

CHAPTER 5
Public and Agency Involvement

Chapter 5. Public and Agency Involvement

This chapter describes the public and agency involvement process used for this Tier 2 DEIS. The Oregon Department of Transportation (ODOT) used this program to educate the public and stakeholders about the proposed project and to give them opportunities to provide input on the proposed project.

This chapter also includes a summary of the Section 6002 Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) activities for the proposed project. SAFETEA-LU is the current federal transportation funding bill that authorizes the federal surface transportation programs for highways and transit. Section 6002 of SAFETEA-LU requires that federal, state, and local agencies that have jurisdiction by law or a special interest in a project have the chance to formally participate in the project's environmental review process. A SAFETEA-LU 6002 checklist is at the end of this chapter in section 5.8.5.

CHAPTER CONTENTS
5.1 Approach
5.2 NEPA Scoping
5.3 Compliance with SAFETEA-LU Section 6002
5.4 Public Involvement
5.5 Agency Involvement
5.6 Advisory Committees
5.7 Environmental Justice Outreach
5.8 Tribal Consultation

5.1 APPROACH

The proposed project's public and agency involvement program plays an important part in the development of the Build Alternative. ODOT uses a variety of ways to inform the public and private stakeholders about the proposed project and to receive their input. Public and agency involvement helps to find a solution that best meets the proposed project Purpose and Need, minimizes impacts, and enhances community livability.

ODOT started the Tier 2 public and agency involvement activities in September 2005 and is continuing them through the Tier 2 Final Environmental Impact Statement (Tier 2 FEIS). The following list summarizes the Tier 2 public and agency involvement activities from September 2005 through January 2010. The remaining sections of this chapter discuss these activities in more detail.

September 2005

- Newsletter #1.
- Project Oversight and Steering Team (POST) meeting to kick off this Tier 2 process.

October 2005

- EIS Notice of Intent (NOI).
- Press release advertising the open house.
- Open house for proposed project.
- Newberg Community Night.

November 2005

- Press release announcing the December Context Sensitive and Sustainable Solutions (CS³) workshop.
- Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) briefing and discussion on the proposed project Purpose and Need.

December 2005

- CS³ workshop and open house to develop design concepts for the Bypass segments.
- CETAS briefing and discussion on the proposed project Purpose and Need.

January 2006

- CETAS concurrence on the proposed project Purpose and Need.

February 2006

- Press release announcing the beginning of the Tier 2 DEIS field studies.
- POST meeting to discuss the second draft of the Purpose and Need, public-private partnerships, interchange area management plans (IAMPs), and other planning studies.

March 2006

- Press release announcing IAMP public forums.
- EJ outreach interviews with city staff, public service providers, and school districts.
- Newsletter #2.
- East Dundee IAMP Stakeholder Working Groups (SWGs) #1 and #2.
- East Dundee Local Access Forums (LAFs) #1 and #2.
- East Newberg and Oregon 219 SWGs #1 and #2.
- East Newberg LAFs #1 and #2.
- Oregon 219 LAFs #1 and #2.
- Dayton SWGs #1 and #2.
- Dayton LAFs #1 and #2.

April 2006

- Press release announcing IAMP public forums.
- CETAS briefing on the Oregon Innovative Partnership Program (OIPP).
- Information booth at Newberg Thriftway with Spanish interpreter.
- East Dundee SWGs #3 and #4.
- East Dundee LAF #3.
- East Newberg and Oregon 219 SWGs #3 and #4.
- East Newberg LAF #3.
- Oregon 219 LAF #3.
- Dayton SWGs #3 and #4.
- Dayton LAF #3.

May 2006

- POST meeting to discuss public-private partnerships, tolling, purpose and content of the Design Evaluation Framework, IAMPs, other planning studies, and the upcoming CS³ workshop.
- Newsletter #3.
- Press release announcing the public CS³ workshop and open house.
- CS³ workshop and open house to further define the Bypass segments.
- Press release announcing June 2006 roadside survey.
- CETAS briefing and discussion on the proposed project range of alternatives.
- Public service announcements on Spanish-language radio stations.

June 2006

- Newsletter #4.
- CETAS update on the proposed project impact analysis methods and range of alternatives.

July 2006

- POST meeting to discuss the June 2006 roadside survey, draft design options, and public involvement.

August 2006

- POST meeting to discuss revisions to design options and the potential location of tolling terminals.
- POST recommendation on the design options to be carried forward into this Tier 2 DEIS.
- Agency scoping field trip.

September 2006

- CETAS briefing with formal presentation on range of alternatives.

October 2006

- Newsletter #5.
- CETAS briefing on evaluation/selection criteria.
- CETAS concurrence on range of alternatives.
- Agency scoping field trip.
- Newberg Community Night.

November 2006

- CETAS concurrence on Evaluation/Selection Criteria.

December 2006

- Press release announcing CS³ workshop and open house.
- CS³ workshop and open house to further define the design options — Rex Hill Winery to Garland Road — and inform potentially impacted parties not previously involved in the project.

February 2007

- POST meeting on proposed project status and IAMPs.
- Newsletter #6.
- Project briefing to Newberg Planning Commission/City Council and Dundee Planning Commission/City Council.

March 2007

- Project briefing to Yamhill County Planning Commission, Dayton City Council/Planning Commission, and McMinnville Realtor Association.

June 2007

- Began occupant survey to gather information from all potential displacements.

July 2007

- Springbrook Estates neighborhood meeting to brief residents on proposed project and on area impacts to Springbrook residents.
- Press release announcing ODOT and Oregon Transportation Improvement Group (OTIG) agreement to cease pursuing public-private partnership.

August 2007

- CETAS meeting on the proposed project and Bypass tolling status.
- Project redefinition workshop with elected officials to discuss cost deferral and cost reduction measures for the proposed project.

September 2007

- Value Engineering Workshop.

October 2007

- Second and third project redefinition workshops with elected officials to discuss cost deferral and cost reduction measures for the proposed project.

November 2007

- Project briefing to Dundee City Council.

January 2008

- Project briefing to Newberg City Council.

May 2008

- Project briefing to the Mid-Willamette Valley Area Commission on Transportation (MWVCT).

September 2008

- Project status update briefing to CETAS.
- Project status update postcards sent to interested parties list (about 2,500).

October 2008–November 2008

- Meetings with Yamhill County, Dayton, Dundee and Newberg Planning Departments to discuss expiration of IGAs.

November 2008

- Project status report send to POST.
- Meeting with representatives from the Confederated Tribes of the Grand Ronde Community of Oregon, Siletz and Warm Springs and SHPO.

March 2009

- Project status update to Dayton, Dundee, and Newberg City Councils and to Yamhill County Commissioners.

July 2009

- Sent copies of the pre-publication DEIS to Cooperating Agencies FAA, USFWS, USACOE, and NMFS for their review and comment.

November 2009

- Project status update to Dayton, Dundee, and Newberg City Councils and to Yamhill County Commissioners.
- ODOT and FHWA met with project area city mayors, Yamhill County Commissioner, and several legislators to discuss the project.

