NEWBERG DUNDEE BYPASS

SAFETEA-LU 6002 COORDINATION PLAN
(REVISION, FEBRUARY 2012)
# TABLE OF CONTENTS

1. INTRODUCTION ................................................................................................................ 1
   1.1. Background ................................................................................................................... 1
   1.2. Project Description ....................................................................................................... 1
   1.3. Coordination Plan Outline .......................................................................................... 4

2. AGENCY AND PUBLIC PARTICIPATION ........................................................................ 5
   2.1. List of Agencies, Roles, and Responsibilities ............................................................... 5
   2.2. Agency Participation .................................................................................................... 5
   2.3. Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) ................................................................. 8
   2.4. Agency Contact Information (Last updated 12/1/2011) ............................................... 9
   2.5. Public Participation ................................................................................................... 11

3. COORDINATION POINTS AND RESPONSIBILITIES .................................................... 12

4. PROJECT SCHEDULE .................................................................................................... 14

5. REVISION HISTORY ........................................................................................................ 15

6. OTHER INFORMATION ................................................................................................... 16

7. REFERENCES .................................................................................................................... 22

**LIST OF FIGURES**

| Figure M-1 | Newberg Dundee Bypass Preferred Alternative |
| Figure M-2 | Phase 1 of the Newberg Dundee Bypass Preferred Alternative |
1. INTRODUCTION

1.1. Background

The Oregon Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) are proposing the Newberg Dundee Bypass (Bypass) project through a two-tiered National Environmental Policy Act (NEPA) process. FHWA and ODOT are joint lead agencies for the project. The Tier 1 NEPA process for the Bypass project identified the general location of the Bypass. This location is the Bypass Approved Corridor (Corridor). The project is now in the Tier 2 NEPA process. The Tier 2 EIS focuses on the design of the proposed Bypass project. ODOT published the Tier 2 DEIS in June 2010 and expects the Tier 2 FEIS to be published Spring 2012.

This revision to the Coordination Plan for the project primarily updates the:

- Project description to reflect publication of the Tier 2 DEIS and ODOT's selection of the Preferred Alternative (including Phase 1);
- Cooperating and Participating Agencies for the project and agency contact list;
- Public coordination;
- Project schedule; and
- Update status of Coordination Points and Responsibilities.

1.2. Project Description

The proposed Bypass project will be an 11-mile access-controlled expressway/freight route with four interchanges, located between the cities of Newberg and Dayton in Yamhill and Washington Counties. Interchanges will be located at each end of the Bypass and at two intermediate locations in Newberg and Dundee to provide access to and from the Bypass. The Bypass will reduce congestion on Oregon 99W, particularly through Newberg and Dundee, by diverting traffic from Oregon 99W to the Bypass. Moving traffic from Oregon 99W will also improve downtown livability in Newberg and Dundee and will enhance the overall transportation system in the Newberg-Dundee area. A No Build Alternative and Build Alternative with design options for the Bypass project were studied within the Tier 2 DEIS. The Tier 2 DEIS documented environmental impacts of the No Build and Build alternatives.

Additional project information and the steps being taken to comply with the NEPA process can be found on the Newberg Dundee Bypass project website at www.NewbergDundeeBypass.org.

1 For additional information on the Tier 1 NEPA process, see the Newberg Dundee Bypass Location Draft and Final Environmental Impact Statements on the project website: www.newbergdundeebypass.org.
Figure M-1 Preferred Alternative

- Preferred Alternative
- City Limits
- Urban Growth Boundary (UGB)

File Path: N:\B_TaskProcessing\Revised_DEIS_08\MXD\EIS_07\Chapter2_Alternatives\DEIS_Segments Index.mxd, Date: April 11, 2008 11:09:43 AM
Figure M-2  Preferred Alternative and Phase 1 of the Preferred Alternative

Note: Phase 1 of the Bypass will include one lane in each direction.
The project’s Preferred Alternative includes the Build Alternative, which will result in construction of the proposed Bypass and related improvements, and it includes selection of the preferred option for segments where the Tier 2 DEIS included more than one design or local circulation option. The Preferred Alternative also includes Phase 1 of the Bypass, which will be two lanes of the Bypass (one lane in each direction) between signalized connections at Oregon 219 and Oregon 99W immediately south of Dundee (see Figure M-2). The connection between Phase 1 of the Bypass and Oregon 99W near Dundee is interim and will be removed when the Bypass is extended further south to Oregon 18 at Dayton. Phase 1 of the Bypass will also include improvements to local roads in east Newberg to facilitate the connection between the Bypass and Oregon 99W.

