staff (Jenn Tuerk) invited you and your tribe over the phone on February 11, 2010 to a meeting with the SHPO archeologist, Dr. Dennis Griffin, and SHPO historian, Dr. Stephen Poyser, to discuss the draft MOA and final archeological survey results will be held on February 26, 2010; 2:30 – 3:45 p.m. at Parks and Recreation Department, State Historic Preservation Office, 725 Summer Street NE, Ste C, Salem, OR 97301-1266. In that meeting, SHPO will review archeological findings and begin the conversation about how to prepare a memorandum of agreement (MOA) for the historic and archeological portion of the Final Environmental Impact Statement (FEIS).

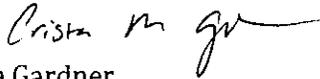
As part of the February 11, 2010 phone communication, materials for the meeting on February 26, 2010 were discussed. Accordingly, we have enclosed the following materials for discussion:

1. **Draft Agenda**
2. **Archeological Survey for the Portland-Milwaukie Light Rail Project, Multnomah and Clackamas Counties, Oregon** (*AINW Report No. 2451; February 12, 2010*). This archaeological survey report prepared by AINW describes the survey findings for the project. In summary:
  - Six previously record sites are within the project APE. Of those sites, three are recommended not eligible for listing in the NRHP, one was completely removed by previous archaeological data recovery, one related to the Ruby Junction facility has been determined not eligible, and one will not be impact by project construction as currently designed.
  - One new archaeological resource, 07/1507-1, recorded within project area. It is recommended not eligible for listing in the NRHP due to lack of integrity.
  - Twenty-five (25) high probability areas are recommended for additional archaeological work.
3. **Figures 1-13 within AINW Report No. 2451:** This set of maps shows the archaeological probability areas in relation to the most updated project APE, footprint, and staging areas. Previous archaeological studies that have been conducted in the project area and recorded archaeological sites are also shown on the maps. Areas where shovel testing was conducted by AINW as part of the current project are shown.

4. **Historic Sanborn Map Overlays, Appendix A in AINW Report No. 2451:** These maps highlight historic-period land use in relation to the project. These maps aided in the delineation of archaeological probability areas.
5. **GLO Overlays, Appendix B in AINW Report No. 2451:** These maps highlight landforms and natural as well as cultural features that were present during early settlement of the area. These maps aided in the delineation of archaeological probability areas. These maps also show the locations of the possible "Indian Camps" that were drawn onto the SHPO maps by Dr. Le Gilson.
6. **Discussion Draft Memo: Memorandum of Agreement (MOA):** We will bring with us an updated version of this discussion draft memo.

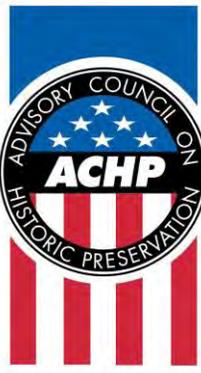
We look forward to discussing the enclosed survey report, maps, discussion draft MOA language, and the most current project information in more detail with you when we meet February 26, 2010, from 2:30 p.m. to 3:45 p.m. If you or your tribe would prefer an individual meeting, we are also happy to meet with your tribe at a later date. To request a meeting or for more information, please contact me at 503.797.1864 or [crista.gardner@oregonmetro.gov](mailto:crista.gardner@oregonmetro.gov).

Thank you,



Crista Gardner  
Senior Transportation Planner

CC: Bridget Wieghart, Metro  
Dennis Griffin, SHPO  
Steve Poyser, SHPO  
Steve Saxton, FTA Region X  
Michele Punke and Jo Reese, AINW



*Preserving America's Heritage*

March 3, 2010

Linda Gehrke  
Deputy Regional Administrator  
Federal Transit Administration, Region X  
915 Second Avenue  
Federal Bldg., Suite 3142  
Seattle, WA 98174-1002

Ref: *Proposed Portland to Milwaukie Light Rail Transit Project  
Clackamas County, Oregon*

Dear Ms. Gehrke:

On February 12, 2010, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the 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), does not apply to this undertaking. Accordingly, we do not believe that 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 (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Oregon State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA 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 any questions or require further assistance, please contact Blythe Semmer at 202-606-8552 or [bsemmer@achp.gov](mailto:bsemmer@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

**Jenn Tuerk**

---

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

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

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

Hi Ethel,

Sorry about that.

