APPENDIX N

Public Comments and Responses
Appendix N: Public Comments and Responses

Appendix N provides responses to public and agency comments. These include comments received during the Tier 2 DEIS public review and comment period – June 4 – July 18, 2010, and during the Phase 1 open houses, September 27 and 28, 2011. Comments were received primarily in the form of letters, email messages, and in oral testimony given at the public hearing. Each document is reprinted here.

Comments were assigned a code to represent where each comment came from, such as an agency or a business. Each comment was then assigned a document number, which is placed in the upper right hand corner of the document. The comments were placed in numeric order; the code letter first, followed by the assigned number. The codes the reader will see are:

A – Agency
B – Business
C – City
Co – County
P – Public
Ph – Phase 1
W. Don Clements
Superintendent
Chehalem Parks and Recreation District
125 S. Elliott Road
Newberg, Oregon 97132

Response to Comment:

ODOT appreciates Superintendent Clements' continued support for the proposed project and will continue to coordinate with Chehalem Parks and Recreation District on the location and accommodation of the planned Chehalem Heritage Trail system.

The project will accommodate the planned trail system. Construction of the Bypass will not preclude construction of the trail or its connections.

Additionally, ODOT and CPRD met in September 2011 to discuss wetland mitigation as well as the proposed trail. They are continuing to coordinate
on a mitigation site near the Willamette River that would be immediately adjacent to the trail. The mitigation site will not preclude construction of the proposed trail and the trail itself will be incorporated into the mitigation site.

Regarding the Mr. Clements’ reference to a figure in Appendix D of the Chehalem Trail Strategic Plan; the appendix contains a report identifying right of way issues relating to the trail and is not reproduced here.
ODOT appreciates Superintendent Clements’ continued participation and support on behalf of Chehalem Parks and Recreation District (CPRD). ODOT understands that CPRD and Providence Health System have worked together and come to agreement in a Memorandum of Understanding that allows both parties to implement their respective master plans. ODOT also recommends Design Option 7.5C as the preferred option in Segment 7 of the Bypass Project.
Thank you!

Please indicate the option(s) that you would support for each segment where available. Additional information about the different options within each segment is available at the preliminary engineering status for the public hearing.

Segment 1:
- Local Circulation Option A (Connects Kramer Road to the Interchange)
- Local Circulation Option B (Ferry Street is extended to Kramer Road)

Segment 3:
- Design Option 3.1A (Bypass below-grade without berms)
- Design Option 3.1B (Bypass below-grade with berms)
- Design Option 3.1C (Bypass above-grade, leaves 11th Street open)

Segment 4:
- Design Option 4.1 (Diamond interchange)
- Design Option 4.2 (Partial Cloverleaf interchange)

Segment 5:
- Design Option 5.1C (Bypass below-grade, leaves 11th Street open)
- Design Option 5.1D (Bypass above-grade, leaves 11th Street open)

Segment 7:
- Design Option 7.1C (Bypass close to Newberg Providence Hospital)
- Design Option 7.1D (Bypass shifts away from Newberg Providence Hospital)

Contact Information:
Name (first & last name, organization)
Address (street, city, state, zip)
Email

Thank you!
2. Springbrook LLC intends to grant an easement to the Park District over several lots in its subdivision in the general location shown on Exhibits 1 and 2. This easement will allow the Park District to realign hole 6 along the back portion of these lots.

3. The Parties intend to cooperate on any land use approvals required to carry out the purposes of this agreement.

4. Initially, the Parties intend to take the following action within a reasonable period of time, as a showing of good faith:
   A. On or before January 31, 2007, the Hospital intends to enter into a Purchase and Sale Agreement with Springbrook LLC to purchase the needed 6th fairway easement that Springbrook LLC will grant to the Park District as described in paragraph 2 above, for $12.50 per square foot (approximately $155,000).
   B. On or before January 31, 2007, Springbrook LLC intends to grant the Park District an easement over certain land, generally shown on Exhibits 1, 2, and 5 to allow this land to be used for the realignment of the 6th fairway of the golf course.
   C. The Hospital intends to grant the Park District an easement over certain land, generally shown on Exhibits 1 and 2, to reserve this land for the gift which will be necessary for the possible realignment of the golf course.
   D. The Park District intends to reserve and reasonably encumber to the Hospital's satisfaction the land designated in Exhibits 1 and 2 for the possible realignment of the bypass.
   E. The Hospital intends to grant Springbrook LLC a right of first refusal over certain land, generally shown on Exhibits 1 and 2, to allow Springbrook LLC an opportunity to purchase this land for future residential use.
   F. The Hospital will demonstrate, to the Park District's satisfaction, that it will have the financing in place necessary to complete the golf course realignment and to reimburse the District for any loss of income due to construction.

5. The Parties intend to immediately negotiate the terms of an agreement implementing items 4 A-F above, and to otherwise carry out the purpose and intent of this MOU.

6. This MOU is only a statement of mutual intent by the Parties and not a binding agreement. This MOU does not obligate the Parties to take any of the above-mentioned actions.

This Memorandum of Understanding is hereby acknowledged by the following Parties on the day of

[Signatures]

Debra White
Providence Health System

Don Clements
Clatskanie Park and Recreation District

Jeff Smith
The Greens at Springbrook LLC
Submittal: A-03
Type: Letter
Name: Reynold L. Leno
Title: Tribal Council Vice-Chairman
Business/Affiliation: The Confederated Tribes of Grand Ronde
Address: 9615 Grand Ronde Rd
Grand Ronde, OR 97347

Response to Comment:

ODOT appreciates Vice-Chairman Leno’s and the Confederated Tribes of Grand Ronde’s support for the Newberg Dundee Bypass project and their desire to have better transportation access and reduced congestion to support economic and business growth in the region. ODOT understands the importance of efficient transportation facilities that are critical to maintaining and growing existing businesses.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion, increase the efficiency of traffic flow, and improve safety in the project area and on Oregon 99W and Oregon 18.
Response to Comment:

ODOT appreciates the USACE's coordination on the Newberg Dundee Bypass project. The following responses correspond to the Corps' specific comments, in their letter.

a) ODOT will be building 39 bridges over 22 stream-crossings. Where it is not possible to bridge the waterway ODOT has identified mitigation. ODOT will address this information in detail when they submit the Joint Permit Application (JPA) to the USACE.

b) Because of the potentially large impact to a highly sensitive wetland type – wet prairie – ODOT conducted additional wetland investigation in the summer of 2011. ODOT determined that about 11.45 acres of...
wetland will be directly impacted by removal or fill activities. This is a refinement of the data published in the Tier 2 DEIS. The description of Wetland O, which was previously identified as wet prairie habitat in the Tier 2 DEIS, has been modified and is now more accurately described as a palustrine emergent wetland. When Wetland O was first observed in 2006, it was being used as a private airstrip. The area was regularly mowed. This mowing prevented the emergence of woody vegetation. In 2011 when the site was again observed, the site had ceased being maintained. There was widespread evidence of scrub-shrub vegetation, trending towards a forested system. By definition, wet prairie habitat lacks woody vegetation. Wet prairies were historically maintained through fire and hand-removal of woody vegetation by Native Americans. For updated information on wetland classifications see the Tier 2 FEIS, Section 3.13, Wetlands. Wetland prairie habitat was determined not to be present anywhere within the project area during the 2011 investigation. For the wetland impacts that will occur, ODOT has identified suitable mitigation sites under public jurisdiction. There is a half-acre site in the City of Dayton and a 90-acre site owned by the Chehalem Parks and Recreation District. Details of the riparian and wetland mitigation sites will be included in the JPA submitted to the Corps.

c) FHWA and ODOT will evaluate removal of fish passage barriers wherever possible. This could include removal of barriers, removing old fill within waters of the state, and opening up stream reaches, which were likely historically used by fish. ODOT agrees that the project will fully comply with Oregon Department of Fish and Wildlife Fish Passage regulations.

d) FHWA and ODOT will provide a detailed description of the measures that will be taken to avoid direct and indirect impacts to these wetlands and will be included in the JPA submittal to the Corps. This will include a description of measures taken to avoid impacts during construction.
These methods will include best management practices (BMPs), accepted construction methods including no work areas, and monitoring by the state agency.

e) FHWA and ODOT agree to work with ODEQ for appropriate stormwater treatment to minimize degradation of water quality.

f) FHWA and ODOT will continue to work with the private property owners to obtain the necessary information for compliance with the National Historic Preservation Act (NHPA). FHWA, ODOT, and SPHO have signed a Programmatic Agreement for identifying and evaluating any remaining potential archaeological sites in the Newberg Dundee Bypass Project area. Additional information will be provided to the USACE when discoveries are made. All Section 106 activities will be complete prior to a request for a project permit.

g) A greater detailed cumulative impacts analysis is provided in the Tier 2 FEIS. Additionally, there will be a detailed cumulative impact analysis in the JPA.

h) The USACE can find a detailed Hydrogeomorphic (HGM) approach for assessing wetland functions in the Newberg Dundee Bypass Wetland Delineation Report (ODOT, 2011). This information will be included in the JPA.

i) Thank you. ODOT and FHWA agree with the USACE and Design Option 5.2D is the preferred option.

j) Thank you. ODOT and FHWA agree with the USACE and Design Option 7.5C is the preferred option.

k) FHWA and ODOT will provide detailed analysis of the effects to the public interest factors listed in the USACE letter, in the permit application.
I) ODOT believes that the Tier 2 FEIS contains enough information to satisfy the USACE requirements and that they are able to adopt the Tier 2 FEIS. ODOT will work with the Corps if they find there is insufficient information in the current documentation.
July 19, 2010

Mr. Tim Potter, P.E.
Area Manager, ODOT Region 2
885 Airport Road SE, Building P
Salem, OR 97301-2610

COMMENTS ON NEWBERG DUNDEE BYPASS TIER 2 DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Tim:

Thank you for the opportunity to provide comments on the Newberg Dundee Bypass Tier 2 DEIS. We received the Land Use Technical Memorandum on July 14, so we have had only a very limited time to prepare our comments.

The DEIS and Land Use Technical Memo appear not to include information or analysis needed to address relevant land use requirements as required by ODOT’s state agency coordination rule (OAR 731-15-0075(2)). In short, additional information and analysis is needed to show that the proposed roadway improvements will be sited in a way that minimize impacts on farm and farm practices. This omission is significant. The Tier 2 DEIS proposes new or revised guidelines for the bypass and interchanges. The DEIS also proposes 12 new or realigned roadways on farmland and rural lands that would require land use approvals likely through a conditional use approval – from Yamhill County. (LU Technical Memo, page 62) (LU Technical Memo Table 4, page 70)

ODOT state agency coordination (SAC) rule requires that:  

- Environmental documents identify and address relevant land use requirements in sufficient detail to support subsequent land use decisions necessary to authorize the project.  
- Goal compliance and plan compatibility shall be analyzed in conjunction with the development of the Draft Environmental Impact Statement or Environmental Assessment. The environmental analysis shall identify and address relevant land use requirements in sufficient detail to support subsequent land use decisions necessary to authorize the project. (OAR 731-015-0075(2))

The analysis is critical to the recommendations in the EIS because the land use decisions must be based on an evaluation of impacts on farm lands and farm operations, and must consider and select alternatives that avoid or minimize impacts on farm land and farm practices. The EIS should only include a calculation of the expected right of way impacts needed for each of the improvements (LU Technical Memo at Table 1, page 67). Without more detailed

Response to Comment:

ODOT received Mr. Cortright’s comments concerning the level of detail for the Tier 2 DEIS and Newberg Dundee Bypass Land Use Technical Memorandum and the adequacy of these documents to meet ODOT’s state agency coordination rule (OAR731-15-0075(2)). Mr. Cortright states that per the rule the environmental documentation for the project is required to identify and address relevant land use requirements in sufficient detail to support subsequent land use decisions necessary to authorize the project.

The Newberg Dundee Bypass Land Use Technical Memorandum has been rewritten, and an addendum added, with additional detail to provide sufficient information, which addresses Mr. Cortright’s concerns. In addition, the
applications and supporting documentation for the 2011 Goal Exception and the related land use actions required for the project provided the information needed to meet approval criteria. The Goal Exception and related land use actions were approved by Yamhill County and the local jurisdictions in the spring of 2011. The findings for the Goal Exception and land use actions are summarized in the Land Use section of Chapter 3 of the Tier 2 FEIS.

To address concerns related to pressure to convert farm uses to non-farm uses as a result of new or realigned roadways, ODOT agrees to limit uses to “farm use” only, as defined by statute (ORS 215.203(2)(a)) for approaches to local roads where the current uses are devoted to farm use. ODOT and DLCD met over the course of eight months to coordinate on this issue. The Tier 2 FEIS has been revised to include this requirement.

Thank you again for the opportunity to submit these comments. If you have any questions or would like to discuss relevant rule requirements in more detail, please contact me or our regional representative for Yamhill County, Gary Fish. You can reach me at 503.373.0050 x241 and Gary at 503.373.0059 x254.

Sincerely,

Robert Cartright
Transportation Planning Coordinator
Tier 2 DEIS Comment and Responses

Submittal: A-06

Type: Letter

Name: Jim Weidner

Title: State Representative, District 24

Business/Affiliation: House of Representatives

Address: 900 Court St NE
Salem OR 97301

Response to Comment:

ODOT appreciates Representative Weidner’s support for Newberg Dundee Bypass project. ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W and Oregon 18.
Dear Mr. Potter,

The Oregon Department of Fish and Wildlife (department) reviewed the Tier 2 DEIS for the Newberg to Dundee by-pass project and offer the following comments:

The DEIS incorporates some of department’s past recommendations. These concerns revolved around improving fish passage where native fish species are located within the project area, avoiding/minimizing impacts to riparian areas and wetlands, avoiding/minimizing impacts to wildlife corridors, and restoring and/or enhancing fish and wildlife habitats within the project area.

The DEIS documents important wildlife corridors within and adjacent to the proposed new highway alignment. These corridors are important for small animals as well as larger mammals. The proposed alignment will impact these wildlife corridors by, increasing noise and lighting during the dusk to dawn periods when many of these animals are making daily migrations.

The department supports alternatives and design options that create the least amount of negative impacts to fish and wildlife populations. Riparian corridors are often hotspots of amphibian as well as mammal corridors. The department suggests utilizing bridges at stream crossings with designed wildlife benches. These types of crossings also allow for improved fluvial performances that are important for habitat forming processes.

When the final alternative and design options are chosen, the department looks forward to working with the Oregon Department of Transportation (ODOT) to assist in the final design or mitigation measures that provide the most benefit to fish, wildlife, and their habitats.
Chapter 1: 1.4.2.3 Objectives: Mitigate for the direct and indirect impacts of the proposed project on wetlands, riparian areas, and wildlife habitats by:

- Retain key pieces of large woody debris (LWD) for potential enhancement/mitigation needs.
- Prepare a re-vegetation plan for disturbed areas, which limits the need for future mowing and herbicides.
- Retain existing snags were possible. Were retention of snags are not feasible attempt to retain as much as possible (e.g. high-stump or leave root wad).

Chapter 3: 3.12 WATER QUALITY AND HYDROLOGY

General comments:

State or Oregon Fish Passage Laws: There are references in this section which may cause confusion or possible delays to the project when confronted with Oregon Fish Passage Laws. The law is enacted when certain trigger events are realized. Culvert extensions and replacing over 50% of the fill above the culvert are possible forms of trigger events.
Temporary water management may also require fish passage approval, depending on the location, life history requirements of migrating fish in the area, and the type and duration of the water management. The department is willing to provide detailed input for each area where temporary water management is proposed.

Fish passage plans are the mechanism for demonstrating meeting the intent of Oregon’s Fish Passage Laws. For each trigger event a fish passage plan needs department approval prior to construction. Fish passage is demonstrated via stream simulation, large scale crossing method (for streams with active channel width greater than 35 feet), and the hydraulic method. For streams with any bridge element below the ordinary high water line that are less than 35 feet in active channel width, the department will require ODOT to demonstrate fish passage via the hydraulic method. Bridge elements included subgrade riprap protection above the general scour zone.

Two streams are proposed for relocation. A detailed aquatic habitat assessment of baseline conditions is recommended. The assessment will help in development of details needed for a stream recreation plan. The plan should include goals, objectives, success criteria, stream metrics, performance measures, monitoring and contingency plans.

3.13 WETLANDS: Page 327 Segment 4 Wetland O

As stated in the document, “It is estimated that over 97 percent of the historical wet prairies in the Willamette Valley have been converted to other uses. Out of an estimated historic 768,000 acres of wet prairies in the Willamette Valley, approximately 23,000 (or 3 percent) remain, of which the 4.65 acres impacted by the proposed project represent 0.02 percent of remaining Willamette Valley wet prairies.”

A total of 4.65 of the 11.3 acres of the wet prairie wetland habitat are proposed for impacts. The department recommends that ODOT explore mechanisms which allow for existing hydrologic and overland flow contributions to this wetland to continue into the future.

3.13.3.1 Affected Environment:

Wetland losses directly affect production of amphibian and reptile species, including several species classified as Oregon State Sensitive. The department recommends the FEIS include reptile and amphibian support as part the wetlands assessment.

Section 3.13.3.1:
ODOT included reptile and amphibian support as part of the wetlands assessment.

Section 3.13.4.2:
ODOT avoided and minimized displacements of wetlands. Actions included modifying and/or shifting the Bypass to avoid wetland areas, minimizing the number of stream crossings and using full-span bridges for most stream crossings. To address impacts to wetlands that could not be avoided or minimized, ODOT will use the following mitigation measures:

- Repair, restore, or enhance wetlands to the extent practicable, and create new wetland areas.
- Create wetlands at a property owned by the Chehalem Parks and Recreation District. This site provides a good opportunity to establish wetland by converting some upland areas into wetland areas in areas that are adjacent to existing wetlands.
- Offset impacts by purchasing credits from the Mud Slough wetland mitigation bank in Rickreall, Oregon.
- Create an entirely new compensatory wetland mitigation site on property acquired but that is outside the clearing limits.
- Preserve favorable wetland vegetation and topsoil from disturbed wetlands for subsequent use at mitigation sites.
- Continue to coordinate with resource agencies on the amount and location of proposed mitigation.
3.13.4.2 Proposed Mitigation: Page 332, bullet #4

Wet prairie wetlands are essential fish and wildlife habitat and are extremely limited in the Willamette Valley physiographical province. The department strongly recommends consideration of in-kind mitigation and within the Tualatin watershed. Additionally, the department recommends the in-kind mitigation to be higher quality than the impacted wet prairie wetland or of higher quantity. Wet prairie wetlands are considered habitat category 2 under the department’s Fish and Wildlife Mitigation Policy. Impacts should be first avoided then minimized and lastly mitigated. Where avoidance of impacts is not possible, the mitigation goal is no net loss of habitat quality or quantity and to provide a net benefit of habitat quality or quantity. The department will recommend mitigation of impacts in-kind and in-proximity. In-proximity is not necessarily on-site. The department will make similar recommendations during the State permitting process and recommends removing the “if feasible” statement from the fourth bullet.

3.14 Biological Resources:

3.14.1.3 Wildlife Habitat: Wildlife Habitat Types Page 347

Due to local and regional importance, ODFW recommends separating out oak habitat from the other forested habitat types.


Upland habitats can serve as important wildlife corridors. The department recommends terrestrial habitat corridors investigated and considered within the API for the FEIS.

3.14.1.4 Fish Resources: Page 350-351

Under the native fish resources, please include Pacific Lamprey and under the non-native species what is referred to as catfish are most likely bullheads.

Page 3-357, the document states, “The use of full span bridges would have smaller direct and indirect impacts on wildlife corridors than culverts. Bridges constructed over streams, wetlands, and riparian zones could benefit wildlife by maintaining wildlife passage corridors and providing habitat for some wildlife species.” Bridge design is the primary factor in determining wildlife passage under bridges. The department recommends including wildlife benches under the bridges, which provides for wildlife passage.

- Use ODOT performance standards applicable at the time of permitting for Bypass bridge designs. These standards will protect physical processes that shape stream channels and floodplains.

To address construction impacts to wetlands, ODOT will use the following mitigation measures:

- Use best management practices (BMPs) during construction of the Preferred Alternative.

- Construct the project in accordance with federal, state, and local regulations requiring approved sedimentation and erosion control plans and stormwater management plans. These plans would address timing of in-water work, erosion control, containment of construction materials, handling of hazardous materials, demarcation of no-work zones, and disturbance of upland, wetland, and riparian vegetation.