1.3. Coordination Plan Outline

This Coordination Plan fulfills the requirements of Section 6002 of the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The purpose of this plan is to:

- Facilitate and document FHWA and ODOT’s structured interaction with the public and other agencies, and to inform the public and other agencies of how the coordination will be accomplished.
- Outline how FHWA and ODOT (lead agencies) have divided the responsibilities for compliance and how the lead agencies will provide the opportunities for input from the public and other agencies in accordance with applicable laws, regulations, and policies.
- Identify which organizations or agencies should be included for each coordination point, as well as timeframes for input by those organizations and agencies.

This Coordination Plan is divided into the following sections: Introduction (Section 1), Agency and Public Participation (Section 2), Coordination Points and Responsibilities (Section 3), Project Schedule (Section 4), Revision History (Section 5), Other Information (Section 6) and References (Section 7).
2. **AGENCY AND PUBLIC PARTICIPATION**

2.1. **List of Agencies, Roles, and Responsibilities**

Section 6002 of SAFETEA-LU requires that opportunities be provided for federal, state, and local agencies which have jurisdiction by law or a special interest in the project to formally participate in the Newberg Dundee Bypass project’s environmental review process. Primarily three categories of agencies are involved—Lead, Cooperating, and Participating.

FHWA is the lead federal agency and ODOT, a direct recipient of federal funds for the project, serves as a joint lead agency for this project.

A Cooperating Agency is any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative.² FHWA invites Cooperating Agencies to consult with ODOT and FHWA on relevant technical studies required for the project, conduct joint field reviews, review project information including study results, and to use the EIS to express agency views on subjects within their jurisdiction or expertise. All Cooperating Agencies were provided an opportunity to review and comment at project milestones, including the project Purpose and Need, Section 6002 Coordination Plan, proposed study Methodologies, Range of Alternatives, Tier 2 DEIS, Alternative Evaluation Criteria, and Preferred Alternative. The Cooperating Agencies will also receive the Tier 2 FEIS during the minimum 30-day waiting period prior to FHWA issuing a Record of Decision (ROD).³ As per Section 6002 guidelines, all Cooperating Agencies are also considered Participating Agencies.

Participating Agencies that are not Cooperating Agencies may have a specific interest in the project and are invited to participate in the project. Participating Agencies are responsible for early identification of issues of concern regarding the project’s potential impacts. They were provided an opportunity to review and comment at project milestones, including the project Purpose and Need, Section 6002 Coordination Plan, proposed study Methodologies, Range of Alternatives, Tier 2 DEIS, Alternative Evaluation Criteria, and Preferred Alternative. The Participating Agencies will receive the Tier 2 FEIS during the minimum 30-day waiting period prior to FHWA issuing a ROD.

2.2. **Agency Participation**

This section lists the project’s Lead, Cooperating, and Participating Agencies. The Cooperating and Participating agencies were sent letters inviting them to participate in the Newberg Dundee Bypass project.

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² As per 40 CFR 1508.5.
³ As per 40 CFR 1506.10(b) and 40 CFR 1504.
## Lead Agencies

<table>
<thead>
<tr>
<th>Agency</th>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
</table>
| Federal Highway Administration (FHWA) | Lead Agency/CETAS member | • Manage 6002 process including identification of Cooperating and Participating Agencies  
• Issue Notice of Intent  
• Review and approve 6002 Coordination Plan  
• Review EIS and approve for sufficiency  
• Review and provide comments on:  
  • 6002 Coordination Plan  
  • Purpose and Need  
  • Methodologies  
  • Range of Alternatives  
  • Evaluation Criteria and Measures  
  • Tier 2 EIS Preferred Alternative  
• Provide opportunity for public and Participating/Cooperating Agency involvement. |
| Oregon Department of Transportation (ODOT) | Lead Agency/CETAS | • Conduct 6002 process including identification of Cooperating and Participating Agencies  
• Prepare 6002 Coordination Plan  
• Prepare EIS  
• Prepare:  
  • Purpose and Need  
  • Methodologies  
  • Evaluation Criteria and Measures  
  • Range of Alternatives  
  • Tier 2 EIS Preferred Alternative  
• Provide opportunity for public and Participating/Cooperating Agency involvement. |

## Cooperating Agencies

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
</table>
| Federal Aviation Administration (FAA) | Cooperating Agency | Review of project relative to Sportsman Airpark.  
See Section 6, Other Information, for a copy of the Memo of Understanding between FAA and FHWA for the Newberg Dundee Environmental Impact Statement. |
Provide comments on Purpose and Need, Methodologies, Range of Alternatives, Evaluation Criteria, and Preferred Alternative. |

1 When the Coordination Plan was originally prepared, FHWA and ODOT expected to enter into formal ESA consultation with USFWS. However, based on the biological surveys conducted within the DEIS and FEIS project area, no terrestrial ESA listed species were found, Therefore, FHWA and ODOT concluded that no ESA consultation with USFWS was required and a No Effect Memorandum for USF&WS species was completed (see Section 3.14.1.4 and Appendix K of the DEIS).
Participating Agencies that are not Cooperating Agencies

All Participating Agencies that are not Cooperating Agencies have the same roles and responsibilities. Each agency has had or will have the opportunity to:

- Identify any issues of concern regarding the project's potential environmental or socioeconomic impacts and participate in the resolution process if needed.
- Review and provide comments on:
  - 6002 Coordination Plan
  - Purpose and Need
  - Methodologies
  - Range of Alternatives
  - Tier 2 DEIS
  - Evaluation Criteria and Measures
  - Tier 2 EIS Preferred Alternative
- Participate in project scoping meeting, open houses and workshops.