5.2 NEPA SCOPING

The National Environmental Policy Act (NEPA) requires an early and open process to decide the issues that this Tier 2 DEIS addresses and to identify how much environmental analysis ODOT will complete. This process is called *scoping*. During scoping, ODOT and FHWA asked for and received input from the public, interested agencies, and tribes.

ODOT started the scoping process for this Tier 2 DEIS in October 2005 when FHWA published the Notice of Intent (NOI) to prepare an EIS in the Federal Register. During scoping, ODOT provided a number of opportunities for public and agency involvement including the following.

- ODOT held a public and agency open house on October 11, 2005, at the Newberg High School Auditorium, 2400 Douglas Avenue, Newberg, Oregon. Public notices in local newspapers and on the project website announced the start of scoping and the open house. The open house presented information on a variety of project topics, including:
 - Designing a project with community input.
 - Bypass concept designs.
 - NEPA (including draft Purpose and Need).
 - How to become involved in the proposed project.

Notice of Intent (NOI): The NOI is published in the Federal Register by federal agencies to announce a proposed undertaking. The NOI describes the proposed project and provides the name of the contact person for additional information or to receive comments.

Scoping: The formal early coordination process required by NEPA. This process is used to determine the scope of issues to be addressed and to identify significant issues related to the proposed action.

- The Oregon Innovative Partnership Program (OIPP).
- Special studies and interchange area management plans (IAMPs).
- ODOT distributed comment forms at the open house to receive public and agency comments on the draft project Purpose and Need, issues and areas of concern, conceptual Bypass designs, and the proposed project in general. A Spanish translator provided assistance during the open house.
- ODOT conducted two field trips to the project area for interested agencies on August 29 and October 13, 2006. These trips provided proposed project information and gave the agencies an opportunity to talk about issues and concerns with ODOT and project staff. Invited agencies included ODOT, FHWA, Oregon Department of Environmental Quality (DEQ), Oregon Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Land Conservation and Development (DLCD), U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and U.S. Army Corps of Engineers (USACE). Staff from USFWS, NMFS, USACE, FHWA, ODOT, DSL and DEQ attended one or both of the field trips.

Opportunities for public and agency involvement included: open houses, comment forms, public notices in local newspapers, agency field trips, CETAS meetings, CS³ meetings, stakeholder workshops, the Environmental Justice Outreach program, and a project website.

- ODOT held three CS³ activities in Newberg: on December 6 and May 23, 2006, at the Newberg Christian Church, 2315 Villa Road, Newberg, Oregon; and on December 7, 2006, at the Newberg High School Commons, 2400 Douglas Avenue, Newberg, Oregon. The December 6 and May 23 activities included afternoon stakeholder workshops for invited participants and an evening open house for the public. The December 7 activity was an evening open house only. ODOT invited participants at the workshops and open houses to provide comments and raise issues and concerns on the

design options presented at these activities. Project staff recorded comments on maps, drawings, and comment forms.

- ODOT held IAMP Stakeholder Working Group (SWG) and Local Access Forum (LAF) meetings in Newberg, Dundee, and Dayton during 2006. At these meetings, stakeholders raised issues and provided input on the proposed interchange designs.
- ODOT identified Participating and Cooperating Agencies, as defined by SAFETEA-LU.
- ODOT conducted an Environmental Justice (EJ) Outreach program to ensure full and fair participation in the project decision-making process by all potentially affected minority and low-income communities.
- ODOT launched the website, <http://www.oregon.gov/ODOT/HWY/REGION2/newbergdundee2.shtml>, to provide information on the proposed project and this Tier 2 DEIS process, and an opportunity to comment online.¹

The public and agency involvement activities listed above resulted in the development of a Build Alternative that reflects the values, concerns, and priorities of both public and private stakeholders. The Build Alternative includes the following items because of these activities.

¹ ODOT continues to welcome comments and questions on the Bypass project. These may be submitted via letter, fax, telephone, or the project website. The Executive Summary for this Tier 2 DEIS includes project contact information.

- Bridge structures over the majority of stream crossings are designed to limit wetland, riparian, and habitat impacts, and to provide wildlife crossings.
- In East Newberg (Oregon 219 to Oregon 99W), the Bypass is located as far to the east as possible to minimize residential and hospital impacts while preserving the golf course.
- In Newberg (near SP Newsprint), the Bypass is located as far south as possible to avoid 11th Street and housing property and to avoid interfering with SP Newsprint operations.
- Design options with berms reduce visual and noise impacts in Dundee.
- The interchange in Dayton is smaller, reduces impacts, and provides better connections for local roadways serving adjacent land uses.

5.3 COMPLIANCE WITH SAFETEA-LU SECTION 6002

Starting in August of 2005, SAFETEA-LU governs federal spending on surface transportation. Section 6002 of SAFETEA-LU requires that federal, state, and local agencies that have jurisdiction by law or a special interest in a project have the chance to formally participate in the project’s environmental review process. The Newberg Dundee Bypass SAFETEA-LU Coordination Plan discusses how ODOT and FHWA are conducting SAFETEA-LU compliance for the proposed project, identifies the agencies involved and their roles, and provides a summary of planned and completed activities. ODOT will continue to update the Coordination Plan. The following is a summary of SAFETEA-LU 6002 activities for the proposed project.

Some of the Lead, Cooperating and Participating Agencies are members of the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS). CETAS meets monthly and serves as a working group of federal and state resource agencies that provide regulatory guidance and concurrence during major transportation project development. CETAS provides concurrence on four project milestones: Purpose and Need, Range of Alternatives, Evaluation Criteria, and the Preferred Alternative. CETAS was involved with the Tier 1 EIS and has continued to be involved in the Tier 2 EIS process. Through June 2008, ODOT has briefed CETAS on the project numerous times and CETAS had concurred in the first three of the four milestones for the Tier 2 EIS.

5.3.1 Lead Agencies

FHWA is the lead federal agency for this proposed project. ODOT is the joint lead agency. The basis for the Tier 1 process is a joint ODOT/FHWA effort, which continues through this Tier 2 DEIS process. ODOT sent SAFETEA-LU Section 6002 notification letters to FHWA on August 25, 2006 and August 7, 2008.

5.3.2 Cooperating and Participating Agencies

Section 6002 of SAFETEA-LU includes a requirement that ODOT provide opportunities for federal, state, tribal, regional, and local government agencies to participate in the proposed project’s environmental review process. Section 6002 designates each involved agency as a Participating or Cooperating Agency.

As the lead federal agency, FHWA invites Cooperating Agencies that have jurisdiction over the project to consult with ODOT and FHWA on any relevant technical studies required for the project, conduct joint field reviews, review project information (including

Cooperating Agencies: These are primarily federal agencies with jurisdiction by law or special expertise, and federally recognized tribes.