- In accordance with ODOT Standard Specifications, protective berms, silt fences, and other approved methods will be used to minimize sedimentation impacts.

To address indirect impacts related to the project, ODOT will use the following mitigation measures:

- Limit the potential for accidental or indirect impacts to occur to wetlands outside the proposed disturbance areas. Clearly mark wetland boundaries and use sediment fencing or other erosion control methods to protect the wetland and to identify designated no-work areas on plans.

- Design and install stormwater facilities across the Preferred Alternative. Stormwater management facilities proposed by the conceptual stormwater designs include filter strips, swales, and ponds. All will provide water quality treatment and will infiltrate to the maximum extent that local soils will allow. Stormwater flows that exceed the infiltration potential will be managed by proposed ponds prior to discharging into receiving waters. The ponds will provide both water quality treatment
and flow control. Conceptual designs propose to treat all runoff from CIAs prior to discharging to wetlands within the project area.

Section 3.14.1.3:
ODOT agrees that oak habitat is important, however, its presence is captured in the broader Westside Oak, Dry Douglas Fir Forest, and Woodlands category in the Tier 2 DEIS. Methodologies were shared with the agencies through CETAS for review and comment in December 2006. ODFW did not submit comments on the methodology report at that time. Surveys were subsequently conducted under the proscribed methods. The project did separate out six habitat types; these were Herbaceous Wetlands; Lakes, Ponds, Reservoirs, and Rivers; Westside Grasslands; Westside Lowlands Conifer-Hardwood Forest; Westside Oak, Dry Douglas Fir Forest, Woodlands; and Westside Riparian-Wetlands.

Section 3.14.1.3:
The Tier 2 FEIS reports on wildlife corridors that the project API crosses. Wildlife corridors identified within the API primarily exist within riparian areas along streams and rivers. Aerial photo analysis was used to identify these corridors within the API. These corridors, shown on Figure 3.14-1 through Figure 3.14-5 in the Tier 2 FEIS, include Hess, Spring Brook, and Chehalem Creeks, the Yamhill River, and tributaries to these streams. ODOT will maintain wildlife corridor connectivity in the project area by bridging the streams and building wildlife benches where necessary.

Section 3.14.1.4:
Pacific Lamprey are included under the native fish resources on page 3-351 of the Tier 2 Draft EIS. Under the non-native species list, ODOT will change the reference regarding catfish to bullhead (*ameiurus sp.*).

Section 3.14, Page 3-357:
ODOT will consider wildlife benches on a case-by-case basis. Currently, in some cases, the floodplain is wide and flat, and the planned bridges will span the floodplain, thus providing sufficient room for wildlife passage.

Mr. Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
Page 5

Thank you for the opportunity to comment.

Sincerely,

Jim Brick
Regional Transportation Coordinator-NW Oregon
Oregon Department of Fish and Wildlife
Tier 2 DEIS Comment and Responses

Submittal: A-08

Type: Letter

Name: Christine Reichgott

Title: Unit Manager, Environmental Review and Sediment Management Unit

Business/Affiliation: Environmental Protection Agency Region 10

Address: 1200 Six Avenue, Suite 900
Seattle, WA 98101-3140

Response to Comment:

ODOT appreciates the Environmental Protection Agency’s (EPA) comments. The EPA discusses the Collaborative Environmental and Transportation Agreement on Streamlining (CETAS) Agreement signed by FHWA and ODOT in 2004. ODOT appreciates the ongoing participation and agrees that specific mitigation and watershed improvements will be planned prior to permitting and construction. The CETAS group concurred in July 2010 that the Preferred Alternative satisfied the requirements outlined in the 2004 CETAS Agreement.

Regarding EPA’s concern about non-specific mitigation statements in the Tier 2 DEIS, page 3-332, ODOT has developed specific wetland mitigation...
plans and these can be found in section 3.13.5 Mitigation in the Wetlands section of Chapter 3, of the Tier 2 FEIS. These include, but are limited to the following:

- Create wetlands at a property owned by the Chehalem Parks and Recreation District. This site provides a good opportunity to mitigate for impacts to riparian areas and wetlands associated with riparian areas. This site would replace wetland functions lost across the Preferred Alternative. Mitigation will entail conversion of some upland areas to wetland areas in areas that are adjacent to existing wetlands.

- Offset impacts by purchasing credits from the Mud Slough wetland mitigation bank in Rickreall, Oregon.

- Create an entirely new compensatory wetland mitigation site on property acquired by the project but that is outside the clearing limits.

- Preserve favorable wetland vegetation and topsoil from disturbed wetlands for subsequent use at mitigation sites.

Regarding the issue of fish passage, ODOT plans on removing two culverts on the existing Oregon 99W as part of project mitigation. This will aid in future fish passage in these streams.

Regarding EPA's concern over stormwater treatment of runoff from roadways, this is addressed with stormwater facilities that are part of the conceptual stormwater management design. Details of the Conceptual Stormwater Management Design can be found in the Newberg Dundee Bypass Water Quality and Hydrology Technical Memorandum and Addendum, ODOT 2011.

Mitigation for permanent and temporary impacts to wetlands and waterways will include a combination of restoration, creation, and banking of wetlands...
Thank you for the opportunity to review this draft EIS and we very much appreciate Rod Thompson of your staff for taking the time to discuss the project components and issues in detail at the Newberg public meeting. If you have any questions regarding the above comments please contact Lynne McWhorter of my staff at (206) 553-0285 or via email at mwhorter.lynn@epa.gov or contact Yvonne Valette, EPA’s representative for CETAS, via email at valette.yvonne@epa.gov.

Sincerely,

Christine B. Reichgott, Unit Manager
Environmental Review and Sediment Management Unit

CC: Rod Thompson, Oregon Department of Transportation
   Yvonne Valette, EPA Region 10 Oregon Operations Office

and riparian habitat in Oregon. These mitigation efforts will be coordinated with the City of Dayton, the Chehalem Parks and Recreation District, the Mud Slough wetlands bank, Oregon Department of Fish and Wildlife (ODFW), NMFS, EPA and others.

Project activities in the Spring Brook Creek watershed will alter certain aspects of it but should also improve it. Spring Brook Creek Tributary C will have a portion relocated adjacent to Oregon 99W. This gives the opportunity to increase its currently limited sinuosity. Also, stormwater treatment facilities in Segments 7 and 8 will improve the water quality in the area by treating currently untreated stormwater runoff coming from Oregon 99W.
Newberg Dundee Bypass
Tier 2 FEIS
Appendix N: Public Comments and Responses

**Collaborative Environmental and Transportation Agreement for Streamlining (CETAS)**

**RECORD OF AGREEMENT/CONSSENSUS**

For:
Newberg-Dunde Transportation Improvement Project

This document is intended to serve as a record of and to provide details of an agreement reached between Oregon Department of Transportation (ODOT) and four non-concurring CETAS stakeholders during a meeting on November 6, 2003. The agreement allows for interagency concurrence on the Preferred Alternative (PA) for the Newberg-Dunde Transportation Improvement Project (Project) Location Draft Environmental Impact Statement (DEIS). The agreement is contained in the numbered items listed in the section “Specific Elements of the Agreement.”

Parties to the agreement will sign this document as a means of formalizing concurrence on the PA and to acknowledge that implementation of all aspects of the agreement will be necessary to maintain concurrence. As a record of the agreement, this document will also provide for a set of common expectations regarding future performance of the project.

1. Background

In July 2003, five CETAS stakeholder agencies formally declined to concur with the PA identified by ODOT and the Federal Highway Administration in the DEIS for the Project. The agencies (collectively referred to as Agencies in this agreement) are the NOAA-Fisheries, U.S. Fish and Wildlife Service (FWS), Environmental Protection Agency (EPA), Oregon Department of Environmental Quality (DEQ), and Oregon Department of Fish and Wildlife (ODFW). Reasons for non-concurrence were detailed in formal letters provided by each of the Agencies, and are summarized in ODOT’s Response to Issues Raised in Non-concurrence Letters – CETAS Elevation Meeting – November 6, 2003, which is attached.

The general basis for non-concurrence was that the criteria developed to assess impacts did not fully or accurately measure performance with respect to environmental resources. The Agencies believed that the northern route alternative described in the DEIS would be less disruptive to subject resources than the PA while still satisfying the purpose and need of the project.

ODOT indicated that various mitigation measures would be included in the final project.
to address these concerns. The Agencies rejected this approach for two reasons: a) ODOT was unable to develop and implement a specific conservation plan prior to the design stage; and b) by Clean Water Act section 404(1) guidelines require that avoidance and minimization, rather than mitigation, serve as the primary basis for determining the least environmentally damaging practicable alternative.

ODOT sought elevation regarding issues raised by the non-concurring Agencies because it disagreed with the Agencies basis for non-concurrence. ODOT's positions regarding these issues are as follows: 1) state of the art ODOT traffic modeling indicates that induced growth will be minimal; 2) nonconcurring Agencies participated in the development of the criteria and the protocols indicated that the northern route had greater habitat impacts than the southern route; and 3) proximity to the Willamette River was not agreed upon by CETAS as a criteria for evaluating water quality impacts.

On November 6, 2003, Level-2 of CETAS was convened for formal elevation. During this elevation meeting, ODOT and four of the non-concurring Agencies (NOAA Fisheries, ODFW, EPA, and FWS) agreed on an approach that would allow for concurrence with the PA. The approach called for the identification and implementation of measures to address avoiding and mitigating potential impacts from the PA. It also called for balance between the Agencies' need for up-front specificity and commitment regarding such measures and the ODOT's inability to provide such specificity during the location phase of the Project. This balance would be achieved through a document in which ODOT commits to incorporation of these measures during the design phase of the Project. In the document, such measures would be described in a fairly broad and conceptual fashion, with specificity only as necessary to establish the expectation for measuring future consistency with the agreement. The elements of this approach and agreement are described in more detail below.

II. Specific Elements of Agreement

1. The ODOT and the Agencies recognize that there is disagreement on various aspects of methodology and interpretation of concurrence on evaluation criteria associated with selection of the PA.

2. ODOT will work with the agencies to identify and incorporate project measures and expectations necessary to avoid, minimize, and mitigate the direct and indirect effects associated with the PA as identified by the Agencies. These measures are identified in this agreement. Measurable expectations will be identified for each goal identified in this agreement and incorporated into the Project during the development of the design-level EIS. The costs of implementing these measures and expectations will be included in Project costs in the design-level DEIS and will be reflected in the funding...

III. Agreement Measures

The following measures will be used by ODOT and the agencies to develop the appropriate avoidance, minimization, and mitigation opportunities, and by the Agencies to assess adequacy and consistency with the agreement and compliance with applicable State and Federal environmental regulations including the Endangered Species Act, the 404(1) Guidelines under the Clean Water Act, the National Historic Preservation Act, Oregon's Transportation Planning Rule, Section 4(1) of the Department of Transportation Act of 1968, FHWA Technical Advisory T640: Guidance for Preparing and Processing Environmental And Section 4(f) Documents, ODFW Mitigation Policies, and the Fish and Wildlife Coordination Act:

A. Direct and indirect impacts to streams, riparian zones, floodplains, wildlife, wildlife habitat and wetlands by the bypass and the associated interchanges and frontage roads, as described in the Design EIS, will be mitigated by protecting and enhancing major tributaries to the Willamette River and the Willamette River floodplain in the project area with the goal of long-term protection through such means as conservation easements and land donations to conservation groups or agencies with a resource protection mission;
1. ODOT will work with the agencies to identify, evaluate, and implement measures to minimize development in the floodplain to the extent possible. ODOT will seek opportunities to meet this measure through land purchase, leveraging enhancement opportunities with other conservation partners, and working with local jurisdictions to change zoning to protect floodplain functions.

2. ODOT will work with the agencies to identify, evaluate and implement measures to protect and enhance stream habitat values in the Willamette River and its tributaries within the project area.

Protection and enhancement of resources will focus on:

a. Hess, Chehalis, and Spring Brooks Creeks and their respective riparian areas, floodplains and wildlife values. Special attention should be directed at the stream related features that significantly influence stream processes and functions; and

b. Ash Island, at Willamette River Mile 51 to 52.

B. ODOT will incorporate other measures to avoid, minimize, and mitigate project impacts to streams, riparian zones, floodplains, wildlife, wildlife habitat and wetlands, including:

1. Minimizing the number of interchanges to be consistent with the Purpose and Need Statement of the Project. Interchanges and other project features will be strategically located to avoid sensitive or irreplaceable habitats to the extent possible.

2. Requiring that bridge crossings over streams fully span the width of their respective floodplains. ODOT will incorporate the Final Hydraulic Performance Standards for bridge replacements as guidelines (for both bridge replacements and new bridges). GDFW/NGAA fish passage criteria for all culverts, and maintain wildlife passage in existing wildlife corridors.

C. ODOT will work with the agencies to identify and implement ways to maintain or improve water quality in the adjacent stretch of the Willamette River and its tributaries and to meet applicable water quality and quantity specifications.

D. ODOT will work with the agencies to develop a viable stabilization strategy for the bank adjacent to Chehalis Creek that considers biological means of stabilization as its first priority and utilizes stream geomorphology analysis in the project design to minimize channelization of the streams, impacts to stream forming processes, and any other adverse alterations of stream geomorphology resulting from the project.

E. Mitigation for Project-related impacts will be commensurate with the area and severity of the impact. Mitigation for habitat impacts will be measured by the ecological value lost as a result of the Project impacts.

1. Mitigation actions should be implemented in advance of or within the same year of the Project related construction activities. Mitigation actions may include but are not necessarily limited to:

   a. Establishment of a mitigation bank within the Project area in an ecologically significant area such as Ash Island; and

   b. Removal of existing fish and wildlife crossing blockages on Highway 99W by retrofitting them to allow successful fish and wildlife crossings.

IV. Signatures

The following parties have determined that this document is an accurate representation of agreements reached through CETAS on November 6, 2003, and that these agreements should underlie future implementation of the Newberg-Dundee Transportation Improvement Project. Signature is required from those names highlighted.
ODOT appreciates Mr. Tehan’s comments on behalf of the National Marine Fisheries Service (NMFS). ODOT understands that NMFS prefers Local Circulation Option A in Segment 1. Although this was ODOT’s recommended option in the Tier 2 DEIS, the Preferred Alternative includes local circulation Option B, which will cross the Yamhill River with a new local roadway. The reasons ODOT identified Option B are:

- Includes a new bridge over the Yamhill River, which will better serve the citizens of Dayton and is the jurisdictional preference. The bridge
Newberg Dundee Bypass
Tier 2 FEIS
Appendix N: Public Comments and Responses

The NMFS supports ODOT's recommendation to construct Segment 1 Option A to avoid impacts to the Yamhill River, the only watercourse within the Bypass that is designated as critical habitat under the ESA. The Yamhill River supports Upper Willamette River (UWR) steelhead (Oncorhynchus mykiss), listed as threatened under the ESA. Other crossings have the potential to have direct impacts to UWR Chinook salmon (O. tshawytscha) and UWR steelhead, and essential fish habitat (EFH) designated under the MPA for Chinook and coho salmon.

Impacts to EFH are considered by NMFS to occur throughout the length of the project because:

1. The DEIS notes the presence of salmon in several project areas, with designation unknown for others. Without official designation of current or historic abundance, NMFS will assume that all streams and respective basins to be EFH within the project.

2. The creation of a new impervious area and management of stormwater from the Bypass' contributing impervious area (CIA) will result in stormwater entering all streams and basins within its path. Though treated, stormwater runoff is likely to alter the hydrology and inundation or add pollutant loads to streams occupied by salmon lead to those that do.

Based upon the information currently available in the DEIS, NMFS is unable to assess or determine significant differences to NMFS trust resources within the remaining Bypass segments and design options.

The NMFS believes that substantial detail on potential project impacts and mitigation still needs to be provided by FHWA and ODOT in the Final Environmental Impact Statement (FEIS) to address impacts to NMFS' trust resources. The following comments will focus upon potential direct and indirect impacts to those trust resources associated with the Bypass that need to be addressed within the FEIS.

The NMFS requests that the following issues be fully addressed in the FEIS:

1. Determination of clear intent to work within approved in-water work windows for fish. The project states that it would comply with the in-water work window established at the time of construction or would apply for a variance if needed. The letter concerns NMFS since “need” is not defined. NMFS only issues extensions if found to benefit trust resources. The FEIS needs to clarify its intent concerning adhering to the entire in-water work window period.

2. Potential direct and indirect physical and behavioral effects that could affect ESA-listed fish from underwater noise associated with pile driving, and water pollution originating from in-water and upland near-shore construction, as well as any procedures to minimize those anticipated impacts. The project does not indicate whether or not pile-driving will occur. Without a statement of such NMFS assumes it will occur as typical with bridge construction.

The following responses correspond to specific comments made in their comment letter.

1. Impacts to Essential Fish Habitat (EFH) could occur in the project area. However, ODOT agrees to the conservation measures proposed by NMFS in their December 2010 Biological Opinion to avoid, minimize, and mitigate potential adverse impacts to EFH. In the BO, NMFS concurred that all proposed bridges met or exceeded NMFS' SLOPES IV requirements.

2. Stormwater runoff from the contributing impervious area will be treated and detained as detailed in the response to No. 3, below, and therefore is unlikely to alter the hydrology of streams or add to their pollutant loads.

Substantial detail on project impacts and mitigation to EFH are provided in Chapter 3 Biology of the Tier 2 FEIS and in the Biological Opinion and the BO Change Form. The following responses to specific comments made by NMFS regarding impacts and mitigation of their trust species.

1. FHWA and ODOT have demonstrated in the Tier 2 FEIS the clear intent to work within the approved in-water work window (IWW) for fish (July 15 – September 30). All temporary work bridge piles that will provide a direct connection between Dayton east and west of the Yamhill River, and will result in less out of direction travel within Dayton.

- Uses less Exclusive Farm Use (EFU) land and does not require a Goal Exception.

- Limits access to EFU land south of the interchange. The Oregon Department of Land Conservation and Development (DLCD) expressed concerns about the potential increase in property access to EFU land with Local Circulation Option A.

- Reduces emergency response time to about three minutes with a bridge over the Yamhill River.
3. A clear and cohesive discussion that addresses the following aspects of stormwater treatment:
a. Design concepts of stormwater management that focus on avoidance and minimization and a fully developed mitigation plan for unavoidable impacts, that addresses the short- and long-term effects on NMFS’ trust resources. The project states it will comply with the ODOT hydraulics manual. This is currently under revision. Within the FEIS, a discussion of the aspects and design elements of any design guidance is currently possible. In addition, the project should include a discussion of and/or mitigation efforts to meet the intent and long-term agreements within ODOT’s Stormwater Action Team.
b. Treatment of stormwater from the CIA created by the project. The project does not discuss the CIA as a concept, how it relates to the project, or a delineation of how the project area will need to be viewed such that discharges avoid and/or minimize impacts to ESA-listed species. NMFS strongly encourages the project to include all stormwater at minimum to the design storm.
c. The FEIS should provide an analysis that describes how stormwater treatment will meet the future capacity over the lifetime of the project. It is also recommended that this discussion include the project’s ability to affect NMFS trust resources related to the design and climate change predictions.

4. A clear and cohesive intent to protect stream channels and floodplains functions from impacts likely to occur from the construction of new crossings as well as improve these functions for replacement crossings by designing:
a. Bridge crossings that will span the functional floodplain.
b. Bridge crossings that are outside of the general source regions. Reference FHWA Hydraulic Engineering Circular (HEC) 18, May 2001, Sections 3.6 and 5.8.
c. Culverts that span 1.5 times the active channel width.
d. Crossings that incorporate feasible changes to channel morphology and restoration (e.g., erosion, avulsion, channel creation, bank reconstruction).

5. A clear and cohesive intent to protect, restore, and enhance riparian areas as important to aquatic ecology and ESA species. The DEIS states that stream crossing buffers are designated as a 330-foot buffer upstream and downstream of each crossing within an area as well as the riparian vegetation, plus an additional 330 feet extending beyond the edge of the riparian vegetation. While a different intent, it lacks by limiting its width and longitudinal extent to existing riparian vegetation. Many riparian areas within the Bypass have been reduced in quality and extent. In addition, the Bypass includes alignments other than crossings expected to impact riparian area. Therefore, the project should designate the riparian width based upon current vegetation, the equivalent of one potential tree-line, or the greater of the two.