In summary, the following are currently the Participating Agencies that are not Cooperating Agencies:4

- National Marine Fisheries Service (declined Cooperating Agency status and elected to be a Participating Agency)
- Oregon Department of Land Conservation and Development
- City of Newberg
- City of McMinnville
- City of Dayton
- City of Dundee
- Marion County
- U. S. Environmental Protection Agency (EPA)5
- Cooperating Agencies (USACE, FAA, and USFWS) are also considered Participating Agencies.

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4 In early 2006, ODOT sent Participating Agency invitation letters to several entities, some of which were not public agencies. Subsequent guidance was received from FHWA that only public agencies could be Participating Agencies. Thus, retraction letters were sent to those non-public agencies. In addition, several agencies with potential permitting authority were subsequently requested to be Cooperating Agencies.

5 Per Section 6002 of SAFETEA-LU, any federal agency that is invited by the lead agency to participate in the environmental review process shall be designated as a Participating Agency, unless the invited agency declines in writing. Therefore, EPA is also a Participating Agency, since no response was received to the invitation.
2.3. Collaborative Environmental and Transportation Agreement for Streamlining (CETAS)

CETAS consists of most of the primary state and federal permitting and regulatory agencies. CETAS consists of the following organizations:


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

CETAS is scheduled to meet monthly and serves as a working group of federal and state resource agencies that provide regulatory guidance and concurrence during major transportation project development. For ODOT projects, CETAS provides concurrence on four project milestones: Purpose and Need, Range of Alternatives, Evaluation Criteria, and the Preferred Alternative.

All of the project’s Lead Agencies (i.e., FHWA and ODOT) and two of the project’s Cooperating Agencies (i.e., U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service [USFWS]) are members of CETAS. Other project Participating Agencies that are members of CETAS are: the National Marine Fisheries Service and EPA. CETAS was involved with the Newberg Dundee Tier 1 EIS and has continued to be involved in the Tier 2 EIS process. The project’s Section 6002 coordination with Participating Agencies that are also CETAS members is conducted during routinely scheduled monthly meetings. ODOT presents CETAS with the information needed to obtain CETAS concurrence on the key milestones. Through December 2011, ODOT briefed CETAS on the project numerous times. CETAS concurred on all four milestones for the Tier 2 EIS.