Participating Agencies: Established in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), these are federal, state, tribal, regional and local agencies with permitting authority, special expertise, or interest in transportation projects.

study results), and use this Tier 2 DEIS to express agency views on subjects within their jurisdiction or expertise. Cooperating Agencies may also use this NEPA process to support their associated project decisions. Under SAFETEA-LU 6002 guidance, all Cooperating Agencies are also Participating Agencies.

FHWA sent Cooperating Agency letters to the Federal Aviation Administration (FAA), US Fish and Wildlife Service (USFWS), US Army Corps of Engineers (USACE), and the National Marine Fisheries Service (NMFS). The following summarizes the Cooperating Agency status for the proposed project:

- USACE (accepted invitation)
- FAA (accepted invitation)
- USFWS (accepted invitation)
- NMFS (declined invitation and elected to be a Participating Agency)

FHWA and FAA signed a Memorandum of Understanding (MOU) on May 25, 2007. The MOU outlines the roles of FHWA as the lead agency and FAA as a Cooperating Agency for this Tier 2 DEIS. This MOU is included in the SAFETEA-LU 6002 Coordination Plan, found in Appendix M.

Participating Agencies have a specific interest in the project and are responsible for early identification of issues of concern regarding the proposed project's potential impacts. Reviews and comments take place at project milestones, including the Purpose and Need, Proposed Methodologies, Range of Alternatives, Evaluation Criteria, and Preferred Alternative. ODOT will also provide the Cooperating and Participating Agencies a copy of this Tier 2 DEIS for review and comment.

In February, April, and October 2006, ODOT sent out Participating Agency invitations to over 30 federal and state agencies and local jurisdictions (cities and counties). ODOT received acceptances to participate from the following agencies.

- | | |
|-----------------------|-----------------|
| ▪ City of Dayton | ▪ Marion County |
| ▪ City of Dundee | ▪ NMFS |
| ▪ City of Newberg | ▪ DLCD |
| ▪ City of McMinnville | ▪ EPA |

5.3.3 Review of Purpose and Need

SAFETEA-LU 6002 requires that agencies and the public have an opportunity to comment on a project's purpose and need. ODOT held an open house/scoping meeting on October 11, 2005, and distributed comment forms for agency and public comment on the proposed project Purpose and Need. Many of the Participating Agencies attended the meeting. ODOT also provided an opportunity for agencies to submit comments by mail and e-mail. ODOT received three public comments but no agency comments on the Purpose and Need. In addition, no agencies raised comments or issues at the meeting. The public comments did not specifically address the Purpose and Need.

CETAS discussed the Purpose and Need at their November and December 2005 meetings. They provided final concurrence in January 2006. Several Cooperating and Participating Agencies are also CETAS members.

ODOT also briefed local city, county, and other agencies about the proposed project early in this Tier 2 DEIS process. They discussed the Purpose and Need and requested comments at these meetings. No comments were received.

ODOT sent other Participating Agencies that are not members of CETAS the Purpose and Need statement for review and comment in early 2006. ODOT did not receive comments from these agencies.

5.3.4 Review of Range of Alternatives

Another requirement of Section 6002 is to provide the opportunity for agencies and the public to comment on the range of alternatives. During development of the Build Alternative and design and local circulation options, ODOT offered many opportunities for the public and agencies, particularly local jurisdictions, to give input and provide comments. Opportunities included a project open house, CS³ open houses and workshops, newsletters, the project website, and community briefings. Input resulted in numerous design option and local circulation option modifications.

ODOT published a Newberg Dundee Bypass Alternatives Screening Report on September 19, 2006, which described the process used to identify, develop, and screen a reasonable Build Alternative and design and local options for further consideration in this Tier 2 DEIS. The report is available to agencies and the public, and was discussed in a project newsletter and on the project website.

CETAS provided key involvement for many of the Cooperating and Participating Agencies during the range of alternatives development. Approval of the range of alternatives is a CETAS concurrence point. ODOT offered site visits to the Cooperating and Participating Agencies and coordinated two field trips to the project area on August 29 and October 13, 2006. The field trips familiarized the agencies with the Build Alternative and design and local circulation options and gave them opportunities to discuss issues and concerns with ODOT and project staff. Staff from USFWS, NMFS, USACE, FHWA, ODOT, DSL, DEQ, and ODFW attended one or both of the field trips.

ODOT presented the No Build Alternative, Build Alternative and the design and local circulation options, which were identified in the Alternatives Screening Report, to CETAS and to the Participating Agencies that are not members of CETAS. ODOT did not receive comments from any of these agencies. The CETAS concurrence on the range of alternatives took place on October 25, 2006.

5.3.5 Review of Proposed Methodologies

Section 6002 requires that agencies and the public comment on the methodologies to be used for impact analysis of the No Build and Build Alternatives. ODOT provided the draft methodology and data reports for each of the Tier 2 DEIS resource areas to the Cooperating and Participating Agencies and CETAS members in late 2005 and early 2006. Agencies providing feedback included written comments from FAA, DLCD, DSL and DEQ, and oral comments from USFWS and SHPO. No comments refuted proposed methodologies.

Project staff conducted additional follow-up in January and February 2006 with the USFWS related to a later comment that habitat size is not appropriately addressed in the methodology for habitat quality characterization, and that larger habitats should have higher importance. ODOT reviewed the methodology used and determined that the data used to develop the high, medium and low habitat quality classifications resulted in strictly relative classifications that are reasonable for the purposes of providing a general overview of the habitat present within the area of potential effect. As a result, the outcome was no change to the classification method for habitat quality.

ODOT presented the methodologies to CETAS during its June 2006 meeting. The project team conducted follow-up coordination meetings with USFWS, EPA, NMFS, and DEQ in the fall of 2006 to present and solicit feedback on the habitat assessment approach and to present a suggested approach to cumulative impact assessments for natural

resources. ODOT provided FHWA with a summary of agency feedback on the activities and revised cumulative impact methodologies in December 2006.

5.3.6 Coordination Plan

ODOT published a draft Coordination Plan in May 2006 and provided it to the public and to the Coordinating and Participating Agencies for review. The purpose of the Coordination Plan is to facilitate and document the lead agencies' interaction with the public and other agencies, and to inform the public and other agencies of how the coordination will be accomplished.

ODOT distributed the plan to Participating Agencies and the public in July 2006 and posted it on the project website. ODOT continues to update the plan. The Tier 2 FEIS will include an updated Coordination Plan. A copy of the current Coordination Plan is on the project website: <http://www.oregon.gov/ODOT/HWY/REGION2/newbergdundee2.shtml>. The Coordination Plan can also be found in Appendix M of this DEIS.

5.3.7 Project Schedule

The Coordination Plan includes a project schedule. ODOT keeps the Participating and Coordinating Agencies informed about the schedule, including the earliest anticipated construction time for the proposed project. The schedule also includes anticipated requirements such as formal consultation under ESA, compliance with Oregon Land Use regulations, and other actions ODOT will complete before the Record of Decision.

5.4 PUBLIC INVOLVEMENT

ODOT has conducted a variety of public involvement activities for this Tier 2 DEIS, including open houses and workshops, newsletters, and a project website. A description of each follows.