2. The project team identified the need for temporary work bridges at all but one of the other stream crossings spanned by a bridge or bridges. There are 36 permanent bridges for project stream crossings (many are paired structures over an individual stream resulting in 26 individual bridge sites) and 25 work bridges are needed to construct the permanent structures.

Of the temporary work bridges, 8 of 25 are anticipated to need temporary piles installed below the OHW elevation. These 8 bridges will have piles in water during summer flows. However, only 1 of these crossings occurs in a stream reach that has confirmed or potential presence of listed fish. This crossing is located at the Yamhill River at Dayton, and will entail approximately 30 temporary piles.

3. The following discusses aspects of stormwater treatment in the project area.

a. As part of the Conceptual Stormwater Management Design (CSMD) development process, the project team worked collaboratively with NMFS to develop site-specific stormwater management design concepts that focused on complying with SLOPES IV and the most current ODOT design standards, with the intent of minimizing or avoiding short and long term effects and impacts to the project area stream systems. The resulting stormwater management plan and mitigation concepts are included in detail in the CSMD, which is an appendix to the Newberg Dundee Bypass Water Quality and Hydrology Technical Memorandum and Addendum, ODOT 2011.
The project's stormwater management plan for the Preferred Alternative is a combination of Low Impact Development (LID)/Best Management Practices (BMPs) intended to minimize impacts to receiving streams by providing water quality treatment and flow attenuation of stormwater runoff. All project Contributing Impervious Areas (CIAs) runoff will be treated, and natural hydrology will be mimicked as described in the National Cooperative Highway Research Program Report 565, and as established collaboratively in meetings between NMFS and ODOT.

The most effective method of generally mimicking the natural hydrology includes avoiding the concentration of flows from the project and encouraging infiltration and evapotranspiration to the maximum extent practicable (MEP). According to NRCS soils maps, the project contains primarily poorly draining soils (Hydrologic Soils Group C); therefore, the project team conceptually assumed that stormwater infiltration is negligible. Three primary conceptual LID/BMPs have been selected to achieve the project objectives and goals of project water quality, and avoidance and minimization of impacts. The LID/BMPs include filter strips, bio-filtration swales, and flow attenuation (retention)/water quality ponds. Design of these facilities conforms to the most current ODOT standards including Stormwater Management Program Technical Bulletin GE09-02(B).

Filter strips will be used for locations where the adjacent ground surface slopes away from the CIA and stormwater sheet flows off of the CIA surface and does not become a point discharge. For locations where flow is collected from CIAs, but attenuation is not required, bio-swales are will be used. Flow attenuation/water quality ponds will be used to minimize impacts to receiving waters. Although site-specific infiltration potential has not been determined, conceptually the team recommends that all facilities...
include compost-amended soils to enhance plant growth, and maximize water quality treatment and infiltration potential as described in the National Cooperative Highway Research Program Report 565.

b. The project’s Contributing Impervious Areas (CIAs) are critical elements and criterion for the stormwater management analysis which is the basis of the Conceptual Stormwater Management Design (CSMD) and LID/BMP sizing. Accordingly, all project CIA will be treated to current design standards before leaving the project site. Basin-specific conceptual stormwater management strategies have been established collaboratively between NMFS and ODOT. CIA for each project basin is inventoried and tabulated and is presented in the CSMD. Although site-specific infiltration potential has not been determined, conceptually all facilities will include compost amended soils to enhance plant growth, and maximize water quality treatment and infiltration potential as described in the National Cooperative Highway Research Program Report 565.

c. The project site and basin specific stormwater management strategies, established collaboratively between NMFS and ODOT, were conceptually sized to the full build-out of the project. Please see BMP and LID descriptions above in answer 3a. These strategies are discussed in detail in the CSMD which is provided as an appendix to the Newberg Dundee Bypass Tier 2 DEIS Water Quality and Hydrology Technical Memorandum and Addendum, ODOT 2011.

4. ODOT has shown a clear and cohesive intent to protect stream channels and floodplain functions from impacts due to construction, by the following:

a. The project design includes bridge crossings that span the functional floodplain for 10 out of 39 stream crossings, and 36 out of 39 crossings are above the Ordinary High Water Mark.
b. All bridge crossings are outside of the general scour prism, except for the proposed bridge over Hess Creek, which will have one bent in both the general and local scour prisms.

c. The culverts will span 1.5 times the active channel width, in accordance to SLOPES IV design guidelines. The design parameters will be verified in final design.

d. The team followed the SLOPES IV design guidelines, which address foreseeable changes to channel morphology, such as incorporating meanders.

5. The use of a 330-foot buffer to delineate riparian areas is standard practice. ODOT created the buffer from the center of the stream outward. This buffer area, combined with the length of the stream within the project footprint, adequately captures the impact area.

6. A clear and cohesive delineation of impacts to riparian areas by basin can be found in “Table 5-2: Riparian Impacts Throughout The Project Area” in the Draft Biological Assessment for the Newberg Dundee Bypass Pacific Highway West Project, June 2010. The impact area was derived by analyzing the length of the stream within the project corridor and using a 330-foot buffer from the center of the stream.

Spring Brook Tributary C and Tributary D will require partial relocation because of the direct impacts to each by the eastbound truck-climbing lane on Oregon 99W. Spring Brook Tributary D is currently ditched, immediately adjacent to the highway. Leaving it in place would require a long and costly viaduct. Moving the creek to the east allows for the addition of the climbing lane and allows for improvements to the creek itself, since sinuosity would be added as part of the mitigation. Additional detail about the relocation of these two tributaries is addressed in the Tier 2 FEIS.
Mr. Tim Potter,
Area 3 Manager, Region 2
Oregon Department of Transportation
885 Airport Road SE, Building P
Salem, Oregon 97301-4877

Dear Mr. Potter:

Re: Tier 2 DEIS – Newberg/Dundee Bypass

We support the construction of the Newberg/Dundee Bypass and urge you to rank this project as the state's highest transportation priority.

Newberg has been home to A-dec for 45 years, and it has been as many years that we have promoted the need for the Newberg/Dundee bypass. The traffic pattern and resulting congestion through Newberg and Dundee deters business and tourism. The bypass is vital to the economic health of Yamhill County and this region of the Willamette Valley.

Our concern is about more than the economic viability of this area; it is also about public safety. The existing roadways cannot safely accommodate the increased traffic volume. The roads are dangerous, and this situation is of great concern to the residents and visitors of Yamhill County.

Construction of the Newberg/Dundee bypass has our full support.

Sincerely,

Ken Austin
CEO

ODOT appreciates Mr. Austin's support for the Newberg Dundee Bypass project and his concerns with traffic congestion and its effect on economic development in the project area, as well as related public safety issues.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve overall traffic flow in the project area, reduce traffic volumes, relieve congestion on Oregon 99W and resolve safety issues. All of these actions should help support economic development throughout the project area.
Submittal:   B-02
Type:    Hearing Testimony
Name:    Pierre Zreik
Title:     Citizen
Business/Affiliation:
Address:   2525 Allison Lane
           Newberg, OR 97132
Response to Comment:
ODOT appreciates Mr. Zreik’s support for the Newberg Dundee Bypass project and his desire to have better access and reduced congestion for tourists and employees traveling in Newberg, as well as the overall the project area. ODOT understands the importance of tourism to the economic development of Newberg and the need for an efficient transportation system to promote and support business growth.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve access to destinations in the project area for tourists, as well as for employees of businesses and residents of Newberg.
have only to discourage our visitors to want to come and enjoy
our area.

Since our hotel opening, we have heard several
comments from our guests: how horrible the traffic is in your
area. It is a negative, but our staff do talk about the
upcoming bypass to demonstrate that it's being worked on to
solve this issue.

I was asked to assist in finding someone to open a
restaurant in downtown Newberg. An acquaintance did oblige my
request, and after looking around, he said, "It will be
impossible to open any kind of decent restaurant in downtown
at this time. I'll be interested in doing so in a few years
when your bypass is in place."

We are unable to recruit qualified staffing. The
main reason is they are not willing to face the daily commute.

I moved to Oregon 15 years ago. In the past, I
drove to the wine country and to the beaches many times.
Since I relocated to Newberg two years ago, I truly avoid
coming to this area on weekends, knowing that my return home
will be impossible.

We are working extremely hard to bring tourism to
this region to enjoy our beautiful wine country and beaches,
but not improving our traffic situation is going against all
our hard work to promote this region. It is imperative that
the bypass be constructed as soon as possible. Thank you.
Submittal: B-03
Type: Comment Form
Name: Allen Holstein
Title: President of the Dundee Civic Association/Winegrower for Argyle Winery
Business/Affiliation: Argyle Winery
Address: 691 HWY, 99W, PO Box 280
Dundee, OR 97115

Response to Comment:

ODOT appreciates Mr. Holstein's support for the Newberg Dundee Bypass project and his desire to have better access and reduced congestion for tourists traveling in the project area, as well as for freight movements. ODOT understands the importance of agriculture and the wine industry to the economic development of Dundee and the need for an efficient transportation system to support its growth.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve access to destinations in the project area for tourists, as well as for freight.
movements and will resolve safety issues such as dangerous turns on to Oregon 99W in the Dundee area.
<table>
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<tr>
<th>Segment 1:</th>
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<tbody>
<tr>
<td>Local Circulation Option A (Connects to I-205)</td>
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<tr>
<td>Local Circulation Option B (Perry Street extended to River Road)</td>
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<td>Design Option 3 A2 (Bypass above-grade with berms)</td>
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<td>Design Option 3 B (Bypass at-grade without berms)</td>
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<td>Design Option 3 B2 (Bypass at-grade with berms)</td>
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<td>Design Option 4 B (Partial Cloverleaf Interchange)</td>
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<td>Design Option 5 B (Bypass above-grade, closes 11th Street)</td>
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<th>Segment 6:</th>
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<td>Design Option 7 A1C (Bypass close to Newberg Hospital)</td>
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<tr>
<td>Design Option 7 A5C (Bypass shifts away from Newberg Hospital)</td>
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Contact Information:

Name (last & first name, organization):

Address: (street, city, state, zip):

Email:

Thank you!

Give this form to project staff today at the public hearing or return it to the project office by:

Newberg-Dundee Project
625 North Maple, Newberg, OR 97132
855-485 Newberg Road, Building B

Written comments will be accepted at Replan 2 no later than July 19, 2010.
B-04

Tier 2 Draft Environmental Impact Statement
June 28, 2010 Public Hearings at 4:30 p.m. and 6:30 p.m.
Open House 3-8 p.m.

Comment Form
The Newberg Dundee Bypass project welcomes your comments on the findings of the Draft Environmental Impact Statement and Section 404b (de Minimis) impact findings or any other aspect of the project or process. Please fill in this form and use additional sheets of paper if necessary. Give this form to project staff or return to the project office.

TELL US ABOUT YOURSELF
Do you (check all that apply)
☐ Live in the project area?
☐ Work in the project area?
☐ Commute through the project area?
☐ Own a business in the project area?

How do you regularly travel in the project area (check all that apply)
☐ Bicycle?
☐ Pedestrian
☐ Car or Truck?
☐ Bus?
☐ Other

GENERAL COMMENTS
I have worked in the Newberg area for the past 20 years, commuting from Beaverton for 22 years prior to the past 5 years. I have seen a tremendous increase in the traffic over these years. The bypass is desperately needed and long overdue. Businesses along the project are reminders of this bypass due to the increased traffic and congestion. I believe it will reduce the burden the residents of the affected area as well as all others.

ODOT appreciates Mr. Steiger’s support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and more efficient freight movement on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.

Submittal: B-04
Type: Comment Form
Name: Alan Steiger
Title: Business/Affiliation: Austin Industries
Address: 7054 SW Cedar Point Drive
Wilsonville, OR 97070

Response to Comment:
BYPASS OPTIONS

Please indicate the option(s) that you would support for each segment where available. Additional information about the different options within each segment is available at the preliminary engineering district public hearing.

Segment 1:
- Local Circulation Option A (Connects Keder Road to the Interchange)
- Local Circulation Option B (Perry Street extended to Keder Road)

Segment 3:
- Design Option 3.1A (Bypass below-grade without berms)
- Design Option 3.1B (Bypass below-grade with berms)
- Design Option 3.2 (Bypass at-grade without berms)
- Design Option 3.2B (Bypass at-grade with berms)
- Local Circulation (Due to be selected and applied to all above):
  - Interchange Overcrossing
  - I-580 Overcrossing
  - I-101 Overcrossing

Segment 4:
- Design Option 4.1 (Diamond Interchange)
- Design Option 4.2 (Partial Cloverleaf Interchange)

Segment 5:
- Design Option 5.1C (Bypass depressed, closes 11th Street)
- Design Option 5.2D (Bypass above-grade, closes 11th Street)
- Design Option 5.2D (Bypass above-grade, leaves 11th Street open)

Segment 7:
- Design Option 7.1C (Bypass close to Newberg Providence Hospital)
- Design Option 7.5C (Bypass shifts away from Newberg Providence Hospital)

Contact Information:
Name (first & last name, organization):

Address (street, city, state, zip):

Email: alsteiger@conect.net

Thank you!
Give this form to project staff today at the public hearing or return it to the project office at:
Tier 2 DEIS Comment and Responses

Submittal: B-05
Type: Hearing Testimony
Name: Sheryl Kelsh
Title: Executive Director of Chehalem Valley Chamber of Commerce
Business/Affiliation: Chehalem Valley Chamber of Commerce
Address: 415 E. Sheridan, Newberg, OR, 97132

Response to Comment:

ODOT appreciates Ms. Kelsh's support for the Newberg Dundee Bypass project and her desire to have better transportation access and reduced congestion to support growth in tourism and business expansion, as well as for more efficient freight movements in the project area and region. ODOT understands the importance of efficient transportation facilities for economic development of Yamhill County and the surrounding area.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve access to destinations in the project area for tourism, businesses and residents, as well as for freight movements and emergency services.
As you know, the economy of Yamhill County, the coast and metropolitan area and their need to move freight through our region will be greatly assisted by the new transportation facility in this area.

In addition, the project will create important new jobs and allow the expansion of business and tourism in the transportation corridor.

In addition, we anticipate relief of the nearly constant and legendary traffic jams that interrupt commuter, commercial, tourist and, most critically, fire and ambulance travel.

We thank you for your work on this important transportation facility.

MR. FRANKLIN: Thank you.

All right. Next up, Mark Robinowitz.

MR. ROBINOWITZ: I guess someone has to have a different view.

My name is Mark Robinowitz. R-O-B-I-N-O-W-I-T-Z.

Two years ago the Governor's Transportation Vision Committee report said that this project would cost $550 million dollars. The environmental impact statement published this month raised the price figure from 550 million to 750 million up to 879 million, yet the state's going broke, we're closing schools, we're kicking poor people off healthcare, and there's no mention whatsoever in this document how you're going to pay
ODOT appreciates Ms. George's support for the Newberg Dundee Bypass project and her concerns for safety on Oregon 99W and Oregon 18, business opportunities in Newberg, livability in the project area and economic development. The project will reduce congestion on Oregon 99W and improve freight movements and access in the project area. ODOT also understands the importance of efficient and safe transportation facilities to economic development and livability, and feels the project will help communities in the project area achieve improvement in these areas.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W, as well as improve freight movements and resolve safety issues on Oregon 99W.
In our community, we are urging ODOT to keep this momentum going that it's had for 30 years, which we are very happy to have seen escalate over the last 10 years.

MR. FRANKLIN: John Bridges.

MR. BRIDGES: Hi, my name is John Bridges.

If I need to spell my name, you can come back to my office and I'll help you with that.

COURT REPORTER: I gotcha, John.

MR. BRIDGES: She's a court reporter in my office all the time.

I am an attorney here in town, but I also participate on the Chamber board of directors, and I am actually the Chamber of Commerce, Chair of the Government Affairs Committee.

The Chamber, the Chehalem Valley Chamber of Commerce represents about 120 businesses in the Chehalem Valley, and it's not just Newberg and Dundee, it extends to St. Paul. And it's all around the rural areas, vinerise, grape growers, all different types of businesses.

And, frankly, in our goal setting within our board of directors over the past five or six years, getting progress on the development on building the bypass has been the number 1 priority. And, frankly, that's why I am here today, to tell you we are in...

Cook Court Reporting, Inc. - (503) 637-0339
www.cookcourtreporting.com

Response to Comment:

ODOT appreciates Mr. Bridge's and the Chehalem Valley Chamber of Commerce's support for the Newberg Dundee Bypass project and their desire to have better transportation access and reduced congestion to support economic and business growth in the project area and region. ODOT understands the importance of efficient transportation facilities for the movement of freight, which is critical to maintaining existing businesses as well as attracting new business.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve business access, increase freight mobility and support economic development.
And the reason we're in support of that is the same reason that caused all of these businesses to go down to Salem, and advocate for House Bill 2001. And we have done that advocacy the last few or five sessions.

And the reason for that is it's a bottom-line business issue. We have businesses that can't get deliveries on a regular basis, because the companies that do the deliveries aren't willing to subject their truck to being stuck out here. We have Adex, a prominent employer, having difficulty getting engineers to come and live in this community because of the safety and difficulty with transportation.

We have -- if you look at downtown businesses in Newberg and Dundee, it's not a retail community like it should be. You can't talk -- I can't talk to my 9- or 12-year-old on the streets there, because the trucks are going by. You can imagine what kind of bottom line impact that has on our businesses.

But we also see a tremendous waste in our government. We have extra time in ambulance and fire department runs. We have school buses that idle on the side of the road in Dundee, because they have to be there ahead of time in case there's going to be traffic.

so they can keep on schedule. So in a nutshell, this build approach is necessary to help the businesses' bottom lines, and we would also suggest that we should start breaking ground on this in July 2012.

I am going to take, quickly, my hat off from the Chamber, and tell you that I also represent Providence Newberg Medical Center. And we represent the Park District. And we are in support of the 7.9C route, because that's the route that has been essentially worked on by all of those neighbors in that area, and it's a route that will preserve as much of the campus as possible for future development on the Providence Newberg Medical facility.

It will also improve the golf course design, because it will reroute one of the toughest holes. So we're looking forward to doing that.

MR. FRANKLIN: Allen Holstein.

MR. HOLSTEIN: Allen Holstein, like the cow.

I am the president of the Dundee Civic Association, which is a 501 (c) 6 organization for Dundee's specific businesses, and also wine growers. Argyle Winery is located on 99W. And I am a member of the Dundee Hills American Viticultural Area, and board
The independent agency which studies Regional traffic congestion from its historic and projected perspective, the Cascade Policy Institute, in its updated report of October 30, 2009 anticipates the cost of such congestion in the Portland Metropolitan Area will be $844 Million annually by 2029. Understanding the funding crises this State and ODOT faces according to ODOT official Jim Whitty ODOT has three choices:

“One, significantly increase the gas tax and other road revenue sources in order to pay for desired highway capacity improvements. Two, use tolls where appropriate to pay for some of the desired large capacity improvements. Three, do nothing and let the road system continue its stressed condition”.

According to the Cato Institute’s report dated June 17, 2010 in *The Washington Times* “Highway aid is tilted toward states with powerful politicians not necessarily to the states that are most in need. Furthermore federal highway aid comes with costly regulations like the David-Bacon labor rules which raise state highway costs”. Cato Institute’s traffic and tollway expert Randall O’Toole acknowledges the only reason for a DEIS within the NEPA process is to get federal dollars and without it no federal money is available.

The State of Oregon will be wisely served when it supports a “no build” ROD on the proposed Newberg-Dundee, N-D, By-Pass and joins the 26 States in the US which already have one or more of the 215 existing US tollroads. These US tollways provide 5,051.31 highway miles with an average length of 23.5 miles per tollway and 43 tollways per State which have tollways according to the FHWA report dated January 1, 2009. Not since Sam Barlow and Joel Palmer built one in 1845 has Oregon enjoyed a tollway driven and supported by market forces. Privatization of highway construction under Design/Build procedures using green technology as rated by the University of Washington is essential to delivery of cost effective traffic congestion solutions as opposed to the proposed Newberg-Dundee By-Pass reflected in the June 4th released DEIS. Either way the driving public pays the cost thru increased gas taxes or toll ways.