The project’s Participating Agencies that are not members of CETAS are the cities of Dundee, Newberg, Dayton and McMinnville; Marion County, and the Federal Aviation Administration (FAA, which is also a project Cooperating Agency). ODOT provides briefings and coordination with the Yamhill County Parkway Committee (composed of representatives of the cities of Dundee, Newberg, Dayton, McMinnville, Yamhill County and other key stakeholders), the Project Oversight Steering Team, the Mid-Willamette Valley Area Commission on Transportation (local government officials and leaders that advise ODOT), the FAA and to individual local city councils and planning commissions.
### 2.4. Agency Contact Information (Last updated 12/1/2011)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact Person</th>
<th>Title</th>
<th>Address</th>
<th>e-mail</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon Department of Environmental Quality (DEQ)</td>
<td>Sally Puent</td>
<td>401 Water Quality Certification Specialist</td>
<td>2020 SW 4th Ave Suite 100 Portland, OR 97201</td>
<td><a href="mailto:Sally.Puent@state.or.us">Sally.Puent@state.or.us</a></td>
<td>503-229-5379</td>
</tr>
<tr>
<td>Oregon Department of Fish and Wildlife (ODFW)</td>
<td>Jon Germond</td>
<td>Habitat Resources Program Manager</td>
<td>3406 Cherry Ave NE Salem, OR 97303</td>
<td><a href="mailto:Jon.P.Germond@state.or.us">Jon.P.Germond@state.or.us</a></td>
<td>503-947-6088</td>
</tr>
<tr>
<td>Oregon Department of Land and Conservation (DLCD)</td>
<td>Gary Fish</td>
<td>Land Use Transportation Planner</td>
<td>635 Capitol Street NE Suite 150 Salem, OR 97301-2540</td>
<td><a href="mailto:Gary.Fish@state.or.us">Gary.Fish@state.or.us</a></td>
<td>503-373-0050 ext 254</td>
</tr>
<tr>
<td>Oregon Department of Land and Conservation (DLCD)</td>
<td>Robert Cortright</td>
<td>Land Use Transportation Planning</td>
<td>635 Capitol Street NE Suite 150 Salem, OR 97301-2540</td>
<td><a href="mailto:Bob.Cortright@state.or.us">Bob.Cortright@state.or.us</a></td>
<td>503-373-0050 ext 241</td>
</tr>
<tr>
<td>Oregon State Historic Preservation Office (SHPO)</td>
<td>Matthew Diederich</td>
<td>OTIA/Review &amp; Compliance Specialist</td>
<td>725 Summer St NE Suite C Salem, OR 97301</td>
<td><a href="mailto:Matthew.Diederich@state.or.us">Matthew.Diederich@state.or.us</a></td>
<td>503-986-0577</td>
</tr>
<tr>
<td>Oregon Department Of State Lands</td>
<td>Russ Klassen</td>
<td>Natural Resource Coordinator (DSL) (ODOT Liaison)</td>
<td>775 Summer St NE Salem, OR 97301-1279</td>
<td><a href="mailto:Russ.Klassen@dsl.state.or.us">Russ.Klassen@dsl.state.or.us</a></td>
<td>503-986-5244</td>
</tr>
<tr>
<td>Oregon Department of Transportation (ODOT)</td>
<td>Darlene Weaver</td>
<td>CETAS Coordinator Area 3 Manager, Region 2</td>
<td>4040 Fairview Industrial Blvd Salem, OR 97302 ODOT, Region 2 Mid-Willamette Valley Area 885 Airport Road SE, Building P Salem, OR 97301-4788</td>
<td><a href="mailto:Darlene.Weaver@odot.state.or.us">Darlene.Weaver@odot.state.or.us</a></td>
<td>503-986-4335</td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers (USACE)</td>
<td>Dominic Yballe</td>
<td>ODOT-Corps Regulatory Liaison</td>
<td>333 SW First Avenue P.O. Box 2946 Portland, OR 97208</td>
<td><a href="mailto:Dominic.P.Yballe@nwp01.usace.army.mil">Dominic.P.Yballe@nwp01.usace.army.mil</a></td>
<td>503-808-4392</td>
</tr>