5.4.1 Open Houses

ODOT held a project open house on October 11, 2005, in Newberg to introduce this Tier 2 DEIS process. They provided information on the NEPA process, preliminary concept designs, the draft Purpose and Need, and the IAMPs. Additional open houses included the Context Sensitive and Sustainable Solutions (CS³) workshops on December 6, 2005, and May 23 and December 7, 2006. See Section 5.2, NEPA Scoping, for additional information on these open houses.

In October 2005 and October 2006, ODOT presented information on the proposed project at the City of Newberg, "Newberg Community Nights" open houses. Project staff presented a variety of land use and transportation planning and environmental project information.

The project team used a planning framework called CS³ to gather stakeholder and public input during development of the Build Alternative. The CS³ process helps to develop a project of lasting value to the state, region, and communities through collaborative decision-making. The CS³ process goal is a project that reflects local community values, meets local community needs, and is safe and consistent with state policy. ODOT extended invitations to the following groups for the CS³ process:

One of the goals of CS³ is to design a facility that meets the Purpose and Need of the project, and that is integrated with the surrounding environment.

- Federal and state regulatory agencies and the tribes.
- State and local elected officials.

- State and local government directors and managers.
- Citizens and stakeholders.

ODOT held the first CS³ workshop in December 2005, which included an afternoon session for stakeholders, including local, state, and federal elected officials and staff, and an evening public open house. At the workshop, the project team:

- Presented a summary of decisions made at CS³ workshops conducted during Tier 1.
- Provided information on NEPA and this Tier 2 DEIS process.
- Invited attendees to review proposed project design options and to provide comments about design preferences and existing conditions.

At the second CS³ workshop in May 2006, ODOT presented revised design options, based on comments from the December 2005 workshop, along with additional technical information on noise and geotechnical conditions, proposed project cost information, and project funding options. Attendees reviewed the updated design options and local circulation options, and provided comments about their design preferences.

In December 2006, ODOT held a third CS³ workshop for residents, businesses, and property owners in the eastern portion of the project area along Oregon 99W from Rex Hill to the end of the project. This is an area ODOT did not include in Tier 1. As a result, these parties may not have known about the project, as well as the potential impacts to their residences, businesses or property, that are a result of an extension of the project in the Rex Hill area during Tier 2. ODOT presented general project information, as well as information about the Build Alternative and design and local circulation options, and gave attendees an opportunity to provide comments. A Spanish translator was available at all workshops and open houses to assist attendees if needed. These individuals were also added to the Tier 2 mailing list.

5.4.2 Interchange Area Management Plan Process

Interchange area management plans (IAMPs) protect the function of interchanges by providing direction for development of local land use policies and actions that take place near the interchanges. An IAMP ensures that the land uses near the interchanges develop as stated in city and county comprehensive plans and transportation system plans (TSPs). IAMPs protect agricultural (EFU) land, as required by the Goal Exception for the proposed project, and provide for safe and efficient operations along the Bypass and on connecting roadways.

ODOT developed IAMPs for the proposed project's four interchanges in coordination with this Tier 2 DEIS process. Stakeholder Working Groups (SWGs) and the public Local Access Forums (LAFs) provided input on the interchange designs at meetings from March through August of 2006. These meetings resulted in the selection of interchange designs and local circulation options to be analyzed in this Tier 2 DEIS.

ODOT will pursue local land use actions to accommodate changes to local roads and to ensure each interchange functions and operates safely. The land use actions will take place between the release of the Tier 2 DEIS and the Tier 2 FEIS and ROD. ODOT will postpone finalization of the IAMP and OTC adoption until after ODOT makes a decision regarding project phasing. ODOT will finalize and complete adoption of the IAMP before construction of any phase.

The project website, <http://www.oregon.gov/ODOT/HWY/REGION2/newbergdundee2.shtml>, provides:

- General project information
- Newsletters
- Calendar of upcoming events
- Answers to Frequently Asked Questions
- Scoping and alternative development information
- Maps of the Bypass segments
- Various meeting summaries
- Contact information for the project team

5.4.3 Project Newsletter

During Tier 1, ODOT developed a mailing list for the project newsletter that included residents, businesses and property owners in the project area. The current mailing list includes the Tier 1 entries, as well as residents, businesses and property owners now located in the project area that were not included in the Tier 1 mailing list, and those who have requested that ODOT add them to the mailing list. The current mailing list includes over 2,500 entries.

Between September 2005 and February 2007, ODOT sent out six newsletters. The newsletters included up-to-date project information about the Build Alternative and design and local circulation options, new project areas outside of the Tier 1 corridor, the project schedule, and upcoming public events. ODOT mailed Spanish-language newsletters as requested by individuals on the mailing list. In addition, ODOT sent out a project postcard with updated schedule information in September 2008.

5.4.4 Project Website

ODOT updates the project to address project progress and includes online forms for questions or comments and a way to sign up for the project mailing list. The website address is: <http://www.oregon.gov/ODOT/HWY/REGION2/newbergdundee2.shtml>.

5.4.5 Press Releases

ODOT distributed nine press releases to regional and local newspapers and radio stations between October 2005 and July 2007. The press releases announced public events and meetings and provided proposed project updates. ODOT will distribute additional press releases periodically up through the publication of this DEIS.

5.5 AGENCY INVOLVEMENT

CETAS AGENCIES

Federal: Federal Highway Administration, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

Oregon: Oregon Department of Transportation, Oregon Department of Fish and Wildlife, Oregon State Historic Preservation Office, Oregon Department of Environmental Quality, Oregon Department of State Lands, and Oregon Department of Land Conservation and Development.

5.5.1 Collaborative Environmental and Transportation Agreement for Streamlining (CETAS)

CETAS is a framework for a working group of federal and state transportation, land use, and natural resource protection agencies that supports environmental stewardship and works to streamline the environmental review process for ODOT's major transportation projects. ODOT and project staff worked closely with CETAS throughout Tier 1 and continues to do so during Tier 2. CETAS identifies regulatory issues and provides concurrence from member agencies on four project milestones:

- Purpose and Need.
- Range of Alternatives.
- Evaluation Criteria and Measures.
- Preferred Alternative.

ODOT met frequently with CETAS during the development of the proposed project, to provide updated project information and at key concurrence points in the project development process. In addition, individual CETAS representative made on-site project visits and consulted with project staff on methodologies and alternative development. The following are key CETAS meetings held to date for the Tier 2 proposed project:

- November 15 and December 13, 2005—Purpose and Need briefing.
- January 6, 2006—Purpose and Need Concurrence.

- April 20, 2006–Oregon Public-Private Partnership update.
- May 16, 2006–Range of Alternatives briefing.
- June 20, 2006–Impact Analysis Methodology and Range of Alternatives update.
- September 19, 2006–Range of Alternatives update.
- October 17, 2006 – Evaluation Criteria and Measures briefing.
- October 25, 2006 - Range of Alternatives Concurrence.
- November 21, 2006 – Evaluation Criteria and Measures Concurrence.
- September 2008 – Informational project status update briefing.