A serious review of the Newberg-Dundee By-Pass DEIS shows it only considers two alternatives: build and no-build. As required by the Council on Environmental Quality, page 16, such DEISs must “objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study briefly discuss the reasons for their having been eliminated. Cato Institute finds no discussion of alternative routes such as the Coastal Parkway’s regional by-pass equivalent whether they were given a detailed study or not. Failing inclusion of a serious study of alternatives, we foresee the solution to Regional traffic congestion not as an ‘either or’ choice but rather as both the Coastal Parkway tollway in conjunction with some nine (9) Secondary Projects funded by Legislative appropriation and the N-D By-Pass the success of both being determined by market forces thru 2020 and 2040.

However, those groups and individuals who stress preservation and protection of the Newberg Dundee Waterfront and access thereto must be highly included in the ROD as the Newberg Dundee Waterfront is an invaluable Regional asset similar to Salem, Oregon.

Coastal Parkway, LLC.
1013 No. Springbrook Rd., Ste. D
Newberg, OR 97132
0: 503.538.2468
Email: royale_chinook@juno.com

Response to Comment:

ODOT received comments from Mr. Martinson representing the Coastal Parkway LLC concerning the Newberg Dundee Bypass Tier 2 DEIS

1) ODOT acknowledges the Coastal Parkway’s support of the No Build Alternative.

2) In response to Mr. Martinson’s comment concerning lack of discussion of a regional bypass equivalent alternative in the Tier 2 DEIS, ODOT would like to clarify the review and evaluation that has taken place related to the Regional Bypass Alternative and Tolling Alternative.
Until all reasonable Alternatives such as the proposed Coastal Parkway Tollway Routing is comprehensively involved in the DEIS, we along with transportation experts at the Cato Institute believe the draft EIS does not adequately assess the potentially significant environmental impacts, does not meet NEPA purposes or the Section 309 review mandate, and thus should be formally revised and incorporated in a revised Draft EIS.

This environmental analysis for the project was developed in a two-tiered process as allowed for in 40 CFR 1508.28. The Tier 1 document identified reasonable alternative corridor locations for the bypass project. FHWA issued a Record of Decision in 2005 approving the location of the bypass corridor. That approximately eleven-mile-long and 330 to 400 foot wide corridor, identified as “Modified 3J” extended from Rex Hill area at Highway 99W to the north side of Dayton on Highway 18 skirting the south side of Newberg and the east side of Dundee. The Tier 2 DEIS, the subject of your comments, evaluates alternative alignments within the approved Tier 1 corridor.

During the Tier 1 DEIS evaluation, ODOT reviewed and documented a Regional Bypass alternative in the Newberg Dundee Transportation Improvement Project (NDTIP) Alternatives Analysis Report, dated December 1997. Two Regional Bypass Alternatives, 2A and 2B, were then included in the alternatives analysis for the Newberg Dundee Bypass Tier 1 (Location) DEIS in 2002, but were withdrawn from further consideration due to:

- Less effective congestion reduction; does not meet the project’s purpose and need;
- Greater impacts (wetland, farmland resource) than other alternatives;
- Lack of support for required land use approvals by Marion County;
- Need for construction of additional roadway facilities; and
- Growth inducing impacts and cost.

3) In response to Mr. Martinson’s comment that a tolling alternative was not fully evaluated within the Tier 2 DEIS, ODOT notes that in the Tier 1 (Location) FEIS, ODOT disclosed that tolling may be included.
as part of the Bypass project, and that the feasibility of tolling would be evaluated, if appropriate, during the Tier 2 evaluation. ODOT completed a tolling study and an independent evaluation by Bear Sterns dated June 2007 that concluded that tolling was not an acceptable source of funding for the project. A copy of that study, The Preliminary Findings Report: Analysis of the Proposed Concession Arrangement for the Newberg Dundee Bypass Project is available upon request from Kelly Amador, Senior Project Leader, Region 2, Oregon Department of Transportation, Mid-Willamette Valley Area, 885 Airport Road SE, Bldg. P, Salem, OR 97301-4788, kelly.l.amador@odot.state.or.us.

Based upon these evaluations the stakeholder committee recommended to ODOT that tolling was not an appropriate funding source. Based on these recommendations and reports, ODOT dropped further consideration of tolling as a revenue source for the Bypass project. The Tier 2 DEIS summarized the actions around tolling reporting:

“In February 2006, ODOT entered a public-private partnership Pre-Development Agreement (PDA) with the Oregon Transportation Improvement Group (OTIG), led by Macquarie North America Ltd., to study tolling of the Bypass. In December 2006, OTIG released the Milestone 1 report, which evaluated tolling as the main source of funding for the Bypass project and discussed tolling options. Their analysis found that tolling just the Bypass alone would not generate enough revenue to build, operate, and maintain the Bypass. The only tolling option that would provide enough funding was to toll both the Bypass and existing Oregon 99W.

ODOT hired Bear Stearns, Inc., to evaluate the Milestone 1 report. Bear Stearns agreed that tolling only the Bypass would not produce enough revenue to fund the proposed project.

ODOT, along with the local stakeholders, decided that tolling both
4) In response to Mr. Martinson's comment that the Tier 2 DEIS does not examine all reasonable alternatives, it is noted that the Newberg Dundee Bypass project was developed in a two-tiered process; Tier 1 identified the preferred corridor location and Tier 2 will identify the alignment within the corridor. The Tier 1 documentation provided a thorough review of alternative corridor locations. This Tier 1 evaluation included a thorough alternatives analysis prior to publishing the Tier 1 DEIS to determine the range of alternatives (i.e., all reasonable alternatives that meet the project's Purpose and Need.) A Record of Decision approving the corridor location was issued in 2005. The environmental analysis for the Tier 2 analysis provided a thorough review of alternatives for the location of the road alignment within the approved corridor.

Accordingly, through this two-tiered process ODOT and FHWA have met the intent and requirements of NEPA and the review mandate of Section 309 of the Clean Air Act for the project. The Clean Air Act requires EPA to refer to CEQ those federal activities rated unsatisfactory from the perspective of health, welfare, or environmental quality. EPA reviewed the Newberg Dundee Bypass Project and has rated it as LO, Lack of Objections. Therefore, it is unnecessary to refer the project to CEQ review of Section 309, as suggested in the comment. ODOT respectively disagrees that a revised or supplemental Tier 2 DEIS is necessary.

5) During project development ODOT coordinated with the Cities of Newberg and Dundee to address their waterfront areas. The location of the Tier 1 corridor and later the Tier 2 design of the alignment were modified to meet the respective cities' plans for their waterfront areas. Land use approvals in 2004 and in 2011 certified that the corridor location and the subsequent alignment design is consistent with the Cities' plans.
Tier 2 DEIS Comment and Responses

Submittal: B-09

Type: Hearing Testimony

Name: Floyd Ayler

Title: Manager Columbia Empire Farms

Business/Affiliation: Columbia Empire Farms

Address: 31461 NE Bell Road
          Sherwood, OR 97140

Response to Comment:

ODOT heard testimony from Mr. Ayler on June 29, 2010, regarding concerns related to the proposed Newberg Dundee Bypass project’s impacts to Columbia Empire Farms (CEF). The concerns stated include: building on possible unstable soils; subgrade and drainage issues related to structures and slopes resulting in increased maintenance costs for CEF; ODOT’s proposed private undercrossing on CEF property; ODOT’s handling of the identification of archaeological artifacts on CEF property; and the project extending outside of the Corridor.

ODOT right-of-way agents will address monetary impacts to CEF property during the right-of-way acquisition process. This process will adhere to all federal and state laws associated with property acquisition. Appendix E of the Tier 2 FEIS includes a summary of these provisions.
The bypass project is consistent with all Yamhill County, Newberg, Dundee, and Dayton land use requirements. In 2004, Yamhill County adopted a goal exception and amended its TSP to include the bypass corridor alignment. That decision was acknowledged when the Court of Appeals affirmed the decision (ORS 197.625). Once an amendment is acknowledged, “. . .it is insulated from scrutiny for goal compliance by [the courts].” Foland v Jackson County, 311 Or 167, 179 (1991). The County’s earlier decision authorizing the bypass corridor is valid and can no longer be challenged and remains valid. In 2011, Yamhill County approved the required land use actions, including goal exceptions associated with the Preferred Alternative as discussed in the Tier 2 FEIS. During the goal exception process, consideration of the economic viability of the affected farms, including the CEF farm, was evaluated during that decision-making process. The decision for approval of the goal exceptions was not appealed and is final. ODOT will acquire additional building permits at the time of construction.

In 2006, ODOT held a Context Sensitive Solutions Workshop to present preliminary engineering designs for the Bypass to stakeholders and the public. The preliminary design presented at the workshop included the location of an undercrossing to serve CEF and the property west of CEF. ODOT met with Floyd Ayler, CEF manager, and another CEF employee in mid-June 2006 to discuss the location of the farm undercrossing that will connect the CEF parcels divided by the Bypass. This meeting was the result of CEF comments at workshop and their desire to work further with ODOT on a location. At the June meeting ODOT staff toured the farm and discussed the location of a private undercrossing for CEF. Floyd Ayler requested the CEF undercrossing be in the same location as the current farm road that serves this portion of the farm. Based upon this discussion, the proposed undercrossing will serve as the new service road.

ODOT completed archaeological investigations on the CEF property after publishing the Tier 2 DEIS. The Tier 2 FEIS includes updated information.
However, due to the sensitive nature of archaeological findings, ODOT does not publish information in detail in EIS's or the Cultural Resources Technical Memoranda, but will share findings with the property owner. ODOT will comply with all Section 106 requirements.

ODOT will address the geotechnical issues stated by Mr. Ayler. Embankment and cut slopes may need sub-drainage systems or buttressing if affected by groundwater in order to provide long-term stability. Sub-drainage systems, rock inlays, or buttressing may also be necessary where the Bypass roadway and/or structures are located close to existing slopes that exhibit shallow soil creep and/or localized bank instability. When required, bridge abutment locations will generally be set back to avoid exacerbating slope stability concerns. A bench cut also may be necessary to improve stability. Where transportation facilities are sited on or near landslides and marginally stable slopes, ODOT will use appropriate mitigation measures. In general, embankment fills are avoided near slopes suspected to contain landslides and slope creep. Where avoidance is not feasible, ODOT will use other methods of stabilization. ODOT has conducted geotechnical investigations to determine required stabilization.
Tier 2 DEIS Comment and Responses

Submittal: B-10
Type: Letter
Name: Jeffery Condit for Columbia Empire Farms
Title: Attorney
Miller Nash Attorneys At Law
3400 US Bancorp Tower, 111 SW Fifth Ave
Portland OR 97204
Business/Affiliation: Columbia Empire Farms
Address: 31461 NE Bell Road
Sherwood, OR 97140

Response to Comment:

ODOT received comments from Mr. Condit on July 12, 2010, regarding the Newberg Dundee Bypass project on behalf of Columbia Empire Farms (CEF). The following responses follow the numbering format of Mr. Condit’s letter. It should be noted that, due to the location of the farm, some impacts are unavoidable regardless of the build alternative chosen. No build alternative completely avoided the farm in either the Tier 1 or Tier 2 EIS.

1. Following the 2004 approval and appeals affirming the approvals of needed land use actions by the affected jurisdictions, FHWA issued the Record of Decision (ROD) for the Tier 1 FEIS on August
26, 2005. That decision identified the Modified 3J corridor as the preferred corridor location for the Newberg Dundee Bypass project.

In 2009-2010, FHWA conducted a re-evaluation of the project and found that the decision identifying the Modified 3J corridor remained valid. This re-evaluation is documented in the Newberg Dundee Bypass Tier 1 Re-Evaluation, May 2010. The Tier 2 EIS process is identifying a preferred alignment within the approved Modified 3J corridor. Yamhill County approved the modifications to the 2004 land use actions, including local comprehensive plan and TSP amendments and goal exceptions in 2011. The Tier 2 FEIS Preferred Alternative alignment for the bypass and local circulation is consistent with the local plans. Those local land use actions were not appealed and are now final.

Once a plan amendment is final and acknowledged, “...it is insulated from scrutiny for goal compliance by [the courts].” Foland v Jackson County, 311 Or 167, 179 (1991). The County’s earlier decision authorizing the bypass corridor is valid and can no longer be challenged. That said, Mr. Condit raises issues concerning the amount of agricultural land displaced by the alignment. Mr. Condit incorrectly asserts that additional farm land will be displaced. The Tier 2 DEIS estimated that the bypass and associated interchanges would displace approximately 200 acres of farm land or EFU land. The Tier 2 FEIS estimates that the bypass alignment and associated interchanges will displace 122.3 acres EFU land.

Mr. Condit asserts that changes in the corridor alignment result in an intensification of the transportation use and is therefore outside the Goal Exception approved by Yamhill County in 2004. ODOT is shifting the bypass alignment outside the authorized corridor in several locations to meet highway design and engineering standards and to avoid certain environmental and community resources. The
Bypass will continue to operate as a limited access expressway and this slight shift in location of the alignment outside the corridor does not change, intensify, or add additional uses to the bypass. No new Goal Exception is required.

2. a) The Tier 2 document identifies several locations along the corridor with unstable slopes. None of these areas are identified by Yamhill County as a Goal 7 Natural Hazard Area. The Preferred Alternative was selected, in part, to minimize the impacts to those areas with potentially unstable slopes. Before completing final design for the project, ODOT will conduct test drilling in critical soil areas. Based on results from the drilling, ODOT will design the roadway and bridge structures with measures to stabilize slopes.

b) The Preferred Alternative will impact 48 stream areas, span 39 stream crossings with bridges, and require up to 7 culverts.

c) The area of impervious surface area identified in the Tier 2 DEIS increased from 174 to 175 acres for the Preferred Alternative. This slight increase is attributed to two factors: greater detail and accuracy in the estimations calculations associated with the preliminary engineering design for the Tier 2 FEIS and that the estimated impervious surface areas now includes the improvements to the local street system that were not initially included in the Tier 1 estimates. In addition the Corridor expanded slightly to include the climbing lane up Rex Hill from Newberg, into Washington County.

Currently, Oregon 99W has very little stormwater treatment. While the Preferred Alternative will increase the area of impervious surface within the watershed, all stormwater runoff from the project will be treated and will reduce overall pollutant loads in the watershed. Currently, Oregon 99W has very little stormwater treatment. Rerouting traffic onto the bypass where the water from runoff will be
Newberg Dundee Bypass Tier 2 FEIS
Appendix N: Public Comments and Responses

3. ODOT considered the cost of construction of below-grade alignments and ongoing de-watering costs when evaluating design options for the Preferred Alternative. Costs of dewatering systems in the evaluation of the below-grade options in the segments in Dundee and in Newberg were specifically considered and rejected for those design options that did not require such continuous long-term maintenance. The Dundee Interchange design specifically avoids difficult, long term maintenance issues associated with the soil types and slopes.

4. Archaeological surveys occurred in the project area. ODOT completed archaeological investigations on the CEF property after publishing the Tier 2 DEIS. The Tier 2 FEIS includes updated information. However, due to the sensitive nature of archaeological findings, ODOT does not publish information in detail in EISs or the Cultural Resources Technical Memoranda, but will share findings with the property owner. ODOT will comply with all Section 106 requirements.

5. On May 23, 2006, ODOT held a Context Sensitive Solutions workshop to present preliminary engineering designs for the Bypass to stakeholders and the public. The preliminary design details presented at the workshop included the location of an overcrossing to serve CEF and the property west of CEF, inside the Dundee Urban Growth Boundary, along their common property line.

ODOT staff (T. Snyder, L. Ansell, M. Lynde) met with Floyd Ayler-CEF manager, and another CEF employee, in mid-June 2006. The purpose of the meeting was to discuss the location of the farm overcrossing to connect the portions of CEF property divided by the Bypass. This meeting occurred because of CEF comments at the May 23, 2006,
workshop and their stated desire to work further with ODOT on location selection. At the June meeting, ODOT staff toured the farm and discussed the location of a private overcrossing for CEF. At that time, Floyd Ayler requested the CEF overcrossing be in the same location as the current farm road that serves this portion of the farm. As the original farm road is oriented diagonally to the Bypass alignment, Mr. Ayler’s proposal would have required ODOT to construct a much longer bridge. As a result, while the overcrossing will be very close to the original farm road, the current proposal is for constructing the overcrossing at a 90-degree angle to the Bypass and then reconnecting the overcrossing with the farm road.

6. Visual impacts are discussed by general location. They are not identified for specific structures including residences, unless the structure has historical significance. As a result, ODOT did not identify visual impacts specific to the farmhouse in the Tier 2 DEIS or Tier 2 FEIS. Visual impacts that will occur in this general area are described in Chapter 3.11 of the Tier 2 DEIS and Tier 2 FEIS. The Dundee Farm was modeled for noise impacts in this Tier 2 FEIS. The house would not be noise impacted, therefore no mitigation is proposed.

7. See response to #1 above.
Newberg Dundee Bypass
Tier 2 FEIS
Appendix N: Public Comments and Responses

B-11

Submittal: B-11
Type: Hearing Testimony
Name: Allen Holstein
Title: President
Business/Affiliation: Dundee Civic Association
Address: PO 280
Dundee, OR, 97115

Response to Comment:

ODOT appreciates Mr. Holstein’s and the Dundee Civic Association’s support for the Newberg Dundee Bypass project and their desire to have better access and reduced congestion for tourists travelling in the project areas, as well as for support to the wine industry in Yamhill County. ODOT understands the importance of agriculture and the wine industry to the economic development in the project area and the need for an efficient transportation system to support its growth.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve access to destinations in the project area for tourists, as well as for freight.
movements and will resolve safety issues such as dangerous turns on to Oregon 99W in the Dundee area.
I have personally been coming to these meetings for the past 10 years, and that is what I have heard locally. So we would like the town better. Thank you.

MR. FROEHLICH: Thank you Mr. Holstein.

Les Hallman.


Good.

I am Les Hallman, Fire Chief of the Newberg Fire Department. I would like to be placed on the record as favoring the build option for the Newberg-Dundee bypass. In addition, I would also like to be on the record, in favor of the July 2012 ground breaking for the project.

Our reasons for favoring the bill are numerous, and all involve downtown livability. However, the primary focus of my support is public safety. The most obvious benefit to public safety comes from less congestion in the downtown area, and reduce the potential for vehicle-to-vehicle collisions, as well as vehicle-to-bicycle, or vehicle-to-pedestrian collisions.

Studies have shown that Newberg has a vehicular crash rate that is 167 percent higher than similar highways throughout Oregon. 167 percent greater. Vehicular crash rate is a statistic that must not be
Tier 2 DEIS Comment and Responses

Submittal: B-12
Type: Letter
Name: Timothy Wahlberg
Title: President
Business/Affiliation: Evergreen Aviation and Space Museum
Address: 500 NE Captain Michael King Smith Way
McMinnville, Oregon 97128

Response to Comment:

ODOT and FHWA appreciate Mr. Wahlberg's support for the Newberg Dundee Bypass project. ODOT anticipates Phase 1 project construction will begin in 2014.
Tier 2 DEIS Comment and Responses

Submittal: B-13
Type: Letter
Name: Delford Smith
Title: Chairman of the Board
Business/Affiliation: Evergreen International Aviation, Inc.
Address: 3850 Three Mile Lane
          McMinnville, Oregon 97128

Response to Comment:

ODOT appreciates Mr. Smith's support for the Newberg Dundee Bypass project. ODOT anticipates Phase 1 project construction will begin in 2014.
June 15, 2010

Dear Mr. Potter,

I am writing to communicate my support for the Newberg Dundee bypass construction project and to urge that the project, as outlined in the recently released Tier 2 Draft Environmental Impact Statement, begin with a groundbreaking no later than July 4, 2012.

This bypass is important to our community. The current traffic congestion on Highway 99W is not only an inconvenience for drivers, it is a safety hazard for pedestrians and has negative ramifications on the livability of our city.

As the second-largest private employer in Newberg, George Fox University has a major stake in the city’s economic interests. Each year, more than 2,000 students take classes on our residential campus in Newberg, and each fall we welcome hundreds of new students. Our impact on the local economy can be measured in the millions of dollars each year. It is in the best interest of George Fox and to Newberg to create an environment that will prove attractive to prospective students. A bypass will go a long way toward accomplishing this task.

Thank you for moving this project forward, and I am grateful for the progress that has already been made.