<tr>
<td>National Marine Fisheries Service (NMFS)</td>
<td>Tom Loynes</td>
<td>Natural Resources Management Specialist (ODOT liaison)</td>
<td>2900 Stewart Parkway Roseburg, OR 97470</td>
<td><a href="mailto:Thomas.M.Loynes@odot.state.or.us">Thomas.M.Loynes@odot.state.or.us</a></td>
<td>541-957-3380</td>
</tr>
<tr>
<td>U.S. Department of Transportation on Federal Highway Administration (FHWA)</td>
<td>Michelle Eraut</td>
<td>Program Development Team Leader</td>
<td>Equitable Center 530 Center Street NE Suite 420 Salem, OR 97301</td>
<td><a href="mailto:Michelle.Eraut@dot.gov">Michelle.Eraut@dot.gov</a></td>
<td>503-587-4716</td>
</tr>
<tr>
<td>U.S. Environmental Protection Agency (EPA)</td>
<td>Yvonne Vallette</td>
<td>Wetlands/Watershed Coordinator</td>
<td>805 SW Broadway Suite 500 Portland, OR 97205</td>
<td><a href="mailto:Vallette.Yvonne@epa.gov">Vallette.Yvonne@epa.gov</a></td>
<td>503-326-2716</td>
</tr>
<tr>
<td>U.S. Fish and Wildlife Service (USFWS)</td>
<td>David Leal</td>
<td>Fish and Wildlife Biologist</td>
<td>2600 SE 98th Ave Portland, OR 97266</td>
<td><a href="mailto:David_Leal@fws.gov">David_Leal@fws.gov</a></td>
<td>503-231-6179</td>
</tr>
<tr>
<td>Federal Aviation Administration (FAA)</td>
<td>Suzanne Lee-Pang Bruce Fisher</td>
<td>Airport Planning</td>
<td>Seattle Airports District Office 1601 Lind Avenue SW Suite 250 Renton, WA 98057</td>
<td><a href="mailto:Suzanne.Lee-Pang@faa.gov">Suzanne.Lee-Pang@faa.gov</a> <a href="mailto:Bruce.Fisher@faa.gov">Bruce.Fisher@faa.gov</a></td>
<td>425-227-2654 425-227-2649</td>
</tr>
<tr>
<td>Yamhill County</td>
<td>Bill Gille</td>
<td>Director Yamhill County Public Works</td>
<td>2060 Lafayette Ave McMinnville, OR 97128</td>
<td><a href="mailto:Gilleb@co.yamhill.or.us">Gilleb@co.yamhill.or.us</a></td>
<td>503-434-7365</td>
</tr>
<tr>
<td>Marion County</td>
<td>Bill Worcester</td>
<td>Director Public Works</td>
<td>5155 Silverton Rd NE Salem, OR 97305</td>
<td><a href="mailto:BWorcester@co.marion.or.us">BWorcester@co.marion.or.us</a></td>
<td>503-588-5036</td>
</tr>
<tr>
<td>Washington County</td>
<td>Charles Cameron</td>
<td>Land Use and Transportation</td>
<td>155 N. First Avenue Suite 350 Hillsboro, OR 97124</td>
<td><a href="mailto:lutdir@co.washington.or.us">lutdir@co.washington.or.us</a></td>
<td>503-846-4530</td>
</tr>
<tr>
<td>City of Newberg</td>
<td>Barton Brierley Daniel Danicic</td>
<td>Planning and Building Director City Manager</td>
<td>414 E. First Street Newberg, OR 97132</td>
<td><a href="mailto:Barton.Brierley@ci.newberg.or.us">Barton.Brierley@ci.newberg.or.us</a></td>
<td>503-538-9421</td>
</tr>
<tr>
<td>City of Dayton</td>
<td>Christy Ellis</td>
<td>City Manager</td>
<td>416 Ferry Street PO Box 339 Dayton, OR 97114</td>
<td><a href="mailto:CityofDayton@ci.dayton.or.us">CityofDayton@ci.dayton.or.us</a></td>
<td>503-864-2221</td>
</tr>
<tr>
<td>City of Dundee</td>
<td>Ted Crawford</td>
<td>Mayor</td>
<td>876 SW View Crest Drive Dundee, OR 97115</td>
<td><a href="mailto:Ted.A.Crawford@gmail.com">Ted.A.Crawford@gmail.com</a></td>
<td>503-551-9442</td>
</tr>
<tr>
<td>City of McMinnville</td>
<td>Mike Bissett</td>
<td>Community Development Director</td>
<td>231 NE Fifth Street McMinnville, OR 97128</td>
<td><a href="mailto:BissetM@ci.mcminnville.or.us">BissetM@ci.mcminnville.or.us</a></td>
<td>503-434-7312</td>
</tr>
</tbody>
</table>
2.5. Public Participation