A CETAS concurrence meeting for the Preferred Alternative will be held after the public hearing and comment period closes. The Tier 2 FEIS will include updated CETAS information.

5.6 ADVISORY COMMITTEES

5.6.1 Project Oversight and Steering Team

The Project Oversight and Steering Team (POST) is an advisory group for the proposed project that started meeting during Tier 1 and continues in Tier 2. The group provides federal, state, local, and regulatory review and feedback. The POST makes recommendations on project-related issues and provides information on local issues and concerns, regulatory requirements, and design preferences. Members of POST include elected officials, directors, and managers of agencies in Newberg, Dundee, Dayton, and McMinnville; Marion, Yamhill, and Washington Counties; ODOT; DLCD; FHWA; and state legislators. The POST has met six times to date during this Tier 2 DEIS process.

5.6.2 Yamhill County Parkway Committee

The Yamhill County Parkway Committee was designated by Yamhill County in 1989 as an advisory group to develop a strategy for establishing a parkway along Oregon 99W and Oregon 18.

This long-standing committee normally meets once a month. ODOT representatives either attend or send input for the meeting from ODOT. This group consists of the Dayton, Dundee, McMinnville, and Newberg mayors, Yamhill County Commissioners, Tribal representative, and various business and civic organizations. Their charter is to:

- Encourage the construction of a Newberg Dundee Bypass;
- Identify actions and policies which can enhance and preserve the Parkway all the way through the county;
- Identify improvement projects along the Oregon 99W/Oregon 18 corridor; and
- Provide widespread support for enhancement of the Oregon 99W/Oregon 18 corridor.

5.6.3 Mid-Willamette Valley Area Commission on Transportation (WVACT)

The WVACT is one of the Area Commissions on Transportation (ACT) chartered by the Oregon Transportation Commission. It represents Marion, Polk, and Yamhill Counties. The WVACT has 17 voting members, including a county commissioner from each of the

counties and representatives from the Yamhill County Transit District, Cities of Salem and Keizer, ODOT, several small cities, and from the private sector. The ODOT Area 3 and Bypass Project Team Leader are the ODOT contacts. The commission's scheduled meetings are the first Thursday of each month. ODOT provides information for frequent updates on the Newberg Bypass to this group.

5.6.4 Redefinition Workshop

ODOT met with elected officials in August 2007 to form a Project Redefinition Committee after making the decision not to pursue a public-private development approach for the proposed project. The committee looked at potential cost reduction and cost deferral actions for the proposed project. Members of the committee included elected officials of Newberg, Dundee, Dayton, McMinnville, and Yamhill County. The committee met with ODOT in August and twice in October 2007.

5.7 ENVIRONMENTAL JUSTICE OUTREACH

During the development of design and local circulation options, ODOT conducted a special Environmental Justice (EJ) Outreach program. The program provided project information to potential EJ communities in the project area and helped to involve these communities in the proposed project. During the outreach program, staff worked with residents and property owners in the project area with lower-than-average income and Hispanic residents who could possibly be affected by the proposed project. Spanish is the primary non-English language spoken in the project area.

Environmental Justice Outreach Program

- Information booths.
- Public service announcements on Spanish-language radio stations.
- Spanish-language project newsletters, meeting notices, and briefings.
- Interviews with those who would potentially be displaced or relocated.

In March 2006, the project team conducted interviews with city staff, public service providers, and school districts. The interviews determined the best way to provide information and receive feedback from EJ communities. Project staff asked about the location of potential EJ communities, and what businesses, schools, places of worship, and local media serve these communities. Based on the interviews, the project team conducted the following EJ outreach activities:

- Project staff set up an information booth at the NAPS Thriftway grocery store in Newberg on April 24, 2006. Staff displayed a map of the Bypass project area, distributed English and Spanish newsletters, and responded to questions and received feedback. A Spanish interpreter was present to assist project staff.
- On May 10, 2006, project staff sent public service announcements to local radio stations to promote attendance at the May 2006 CS³ workshop. Three Spanish-language radio stations received the announcements. They were:
 - KLYC-AM (1260), McMinnville.
 - KWBY-AM "Cowboy" (940), Woodburn.
 - KWIP-AM (880), Dallas.

The project team also added the mailing addresses of potentially affected EJ communities to the project mailing list if they were not already on the list. Newsletters and meeting notices were sent to the residents of several multifamily developments and a manufactured home community. The meeting notices included an announcement for the May 2006 CS³ workshop.

Right-of-way agents interviewed residents who would potentially be displaced or relocated by the project. Information was collected on ownership/rental, household size,

gender, race (including Hispanic), household income, and household special needs. The interviews provided data needed to analyze residential relocation impacts to EJ households within the project area. Ninety-five households were contacted and 93 participated in the interviews, representing approximately 236 residents.

In July 2007, ODOT briefed residents of the Springbrook Estates, a manufactured home neighborhood, about the Bypass and areas of impact to their neighborhood.

The various forms of outreach provided additional information on the location and characteristics of potential EJ communities in the project area. These activities helped these communities to become involved in the project.

The EJ Outreach Program was effective in reaching potential EJ communities. As a result of the program ODOT has continued to receive more feedback from Spanish speaking residents, as well as residents located in potential lower-than-average income areas. ODOT has also received better data to assess impacts to potential EJ communities and increased potential EJ community resident's attendance at the CS³ workshops.

5.8 TRIBAL CONSULTATION

ODOT is in ongoing consultation with the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians, and the Confederated Tribes and Bands of the Yakama Nation regarding the proposed project. ODOT also consulted with the Confederated Tribes of Warm Springs, who, after initial meetings, deferred to the Confederated Tribes of the Grand Ronde Community of Oregon and Confederated Tribes of the Siletz Indians.

The ODOT Archaeologist acts as ODOT's Tribal Liaison on the project and consults with the Tribes on a regular basis and at key milestones for the proposed project. FHWA is available to consult with any federally recognized tribe on a government-to-government basis. The following provides a summary of tribal coordination activities.

5.8.1 Confederated Tribes of the Grand Ronde Community of Oregon Consultation

- September 8, 2006. E-mailed Khani Schultz, Cultural Protection Coordinator, with project information and the March 16, 2006, Progress Report from Heritage Research Associates (HRA). Indicated that ODOT would provide Khani with two weeks' fieldwork notice. Provided link to the Newberg Dundee Alternatives Screening report.
- September 11, 2006. Khani Schultz requested additional time to review/comment on project, and wants to accompany HRA during fieldwork. Project was discussed in more detail at a later meeting with ODOT.
- December 6, 2006. ODOT meeting with Khani Schultz, provided project update and project area map. Khani requested fieldwork results.
- February 20, 2007. ODOT staff called Khani Schultz to discuss project. Khani requested pedestrian survey update, including surveyed areas and areas recommended for shovel probing. Khani also asked to accompany HRA during shovel probing.
- March 15, 2007. ODOT e-mailed Khani Schultz with HRA's draft pedestrian survey report. Informed Khani that shovel probing has not begun, but that HRA is aware of the request to accompany HRA during shovel probing.
- June 1, 2007. ODOT meeting with Khani Schultz, provided project update and project area map. No specific comments provided.