Sincerely,

Robin Huyser
President, George Fox University

Oregon Department of Transportation

Newberg-Dundee
Bypass Project

Tier 2 DEIS Comment and Responses

Submittal: B-14
Type: Letter
Name: Rogin Baker
Title: President
Business/Affiliation: George Fox University
Address: 414 N. Meridian Street
Newberg, Oregon 97132

Response to Comment:

ODOT appreciates Mr. Baker’s and George Fox University’s support for the Newberg Dundee Bypass project, and their desire to have less congestion and safety on Oregon 99W and Oregon 18. ODOT understands the importance of improving pedestrian safety and enhancing livability by removing hazards created by congestion on Oregon 99W.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area, reduce traffic volumes and congestion on Oregon 99W and improve safety. The project will also improve access for businesses and George Fox University, and work toward helping the communities in the project area meet their economic development goals.
Tier 2 DEIS Comment and Responses

Submittal: B-15

Type: Letter

Name: Kenneth Y. Li

Title: VP/General Manager

Business/Affiliation: Georgia-Pacific, Toledo Pulp and Paper Operations

Address: 1400 SE Butler Bridge Road
          Toledo Oregon, 97391

Response to Comment:

ODOT appreciates Mr. Li’s support for the Newberg Dundee Bypass project and his concerns with traffic congestion, freight movement and its effect on economic development in the project area.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve overall traffic flow in the project area, reduce traffic volumes, relieve congestion on Oregon 99W and resolve safety issues. All of these actions should help support economic development throughout the project area.
Response to Comment:

ODOT appreciates Mr. John's support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and improved public safety on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
Tier 2 DEIS Comment and Responses

Submittal: B-17
Type: Individual Testimony
Name: Jon Mangis
Title: Representing Kreder Farms
Address: 920 Sahalee Ct. SE Salem, OR 97306

Response to Comment:

ODOT appreciates Mr. Mangis’ comments. In response, Local Circulation Option B for Segment 1 is the preferred option; a change from Option A, which ODOT included as the recommended option in the Tier 2 DEIS. ODOT had recommended Option A because it did not require an additional crossing of the Yamhill River.

However, ODOT is using Local Circulation Option B as the preferred option in the Tier 2 FEIS for the following reasons:

- Includes a new bridge over the Yamhill River, which will better serve the citizens of Dayton and is the jurisdictional preference. The bridge will provide a direct connection between Dayton east and west of the Yamhill.
River, and will result in less out of direction travel within Dayton.

- Uses less Exclusive Farm Use (EFU) land and does not require a Goal Exception.

- Limits access to EFU land south of the interchange. The Oregon Department of Land Conservation and Development (DLCD) expressed concerns about the potential increase in property access to EFU land with Local Circulation Option A.

- Reduces emergency response time (about 3 minutes) with a bridge over the Yamhill River.

Local circulation Option B does include a connection from Kreder Road to Oregon 18 with an underpass under the Bypass and also improves Kreder Road. ODOT will work to ensure, through their design process, that appropriate clearance under the Bypass is maintained for standard farm use. The author’s comments have been forwarded to the project designers so that the undercrossing is sized correctly for farm equipment.

In the Tier 1 (Location) FEIS ODOT stated that tolling may be included as part of the Bypass, and that the feasibility of tolling would be evaluated, if appropriate, during Tier 2. ODOT completed a tolling study before release of the Tier 2 (Design) DEIS and found tolling was not an acceptable source of funding for the project. The Tier 2 DEIS states,

“In February 2006, ODOT entered a public-private partnership Pre-Development Agreement (PDA) with the Oregon Transportation Improvement Group (OTIG), led by Macquarie North America Ltd., to study tolling of the Bypass. In December 2006, OTIG released the Milestone 1 report, which evaluated tolling as the main source of funding for the Bypass project and discussed tolling options. Their analysis found that tolling just the Bypass alone would not generate
enough revenue to build, operate, and maintain the Bypass. The only tolling option that would provide enough funding was to toll both the Bypass and existing Oregon 99W.

ODOT hired Bear Stearns, Inc., to evaluate the Milestone 1 report. Bear Stearns agreed that tolling only the Bypass would not produce enough revenue to fund the project.

ODOT, along with the local stakeholders, decided that tolling both the Bypass and existing Oregon 99W was not an acceptable funding source at this time. Therefore, tolling the Bypass is currently not considered part of the Build Alternative."
June 28, 2011

Mr. Tim Potter
Area 3 Manager, Region 2
Oregon Department of Transportation
885 Airport Road SE, Building 2
Salem, OR 97301-4788

Dear Mr. Potter:

I am writing to support the construction of the bypass that is intended to relieve traffic through Newberg and Dundee. I urge you and your colleagues to begin this project as soon as possible.

Linfield College has its main campus in McMinnville, but 20 percent of our students and staff are employed at our Portland campus. Many of our other students and staff commute between Portland and McMinnville. The traffic delays in Newberg and Dundee have a significant effect on our efficiency, and they have even become a deterrent to recruitment of new students and staff.

There are also safety issues to consider. In fact at this year’s commencement ceremony, we took a moment of silence to remember Chelsea Peterson, a young woman who would’ve graduated with the rest of the class of 2010 if she had not died in a traffic accident outside of Dundee.

Please do not hesitate to call on me if you seek additional information regarding my support of the Newberg-Dundee bypass. I believe that it is vital to the safety and development of this portion of Yamhill County.

Sincerely yours,

Thomas L. Hellie, Ph.D.
President

Tier 2 DEIS Comment and Responses

Submittal: B-18

Type: Letter

Name: Thomas L. Hellie, PhD

Title: President

Business/Affiliation: Linfield College

Address: 900 Baker Street
          McMinnville, Oregon 97128

Response to Comment:

ODOT appreciates Mr. Hellie’s and Linfield College’s support for the Newberg Dundee Bypass project and their desire to have less congestion, better access and improved safety on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W.
Tier 2 DEIS Comment and Responses

Submittal: B-19
Type: Letter
Name: Mark Siegel
Title: Chair
Business/Affiliation: McMinnville Area Leadership Council
Address: 417 NW Adams Street
McMinnville, Oregon 97128

Response to Comment:

ODOT appreciates Mr. Siegel's support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
ODOT appreciates Mr. Hutchinson's support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18. ODOT understands the importance of tourism to the economic development of Newberg and the need for an efficient transportation system to promote and support business growth.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
You heard testimony earlier this afternoon from Jody Christianson, the executive director of the McMinnville Economic Development Partnership. She outlined some of the economic issues which our community faces as a result of the transportation bottleneck through Newberg and Dundee.

From the McMinnville Chamber of Commerce perspective, I'd echo an axiom to everything Jody said. For businesses and residents of McMinnville and surrounding areas, Highway 99 is a linchpin to employment, to recreation and entertainment and to family and friends, not to mention the critical link for goods and services. With increasing traffic counts, this linchpin through Newberg and Dundee becomes more tenuous every day.

Looking to the future, it's clear that McMinnville and surrounding Yamhill Valley are poised to become a major tourism destination. Consider as evidence a simple review of the media almost any given day. Features news and articles about our wine industry, with a typical focus on local producers and bottled Pinot Noirs, which are rapidly gaining fame in both domestic and international markets.

Evergreen Aviation, home of the Spruce Goose and possible future home of one of the soon-to-be-retired space shuttles, currently has a state of the art water park under construction to complement their two major museums and IMAX theater, with new lodging facilities not far behind.

And finally, a leisurely walk along Oregon's favorite Main Street in the heart of McMinnville is rapidly becoming recognized as a premier place one-of-a-kind downtown experience. Yet even with these world class attractions literally within a minute of the city center, unknowing visitors still struggle to reach us, and knowing visitors often avoid us due to mind-boggling traffic delays which the long-awaited bypass will eliminate. Please build it and build it soon. Thank you.

Mr. Franklin: Okay. Thank you.

Mr. Starrett: My name is Mary Starrett, S-T-A-R-R-E-T-T, and I am a candidate for Yamhill County Commissioner, also a resident of Newberg for the past 17 years.

And when I moved to Oregon 35 years ago, I remember driving out this way, and it seemed like the end of the earth, and there were traffic problems then. And when I moved here to Newberg 17 years ago, I knew that when I got on 99 to make the trip to McMinnville, I was making a real time commitment, and I think that everybody feels the same way. Once you commit to getting on 99 and going from point A to point B, you're committed, because at most times of the day and night, especially at crunch time and certain hours on the weekends.

Kellie M. Runston (503) 544-2459 kkmcourtreporter@msn.com
Newberg that rely on Highway 99W every day as a transport route, for moving critical patients to Providence Newberg Medical Center and other hospitals in the greater Portland area.

In closing, my support to Newberg-Dundee Bypass build alternative, is not just about downtown livability, but is also an increase in the public safety. Thank you.

ODOT appreciates Ms. Christensen’s support for the Newberg Dundee Bypass project and her desire to improve travel times, have less congestion, better access and better freight movement on Oregon 99W and Oregon 18. ODOT agrees that traffic congestion is a serious issue.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
and a reluctance to stay and grow in our county.

To be honest, our communities are at risk every day of losing good-paying jobs. When companies evaluate the true cost of doing business in our county, the numbers don't pencil out. The decisions will not favor our county.

When going out on retention visits, I hear firsthand from key decision-makers about the cost of our county's congestion. On many occasions, they have told me, given the choice today, they would not locate their company here due to traffic problems.

On a personal note, my husband commutes every day to Vancouver where he's the executive director for the Fort Vancouver Regional Libraries. When he took the position eight years ago, the commute was a little over an hour each way. Today, he regularly experiences two to two-and-a-half hours of commute time each way.

He loves his work, but the strain in our family is enormous. Our family is not alone. Thousands of family are dealing with the same concerns.

32 percent of our community members commute outside of our county.

So both personally, and professionally, I strongly support the build alternative option and encourage you to break ground on July 2012. Thank you.

MR. FRANKLIN: Mr. Markus.

MR. MANGUS: I already did it.

MR. FRANKLIN: So that's all the folks I have signed up. Is there anyone else who would like to come down and give testimony at this time? Okay.

So, again, there are other opportunities to give testimony. If you did not hear, there's a court reporter outside. You can give your public comments, there's the website, and we are taking public comments until July 19th. So that's when the public record for the draft environmental impact statement closes.

So thank you for your time. And if you have any other questions, please find the staff out on the open house, and we will be happy to help you. Thank you.

ENDING TIME: 5:30 p.m.
June 16, 2010
Tim Potter, Area Manager, Region 2
Oregon Department of Transportation
855 Airport Road SE, Bldg P
Salem, OR 97301-4788

Dear Mr. Potter:

I am writing to you as Director of the McMinnville Economic Development Partnership. The Partnership strongly supports the Tier 2 DEIS of the Newberg-Dundee Transportation Improvement project and the build alternative plan. I am tremendously appreciative of your leadership and support for this critically needed project.

As you know, Yamhill County is primarily a manufacturing community. We have a strong and diverse cluster of companies that are competing regionally, nationally and globally. In recent years, the increased Newberg/Dundee congestion has become extremely costly.

During a number of business retention visits, I heard how the traffic congestion is affecting our companies’ bottom lines. One of our biggest employers told me that if they had the choice today they would not relocate to Yamhill County due to the high cost of traffic congestion. They are losing customers because of delays and losing employees who don’t want to fight the commute. The congestion is now putting us at risk of losing good manufacturers that have higher paying jobs. In addition, we are finding it difficult to recruit companies to our area due to the expensive transportation issues.

Please let me know if there is anything that I can do to be of assistance as you continue to move forward on the solution to our community’s traffic, safety, and livability issues.

Sincerely,

Jody Christensen
Director
McMinnville Economic Development Partnership
417 NW Adams Street
McMinnville, OR 97128
503.474.0544
info@McMinnvilleEDP.com

Tier 2 DEIS Comment and Responses

Submittal: B-22
Type: Letter
Name: Jody Christensen
Title: Executive Director
Business/Affiliation: McMinnville Economic Development Partnership
Address: 417 NW Adams Street
McMinnville, OR 97128

Response to Comment:

ODOT appreciates Ms. Christensen’s support for the Newberg Dundee Bypass project and her desire to improve traffic, safety and livability in the community. ODOT understands the importance of the need for an efficient transportation system to promote and support business growth.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
From: Jody Christensen
To: POTTER James T * Tim [mailto: James.T.POTTER@odot.state.or.us]
Subject: FW: re: Bypass Letter of Support/Tier 2 DEIS---updated copy
Attachments: odot-support DEIS Tier 2-revised June 2010.jpg

FYI, Note request to disregard previous email.

Tim,

Please see the attached letter of support (please disregard the letter sent yesterday). I have revised the letter to include the support of the build alternative.

Thank you,

Jody

CONFIDENTIALITY NOTICE: This transmission (and/or documents accompanying it) may contain confidential information belonging to the sender. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify me immediately.

From: Jody Christensen
To: POTTER James T * Tim [mailto: James.T.POTTER@odot.state.or.us]
Subject: re: Bypass Letter of Support/Tier 2 DEIS

CONFIDENTIALITY NOTICE: This transmission (and/or documents accompanying it) may contain confidential information belonging to the sender. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify me immediately.
McMinnville Industrial Promotions, Inc.
P.O. Box 328
McMinnville, Oregon 97128

June 18, 2016

Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
885 Airport Road S., Building P.
Salem, Oregon 97301-4718

Re: Tier 2 DEIS – Newberg/Dundee Bypass

Dear Mr. Potter:

I write this letter to communicate my support for the construction of the bypass and strongly urge that the project get underway no later than July 4, 2012.

MIP believes a good transportation system is needed to support future economic growth in Yamhill County. The Newberg/Dundee bypass is a critical key to the economic viability of Yamhill County.

MIP has long been a supporter of the Newberg/Dundee bypass. As President of MIP I urge you to continue to move the bypass as the state’s highest priority project.

Sincerely,

[Signature]

Marshall Wade, President
McMinnville Industrial Promotions

Tier 2 DEIS Comment and Responses

Submittal: B-23

Type: Letter

Name: Marshall Wade

Title: President

Business/Affiliation: McMinnville Industrial Promotions

Address: PO Box 328
McMinnville, Oregon 97128

Response to Comment:

ODOT appreciates Mr. Wade’s support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
David Craig, President
Newberg Rod and Gun Club
PO Box 175
Newberg, OR 97132

Mr. Potter,
Our organization has received and reviewed the Tier 2 EIS for the Newberg/Dundee Bypass and would like the following comments to be part of the record.

1. The proposed plan calls for partial acquisition of our parcel in combination with a business relocation. While Oregon law outlines the procedures for relocation assistance, our situation is unique and could bring challenge to those procedures. There is currently no zoning in the state of Oregon that permits an outdoor shooting range as an outright use. This could make standard relocation benefits insufficient with respect to leaving our organization whole. Our organization is determined to preserve the existence of our facility (as are certain larger organizations that support the shooting sports). Newberg Rod and Gun Club operates the only trap shooting range in Yamhill County. The current plan appears to leave us with access and our building, but renders our shooting ranges unusable. Our desire is to work with ODOT to find an amicable solution that ensures the continued existence of our shooting facility. The most cost effective approach to this goal is potentially to acquire adjoining property via lot line adjustments and preserve the grandfathered status of the current operation. This option could be time consuming and costly, but stands a much better chance for success than trying to obtain the required variances, conditional use permits, etc., for a new location.

2. The EIS makes no mention of the lead in our current shot fall zone. Current plans call for the construction of roadway onthrough our shot fall zone. While our club follows Best Range Management Practices as published by the Environmental Protection Agency, we cannot control management of the lead shot in this area once property is transferred to ODOT. Changes in topography, drainage, vegetation, etc., could have an adverse environmental impact. There is a mining company capable of removing 99% of the lead, but this process can be expensive, and takes a substantial amount of time. Removal of the lead ensures the least potential for environmental impact, but needs to be coordinated with the transfer of shooting activities to a future shot fall zone.

Thanks for your consideration,

David Craig
President, Newberg Rod and Gun Club

Response to Comment:
ODOT acknowledges that relocating the shooting range is challenging. ODOT is committed to working with the Newberg Rod and Gun Club to preserve its unique use as much as possible.

Regarding the lead in the current shot fall zone, the Tier 2 DEIS references the Gun Club site on pages 3-382 and 3-394 as one of the 16 hazardous material sites in or near the Bypass right of way. The Tier 2 DEIS states,

“The Gun Club (Site No. 6) is partially located within the Bypass mainline. A shotgun firing range is located at the site. Shot usually contains lead so there is likely heavy metals contamination at the surface down range of the firing stands. A detailed history of the site’s
uses is not available but it likely was used for agriculture before being converted to the gun club use.”

Construction, ongoing operations, and maintenance of the Preferred Alternative will follow all state and federal laws and regulations regarding management of known sites and the handling of contaminated media (including the storage, transport and disposal of contaminated material). Potential releases of hazardous substances and petroleum products occurring adjacent to and/or within the Preferred Alternative roadway will be mitigated by the applicable federal, state, and/or local response agency.
Jeb Bladine, did I get that right?

MR. BLADINE: Yes.

MR. FRANKLIN: Thank you, Mr. Bladine.

Jeb Bladine, did I get that right?

MR. BLADINE: My name is Jeb Bladine, from Oregon Lithoprints in McMinnville, B-25-A-B-I-N-S. I would like to recognize the great work that ODOT has done in the last 15 years on this plan, but I would like to mention a couple of other dates.

1974, is the year I first started full-time in our company, and at that time they were in the throw of the terminate the Sylmar Bridge project, which would be would have been the bypass from our area to 1-5. So there was a few years of planning for that, so I guess I would sort of round this off and call it a 40-year project to date. In the efforts of our area to have a bypass of the Newberg-Dundee, and to get out to 1-5 on the way to Portland.

I will jump ahead to the 1980s when, over in McMinnville, we had an ODOT meeting, and we were told that that time that this bypass would be completed in five years. Gasoline tax failed, lots of other circumstances took place.

ODOT appreciates Mr. Bladine's support for the Newberg-Dundee Bypass project and his desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
that we have in my company in McMinnville. We have a printing company, just an example of many companies that depend on the flow of transportation from Portland. It depends upon Portland businesses, and sends trucks on a daily basis to Portland, has to convince people to come from Portland to our company to look at the products and services that we provide, and it’s getting harder and harder.

We have a tourism-related business in Discover Yamhill Valley, which is a statewide publication and Internet publication, trying to draw businesses for the Yamhill Valley. And when we think about the idea of a 33-minute travel from Beaverton to McDougall Corner in Newberg, for tourism, for our businesses and other businesses, it’s an untenable and unacceptable situation.

And, finally, I guess, in McMinnville we have had the good fortune of having a flow-through and a bypass for many years. But we look at Newberg, and we look at Dundee, and we see those communities already strategized in so many ways. And their very livelihood as a destination is being swallowed with this traffic strangling. And to think about that again, 20 years hence, would be an untenable situation.

As we would join other businesses, and many

MR. FRANKLIN: John Bridges.
MR. BRIDGES: Hi, my name is John Bridges.
If I need to spell my name, you can come back to my office and I’ll help you with that.
COURT REPORTER: I getcha, John.
MR. BRIDGES: I’m a court reporter in my office all the time.

I am an attorney here in town, but I also participate on the Chamber board of directors, and I am actually the Chamber of Commerce, chair of the Government Affairs Committee.

The Chamber, the Chehalem Valley Chamber of Commerce represents about 150 businesses in the Chehalem Valley, and it’s not just Newberg and Dundee, it extends to St. Paul. And it’s all around the rural areas, wineries, grape growers, all different sorts of businesses.

And, frankly, in our goal setting within our board of directors, the past five or six years, getting progress on the development on building the bypass has been the number one priority. And, frankly, that’s why I am here today, to tell you we are in
June 21, 2010

Tim Potter: Area 3 Manager, Region 2
Oregon Department of Transportation
683 Airport Road SE, Building P
Salem, Oregon 97301-4788

Re: Tier 2 DEIS – Newberg/Dundee Bypass:

Dear Mr. Potter:

I write this letter to communicate my support for the construction of the bypass and strongly urge that the project get underway no later than July 4, 2012.

As President of Oregon Mutual Insurance Company I have first-hand knowledge of the growing traffic problem through Newberg and Dundee. It becomes difficult for us to retain good employees to commute to McMinnville for the jobs we offer. And, the development of our business community can be curtailed by the lack of access to I-5 that is needed to move their products.