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

Thanks,

Joe

Joe Carriero, External Affairs Program Manager

NPS Environmental Quality Division

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

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

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

# OREGON NATURAL HERITAGE INFORMATION CENTER

---



*Institute for Natural Resources*

1322 SE Morrison Street  
Portland, Oregon 97214-2423  
503.731.3070  
<http://oregonstate.edu/ornhic>

April 09, 2010

Elisabeth Bowers  
Parametrix, Inc.  
700 NE Multnomah, Suite 1000  
Portland, OR 97232

Dear Ms. Bowers:

Thank you for requesting information from the Oregon Natural Heritage Information Center (ORNHIC). We have conducted a data system search for rare, threatened and endangered plant and animal records for your Portland-Milwaukie Light Rail Project in T01S R01E, Sections 2-4, 10, 11, 13, 14, 24-26, 35 and 36, and T02S R01E, Section 1, WM.

Thirty-seven (37) element occurrence records were noted within a two-mile radius of your project and are included on the enclosed computer printout.

Please remember that a lack of rare element information from a given area does not necessarily indicate there are no significant elements present, only that there is no information known to us from the site. To ensure there are no significant elements present that may be affected by your project, you should inventory the site during the appropriate season.

This data is confidential and for the specific purposes of your project and is **not to be distributed**. Please also note that as our database is continually updated, the data in this report should be considered current for a maximum of one year from the date it was generated and should not be cited thereafter.

Please forward the included invoice to the appropriate party in your organization for payment.

If you need additional information or have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Alton", with a long horizontal flourish extending to the right.

Cliff Alton  
Conservation Information Assistant  
[cliff.alton@oregonstate.edu](mailto:cliff.alton@oregonstate.edu)  
503.731.3070 x103

encl.: **invoice (H-040910-CWA01)**  
**computer printout and data key**



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)

April 15, 2010

Honorable Delores Pigsley, Chairman  
Confederated Tribes of the Siletz Reservation  
PO Box 549  
Siletz, OR 97347

Dear Chairman Pigsley

Enclosed please find a draft of the Final Environmental Impact Statement (FEIS) for the Portland-Milwaukie Light Rail Project (PMLR) which includes, as Appendix N, a draft Memorandum of Agreement (MOA) concerning historic and archaeological resources. Also separately enclosed is Attachment A to the MOA, which includes the Archaeological Monitoring Plan, Treatment Plan and Inadvertent Discovery Plan. The draft MOA and Attachment A were completed after a coordination meeting on February 26, 2010, which was attended by representatives of the Oregon Office of Historic Preservation.

As we noted in our letter to your natural resource coordinator in a letter of December 29, 2009, concerning the draft Biological Assessment of this Project, there are substantial efforts have been made to avoid or minimize the biological impacts of this project. In addition, the Project has made substantial efforts to avoid cultural resources. For example the project has:

- Assessed the potential for disturbance of underground cultural resources and completed shovel testing, where possible, to determine whether any significant resources would be in jeopardy;
- Coordinated with the SHPO to assess potential cultural resources;
- Completed a draft inadvertent discovery plan.

We request that should you have comments about either document, that they be provided by April 30, 2010. If you are unable to complete your review within this timeframe, please provide a date when we can anticipate comments. If you have any questions, please contact James (Steve) Saxton at 206-220-4311, or via email at james.saxton@dot.gov.

Thank you.

Respectfully,

*for* Linda Gehrke  
Deputy Regional Administrator

cc: Mike Kennedy, Natural Resources Manager  
Pamela Barlow-Lind, Tribal Planner  
Bridget Wieghart, Metro  
Dave Unsworth, TriMet

Enclosures (2)



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)

April 15, 2010

Honorable Bill Iyall, Chairman  
Cowlitz Indian Tribe  
PO Box 2547  
Longview 98632-8594

Dear Chairman Iyall

Enclosed please find a draft of the Final Environmental Impact Statement (FEIS) for the Portland-Milwaukie Light Rail Project (PMLR) which includes, as Appendix N, a draft Memorandum of Agreement (MOA) concerning historic and archaeological resources. Also separately enclosed is Attachment A to the MOA, which includes the Archaeological Monitoring Plan, Treatment Plan and Inadvertent Discovery Plan. The draft MOA and Attachment A were completed after a coordination meeting on February 26, 2010, which was attended via teleconference line by Mr. dAVE burlingame, representing your tribe, as well as representatives of the Oregon Office of Historic Preservation.