- September 10, 2007. ODOT e-mailed Eirik Thorsgard, Cultural Protection Coordinator, and Khani Schultz with project update, including updated fieldwork information.
- October 9, 2007. ODOT e-mailed Eirik Thorsgard and Khani Schultz with fieldwork update.
- October 31, 2007. Kathryn Toepel, HRA, contacted Eirik Thorsgard to ask if a Tribal monitor would join HRA during fieldwork. HRA related that Eirik is not concerned with shovel probes at this time.
- November 16, 2007. ODOT e-mailed Eirik Thorsgard and Khani Schultz with fieldwork update, including project area maps. Eirik e-mailed thanks for the update and indicated that Khani has resigned as the Cultural Protection Coordinator.
- November 26, 2007. ODOT meeting with Eirik Thorsgard, provided project update and project area map. No specific comments provided.
- February 22, 2008. ODOT e-mailed Eirik Thorsgard with fieldwork update and project area map.
- March 26, 2008. ODOT e-mailed Eirik Thorsgard with fieldwork update and project area maps.
- April 25, 2008. ODOT e-mailed Eirik Thorsgard project update.
- May 12, 2008. ODOT meeting with Eirik Thorsgard and Don Day, Cultural Resources Site Protection Monitor, provided project update and project area map. No specific comments provided.
- May 18, 2008. HRA e-mailed Eirik Thorsgard with fieldwork update and to ask if a Tribal monitor would join HRA during fieldwork. Eirik e-mailed HRA and stated that a Tribal monitor is unlikely to accompany HRA.
- May 29, 2008. E-mailed Eirik Thorsgard with summary of HRA's fieldwork and project area map.
- June 24, 2008. E-mailed Eirik Thorsgard with summary of HRA's fieldwork and project area map.
- November 5, 2008. Meeting with Eirik Thorsgard, Robert Kentta, Susan White (SHPO), HRA, Parametrix, and ODOT staff to: 1) provide project background information and the current status of archaeological fieldwork; 2) describe project challenges, such as lack of rights-of-entry, no funding, and no construction date; 3) discuss an approach to address cultural resources in support of the EIS and Section 106 processes; and 4) identify next steps.

The group discussed challenges in obtaining private landowner rights-of-entry for the remaining areas of concern and the practical, legal, and political constraints in obtaining rights-of-entry. Eirik Thorsgard and Robert Kentta agreed that the archaeological fieldwork completed thus far is sufficient and that the Draft EIS should be prepared using the data generated to date. Subsequent to the public review of the Draft EIS in summer 2009, a strategy can be developed to address archaeological issues on the properties for which rights-of-entry have not been provided. This could include a Memorandum of Agreement (MOA), which would need to be completed by the ROD. Eirik Thorsgard and Robert Kentta agreed that the Tribes likely do not need to be signatories on the MOA, but should be included in the negotiations.

- November 6, 2008. ODOT e-mailed Eirik Thorsgard draft meeting minutes from November 5, 2008, for review. No comments received.

- November 20, 2008. ODOT e-mailed Eirik Thorsgard final meeting minutes from November 5, 2008. No comments received.
- December 29, 2008. ODOT e-mailed Eirik Thorsgard and Don Day updated project information, including isolate/site locations, and project area maps.
- December 30, 2008. Don Day left voice message. Stated he would try to access Columbia Empire Farms property. E-mailed Eirik Thorsgard and Don Day clarification that isolates/sites were identified by HRA several months ago.
- January 22, 2009. Don Day called, discussed location of possible house site, near oak tree and New 5S, 5S.
- August 12, 2009. ODOT e-mailed Eirik Thorsgard and Don Day project information for August 27, 2009, meeting. No comments received.
- August 27, 2009. ODOT meeting with Eirik Thorsgard. Provided project information and project area map. Eirik stated that he visited Columbia Empire Farms. Plank houses don't exist and landforms appear to be natural swales. Eirik recommended subsurface probes to confirm observations.
- December 1, 2009. ODOT e-mailed Eirik Thorsgard and Don Day project information for August 11, 2009, meeting. No comments received.
- December 11, 2009. Meeting with Eirik Thorsgard, Don Day, and Brandy Humphreys, Environmental Resources Specialist, Natural Resources Division. Provided project information and project area map. No comments received.
- December 11, 2009. Norm Rauscher left voice message for Kurt Roedel, ODOT. Stated that Justin Martin and Chris Mercer from the Grand Ronde helped obtain support/funding for the project.

5.8.2 Confederated Tribes of the Siletz Indians Consultation

- September 8, 2006. ODOT e-mailed Robert Kentta, Cultural Resources Director, with project information and HRA's March 16, 2006, Progress Report. Indicated that ODOT would provide Robert with two weeks' fieldwork notice, if desired. Also provided link to the Newberg Dundee Alternatives Screening Report.
- November 2, 2006. ODOT met with Robert Kentta, provided project update and project area map. No specific comments provided.
- March 15, 2007. ODOT e-mailed Robert Kentta with HRA's draft pedestrian survey report.
- September 10, 2007. ODOT e-mailed Robert Kentta project update, including updated fieldwork information. Robert replied, but with no specific project comments.
- October 9, 2007. ODOT e-mailed Robert Kentta the fieldwork update.
- November 20, 2007. ODOT met with Robert Kentta, provided project update and project area map. No specific comments provided.
- November 16, 2007. ODOT e-mailed Robert Kentta fieldwork updates and project area maps.
- March 26, 2008. ODOT e-mailed Robert Kentta fieldwork updates and project area maps.
- November 5, 2008. See entry for this date under the Confederated Tribes of the Grand Ronde above.

- November 6, 2008. ODOT e-mailed Robert Kentta draft meeting minutes from November 5, 2008, for review. E-mail to Robert rejected.
- November 11, 2008. ODOT e-mailed Robert Kentta draft meeting minutes from November 5, 2008, for review. No comments received.
- November 20, 2008. ODOT e-mailed Robert Kentta final meeting minutes from November 5, 2008. No comments received.
- November 21, 2008. ODOT e-mailed Robert Kentta project information for December 8, 2008, meeting. No comments received.
- December 8, 2008. ODOT meeting with Robert Kentta. Provided project information and project area map. No comments received.
- December 29, 2008. ODOT e-mailed Robert Kentta updated project information, including isolate/site locations, and project area maps.
- December 8, 2009. ODOT e-mailed Robert Kentta project information for December 16, 2008, meeting. No comments received.
- December 16, 2009. ODOT meeting with Robert Kentta. Provided project information and project area map. No Traditional Cultural Property concerns mentioned. No comments received.