Oregon Mutual Insurance Company has long been a supporter of the Newberg/Dundee bypass. As CEO of Oregon Mutual Insurance Company, I urge you to continue to rank the bypass as the state’s highest priority project.

Sincerely,

Mike Keyes
Chairman, President and CEO

Response to Comment:

ODOT appreciates Mr. Keyes’ support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and better commute times Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W, which in turn will help reduce commute times. The project will also improve freight movement and access for businesses, residents and tourists throughout the project area.
June 21, 2010

Tim Potter, PE
Area 3 Manager, Region 2
Oregon Department of Transportation
Mid-Willamette Valley Area
885 Airport Road SE Building P
Salem, Oregon 97301-4788

Dear Mr. Potter,

On behalf of Providence Newberg Medical Center (PNMC), we wish to express our support for ODOT’s preferred routing of the Newberg-Dundee Bypass through our property. The preferred route will allow Providence to fully utilize the substantial investments made in infrastructure on the site of the medical center and will assist in meeting the future health care needs of this community.

We also wish to express our appreciation for our neighbors’ cooperation. The Chehalem Park and Recreation District (CPRD) and the neighboring property owner have worked with us to identify a win-win situation. We look forward to bringing the plan to fruition.

The PNMC campus will be an integral part of the Providence health care system. ODOT’s preferred route will allow for active development on the east side of Providence Drive. History has shown that preserving this space will allow us to more cost effectively serve the community.

Thank you for considering our request and these comments. We look forward to working with the neighbors, CPRO, ODOT, and the community to develop this important transportation project.

Sincerely,

[Signature]

Jack R. (Spike) Sumner
Assistant Administrator for Finance
503-237-1700

Response to Comment:

ODOT appreciates the support for the Newberg Dundee Bypass project from the Providence Newberg Medical Center. ODOT also appreciates the coordination efforts of both Providence Health System and Chehalem Park and Recreation District enabling the project to forward and allowing each party to proceed with their own facility master plans.
Tier 2 DEIS Comment and Responses

Submittal: B-28
Type: Letter
Name: Rodney E. Ferguson
Title: Chief Executive Officer
Business/Affiliation: Spirit Mountain Gaming Inc.
Address: 27100 SW Salmon River Hwy
          Grand Ronde, OR 97347

Response to Comment:

ODOT appreciates Mr. Ferguson’s support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18. ODOT understands the importance of tourism to the economic development of the region and the need for an efficient transportation system to promote and support business growth.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
Thank you for consideration of this request to proceed with the project. Should you have any questions or require any additional information, please do not hesitate to contact me at (503) 879-3067.

Sincerely,

Rodney E. Ferguson
Chief Executive Officer
Sprint Mountain Gaming, Inc.
27100 SW Salmon River Hwy.
Grand Ronde, OR 97347
Tier 2 DEIS Comment and Responses

Submittal: B-29
Type: Letter
Name: Edward Bortz
Title: Mill Manager
Business/Affiliation: SP Newsprint Company
Address: P.O. Box 70
1301 Wynooski Street
Newberg, Oregon 97132

Response to Comment:

ODOT appreciates Mr. Bortz's support for the Newberg Dundee Bypass project and his desire to have less congestion, better access and improved public safety on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses, as well as tourists throughout the project area.
June 14, 2010

Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
885 Airport Road SE, Building P
Salem, Oregon 97301-4788

Re: Tier 2 DEIS - Newberg/Dundee Bypass

Dear Mr. Potter,

I write this letter to communicate my support for the construction of the bypass and strongly urge that the project get underway no later than July 4, 2012.

As CEO of Willamette Valley Medical Center I have first-hand knowledge of the growing traffic problem. While livability, business opportunity and convenience are important factors, Highway 18 is also a public safety issue. People are being injured and dying because the highway was simply not made to accommodate the current volume of traffic.

Willamette Valley Medical Center has long been a supporter of the Newberg/Dundee bypass. As CEO of Willamette Valley Medical Center I urge you to continue to rank the bypass as the state’s highest priority project.

Sincerely,
Rosemari Davis, CEO
Willamette Valley Medical Center

Response to Comment:

ODOT appreciates Ms. Davis’ support for the Newberg Dundee Bypass project and her desire to have less congestion, better access and improved public safety on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
Tier 2 DEIS Comment and Responses

Submittal: B-31
Type: Letter
Name: Nicolette Nickolauo-Bailey
Title: Owner
Business/Affiliation: Youngberg Hill Vineyards and Inn
Address: 10660 Southwest Youngberg Hill Road, McMinnville, OR 97128

Response to Comment:

ODOT appreciates Ms. Nickolauo-Bailey's support for the Newberg Dundee Bypass project and her desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.

Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
885 Airport Road SE, Bldg P
Salem, OR 97301-4788

Ref. Tier 2 DEIS

Mr. Potter:

We support the construction of the bypass. For the long term economic viability of our community, our industries, and our business; this bypass is an absolute must have.

From our particular situation, the bypass is imperative. Depending on tourism for our livelihood, the ease and ability for tourists to travel from Portland throughout the Willamette Valley and through to the Coast is paramount to our Inn. It is also important to get the wine touring public beyond the “Dundee Strangle” to enjoy the wine country in and around McMinnville, Amity, Salem, and Sheridan.

It is also important operationally to have good transportation routes for materials and our finished product. We have ever experienced higher gasoline prices as a result of the difficulty in getting to McMinnville via 99W.

Thanks for continuing to move this project along. There has been much procrastination and debate about this project that has caused costly delays and business. We strongly urge that the project get underway ASAP with a groundbreaking no later than July 4, 2012.

Regards,
Nicolette Nickolauo-Bailey
Owner
Youngberg Hill Vineyards & Inn
Tier 2 DEIS Comment and Responses

Submittal: C-01
Type: Letter
Name: Christy Ellis
Title: City Manager
Business/Affiliation: City of Dayton
Address: PO Box 339
416 Ferry Street
Dayton, OR 97114-0339

Response to Comment:

ODOT appreciates Ms. Ellis’ comments on behalf of the City of Dayton concerning Local Circulation Option A in Segment 1. ODOT has re-considered this recommended local circulation after reviewing comments about it received during the Tier 2 DEIS public and agency review period. ODOT agrees with the City of Dayton’s reasons for preferring Local Circulation Option B and has included it in the Preferred Alternative for the Tier 2 FEIS. ODOT had recommended Option A because it did not require an additional crossing of the Yamhill River.
Local Circulation Option B is the preferred option for the following reasons:

- Includes a new bridge over the Yamhill River, which will better serve the citizens of Dayton and is the jurisdictional preference. The bridge will provide a direct connection between Dayton east and west of the Yamhill River, and will result in less out of direction travel within Dayton.

- Uses less Exclusive Farm Use (EFU) land and does not require a Goal Exception.

- Limits access to EFU land south of the interchange. The Oregon Department of Land Conservation and Development (DLCD) expressed concerns about the potential increase in property access to EFU land with Local Circulation Option A.

- Reduces emergency response time (about 3 minutes) with a bridge over the Yamhill River.
To Whom It May Concern:

As the Fire Chief of Dundee Fire Department I support the build alternative for the Newberg-Dundee Bypass. The vast majority of the motor vehicles crashes we respond to occur on Hwy 99w and the #1 factor is congestion! Statistics have shown that the vehicular crash rate is higher than that of similar highways in Oregon and I feel the Newberg-Dundee Bypass can reduce those numbers.

Navigating traffic in an emergency vehicle is one problem, but in Dundee Emergency Responders battle Hwy 99w congestion just getting to the Fire Station. Half of our responders face crossing Hwy 99w responding to the Fire Station and when seconds count this is of great concern to public safety. Removing the heavy thru traffic from Dundee will make emergency responses much safer and efficient, not only for the public, but also for our emergency responders.

John Stock, Fire Chief
Dundee Fire Department

Response to Comment:

ODOT appreciates Mr. Stock’s support for the Newberg Dundee Bypass project on behalf of the City of Dundee Fire Department and their desire to reduce congestion and improve safety for the traveling public. The project includes several features that will improve safety for motorists and emergency service providers including access control to the Bypass and local circulation overcrossings that will aid in safer and more efficient access.
Tier 2 DEIS Comment and Responses

Submittal: C-03

Type: Letter

Name: Don Sundeen

Title: Mayor

Business/Affiliation: City of Dundee

Address: 620 SW Fifth Street
          P.O. Box 220
          Dundee, OR 97115

Response to Comment:

ODOT thanks Mayor Sundeen and the City of Dundee for their continued coordination and support for the proposed project. ODOT will work with the city during the design process to incorporate effective visual screening and sound buffering, protect and to preserve natural and historic resources, and to provide access to the Willamette River whenever possible.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve business access, increase freight mobility and support economic development.
The following addresses the Mayor’s specific comments. The page numbers correspond to Mayor Sundeen’s letter.

Page ES-2: ODOT agrees that the Tier 2 DEIS executive summary should not have stated that traffic volumes increased 40% in Dundee over the last 10 years. ODOT has corrected this in the Executive Summary of the Tier 2 FEIS to state that over the past two decades traffic volumes on Oregon 99W in downtown Newberg and Dundee have increased by over 40 percent.

We are unsure of the origin of the 8.6% quoted in the original comment letter. Actual volumes from ODOT Traffic Volume Tables are:
- In 1999 – Traffic volume of 26,600 at MP 25.52, East City Limits of Dundee
- In 2009 – Traffic volume of 28,000 at MP 25.51, .03 South of Bienz Road
This corresponds to a 5.3 percent growth rate.

Page 1-1: While the Bypass does pass through undeveloped Dundee city limits, the general location of the Bypass is considered to be going ‘around’ the city.

Page 1-7, Paragraphs 2 and 4: 40 percent was incorrect (the wrong number was inserted into the Tier 2 DEIS); however, the analysis performed is correct and will not need to be redone. Kittelson and Associates, traffic analysts for the proposed project, have recently reviewed the issue of growth rates and summarized their findings for ODOT. They found that overall, growth from 1999-2006 has slowed and even reversed due to increased oil prices and the economic downturn, but would anticipate growth to pick up in the future.

Page 1-8: Regulatory and jurisdictional agencies reviewed and approved the proposed project Purpose and Need and Goals and Objectives through the CETAS process as described in Chapter 5, Section 5.5 of the Tier 2 DEIS and are key to the project. ODOT and FHWA believe the Purpose and Need, as written, is accurate and doesn’t need to be changed at this time. ODOT will continue to have close coordination with the city to avoid potential irreversible impacts on the city.
allow safe and efficient movement of emergency vehicles, the bypass design must have, as a minimum, overcrossings at 6th and 10th streets.

- Page 3-131. Impacts for Specific Locations and for Design/Local Circulation Options, Segment 3. The city of Dundee prefers overcrossings of the bypass at 6th and 10th streets. See Page 3-55 comments.
- Page 3-132. Impacts for Specific Locations and for Design/Local Circulation Options, Segment 4. Construction of an at-grade interchange at the East Dundee connector road with 99W would reduce the number of business disruption and disruptions necessary with an elevated clearance. The appeal of development around an elevated clearance is also questioned.
- Page 3-104. Options C.3.1.13 Segment 3, Paragraph 3. It is stated that the visual quality of area is from low to moderate. What needs to be taken into account and described in the DEIS is the high value view from the Dundee hillsides on the west over the Willamette River valley. The visual quality for a significant number of lots and residences will be impacted by the proposed project.

Not directly related to Tier 2 DEIS document but important for the continuing public record is the importance of recognizing the work which must be done in conjunction with the Newberg Dundee Bypass project. There is much work ahead in reclaiming and revitalizing the neighborhoods and downtowns along the current 99W transportation corridor. These communities will require the resources and continued cooperation of the Oregon Department of Transportation as ensuring the existing 99W highway is safe, attractive and useful to our evolving towns.

Thank you and your entire team of ODOT for the effective work on this project. We look forward to working together to finally see the Newberg Dundee Bypass become a reality!

Sincerely,

[Signatures]

Page 1-9: ODOT eliminates at-grade crossings with railroads whenever possible for the long-term safety of the traveling public. Additionally, the railroad is not currently at the same grade as the local street.

Page 3-15 3.1.2.1: The Tier 2 DEIS includes estimates for the volume change between the No Build and Build conditions as approximately 18,400 trips higher at 5th Street than at Fox Farm Road (i.e., 34,100 - 15,700). There are several reasons why this might occur:

1) Without the Bypass, Oregon 99W is very congested between Newberg and Dundee. As a result, the traffic modeling includes many cut-through trips on Dayton Road and Fox Farm Road, as would be expected and occurs today to some extent. Conversely, there are no reasonable alternative routes for traveling through Dundee, meaning that all trips must use Oregon 99W. This results in much higher volumes at 5th Street than north of Fox Farm Road in the No Build condition. This accounts for approximately 2/3 of the difference in question.

2) The remainder of the difference is due to local trips accessing Dundee. ODOT expects these trips to increase in the model due to continued growth in Dundee. As these trips primarily come from the north, traffic volumes on Oregon 99W gradually decrease as one travels south.

Page 2-17: According to Rail Oregon Revised Statute 824.204, ODOT eliminates at-grade crossings with railroads whenever possible for the long-term safety of the traveling public. Additionally, the railroad is not currently at the same grade as the local street and therefore, some construction would have to occur.

Page 2-29: ODOT is also recommending Design Option 3.B2, but to clarify, this option is an at-grade roadway with berms, not a depressed roadway with berms. The berms will aid in limiting visual and noise disturbance.
Page 3-55: ODOT recommended a Preferred Alternative in the Tier 2 DEIS. The City has expressed concerns this alternative includes an overcrossing at 8th Street, and the City has stated they would like two crossings, not one, at 6th and 10th Streets. ODOT considered the City’s comments; however ODOT will construct only one local road overcrossing in Segment 3. Based on current residential development and the location of existing local roads, ODOT has identified the 8th Street for the overcrossing because it will serve all properties between the Bypass and the Willamette River. ODOT will continue to coordinate with the City of Dundee on the exact location of the overcrossing. ODOT may reconsider the 8th Street overcrossing if a new local road system is in place at another location, serving all properties between the Bypass and the Willamette River, by the time the Bypass is constructed.

Page 3-131: Please see response to Page 3-55 comments, above.

Page 3-132: The goal exceptions requirements of OAR 660-012-0070(8) require adoption of mitigation measures to minimize accessibility or rural lands from the proposed transportation facility. To that end ODOT, the City of Dundee and Yamhill County will develop an Interchange Area Management Plan. That plan will consider and adopt design features, land use policies, and access management tools to preserve the function of the interchange and to meet the requirements of the goal exception.

Page 3-184: Thank you for your comment. ODOT’s first priority is to avoid impacts when possible.

Page 3-260: The question of visual impacts to hillside residents was raised in the past. The members of the Stakeholder Working Group (SWG) took a field trip on April 26, 2006, to look at the proposed location for the East Dundee Interchange connector road from several different vantage points. The observations made during the field trip showed that the connector road would have very minimal visual impact to the residences on the hillside.
July 12, 2010

Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
660 Willamette Valley Area
885 Airport Road SE, Bldg. P
Salem, OR 97305-4788

Re: Tier 2 DEIS – Newberg-Dundee Bypass

Dear Mr. Potter:

I write this letter to communicate the Lincoln City Council support for the construction of the Newberg-Dundee Bypass, supporting the "Build Alternative" and strongly urge that the project get underway as soon as possible.

As Mayor of Lincoln City, I have first-hand knowledge of the growing traffic problems experienced on Hwy 26 and 58. While livability, business opportunity and convenience are important factors, Highway 18 is also a public safety issue. Products are not getting delivered timely, or at all, persons who would normally travel Highway 99W and Highway 18 are facing uninsured delays and unacceptable safety concerns when using this transportation corridor. The City of Lincoln City has long been a proponent of the Newberg-Dundee Bypass. As Mayor of Lincoln City, I urge you to continue to work on the bypass as the state's highest priority project.

Sincerely,

Lori Hollingsworth
Mayor, City of Lincoln City

Response to Comment:

ODOT appreciates Mayor Hollingsworth and the Lincoln City's support for the Newberg Dundee Bypass project and their desire to have better transportation access and reduced congestion to support economic and business growth in the region. ODOT understands the importance of efficient transportation facilities that are critical to maintaining existing businesses, as well as attracting new business.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion, increase the efficiency of traffic flow, and improve safety in the project area and on Oregon 99W and Oregon 18.
Tier 2 DEIS Comment and Responses

Submittal: C-05
Type: Letter
Name: Bob Andrews
Title: Mayor
Business/Affiliation: City of Newberg
Address: 414 East First St.
PO BOX
Newberg OR 97132

Response to Comment:

ODOT appreciates Mayor Andrews’ support for the Newberg Dundee Bypass project and his desire to have less congestion, improved livability and public safety in Newberg and better opportunities for economic development in the project area.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area, reduce traffic volumes and congestion on Oregon 99W and Oregon 18 and increase public safety. The project will also improve access for businesses, supporting economic development in the project area.
As an overall project, Newberg supports the "Build Alternative."

Of the eight segments, segments 5 through 8 directly affect Newberg.

- Segment 5 - Newberg concurs with ODOT’s Recommended Design Option
  - Connectivity between the community and the river must be provided.
  - Measures need to be provided to mitigate sound levels in this predominately residential neighborhood.
  - Sportsman Airpark Runway - The eastern portion of this segment must take into consideration the need to maintain the usability and to extend the length of the Sportsman Airpark Runway.

- Segment 6 - Newberg concurs with ODOT’s recommended layout of the proposed interchange with HWY 219.
  - Needed Coordination - Newberg reminds ODOT that the interchange does encroach on land the City has reserved for future WWTP expansion. Close coordination is necessary to accommodate both the City and ODOT needs.

- Segment 7 - Newberg concurs with ODOT’s recommended design option
  - Significant Amenities - Providence Hospital Newberg (highest rated facility in the Portland Metro area) and the Chehalem Glenn Golf course are significant amenities in our community. Ensuring their continued viability is of paramount importance.
  - Sound attenuation will also be important through this segment.

- Segment 8 - Newberg concurs with ODOT’s proposed interchange at HWY 99W and supports both 8.1 and 8.1.A elements of the interchange.
C-06

Tier 2 Draft Environmental Impact Statement:
June 29, 2010 Public Hearings at 4:30 p.m. and 6:30 p.m.,
Open House 3–8 p.m.

Comment Form

The Newberg Dundee Bypass project welcomes your comments on the findings of the Draft Environmental Impact Statement and Section 4(f) Mitigation Impact Findings or any other aspect of the project or process. Please fill out this form and use additional sheets of paper if necessary. Give this form to project staff or return to the project office.

TELL US ABOUT YOURSELF

Do you (check all that apply):

☐ Live in the project area?
☐ Commute through the project area?
☐ Work in the project area?
☐ Own a business in the project area?
☐ Other:

How do you regularly travel in the project area? (check all that apply)

☐ Bicycle?
☐ Walk?
☐ Car or Truck?
☐ Bus?
☐ Other:

GENERAL COMMENTS

(1) Local Access Alternatives at the 219 Interchange are different than those shown in the South Industrial/Mariner Plan. The Magness realignment is further south in the Newberg Plan. The Wilsonville Road realignment is further west. We would like to evaluate feasibility to implement these different alignments.

(2) Likewise, the Providence Drive/Crestview Drive local access option differs from the existing given: the westmost connection that parallels 92nd is further north. Again, we’d like to retain the flexibility to implement this.

Response to Comment:

ODOT appreciates Mr. Brierly’s comments on behalf of the City of Newberg concerning the locations of the local circulation changes to Wynooski Road in the vicinity of the Oregon 219 Interchange, the realignment of Wilsonville Road and the Providence Drive/Crestview Drive alignment.

ODOT will review the alignment of Wilsonville and Wynooski Roads as proposed by the City, after the City amends the UGB. ODOT can accommodate other alignments that meet the minimum spacing standards, if needed.

Submittal: C-06

Type: Comment Form

Name: Barton Brierly

Title: Planner

Business/Affiliation: City of Newberg

Address: PO Box 970
Newberg, OR 97132
BYPASS OPTIONS

Please indicate the option(s) that you would support for each segment where available. Additional information about the different options within each segment is available at the preliminary engineering station at the public hearing.