Starting during the Tier 1 NEPA process and continuing in Tier 2, the public involvement program for the Bypass project has been used to educate and involve the public and stakeholders, and to give them an opportunity to become active participants in shaping the project. There have been many activities available for the public to become involved in the Bypass project. Activities include open houses and workshops, newsletters, and a project website. Section 3, Coordination Points and Responsibilities, provides specific information on activities for coordination with the public.
3. **COORDINATION POINTS AND RESPONSIBILITIES**

The following is a list of key coordination points and agencies responsible for activities during that coordination point. Activities with an ** are also coordination points for the public.

<table>
<thead>
<tr>
<th>Coordination Point</th>
<th>Information/Activity Provided</th>
<th>Agency Responsible</th>
<th>Comments Provided or Activity Conducted</th>
<th>Agency Responsible</th>
<th>Date completed</th>
</tr>
</thead>
</table>
| Notice of Intent (NOI) | • Prepare a copy of the NOI  
   • Publish NOI in newspaper and Federal Register; October 14, 2005 **  
   • Invite agencies and public to public scoping meeting – October 11, 2005** | FHWA | • Participation in scoping process | Participating/Cooperating Agencies | October 14, 2005 (NOI published Federal Register, Volume 70, Number 198, pages 60129-60130).  
October 11, 2005 – Scoping meeting/open house.** |
| Purpose and Need* | • Provide agencies and public with draft Purpose and Need via public meetings and/or project website and letters**  
   • Solicit comments**  
   • Invite public and agencies to public scoping meeting/project open house** | FHWA  
ODOT | • Comments on Purpose and Need | Participating/Cooperating Agencies | October 11, 2005 – Scoping meeting/open house—provided comment forms for Purpose and Need. **  
November/December 2005 – Purpose and Need presented to CETAS, concurrence received January 2006. Available on project website and presented to local jurisdictions during 2006**  
| 6002 Coordination Plan and Project Schedule | • Provide agencies and public with a draft 6002 Coordination Plan for review and comment** | FHWA  
ODOT | • Comments on Coordination Plan | Participating/Cooperating Agencies | July 2006 – Distributed 6002 Coordination Plan and project schedule for review and comment. Available on project website. ** |
| Collaboration on impact assessment methodologies | • Provide Agencies with draft methodologies for evaluation and review | FHWA  
ODOT | • Comments on methodologies | Participating/Cooperating Agencies | February and March 2006 – Provided agencies with the opportunity to review methodology reports, distributed reports to agencies as they requested them.  
June 2006 – discussed methodology reports at CETAS meeting. |
| **Range of Alternatives*** | • Provide Agencies and public with information regarding alternatives/options being considered**<br>• Solicit comments**<br>• Hold scoping meeting/project open house** | FHWA<br>ODOT | • Comments on Range of Alternatives/Options | Participating/Cooperating Agencies | May/June 2006 – Range of Alternatives presented to CETAS, concurrence received September 2006.<br>December 2005, May 2006 and December 2006 – Workshops and Open Houses present Alternatives and Design options to agencies and the public for review and comment. Available on project website. **<br><br>August and October 2006 – Agency field trips to project area to provide opportunity to discuss project issues and concerns. |
| **Socioeconomic and natural resource impacts** | • Identification of resources located within project area and general location of alternatives/options | FHWA<br>ODOT | • Identification of any issues that could substantially delay permit approval | Participating/Cooperating Agencies | Tier 2 DEIS published on June 4, 2010. Public comment period spanned 45 days and closed on July 19, 2010. A public hearing and open house was held on June 29, 2010. |
| **Circulation of Tier 2 DEIS*** | • Provide Tier 2 DEIS to Cooperating and Participating Agencies, Public and Public Hearing** | FHWA<br>ODOT | • Comments on Design DEIS | Participating/Cooperating Agencies | Tier 2 DEIS published on June 4, 2010. Public comment period spanned 45 days and closed on July 19, 2010. A public hearing and open house was held on June 29, 2010. |
| **Identification of the Preferred Alternative / Option*** | • Provide Cooperating/Participating Agencies and public with the identified preferred alternative** | FHWA<br>ODOT | • Comments on Preferred Alternative | Participating/Cooperating Agencies | ODOT provided CETAS with Preferred Alternative Concurrence Form on August 8, 2010. Newsletter describing ODOT’s identification of Tier 2 Preferred Alternative distributed to project mailing list in September 2010. CETAS concurrence completed on April 6, 2011. Newsletter identifying Phase 1 of the Preferred Alternative distributed in September 2011 and open houses and comment opportunities held on September 27/28, 2011. |
| **Circulation of Tier 2 FEIS** | • Provide Final EIS** | FHWA<br>ODOT | • NEPA 30-day waiting period*** | Participating/Cooperating Agencies | Pending |
| **Issue Tier 2 ROD** | • Record of Decision | FHWA | Approval | FHWA | Pending |
| **Issue Section 404 Permit** | • Joint Permit Application | ODOT | Approval | USACE/DSL | Pending |

* For Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) agencies, comments at these coordination points were solicited through the CETAS monthly meetings.

** Public coordination and participation activities.

*** As per 40 CFR 1506.10(b) and 40 CFR 1504
### 4. Project Schedule

<table>
<thead>
<tr>
<th>Project Activity</th>
<th>Agency Responsible</th>
<th>Anticipated/Actual Release Date</th>
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<tr>
<td>Tier 2 Notice of Intent</td>
<td>FHWA</td>
<td>October 14, 2005</td>
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<tr>
<td>Purpose and Need</td>
<td>FHWA, ODOT</td>
<td>January 2006</td>
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<tr>
<td>Impact assessment Methodologies</td>
<td>FHWA, ODOT</td>
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<td>Range of Alternatives/Options</td>
<td>FHWA, ODOT</td>
<td>September 2006</td>
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<tr>
<td>Tier 2 DEIS Technical Reports</td>
<td>FHWA, ODOT</td>
<td>Fall 2008</td>
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<tr>
<td>ODOT Study Committee Review of Tier 2 DEIS</td>
<td>ODOT</td>
<td>Summer/Fall of 2008</td>
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<tr>
<td>Release of Tier 2 DEIS for public and agency review and comment</td>
<td>FHWA, ODOT</td>
<td>June 4, 2010</td>
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<tr>
<td>Tier 2 DEIS Public Hearing</td>
<td>FHWA, ODOT</td>
<td>June 29, 2010</td>
</tr>
<tr>
<td>Identify Preferred Alternative</td>
<td>FHWA, ODOT</td>
<td>Summer 2011</td>
</tr>
<tr>
<td>Release Tier 2 FEIS (including final Technical Reports)</td>
<td>FHWA, ODOT</td>
<td>Spring 2012</td>
</tr>
<tr>
<td>Record of Decision (ROD)</td>
<td>FHWA</td>
<td>Spring 2012</td>
</tr>
</tbody>
</table>
| Public notification of Section 404 permit and permit issuance | USACE, DSL | Unknown – depends on project funding.
| Statute of Limitations for Challenges to ROD and Permit Issuance Ends | FHWA | 180 days after ROD |
5. **Revision History**

The following table identifies changes to the Coordination Plan.