5.8.3 Confederated Tribes of Warm Springs Consultation

- March 26, 2008. ODOT sent three e-mails to Sally Bird, Cultural Resources Manager; e-mails provided project information, HRA's March 16, 2006, Progress Report, draft pedestrian survey report, and fieldwork updates.
- March 28, 2008. Sally Bird e-mailed, thanked ODOT for the project update and deferred comments to Tribes closer to the project area.
- June 24, 2008. ODOT e-mailed Sally Bird summary of HRA's fieldwork and project area map. No comments received.
- July 9, 2008. ODOT e-mailed Sally Bird project update. No comments received.
- July 17, 2008. ODOT meeting with Sally Bird and Culture and Heritage Committee. Provided project update and project area maps. No comments received.
- October 1, 2008. ODOT e-mailed Sally Bird to see if she would still like to receive project updates, although she has deferred comments to Tribes closer to the project area. No comments received.

5.8.4 Bands of the Yakima Nation Consultation

- November 13, 2009. ODOT e-mailed Johnson Meninick, Cultural Resources Manager, and Casey Barney, Cultural Resources, project information and project area maps. Requested area of interest for future contacts could be streamlined. No comments received.

At this time, none of the tribes have identified traditional cultural properties (TCPs) during consultation.

5.8.5 SAFETEA-LU 6002 Checklist

SAFETEA-LU 6002 Checklist		
Pursuant to 23 CFR 771.125(b) the following checklist and documentation is required for the legal sufficiency review.	YES	NO
<p>(1) IS THE SDOT and/or LOCAL GOVERNMENT A JOINT LEAD AGENCY?</p> <p>Section 6002 Goal: Any state or local government agency that is the direct recipient of Federal funds must be identified and participate as a joint lead in the NEPA process.</p> <p>Newberg Dundee Bypass: <i>ODOT and FHWA are the lead agencies for this project. The local jurisdictions are participating agencies.</i></p>	X	<input type="checkbox"/>
<p>(2) HAS FHWA RECEIVED PROJECT INITIATION LETTER FROM SDOT PRIOR TO START OF NEPA?</p> <p>Section 6002 Goal: To notify FHWA regarding the type of work, termini, length/general location of project, and statement of any Federal approvals anticipated to be necessary for project. Purpose of letter is to inform FHWA that the environmental review process should be initiated.</p> <p>Documentation Required: Copy of initiation letter.</p> <p>Newberg Dundee Bypass: <i>This project is being done in a tiered NEPA process. The Tier 1 ROD was signed in August of 2005 prior to SAFETEA-LU being enacted. The Tier 2 process was started shortly thereafter. Once FHWA began preparing SAFETEA-LU guidance and it started to take shape a Project Initiation Letter was determined to be needed for this project. A Project Initiation Letter was sent by the ODOT Region 2 Manager to FHWA on August 28, 2006.</i></p>	X	<input type="checkbox"/>
<p>(3) HAVE PARTICIPATING AGENCIES BEEN IDENTIFIED?</p> <p>Section 6002 Goal: The lead agency shall identify any Federal and non-Federal agencies "that may have an interest in the project and shall invite such agencies to become participating agencies."</p> <p>Documentation Required: Invitation letters or notices and replies.</p> <p>Newberg Dundee Bypass: <i>Participating Agency Letters were sent out on February 20, 2006. Two additional Participating Agency Letters were sent on October 11 and October 13, 2006.</i></p>	X	<input type="checkbox"/>

SAFETEA-LU 6002 Checklist		
Pursuant to 23 CFR 771.125(b) the following checklist and documentation is required for the legal sufficiency review.	YES	NO
<p><u>Participating Agencies:</u></p> <p>1) EPA – Did not respond to Cooperating Agency Letter, EPA becomes a Participating Agency by default.</p> <p>2) NMFS – No response from initial letter. Second Cooperating Agency Letter sent June 16, 2008; Declined Cooperating Agency – Accepted Participating Agency on August 5, 2008.</p> <p>3) DLCD – Accepted March 15, 2006</p> <p>4) Marion County – Accepted February 28, 2006</p> <p>5) City of Dayton – Accepted February 22, 2006</p> <p>6) City of Dundee – Accepted February 21, 2006</p> <p>7) City of Newberg – Accepted February 28, 2006</p> <p>8) City of McMinnville – Accepted February 28, 2006</p> <p><u>Agencies that Declined:</u></p> <p>1) Confederated Tribes of Grand Ronde</p> <p>2) NMFS</p> <p><u>Agencies that Did Not Respond:</u></p> <p>1) ODFW</p> <p>2) ODEQ</p> <p>3) ODSL</p> <p>4) SHPO</p> <p>5) OPRD</p> <p>6) ODECD</p> <p>7) ODA - Aviation</p> <p>8) Washington County</p> <p>9) Yamhill County</p> <p>10) Confederate Tribes of the Siletz</p>		

SAFETEA-LU 6002 Checklist		
Pursuant to 23 CFR 771.125(b) the following checklist and documentation is required for the legal sufficiency review.	YES	NO
<p>(4) HAVE COOPERATING AGENCIES BEEN IDENTIFIED AS APPROPRIATE?</p> <p>Section 6002 Goal: Participating agencies can also be cooperating agencies.</p> <p>Documentation Required: List of Cooperating Agencies and Invitation letters and their replies.</p> <p>Newberg Dundee Bypass: <i>Cooperating Agency Letters were sent by FHWA to the following agencies:</i></p> <p>1) FAA – Sent letter December 18, 2006; Accepted January 9, 2007; FHWA/FAA MOU May 2007.</p> <p>2) USACOE – Sent letter September 12, 2006; Accepted July 21, 2009</p> <p>3) USFWS – Sent letter June 16, 2008; Accepted July 30, 2008</p> <p>4) NMFS – See Participating Agencies above.</p>	x	<input type="checkbox"/>
<p>(5) HAS THE LEAD AGENCY PROVIDED AN OPPORTUNITY FOR INVOLVEMENT BY PARTICIPATING AGENCIES IN THE DEVELOPMENT OF THE PROJECT'S PURPOSE AND NEED?</p> <p>Section 6002 Goal: Lead agency shall provide an opportunity for involvement by the participating agencies in defining the project's purpose and need.</p> <p>Newberg Dundee Bypass: <i>The Purpose and Need was vetted through meetings, working groups, and briefings with local jurisdictions and with CETAS. CETAS represents state and federal resource agencies, most with permitting authority that have an interest in ODOT projects. Participating and Cooperating Agencies were also given the opportunity to review and comment on the Draft Purpose and Need – as it was sent with the Participating and Cooperating Agency Letters. For more detail see DEIS Sections 5.3.3, 5.5, 5.6, and Appendix M.</i></p>	x	<input type="checkbox"/>
<p>(6) HAS THE LEAD AGENCY PROVIDED AN OPPORTUNITY FOR INVOLVEMENT BY THE PUBLIC IN THE DEVELOPMENT OF THE PROJECT'S PURPOSE AND NEED?</p> <p>Section 6002 Goal: Lead agency shall provide an opportunity for involvement by the public in defining the project's purpose and need.</p> <p>Newberg Dundee Bypass: <i>The Purpose and Need was vetted through public meetings and working groups which provided opportunities for the public to be involved in their development and to provide input and comments. For more detail see DEIS Sections 5.3.3, 5.4, 5.6, and Appendix M.</i></p>	x	<input type="checkbox"/>