Segment 1:
- Local Circulation Option A (Connects Kilby Road to the interchange)
- Local Circulation Option B (Perry Street extended to Kilby Road)

Segment 2:
- Design Option 3.A (Bypass below-grade without berms)
- Design Option 3.A.2 (Bypass below-grade with berms)
- Design Option 3.B (Bypass at-grade without berms)
- Design Option 3.B.2 (Bypass at-grade with berms)
- Local Circulation (One to be selected and applies to all above):
  - 4th Street Overcrossing
  - 5th Street Overcrossing
  - 6th Street Overcrossing

Segment 3:
- Design Option 4.1 (Diamond Interchange)
- Design Option 4.2 (Partial Cloverleaf Interchange)

Segment 4:
- Design Option 5.1.C.2 (Bypass depressed, closing 11th Street)
- Design Option 5.D.1.B (Bypass above-grade, closing 11th Street)
- Design Option 5.D.2 (Bypass above-grade, leaves 11th Street open)

Segment 5:
- Design Option 7.4.C (Bypass close to Newberg Providence Hospital)
- Design Option 7.5.C (Bypass shifts away from Newberg Providence Hospital)

Contact Information:

Name (first & last name, organization):

Address (street, city, state, zip):

Email:

Thank you! Give this form to project staff today at the public hearing. Return it to the project office at:

Newberg-Dundee Bypass Project
Tim Potter, Area Manager
1200 Airport Road SE, Building P
Salem, OR 97301

Written comments will be accepted at Region 2 no later than July 18, 2015.
Submittal: C-07
Type: Hearing Testimony
Name: Les Hallman
Title: Fire Chief
Business/Affiliation: City of Newberg
Address: 414 E 2nd Street
Newberg, OR, 9713

Response to Comment:

ODOT appreciates Mr. Hallman’s support for the Newberg Dundee Bypass project on behalf of the City of Newberg Fire department, and desire his to have less congestion on Oregon 99W and Oregon 18, improved public safety and better response time for emergency services throughout the project area.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve response times for emergency service providers, as well as increase public safety.
This is also a great concern for emergency vehicle responders. The vast majority of the vehicle responses require emergency vehicles to use the now congested 99W as a primary response route, or to navigate their way across 99W as it divides our city. Removing the heavy through-traffic driving through Newberg will make emergency responses much more safe and efficient, not only for the public, but also for our emergency responders.

Another benefit of the bypass for emergency responders is the ability to move more efficiently through the region. Today’s limited public safety budgets are requiring emergency response agencies to rely more and more on each other for what is termed mutual aid. Mutual aid occurs on a daily basis here in Yamhill County. The bypass will allow emergency resources from outside agencies to reach Newberg and Dundee more quickly and safely, and Newberg and Dundee will better be able to reach our neighboring communities in their time of need.

An additional medical benefit of the bypass to regional emergency services is the ability to provide timely critical patient transport. There are four emergency medical transport agencies located west of the

Newberg that rely on Highway 99W every day as a primary transport route, for moving critical patients to Providence Newberg Medical Center, and other hospitals in the greater Portland area.

In closing, my support to Newberg-Dundee Bypass build alternative is not just about downtown livability, but it also an increase in the public safety. Thank you.

MR. FRANKLIN: Next up Jody Christensen.

MS. CHRISTENSEN: It’s J-O-D-Y.

My name is Jody Christensen, and I am the executive director of the McMinnville Economic Development Partnership. I work with manufacturing companies in McMinnville, and all throughout Yamhill County.

I have submitted a letter of support for the record to Tim Potter on June 16th. I cannot stress how important the Newberg-Dundee bypass is to the economic vitality of our county. Our community is being held hostage by an inefficient, outdated transportation system. Companies are being strangled by traffic congestion, causing severe lost time on deliveries to and from their facilities, and employee travel.

Lost time means lost money, lost clients,
July 16, 2010

Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
Mid-Willamette Valley Area
885 Airport Road SE, Building P
Salem, Oregon 97301-4788

Re: Tier 2 DEIS - Newberg-Dundee Bypass

Dear Mr. Potter:

I am writing to communicate the Newport City Council’s support for the construction of the Newberg-Dundee Bypass, supporting the “Build Alternative” and strongly urge that the project get underway no later than July 4, 2012.

As Mayor of the City of Newport, I have first-hand knowledge of the growing traffic problem experienced on Highways 18 and 99. While livability, business opportunity, and convenience are important factors, Highway 18 is also a public safety issue. Products are not getting delivered in a timely manner, or not at all; and persons who would normally travel Highway 99W and Highway 18 are facing unwarranted delays and unacceptable safety concerns when using this transportation corridor.

The City of Newport has long been a supporter of the Newberg-Dundee Bypass. As Newport’s Mayor, I urge you to continue to rank the Bypass as the state’s highest priority project.

Very truly yours,

William D. Bain
Mayor

cc: Bob Andrews, Mayor, City of Newberg
Rick Olson, Mayor, City of McMinnville

Response to Comment:

ODOT appreciates Mayor Bain’s support for the Newberg Dundee Bypass project on behalf of the City of Newport, and his desire to have less congestion, better access and improved safety on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W and Oregon 18. The project will also improve safety and access for businesses as well as tourists throughout the project area, as well as for those travelling to the Oregon coast.
Terry N. Thompson  
County Commissioner  

Co-01  

July 14, 2010  

Mr. Tim Pfatter, Area 3 Manager, Region 2  
Oregon Department of Transportation  
Mid-Willamette Valley Area  
855 Airport Road SE, Bldg P  
Salem, OR 97301-4788  

RE: Support for the Newberg-Dundee Bypass Build Alternative based on the Tier 2 (Final) Draft Environmental Impact Statement (DEIS)  

Dear Mr. Pfatter:  

I respectfully submit the following comments to the Tier 2 DEIS for the Newberg-Dundee Bypass. As a former legislator and as a Lincoln County Commissioner, the safety of Oregon roads and highways is very important to me.  

The Oregon 99W-18 corridor is a vital link from the Portland area to Lincoln County and yet it is one of the most dangerous roads in Oregon. The proposed 4-lane, 11-mile expressway around the cities of Newberg and Dundee will help alleviate traffic bottlenecks and improve safety for passenger vehicles and freight trucks.  

This bypass project will benefit my constituents who use the 99W-18 corridor to access the Portland metropolitan area. This new bypass road will also aid our fishing and seafood industries in getting their products to market; as well as helping tourists reach the spectacular Oregon coast.  

As a County Commissioner, I am also involved in emergency preparedness; the 99W-18 corridor is a critical evacuation route for residents of Lincoln County in the event of a major disaster.  

For all these reasons, I seek that you move forward with the Build Alternative for the Newberg-Dundee Bypass project.  

Sincerely,  
Terry Thompson  
Lincoln County Commissioner  

ODOT appreciates Commissioner Thompson’s support for the Newberg Dundee Bypass project and his desire to have better transportation access and reduced congestion to support tourism and business expansion, as well as for more efficient freight movements in the project area and region. ODOT agrees that an efficient system also supports emergency preparedness and improves roadway safety for the traveling public.  

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve access to destinations in the project area for tourists, as well as for freight movements and will improve safety.
Mr. Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
Mid-Willamette Valley Area
885 Airport Road SE, Bldg. P
Salem, OR 97301-4788

Subject: Support for the Newberg-Dundee Bypass Build Alternative based on the Tier 2 (Design) Draft Environmental Impact Statement

Dear Mr. Potter:

Marion County has participated actively in the Tier 1 and Tier 2 environmental impact statements (EIS) for the Newberg-Dundee Bypass. We want to thank ODOT and the Federal Highway Administration for your tremendous efforts that have resulted in publication of the draft Tier 2 Design EIS for public review. We appreciate this opportunity to comment.

We recognize the need for the Newberg-Dundee Bypass to solve major congestion and safety problems on Oregon 99W through Yamhill County. As you know, during the Location EIS process, potential bypass routes located in Marion County were under consideration. We completely agree with the Tier 1 EIS analysis which showed that the purpose and need was best fulfilled by a bypass highway located in Yamhill County.

Now, we write to support the Build Alternative for the Tier 2 DEIS. The No Build Alternative is just not an option when you consider the current and future negative impacts:

• to the safety of motorists
• to the economy of Yamhill County and neighboring counties
• and to livability in the cities of Newberg and Dundee

As we near completion of the environmental studies, we respectfully ask that you move forward to the next stages of this critical project: right-of-way acquisition, final design and construction. Again, we appreciate the many people that have worked so hard on this project.

Sincerely yours,

Janet Carlson
Chair
Sam Brentano
Vice-Chair
Patti Milne
Commissioner

555 Court St. NE • P.O. Box 14500 • Salem, OR 97309-5036 • www.co.marion.or.us

Tier 2 DEIS Comment and Responses

Submittal: Co-02
Type: Letter
Name: Janet Carlson
Title: Marion County Commissioner
Business/Affiliation: Marion County Board of Commissioners
Address: 555 Court St NE
          PO Box 14500
          Salem, OR 97309

Response to Comment:

ODOT appreciates Commissioners Carlson, Brentano, and Milnes’ on-going support for the Newberg Dundee Bypass project and their desire to improve the safety of motorists, the economy of Yamhill County and neighboring counties, and the livability in the cities of Newberg and Dundee.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access throughout the project area.
Co-03

Tier 2 DEIS Comment and Responses

Submittal: Co-03
Type: Letter
Name: Tim Josi
Title: Tillamook County Commissioner
Business/Affiliation: Tillamook County Board of Commissioners
Address: Tillamook County Courthouse
2011 Laurel Avenue
Tillamook OR 97141

Response to Comment:

ODOT appreciates Tillamook County Commissioner Josi's support for the Newberg Dundee Bypass project and their desire to have better transportation access and reduced congestion to support economic and business growth in the project area and region. ODOT understands the importance of efficient transportation facilities for the movement of freight, which is critical to maintaining existing businesses as well as attracting new business.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access throughout the project area.

July 14, 2010
Mr. Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
Mid-Willamette Valley Area
885 Airport Road SE, Bldg. P
Salem, OR 97301-4788

Subject: Support for the Newberg-Dundee Bypass Build Alternative based on the Tier 2 (Design) Draft Environmental Impact Statement (DEIS):

Dear Mr. Potter,

Please enter my testimony into the record for the Tier 2 DEIS for the Newberg-Dundee Bypass. I have worked on improving transportation in Oregon since I was first elected to the Oregon State Legislature in 1990. My legislative district at that time extended into Yamhill County.

Now as a Tillamook County Commissioner, I continue to be very aware of the need for a solution to the severe traffic congestion on highway 99W through the cities of Newberg and Dundee. Highway 99W intersects both highways 18 and 22. Both of these routes lead to highway 101 and serve my constituents in Tillamook County.

One of the major keys to economic health is the ability to move people and goods. Finishing the proposed Newberg-Dundee bypass will help expand opportunities for businesses on the central Oregon coast.

I am glad to see that preliminary design for the Newberg-Dundee bypass project is done and that the DEIS process is coming to a close. I strongly support the Build Alternative and look forward to the groundbreaking ceremony for this new road.

Sincerely yours,

Tim Josi
Tillamook County Commissioner
July 13, 2010

Mr. Tim Potter, Area 3 Manager, Region 2
Oregon Department of Transportation
Mid-Willamette Valley Area
885 Airport Road SE, Bldg. P
Salem, OR 97301-4788

Subject: Support for the Newberg-Dundee Bypass Build Alternative based on the Tier 2 (Design) Draft Environmental Impact Statement (DEIS)

Dear Mr. Potter:

It is my pleasure to recommend the Build Alternative for the Newberg-Dundee bypass Tier 2 DEIS.

I have been supportive of this important project for many years, first as a state legislator and now as Chair of the Washington County Board of Commissioners.

The Highway 99W corridor through Newberg and Dundee is a major route to the Oregon Coast for the people of Washington County, particularly residents of Beaverton, Tigard, Tualatin, and Sherwood. This is also a critical route for our local businesses to connect with their customers and vendors in Yamhill, Polk, and Lincoln counties. Clearly, this highway is regionally important to Washington County and the Portland Metropolitan area.

The severe traffic congestion problem in Newberg and Dundee must be solved. The Newberg-Dundee bypass build alternative will provide transportation for freight movement and tourist traffic. This will help relieve the Highway 99W corridor in Washington County, particularly Sherwood and Tualatin.

Thank you for the opportunity to comment on the Newberg-Dundee bypass Tier 2 DEIS. I congratulate ODOT on completing the environmental studies and I urge construction of this critical transportation facility as soon as possible.

Sincerely,

Tom Brian
Chairman

Board of County Commissioners
155 N. First Ave., Suite 300, MS 22 Hillsboro, OR 97124-3072
Phone: (503) 846-8681 * fax: (503) 846-4545

ODOT appreciates Commissioner Brian's and the Washington County Board of Commissioners' on-going support for the Newberg Dundee Bypass project and their desire to have better transportation access and reduced congestion to support economic and business growth in the project area and region.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in the project area and particularly on Oregon 99W. These changes will also improve business access, increase freight mobility and support economic development.
Tier 2 DEIS Comment and Responses

Submittal: Co-05
Type: Letter
Name: Leslie Lewis
Title: Commissioner
Business/Affiliation: Yamhill County Board of Commissioners
Address: 535 NE 5th Street
McMinnville, OR, 97128

Response to Comment:

ODOT appreciates the long term, continued support from Commissioner Lewis and her desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.

Unfortunately, the Uniform Relocation and Recovery Act does not provide for compensating property owners that are not physically affected by a project.
ODOT appreciates Commissioner Lewis’s support for the Newberg Dundee Bypass project and her desire to have less congestion, better access and better freight movement on Oregon 99W and Oregon 18. ODOT agrees with Commissioner Lewis’s preferred design options.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
Newberg Dundee Bypass
Tier 2 FEIS
Appendix N: Public Comments and Responses

N-113

Co-06
Tier 2 DEIS Comment and Responses

Submittal: Co-07
Type: Hearing Testimony
Name: Mary Starrett
Title: Commissioner
Business/Affiliation: Yamhill County Board of Commissioners
Address: 3557 Smith Road
Newberg, OR, 97132

Response to Comment:

ODOT appreciates Commissioner Starrett’s support for the Newberg Dundee Bypass project and her desire to have better transportation access and reduced congestion to support growth in tourism and business expansion, as well as for more efficient freight movements in the project area and region. ODOT understands the importance of efficient transportation facilities for economic development of Yamhill County and the surrounding area. ODOT agrees that an efficient system also supports the safety of the traveling public.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will reduce congestion and increase the efficiency of traffic flow in...
the project area and particularly on Oregon 99W. These changes will also improve access to destinations in the project area for tourists, as well as for freight movements.
Newberg all the way through the other cities and into McMinnville something that can be done without spending hours on the road.

So I just want to say thank you to all who worked on it, and I hope that this bypass is built and built soon.

And let's just hope that in 2012 as the summer arrives, we've got something new to celebrate. Thank you.

MR. FRANKLIN: All right. Thank you.

Last up, or the last card that I have right now is Jillian Glasser.

MS. GLASSER: My name is Jillian Glasser.

G-I-A-N-I-S. I bought a house on 11th Street in 2005, so seeing the track of the bypass traveling right over my house is a little distressing. Whether you're in favor of building it or not, I'm just concerned for -- I thought what could affectionately be called fire-ants in 2005 and I've spent literally the last five years doing everything. So every wall, every ceiling, every floor, every pipe, every electrical wire, new wiring, everything is new. And I'm not planning to sell it tomorrow, because the market is apparently not that great.

So I'm concerned that amidst all of the discussion, you know, the people who live along that road are not at the heart of the conversation. And, you know, clearly whether you think that the bypass needs to happen or not, I'm
Response to Comment:

ODOT appreciates Chair Haugeberg’s and the Yamhill County Parkway Committee’s on-going support for the Newberg Dundee Bypass project and their desire to have less congestion, better access and improved public safety on Oregon 99W and Oregon 18.

ODOT anticipates Phase 1 project construction will begin in 2014. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W. The project will also improve freight movement and access for businesses as well as tourists throughout the project area.
Tier 2 DEIS Comment and Responses

Submittal: P-01
Type: Individual Testimony
Name: Laura Allen
Title: Citizen
Business/Affiliation:
Address: 111 E. 8th Street
Newberg, OR 97132

Response to Comment:

ODOT appreciates Ms. Allen’s comments on the proposed Newberg Dundee Bypass project concerning a Regional Bypass alternative and impacts to the Newberg and Dundee waterfront areas, as well as suggestions for reuse of the houses that are displaced by the proposed project.

ODOT reviewed and documented a Regional Bypass (crossing the Willamette River) alternative in the Newberg Dundee Transportation Improvement Project (NDTIP) Alternatives Analysis Report, December 1997. Two Regional Bypass Alternatives, 2A and 2B, were then included in the alternatives analysis for the Newberg Dundee Bypass Tier 1 (Location) DEIS, 2002, but were withdrawn from further consideration due to:
less effective congestion reduction; does not meet the proposed project’s purpose and need

- greater impacts (wetland, farmland resource) than other alternatives

- lack of support for required land use approvals by Marion County

- need for construction of additional roadway facilities

- growth-inducing impacts and cost.

ODOT is coordinating the proposed project with the cities of Newberg and Dundee’s plans for waterfront development in their communities to ensure both cities can move ahead with development in the future.

ODOT uses many methods to remove homes from the right of way. Currently on the Newberg Dundee Project, ODOT has provided manufactured homes that were in the right of way to the Oregon Housing Authority for re-use as low income housing. ODOT will conduct an auction the first part of 2012 to sell approximately 13 manufactured homes to the public. If no use can be found for a home in the right of way it will be demolished, however, many other means of disposing of the homes are first explored before that decision is made.
Response to Comment:

ODOT appreciates Mr. Anderson’s comments. The traffic analysis conducted during the Tier 2 DEIS did not show a significant increase in traffic on McKay Road. ODOT considered a bypass through Marion County in the Tier 1 DEIS, but dismissed because it did not meet the purpose and need of the project.

Although the zoning that the comment author cites may indeed change to allow development, no known development is planned. As of December 2011, the City of Newberg does not have any pending development requests for a large development of single-family home construction in this area.
• The rezone put a 5 year limit on the Bypass Overlay Zone which is due to expire in 2011. When Springbrook Oaks Master Plan was approved, the bypass was a limited access highway in the City’s transportation plan. It didn’t matter if it was a state highway or a city arterial street. It was part of the city’s transportation system plan and developers had to plan for it. Now they don’t. You can bet that as soon as the building limits are lifted, houses will pop up whether the market supports them or not, and the bypass will be blocked.
• These developers do not want to be cast as the spoilers of the bypass. It is important for them, Oregonians in Action, and the other bypass opposition groups to keep the regional bypass in the headlines. That way developers can make the case that they are not blocking the bypass, ODOT can’t make a sensible choice so they are making it for them. Which is why the Coastal Parkway LLC has popped up now. They are not seriously trying to attract investors to their nonsense project. Their purpose is keep the regional bypass in the local papers.
• The City replaced the lost industrial zoned in Springbrook Oaks with the South Industrial Area, which is on either side of Hwy 219 between the city limits and the Willamette River. To attract industry to Newberg there needs to be a convenient connection to the I-5 corridor. Hwy 219 to McKay Road to I5 is that connection.

I was surprised to learn that Marion County has not been active in the bypass planning and the commissioners were not aware of the planned project limits. My advice to them was if ODOT does not buy the Werth property, they should. It would be the smartest investment in Marion County’s transportation system that they will ever make.

At this point, I really don’t care what the ultimate plan is, whether you build the 99W connection or the 219-McKay Road connection. I just want the City of Newberg and ODOT to be honest about their plans. If the Marion County farmers knew what was coming at them they would be pushing ODOT to secure the northeast Newberg right-of-way now.

Larry Anderson
112 N. Springbrook Road
Newberg, OR 97132
displacement totals include farm housing. The potential impacts associated with each Build Alternative are tailored to represent potential impacts associated only with the portion of the corridor likely to be needed to build the alternatives. The estimated number of residential displacements by alternative is shown in Table 4-14.

Potential business displacements for Modified 3J and other Build Alternatives range between 5 and 16 businesses. Modified 3J has 14 business displacements. Build Alternatives that include the Oregon 219 interchange displace the Newberg Business Center, thus increasing impacts. The widening of Oregon 99W within Dundee could displace additional businesses (see Appendix F of the LFEIS).