As we noted in our letter to your natural resource coordinator in a letter of December 29, 2009, concerning the draft Biological Assessment of this Project, there are substantial efforts have been made to avoid or minimize the biological impacts of this project. In addition, the Project has made substantial efforts to avoid cultural resources. For example the project has:

- Assessed the potential for disturbance of underground cultural resources and completed shovel testing, where possible, to determine whether any significant resources would be in jeopardy;
- Coordinated with the SHPO and Mr. burlingame to assess potential cultural resources;
- Completed a draft inadvertent discovery plan.

We request that should you have comments about either document, that they be provided by April 30, 2010. If you are unable to complete your review within this timeframe, please provide a date when we can anticipate comments. If you have any questions, please contact James (Steve) Saxton at 206-220-4311, or via email at james.saxton@dot.gov.

Thank you.

Respectfully,

  
for Linda Gehrke  
Deputy Regional Administrator

cc: Shannon E. Wills, Lead Biologist  
dAVE burlingame, Cultural Resources  
Bridget Wieghart, Metro  
Dave Unsworth, TriMet

Enclosures (2)



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)

April 15, 2010

Honorable Ray Gardner, Chairman  
Chinook Indian Tribe  
PO Box 368,  
Bay Center, WA 98527

Dear Chairman Gardner

Enclosed please find a draft of the Final Environmental Impact Statement (FEIS) for the Portland-Milwaukie Light Rail Project (PMLR) which includes, as Appendix N, a draft Memorandum of Agreement (MOA) concerning historic and archaeological resources. Also separately enclosed is Attachment A to the MOA, which includes the Archaeological Monitoring Plan, Treatment Plan and Inadvertent Discovery Plan. The draft MOA and Attachment A were completed after a coordination meeting on February 26, 2010, with representatives of the Oregon Office of Historic Preservation.

As we noted in our letter to your natural resource coordinator in a letter of December 29, 2009, concerning the draft Biological Assessment of this Project, there are substantial efforts have been made to avoid or minimize the biological impacts of this project. In addition, the Project has made substantial efforts to avoid cultural resources. For example the project has:

- Assessed the potential for disturbance of underground cultural resources and completed shovel testing, where possible, to determine whether any significant resources would be in jeopardy;
- Coordinated with the SHPO to assess potential cultural resources;
- Completed a draft inadvertent discovery plan.

We request that should you have comments about either document, that they be provided by April 30, 2010. If you are unable to complete your review within this timeframe, please provide a date when we can anticipate comments. If you have any questions, please contact James (Steve) Saxton at 206-220-4311, or via email at [james.saxton@dot.gov](mailto:james.saxton@dot.gov).

Thank you.

Respectfully,

Linda Gehrke  
Deputy Regional Administrator

cc: Tony Johnson, Natural Resources  
Bridget Wieghart, Metro  
Dave Unsworth, TriMet

Enclosures (2)



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)

April 15, 2010

Honorable Cheryle Kennedy, Chairwoman,  
Confederated Tribes of the Grand Ronde Community of Oregon  
9615 Grand Ronde Road  
Grand Ronde, OR 97347

Dear Chairwoman Kennedy

Enclosed please find a draft of the Final Environmental Impact Statement (FEIS) for the Portland-Milwaukie Light Rail Project (PMLR) which includes, as Appendix N, a draft Memorandum of Agreement (MOA) concerning historic and archaeological resources. Also separately enclosed is Attachment A to the MOA, which includes the Archaeological Monitoring Plan, Treatment Plan and Inadvertent Discovery Plan. The draft MOA and Attachment A were completed after a coordination meeting on February 26, 2010, which was attended by Mr. Eirik Thorsgard, representing your tribe, as well as representatives of the Oregon Office of Historic Preservation.