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Document Name</th>
<th>Revision Description and Why It Was Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>May 2006</td>
<td>Coordination Plan</td>
<td>Coordination plan developed by ODOT and FHWA, prior to FHWA guidance.</td>
</tr>
<tr>
<td>2</td>
<td>August 2006</td>
<td>Coordination Plan</td>
<td>Based on FHWA guidance on SAFETEA-LU Section 6002 implementation. New format and information added.</td>
</tr>
<tr>
<td>3</td>
<td>March 2010</td>
<td>Coordination Plan</td>
<td>Revised based on additional guidance from FHWA on SAFETEA-LU Section 6002 implementation. The Coordination Plan includes the following updates: • Cooperating and Participating Agencies listing for the project, • Agency contact list, • Public Participation, • Project schedule. Added discussion that addresses the role of the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) group involvement with the project.</td>
</tr>
<tr>
<td>4</td>
<td>February 2012</td>
<td>Coordination Plan</td>
<td>• Revised Cooperating and Participating Agencies description • Revised discussion to better describe the role of the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) group involvement with the project • Updated Agency contact list • Updated Project schedule • Updated status of Coordination Points And Responsibilities</td>
</tr>
</tbody>
</table>
6. OTHER INFORMATION
May 25, 2007

Ms. Michelle Eraut
Federal Highway Administration
530 Center Street, NE, Suite 100
Salem, OR 97301

Dear Ms. Eraut:

Memorandum of Understanding (MOU)
Between
Federal Highway Administration (FHWA) and Federal Aviation Administration (FAA)
For the Newberg-Dundee Bypass
Environmental Impact Assessment (EIS)

Enclosed are two copies of the signed MOU. Please sign both, return one to my attention at the address above, and keep one for your records. I look forward to working with you on this project.

Sincerely,

Su‐anne Lee-Pang
Oregon State Planner/Engineer

Enclosures
MEMORANDUM OF UNDERSTANDING (MOU) 
BETWEEN THE 
FEDERAL HIGHWAY ADMINISTRATION (LEAD AGENCY) AND 
FEDERAL AVIATION ADMINISTRATION (COOPERATING AGENCY) 
FOR THE 
NEWBERG-DUNDEE BYPASS 
ENVIRONMENTAL IMPACT STATEMENT (EIS)

The following understandings are agreed to by the Federal Highway Administration (FHWA), acting as the lead Federal agency, and the Federal Aviation Administration- (FAA) as cooperating Federal agency. The FAA requested this MOU to outline the responsibilities of the signatory agencies.

I. PURPOSE

The purposes of this MOU are:

1. to designate the FAA as cooperating agency in the preparation of the Newberg Dundee Bypass EIS,

2. to define the FAA’s role, obligations, and jurisdictional authority regarding the EIS,

3. to provide the framework for each signatory agency to properly address potential project-related environmental impacts under their respective purview and for which they have expertise in preparation of the EIS, and

4. to provide a framework for cooperation and coordination among the signatories to facilitate completion of the NEPA process including issuance of required Records of Decision, and fulfillment of other environmental responsibilities each signatory may have.

II. REGULATORY CRITERIA

Under the policies, directives, plans, and operations of the FHWA, and under NEPA [42 U.S.C. 4371 et seq.] the FHWA, as lead Federal agency, has the responsibility to designate those portions of the EIS upon which each cooperating agency will focus its evaluation of environmental issues. The resource designations will be based upon legal jurisdiction or expertise of the cooperating agency, and will not limit that agency’s ability to comment on other environmental resources or aspects of the EIS.

Following the directives of NEPA, the signatories to this MOU shall cooperate fully and share information and technical expertise to evaluate the potential environmental effects of the proposed action and its alternatives. Each signatory shall give full recognition and respect to the authority, expertise, and responsibility of the others. Participation in this MOU does not imply
endorsement of the proposed project, nor does it abridge the independent review of the Draft and Final EIS by the signatory agencies. The signatories acknowledge that the FHWA, as lead agency, has the responsibility for the content of the Draft and Final EIS and its conclusions.

III. PROCEDURES

1. The FHWA is the lead Federal agency for this project. FHWA has the ultimately responsible for preparing the Draft and Final EIS’s and for assuring compliance with the requirements of NEPA. Although the FHWA agrees to give respect and recognition to the jurisdiction of the cooperating agencies, the FHWA is responsible for considering impacts to the quality of the human and natural environment associated with the proposed project. FHWA cannot delegate its core NEPA responsibilities to the cooperating agencies. In meeting these responsibilities, the FHWA will use the environmental analyses, proposals, and expertise of the cooperating agencies to the extent possible consistent with its responsibilities, and as the lead agency, will retain ultimate responsibility for the EIS’s content [see 40 CFR, 1501.6(a)(2) and Council on Environmental Quality’s (CEQ) 40 Questions, No. 14b.]. This includes defining the issues, determining purpose and need of the project, selecting or approving alternatives and mitigation measures, reviewing and requiring modification of the EIS, responding to comments on the Draft EIS, and retaining responsibility for the conclusions of its environmental analysis.