<table>
<thead>
<tr>
<th>Table 4-14 Residential and Business Displacements by Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Build</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>Residential displacements</td>
</tr>
<tr>
<td>Business displacements</td>
</tr>
</tbody>
</table>

Indirect Impacts

No Build

The No Build does not require property acquisition; as a result, there will be no indirect residential or business displacements.

Modified 3J and Other Build Alternatives

Indirect residential displacement impacts from the same of the Build Alternatives could affect the Columbia Empire Farms (CEF) farm worker housing. CEF is located southeast of the East Dundee interchange, and provides housing for as many as 30 of its migrant workers during peak season; full-time housing for the farm manager. Modified 3J, 3K, 3L, and 4C, the northern alternative, avoid substantial impacts to the farm property and operations. However, Alternatives 3C, 3D, 3G, 5H, and 3J substantially impact farm operations, by dividing the farm property into two parcels; these alternatives also impact farm housing. In order to minimize these impacts, ODOT modified Build Alternative 3J by realigning the connector road further north, off the exception land and away from CEF operations. The result is Modified 3J. In addition, Modified 3J does not impact CEF processing facilities, farm worker housing, or other built improvements on the farm.

Division of farmlands could also result in indirect impacts, if the division and/or purchase of portions of existing farms affect the cost or efficiency in forming these smaller parcels. Alternative 3J divides Columbia Empire Farms into three parcels. Resulting indirect impacts are smaller field areas and potentially decreased efficiency for moving employees and equipment between fields. Although Modified 3J does divide the farms into separate two main parcels\(^{36}\), during the goal exception hearings ODOT agreed to provide connectivity. Specific farm access and parcel connectivity will be analyzed further during Tier 2, preliminary engineering.

Though specific operating costs and profit margins for this farm are unknown to ODOT, fixed costs are estimated to be rather large for products produced by the farm (especially hazelnuts). As a result, reductions in marketable area and reduced operational efficiency could have a detrimental impact.

\(^{36}\) Recently, CEF informed ODOT of a third, relatively small adjacent parcel that is leased for agricultural purposes.
ORDINANCE NO. 2006-2657

AN ORDINANCE AMENDING THE SPRINGBROOK OAKS SPECIFIC PLAN, CHANGING THE ZONING DESIGNATION OF PART OF AREAS F AND G TO R-P (RESIDENTIAL-PROFESSIONAL), AND AMENDING THE NEWBERG DEVELOPMENT CODE, COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP, AND ZONING MAP

RECITALS:


2. On July 27, 2006, after proper notice, the Newberg Planning Commission held a hearing to consider the request.

3. On August 10, 2006, the Planning Commission recommended approval of a change to the Springbrook Oaks Specific Plan as noted in their resolution.

4. On September 5, 2006, the Newberg City Council held a hearing to consider the proposed change.

5. On October 16, 2006, the Newberg City Council held another hearing to reconsider certain aspects of the proposal.

6. The Council finds that changes to the specific plan are necessary for the reasons stated in the findings.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Zoning Map and Springbrook Oaks Specific Plan Map shall be amended as shown in Exhibit "A."

2. The Newberg Development Code and Springbrook Oaks Specific Plan text shall be amended as shown in Exhibit "B."

3. The Limited Use Bypass Corridor Overlay is hereby adopted as shown in Exhibit A and Exhibit "C."

4. The Newberg Comprehensive Plan supply and demand tables shall be amended to reflect...
these changes.

5. The findings shown in Exhibit "D" are hereby adopted.

> **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is November 15, 2006.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 16th day of October, 2006, by the following votes:

**AYE:** 6 **NAY:** 0 **ABSENT:** 0 **ABSTAIN:** 1

[Signature]
James H. Bennett, City Recorder

**ATTTEST** by the Mayor this 19th day of October, 2006.

[Signature]
Beb Stewart, Mayor

**LEGISLATIVE HISTORY**

By and through Newberg Planning Commission 08/10/2006 meeting. On None.

Exhibits:
- Exhibit “A”: Comprehensive Plan Map Changes
- Exhibit “B”: Specific Plan text amendment
- Exhibit “C”: Limited Use Bypass Corridor Overlay
- Exhibit “D”: Findings
Tier 2 DEIS Comment and Responses

Submittal: P-03
Type: Individual Testimony
Name: Larry Anderson
Title: Citizen
Business/Affiliation:
Address: 112 N Springbrook Rd
Newberg, OR, 97132

Response to Comment:

ODOT appreciates Mr. Anderson’s comments. With limited funding available, Oregon 219 is a logical terminus for Phase 1.

Regarding purchasing right of way, ODOT is pursuing property purchases within the Phase 1 area or on a case-by-case basis. ODOT has purchased approximately 40 properties to date, mostly along Phase 1 of the Preferred Alternative from willing sellers.

A bypass through Marion County was considered in the Tier 1 DEIS (September 2002), but dismissed because it did not meet the purpose and need of the project.
Although the zoning that the comment author cites may indeed change to allow development, no known development is planned. As of December 2011, the City of Newberg does not have any pending development requests for a large development of single-family home construction in this area.

The Tier 2 FEIS is for the full Preferred Alternative. ODOT will build subsequent project phases as funding becomes available.
complete this planned project and the time they build the
class connection, but it seems to me that it's going to move a
lot of truck traffic onto Newberg city streets, and that being
Springbrook Road, that shouldn't be there.

So I'm wondering if the -- well, it seems to me
that this final segment is not going to get built. There's
too many obstacles, financial, the cost. There will be no
political, local political will to get it done and move more
traffic through town and take out resident's, Yamhill County,
city of Newberg resident's homes to move traffic through that
in now Marion County's problem. I guess that's just an
observation.

I would like to see them openly discuss the impacts
to Newberg streets, Springbrook Road, and to openly discuss
what they feel is the real possibility of that connection ever
being made, given what's going to be happening.

INDIVIDUAL TESTIMONY NO. 5
(5:02 p.m.)

Susan, S-U-S-H, School, S-O-K-O-L, Vancouver,
capital B-L-O-S-B-R, P.O. Box 546 Dundee, 97115.

I think this Dundee bypass, the time has come to
build this. I've been part of a group that's been working
towards this since the 1980s, and traffic is worse than ever.
Now it's in essence to move goods and services to McMinnville

KELLIE M. HUMISTON *** (503) 544-2459
kmhcourtreporter@msn.com
Comment Form

The Newberg Dundee Bypass project welcomes your comments on the findings of the Draft Environmental Impact Statement and Section 4(f) De Minimis Impact Findings or any other aspect of the project or process. Please fill out this form and use additional sheets of paper if necessary. Give this form to project staff or return to the project office.

TELL US ABOUT YOURSELF

Do you (check all that apply):
- Live in the project area?
- Work in the project area?
- Own a business in the project area?
- Commute through the project area?
- Other ____________________________

How do you regularly travel in the project area: (check all that apply)
- Bicycle?
- Walk?
- Car or Truck?
- Other ____________________________

GENERAL COMMENTS

GOOD INFORMATION BUT WOULD LIKE MORE DETAIL.

ODOT appreciates the commenter’s interest in the Newberg Dundee Bypass project and request for more detailed information than was presented at the June 29, 2011, Open House. Additional detailed information is available in the Tier 2 DEIS and supporting documents, which can be found on the project website at http://www.oregon.gov/ODOT/HWY/REGION2/newbergdundee2.html. In addition, the ODOT, Region 2, Area 3, Manager will respond to requests for specific detailed information.
BYPASS OPTIONS

Please indicate the option(s) that you would support for each segment where available. Additional information about the different options within each segment is available at the preliminary engineering station at the public hearing.

Segment 1:
- Local Circulation Option A (Connects Kinder Road to the interchange)
- Local Circulation Option B (Fern Street extended to Kinder Road)

Segment 3:
- Design Option 3.A (Bypass below grade without berms)
- Design Option 3.A.2 (Bypass below grade with berms)
- Design Option 3.B (Bypass at-grade without berms)
- Design Option 3.B.2 (Bypass at-grade with berms)
- Local Circulation (One to be selected and applies to all above):
  - 6th Street Overcrossing
  - 8th Street Overcrossing
  - 10th Street Overcrossing

Segment 4:
- Design Option 4.A (Close and Interchange)
- Design Option 4.B (Partial Cloverleaf Interchange)

Segment 5:
- Design Option 5.1.C.2 (Bypass depressed, closes 11th Street)
- Design Option 5.1.D.2 (Bypass at-grade, closes 11th Street)
- Design Option 5.2.D (Bypass above-grade, leaves 11th Street open)

Segment 7:
- Design Option 7.4.C (Bypass close to Newberg Providence Hospital)
- Design Option 7.5.C (Bypass shifts away from Newberg Providence Hospital)

Thank you!

Give this form to project staff today at the public hearing or return it to the project office at:

Newberg-Dundee Bypass Project
c/o Tim Putar, Area 2 Manager
Camas, Region 2
885 Airport Boulevard SE, Building P
Salem, OR 97301

Written comments will be accepted until 5 p.m. July 16, 2010.
Tier 2 Draft Environmental Impact Statement: June 29, 2010 Public Hearings at 4:30 p.m. and 8:30 p.m. Open House 3-8 pm.

Comment Form

The Newberg Dundee Bypass project welcomes your comments on the findings of the Draft Environmental Impact Statement and Section 404.10 Minimum Impact Findings or any other aspect of the project or process. Please fill out this form and use additional sheets of paper if necessary. Give this form to project staff or return it to the project office.

TELL US ABOUT YOURSELF

Do you: (check all that apply)

☐ Live in the project area?
☐ Work in the project area?
☐ Own a business in the project area?

How do you regularly travel in the project area: (check all that apply)

☐ Bicycle?
☐ Walk?
☐ Car or Truck?
☐ Bus?

GENERAL COMMENTS

I am concerned with the drainage issues near my property. My driveway is 500 feet from 49 and 80. Spring Brook (which runs under our drive) is located within the project limits and will be impacted. A new culvert will be installed on Spring Brook.

- over -

Response to Comment:

ODOT appreciates the commenter's concern related to the proposed project's impacts on wetlands and associated creeks. In reviewing the Tier 2 DEIS, there are no individual wetlands that are two acres in size in that area noted by the commenter. There are however, multiple, small wetlands in the area of Spring Brook Creek and its tributaries. About two acres will be impacted under the Preferred Alternative in this area. These wetland impacts will be mitigated. There may be other wet areas in the vicinity that do not meet the legal definition of wetlands. These areas would not be mitigated.

In the area of this property, Spring Brook, Spring Brook Tributary C and Tributary D are all located in this area. Spring Brook Tributary C and Tributary D will require partial relocation of 1,100 feet and 600 feet, respectively. In addition, a new culvert will be installed on Spring Brook.
Tributary D. Since the address of the property is not included in the comment, ODOT cannot provide exact impact amounts to the property.

The Preferred Alternative presented in the Tier 2 FEIS avoids or minimizes direct impacts to wetlands by using bridges over the majority of the wetlands. ODOT will mitigate the remaining wetland impacts. Final mitigation for wetland impacts is presented in the Tier 2 FEIS (see Section 3.13).
Tier 2 DEIS Comment and Responses

Submittal: P-06
Type: Comment Form
Name: Anonymous
Title: Citizen
Business/Affiliation:
Address: No address provided.

Response to Comment:

ODOT appreciates the commenter’s support for the Newberg Dundee Bypass project. Phase 1 will improve traffic flow in the project area and reduce traffic volumes and congestion on Oregon 99W.

As noted in Section 3.4 of the Tier 2 FEIS, the project will also improve freight movement and access for businesses and tourists throughout the project area and that these transportation system improvements should benefit the livability and economic viability of downtown Newberg, including removal of through truck traffic and easier turning movements. Conversely, loss of traffic in downtown Newberg would likely have a negative impact on businesses that rely on drive-by traffic.
BYPASS OPTIONS

Please indicate the option(s) that you would support for segment where available. Additional information about the different options within each segment is available at the preliminary engineering station at the public hearing.

Segment 1:
- Local Circulation Option A (Connects Koehler Road to the Interchange)
- Local Circulation Option B (Ferry Street extended to Koehler Road)

Segment 2:
- Design Option 3 A (Bypass below-grade with berms)
- Design Option 3 A.1 (Bypass below-grade without berms)
- Design Option 3 B (Bypass above-grade with berms)
- Design Option 3 B.1 (Bypass above-grade with berms)
- Local Circulation Option 2 to be selected and applies to all above:
  - 4th Street Overcrossing
  - 5th Street Overcrossing
  - 16th Street Overcrossing

Segment 3:
- Design Option 4.1 (Diamond Interchange)
- Design Option 4.2 (Partial Cloverleaf Interchange)

Segment 4:
- Design Option 5.1C (Bypass depressed, closes 11th Street)
- Design Option 5.2 (Bypass above-grade, closes 11th Street)
- Design Option 5.2D (Bypass above-grade, leaves 11th Street open)

Segment 5:
- Design Option 7.4C (Bypass desalu to Newberg Providence Hospital)
- Design Option 7.4C (Bypass shifts away from Newberg Providence Hospital)

Contact Information:

Name (first & last name, organization)

Address (street, city, state, zip)

Email

Thank you!

Give this form to project staff today at the public hearing or return it to the project office at:

Newberg-Dundee Project
Attn: Tim Potter, Area Manager
PO Box 7307
Newberg, OR 97134

Written comments will be accepted at Region 2 no later than July 19, 2018.
Response to Comment:

ODOT appreciated Mr. Aubin's comment and concerns related neighborhood impacts resulting from the location of the proposed project (Bypass alignment) in Segment 5, South Neighborhood and Segment 7, near Brutscher Street.

Mr. Aubin expressed concern that the project would increase traffic noise in his neighborhood and, as a result, decrease his property value. ODOT is recommending using a sound wall in the South Neighborhood in Segment 5 that will mitigate noise impacts from the Bypass. With inclusion of the recommended noise barriers in the project, there would be a 5 dBA reduction (or greater) in sound levels under the Preferred Alternative.
This wall will also limit views of Bypass traffic by neighborhood residents. ODOT does not expect the Bypass to result in increased traffic on the local streets because there will not be access to and from the Bypass in Segment 5. ODOT does not anticipate that the Bypass would affect property values in the neighborhoods.

Regarding Segment 7, ODOT placed the Bypass to avoid impacts to the neighborhood, Chehalem Glenn Golf Course, and Providence Newberg Medical Center. Based on the most recent noise analysis for the project, no sound walls are recommended for the area near the Chehalem Glenn Golf Course. There are two sound walls recommended in Segment 5 and 6. One sound wall would be located by Springbrook Estates and another by the Avalon neighborhood.
Tier 2 DEIS Comment and Responses

Submittal:  P-08
Type:  Individual Testimony
Name:  Bob Bignall
Title:  Citizen
Business/Affiliation:  
Address:  No address provided.

Response to Comment:

ODOT appreciates Mr. Bignall's concern about additional traffic on Tualatin-Sherwood Road after construction of the Newberg Dundee Bypass.

Your comment suggests that traffic volumes on Oregon 99W and Tualatin-Sherwood Road will increase if the Newberg Dundee Bypass is constructed. Transportation modeling and forecast traffic volumes for 2035 do not reflect an increase in volumes on Oregon 99W with construction of the Bypass. In other words, traffic volumes in 2035 coming into and leaving the Newberg area are anticipated to be the same with or without the Bypass. Traffic volumes on Oregon 99W are projected to increase from about 39,000 vehicles per day in 2011 to about 60,000 vehicles per day in 2035 under both the No-Build Alternative and the Preferred Alternative. The Newberg Dundee Bypass will alleviate traffic congestion on Oregon 99W in Newberg.
and Dundee by diverting about 30,000 vehicles per day onto the Bypass. The Newberg Dundee Bypass will not affect future traffic demand in Sherwood and on Tualatin-Sherwood Road.

The need for an additional or improved highway connection between Sherwood and I-5 has been studied in the I-5 Connector project. For additional information on the project, please see the I-5 Connector project website at http://www.i5to99w.org.
From: Shallay Booker
To: POTTER James T * Tim
Subject: NO BUILD ALTERNATIVE

I am firmly in line with the No Build Alternative. The slight improvement of traffic flow does not outweigh the cost of destruction and construction required.

I believe a better alternative is to move it south and directly connect with I-5. Or improve 99 by widening through Dundee to alleviate congestion. Or improve public transit options.

However if you push through this plan I would recommend for Segment 1: option B, Segment 3: a Partial cloverleaf interchange, for Segment 5: keeping the 11th st open (many utilize this route to access paper mill drop and Rodgers Landing), for segment 7: close to hospital.

Shallay Booker
1303 E. 10th St
Newberg

PS If you wanted to make this opinion gathering easier you should have had an online form, and a mailable questionnaire. Save you time in reading through all this stuff.
- less effective congestion reduction; does not meet the project's Purpose and Need
- greater impacts (wetland, farmland resource) than other alternatives
- lack of support for required land use approvals by Marion County
- need for construction of additional roadway facilities
- growth inducing impacts and cost.

Widening Oregon 99W through Dundee does not meet the Purpose and Need for the project because this type of improvement would further reduce the livability of Dundee.

Regarding the other comments, ODOT agrees on Option B for Segment 1, on a partial cloverleaf in Segment 3, and on keeping 11th Street open in Segment 5.

In Segment 7, Providence Health Systems and Chehalem Parks and Recreation District have previously coordinated on the best design option that will accommodate both property owners. This is Design Option 7.5C
**Comment Form**

The Newberg-Dundee Bypass project welcomes your comments on the findings of the Draft Environmental Impact Statement and Section 404(1) Mitigation Impact Findings or any other aspect of the project’s process. Please fill out this form and use additional sheets of paper if necessary. Give this form to project staff or return to the project office.

**Tell Us About Yourself**

Do you: (check all that apply)
- Work in the project area?
- Commute through the project area?
- Own a business in the project area?
- Other: ___________

How do you regularly travel in the project area? (check all that apply)
- Bicycle?
- Car or Truck?
- Walk?
- Bus?
- Other: ___________

**General Comments**

I live on Alpine St. I drive 99W from 7th St. This project needs to begin in 2011 at the Cathedral graphics and materials is very good and easily understood.

- over -

Response to Comment:

ODOT appreciates Mr. Brookover’s comments related to the difficulty in accessing Oregon 99W. The project will reduce congestion on Oregon 99W and improve accessibility; however, not all local access issues will be addressed by the project. ODOT will review and continue to address local access concerns with the City of Dundee.
BYPASS OPTIONS

Please indicate the option(s) that you would support for each segment where available. Additional information about the different options within each segment is available at the preliminary engineering stationat the public hearings.

Segment 1:
- Local Circulation Option A (Connects Wonder Road to the interchange)
- Local Circulation Option B (Perry Street extended to Wonder Road)

Segment 2:
- Design Option 3.2.1 (Bypass below-grade without berms)
- Design Option 3.2.2 (Bypass below-grade with berms)
- Design Option 3.3.0 (Bypass above-grade without berms)
- Design Option 3.3.1 (Bypass above-grade with berms)
- Local Circulation (to be selected and applied to all above):
  - 6th Street Overcrossing
  - 8th Street Overcrossing
  - 10th Street Overcrossing

Segment 3:
- Design Option 4.1 (Diamond interchange)
- Design Option 4.2 (Partial cloverleaf interchange)

Segment 5:
- Design Option 5.1.C.1 (Bypass depressed, closes 11th Street)
- Design Option 5.2.0 (Bypass above-grade, closes 11th Street)

Segment 6:
- Design Option 6.1.A.1 (Bypass closed to Newberg Providence Hospital)
- Design Option 7.2.C.1 (Bypass shifts away from Newberg Providence Hospital)

Contact Information:
Name (first & last name, organization)

Address (street, city, state, zip)
3356 NW Alpine St, Dundee, OR 97115

Email
gwhr_banko@psu.com

Thank you!

Give this form to project staff today at the public hearing or return it to the project office at:

Newberg-Dundee Bypass
Tier 2 FEIS
Appendix N: Public Comments and Responses
Tier 2 DEIS Comment and Responses

Submittal: P-11
Type: Comment Form
Name: Linda Brookover
Title: Citizen
Business/Affiliation: 256 NW Alpine Street
Dundee, OR 97115
Address:

Response to Comment:

ODOT appreciates Ms. Brookover’s support for the project.

Proposal looks good. Great planning and graphical presentation.

We can’t wait till you get started.