As we noted in our letter to your natural resource coordinator in a letter of December 29, 2009, concerning the draft Biological Assessment of this Project, there are substantial efforts have been made to avoid or minimize the biological impacts of this project. In addition, the Project has made substantial efforts to avoid cultural resources. For example the project has:

- Assessed the potential for disturbance of underground cultural resources and completed shovel testing, where possible, to determine whether any significant resources would be in jeopardy;
- Coordinated with the SHPO and Mr. Thorsgard to assess potential cultural resources;
- Completed a draft inadvertent discovery plan.

We request that should you have comments about either document, that they be provided by April 30, 2010. If you are unable to complete your review within this timeframe, please provide a date when we can anticipate comments. If you have any questions, please contact James (Steve) Saxton at 206-220-4311, or via email at [james.saxton@dot.gov](mailto:james.saxton@dot.gov).

Thank you.

Respectfully,

*Jar* Linda Gehrke  
Deputy Regional Administrator

cc: Mike Wilson, Director, Natural Resources  
Mike Karnosh, Natural Resources  
Eirik Thorsgard, Cultural Resources  
Bridget Wieghart, Metro  
Dave Unsworth, TriMet

Enclosures (2)



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)

April 15, 2010

Honorable Ron Suppah, Council Chairman  
Confederated Tribes of the Warm Springs Reservation of Oregon  
1233 Veterans St.  
Warm Springs, OR 97761

Dear Chairman Suppah

Enclosed please find a draft of the Final Environmental Impact Statement (FEIS) for the Portland-Milwaukie Light Rail Project (PMLR) which includes, as Appendix N, a draft Memorandum of Agreement (MOA) concerning historic and archaeological resources. Also separately enclosed is Attachment A to the MOA, which includes the Archaeological Monitoring Plan, Treatment Plan and Inadvertent Discovery Plan. The draft MOA and Attachment A were completed after a coordination meeting on February 26, 2010, which was attended by representatives of the Oregon Office of Historic Preservation.

As we noted in our letter to your natural resource coordinator in a letter of December 29, 2009, concerning the draft Biological Assessment of this Project, there are substantial efforts have been made to avoid or minimize the biological impacts of this project. In addition, the Project has made substantial efforts to avoid cultural resources. For example the project has:

- Assessed the potential for disturbance of underground cultural resources and completed shovel testing, where possible, to determine whether any significant resources would be in jeopardy;
- Coordinated with the SHPO to assess potential cultural resources;
- Completed a draft inadvertent discovery plan.

We request that should you have comments about either document, that they be provided by April 30, 2010. If you are unable to complete your review within this timeframe, please provide a date when we can anticipate comments. If you have any questions, please contact James (Steve) Saxton at 206-220-4311, or via email at [james.saxton@dot.gov](mailto:james.saxton@dot.gov).

Thank you.

Respectfully,

Linda Gehrke  
Deputy Regional Administrator

cc: Robert Brunoe, Natural Resources  
Sally Bird, Cultural Resources  
Steve Saxton, FTA  
Bridget Wieghart, Metro  
Dave Unsworth, TriMet

Enclosures (2)

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Thirteenth Coast Guard District

915 Second Avenue  
Seattle, WA 98174-1067  
Staff Symbol: dpw  
Phone: (206) 220-7270  
Fax: (206) 220-7265

16591  
April 29, 2010

Ms. Linda Gehrke  
Deputy Regional Administrator  
Federal Transit Administration  
Region X  
915 Second Ave., suite 3142  
Seattle, WA 98174-1002

Dear Ms. Gehrke:

The Final Environmental Impact Statement for the South Corridor, Portland/Milwaukie Light Rail Project appears adequate for our bridge permit process. This refers to those parts concerning proposed structures and navigation on the Willamette River, which we would adopt from a Final Environmental Impact Statement prior to any permit action. As a cooperating agency, the Coast Guard has no substantive differences with the document or the technical appendices submitted for our review. However, we will analyze information from other sources as well to make our determination about proposed bridge locations and clearances.

If you have any questions, please call me at (206) 220-7282.

Sincerely,

A handwritten signature in blue ink that reads "Austin Pratt".

Austin Pratt  
Chief, Bridge Section  
By direction of the District Commander

APR 29 2010 AM 10:25