2. The FHWA’s goal is to prepare an EIS that contains sufficient information for each signatory to fulfill their NEPA responsibilities and make independent decisions on resources and issues under their purview. As such, the cooperating agencies are to:

(1) participate in the NEPA process at the earliest appropriate time,

(2) to the extent possible, make staff support available to review and comment upon draft working papers and draft EIS chapters within the timeframes allocated in the EIS scope of work,

(3) exchange relevant information throughout the EIS process,

(4) submit independent recommendations, and

(5) assist the FHWA in developing responses to “cooperating agency specific” comments received on the Draft and Final EIS.

The cooperating agencies will not be responsible for the actual preparation of any portion of the EIS or related technical reports, however they may provide comments to FHWA on their respective resource sections.

3. As appropriate, and to enhance the effectiveness of this MOU, the FHWA will work with the cooperating agencies to ensure access to FHWA expertise, data, information, analyses, and comments received.

4. Designated Point of Contact (POC) for coordination and consistency on the project are:
FHWA, Michelle Eraut, Environmental Program Manager,  
503/587-4716, Michelle.Eraut@fhwa.dot.gov  
FAA, Suzanne Lee-Pang, Oregon/Idaho State Planner,  
425/227-2654, Suzanne.Lee-Pang@faa.gov

It is anticipated that this project may present some complex issues. The agencies realize that this is a long-term commitment of resources and will make every effort to maintain the same POC through the duration of the NEPA process. If reassignment of the POC becomes necessary the agency will notify the MOU signatories of said change. In such cases, previous official written agreements and positions will not be revisited, unless there is significant new information or significant changes to the project, the environment, or laws and regulations.

5. The signatories will ensure appropriate coordination, communication, project updates and status reviews occur, as needed, to keep agencies current on the project’s progress.

6. The FHWA will appropriately incorporate the comments, analyses, recommendations, and/or data submitted by the cooperating agencies in the Draft and Final EIS, and will utilize a systematic, interdisciplinary approach that will ensure the consideration of the submitted material.

7. The FHWA will inform the cooperating agencies of all schedule changes that would affect an agency’s ability to provide timely review of the document. Adequate time will be given for agency reviews.

8. The cooperating agency will keep confidential and protect from public disclosure any and all documents received prior to determination by the FHWA of suitability for public review or release under the directives of the Freedom of Information Act.

9. The agencies agree not to employ the services of any representative or party having a financial interest in the outcome of the proposed project. The cooperating agency will take all necessary steps to ensure that no conflict of interest exists with its consultants, counsel, or representatives employed in this undertaking. [40 CFR §1506.5(c)] If disclosure statements are obtained as a result of contractor or other selection regarding this action, copies of the disclosure statements will be forwarded to the FHWA for inclusion in the Administrative Record.

IV. RESOURCE DESIGNATIONS

1. Based on each cooperating agency’s jurisdictions by law and/or special expertise, the FHWA, pursuant to its lead agency responsibilities [CEQ 1501.6 (b)(3)], makes the following requests:

   a. FAA: The FAA will focus its efforts on those portions of the Draft and Final EIS requiring information, review and comment on issues pertaining to potential effects of the project on airspace and nav aids associated with Sportsman Park Airport.
V. ADMINISTRATION

1. Nothing in this MOU will be construed as affecting the authority of any signatory.

2. This MOU does not obligate the FHWA to provide funding for cooperating agency involvement in this effort, nor does it require the signatory agencies to obligate or expend funds in excess of available appropriations.

3. If a disagreement should develop between the agencies, the POC’s will expeditiously attempt to resolve the disagreement through consensus. If timely amicable resolution is not achieved at the POC level, the matter shall be promptly referred to mid-level management of these agencies for their participation in the resolution process. In the event that mid-level managers are unable to reach a satisfactory solution, the matter will be referred to the persons whose signature appears in Section VI of this MOU, who will be asked by the FHWA to convene a meeting or a conference call to reach a satisfactory resolution.

4. This MOU shall be terminated when the FHWA issues a Record of Decision or for reasons of good cause upon 30 days prior written notice. An example of good cause is withdrawal of the proposed action.

5. Any signatory may request re-negotiation or modification of this MOU at any time. All signatories will consider the proposed changes, and upon mutual agreement, adopt the proposed changes. The signatory that proposed the change shall provide copies of the adopted revised MOU to the other signatories.

6. This MOU shall be incorporated into or referenced in the Draft and Final EIS’s for public review so that each signatory’s respective roles may be understood.

VI. AGREEMENT TO PARTICIPATE IN THIS MOU

J. Wade Bryant, Manager
Seattle Airports District Office
Federal Aviation Administration
Northwest Mountain Region

5/25/07
Date

David Cox
Oregon Division Administrator
Federal Highway Administration

5/30/07
Date

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Page 4 of 4
7. REFERENCES

AASHTO Practitioner's Handbook 09, January 2008

FHWA Final Guidance, SAFETEA-LU Environmental Review Process, November 15, 2006