SAFETEA-LU 6002 Checklist		
Pursuant to 23 CFR 771.125(b) the following checklist and documentation is required for the legal sufficiency review.	YES	NO
<p>(7) HAS THE LEAD AGENCY PROVIDED AN OPPORTUNITY FOR INVOLVEMENT BY PARTICIPATING AGENCIES IN THE DEVELOPMENT OF THE PROJECT'S RANGE OF ALTERNATIVES?</p> <p>Section 6002 Goal: Lead agency shall provide an opportunity for involvement by the participating agencies in defining the project's range of alternatives.</p> <p>Newberg Dundee Bypass: <i>The Range of Alternatives was vetted through meetings, working groups, and briefings with local jurisdictions and with CETAS. Participating and Cooperating Agencies were given the opportunity to be involved in the development, review, and comment on the Range of Alternatives. For more detail, see DEIS Sections 5.3.4, 5.5, 5.6, and Appendix M.</i></p>	X	<input type="checkbox"/>
<p>(8) HAS THE LEAD AGENCY PROVIDED AN OPPORTUNITY FOR INVOLVEMENT BY THE PUBLIC IN THE DEVELOPMENT OF THE PROJECT'S RANGE OF ALTERNATIVES?</p> <p>Section 6002 Goal: Lead agency shall provide an opportunity for involvement by the public in defining the project's Range of Alternatives.</p> <p>Newberg Dundee Bypass: <i>The Range of Alternatives was vetted through meetings, working groups, and briefings with the public. The public were given the opportunity to be involved in the development, review, and comment on the Range of Alternatives. For more detail see DEIS Sections 5.3.4, 5.4, 5.6 and Appendix M.</i></p>	X	<input type="checkbox"/>
<p>(9) HAS THE LEAD AGENCY DETERMINED THE METHODOLOGIES TO BE USED AND LEVEL OF DETAIL REQUIRED TO ANALYZE EACH ALTERNATIVE?</p> <p>HAS THIS DETERMINATION BEEN DONE IN COLLABORATION WITH THE PARTICIPATING AGENCIES?</p> <p>Section 6002 Goal: Lead agency will determine appropriate methodologies in collaboration with the Participating Agencies.</p> <p>Newberg Dundee Bypass: <i>Methodologies for each resource were selected and reports prepared in collaboration with ODOT specialists and Participating Agencies and the methodologies were sent to them for review and comment in late 2005 to early 2006. For more details see DEIS Sections 5.3.5 and Appendix M.</i></p>	<input type="checkbox"/> X	<input type="checkbox"/> <input type="checkbox"/>
<p>(10) HAS A COORDINATION PLAN BEEN DEVELOPED BY LEAD AGENCY WITH CONSULTATION OF PARTICIPATING AGENCIES?</p> <p>Section 6002 Goal: The coordination plan is intended to coordinate public and agency participation in and comment on the environmental review process.</p> <p>Documentation Required: The Coordination Plan.</p> <p>Newberg Dundee Bypass: <i>The Coordination Plan was last revised in March 2010. See Appendix M.</i></p>	X	<input type="checkbox"/>

SAFETEA-LU 6002 Checklist		
Pursuant to 23 CFR 771.125(b) the following checklist and documentation is required for the legal sufficiency review.	YES	NO
<p>(11) IF A SCHEDULE HAS BEEN ESTABLISHED AS PART OF COORDINATION PLAN, WERE THE FOUR STATUTORY FACTORS CONSIDERED?</p> <p>Section 6002 Goal: If a lead agency develops a project schedule or modifies it, the lead agency shall consult with the participating agencies, the State DOT, and consider the four statutory factors.</p> <p>Newberg Dundee Bypass: <i>A schedule as part of the Coordination Plan and was approved by the Lead Agencies. The factors listed for consideration are:</i></p> <ol style="list-style-type: none"> 1) <i>Responsibilities of Participating Agencies – These responsibilities are outlined in the Coordination Plan.</i> 2) <i>Resources available to the Cooperating Agencies – Cooperating and Participating Agencies were included in existing project teams and CETAS to reduce redundant meeting participation.</i> 3) <i>Overall size and complexity of the project and overall schedule for and cost of the project – Due to the complexity of the project the schedule was extended several times to provide for better collaboration between the Lead Agencies and the Participating Agencies and for DEIS revisions.</i> 4) <i>Sensitivity of natural and historic resources that could be affected by the project – Since the project area includes many parks, stream crossings, wetlands, and some potentially historic resources, these resources were considered early on in the process.</i> <p><i>For current schedule see Appendix M.</i></p>	×	<input type="checkbox"/>
<p>(12) HAS LEAD AGENCY ESTABLISHED THE COMMENT DEADLINES TO BE USED DURING ENVIRONMENTAL REVIEW PROCESS?</p> <p>Section 6002 Goal: The public comment period will be 45 days.</p> <p>Newberg Dundee Bypass: <i>The public and Participating Agencies will be notified of the comment period via postal mail, e-mail, and/or the project website of the availability of the DEIS. The comment period is expected to begin in June 2010.</i></p>	×	<input type="checkbox"/>

SAFETEA-LU 6002 Checklist		
Pursuant to 23 CFR 771.125(b) the following checklist and documentation is required for the legal sufficiency review.	YES	NO
<p>(13) HAS LEAD AGENCY MADE ENVIRONMENTAL AND SOCIOECONOMIC INFORMATION AVAILABLE TO PARTICIPATING AGENCIES EARLY DURING THE REVIEW PROCESS?</p> <p>Section 6002 Goal: Requires lead agencies to make available to participating agencies as early as practicable information about environmental and socioeconomic resources in the project area and general locations of the alternatives. Based upon this information, participating agencies shall identify issues of concern.</p> <p>Newberg Dundee Bypass: <i>Agencies will receive environmental and socioeconomic information in the form of the DEIS when it is distributed.</i></p>	X	<input type="checkbox"/>
<p>(14) <u>Optional</u> – Has a higher level of detail for the preferred alternative been developed?</p> <p>Section 6002 Goal: Allows development of the preferred alternative, once identified, to a higher level of detail for the purposes of facilitating development of mitigation measures and/or concurrent compliance with other laws.</p> <p>Documentation Required: FHWA’s determination that development of a higher level of detail will not prevent the lead agency from making an impartial decision whether to accept another alternative under consideration.</p> <p>Newberg Dundee Bypass: <i>All alternatives and options have been developed at the same level of detail. However, ODOT has provided a recommendation for a Preferred Alternative in the DEIS.</i></p>	<input type="checkbox"/>	X