

Attachment A
Metro and TriMet
Division Transit Project
NEPA Documented Categorical Exclusion Confirmation
Mitigation Measures
March 8, 2019

TriMet will follow all relevant federal, state, and local regulations. TriMet will also develop and implement appropriate Best Management Practices (BMPs) prior to construction for water quality, erosion, hazardous materials, and air quality. The following measures will be implemented as part of the Division Transit Project (Project) to avoid or minimize impacts during construction:

Traffic and Property Access

Prior to construction, TriMet will finalize detailed construction plans in coordination with the City of Portland, City of Gresham, and Oregon Department of Transportation (ODOT) during the final design and permitting phases of the Project. All mitigation measures associated with constructing the Project will comply with local regulations governing construction traffic control and construction truck routing.

TriMet and its contractors will implement the following practices during construction, as appropriate:

- Conform to jurisdictional agency requirements for all traffic plan maintenance
- Develop a plan to communicate public information through tools such as print, radio, posted signs, web sites, and email to provide information regarding any required street closures, hours of construction, business access, and parking impacts
- Coordinate access closures with affected businesses and residents. The contractor will be required to perform this task in coordination with TriMet staff. If access closures are required, then property access to residences and businesses will be maintained to the extent possible
- Provide protected sidewalks and bikeways next to the construction area where possible when pedestrian / bike detours are not feasible. When access is provided through the construction zone, it will meet applicable federal, state and local regulations, including the Americans with Disabilities Act (ADA)
- Provide detour, open for business, and other signage as appropriate
- Post advance notice signs prior to construction in areas where surface construction activities will affect access to surrounding businesses
- Cover potholes and open trenches where possible, and use protective barriers to protect the public from open trenches
- Dedicate staff to work specifically with affected businesses. Construction mitigation plans will be developed to address the needs of businesses during construction and could include, but are not limited to, the following elements:
 - Provide detour, open for business, and other signage as appropriate

- Establish effective communications with the public through measures such as meetings and construction updates, alerts, and schedules
- Maintain access as much as practical to each business and coordinate with businesses during times of limited access
- Provide a public involvement specialist as a contact person for citizens and businesses to present unresolved complaints about construction impacts to agency project management

Air / Water Quality

TriMet and its contractors will implement the following actions to control construction-related exposed soil and fugitive dust emissions, as appropriate:

- Spray exposed soil with water or other dust suppressant to reduce emissions of PM₁₀ and particulate matter during dry periods
- Use phased development to keep areas of disturbed soils to a minimum
- Use wind fencing when appropriate to reduce disturbance to soils
- The project will comply with the National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit process, including developing a Storm Water Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control (TESC) Plan
- Locate construction equipment and truck staging areas away from sensitive receptors as practical and in consideration of potential impacts on other resources
- Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris

Noise and Vibration

TriMet and its contractor(s) shall comply with all local ordinances regarding construction related noise ordinances, permits, or variance conditions.

Hazardous Materials

Although no impacts are anticipated, BMPs will include TriMet's contractors preparing project-specific and site-specific hazardous material management plans, health and safety plans, contaminated media management plans, and spill prevention, control, and countermeasures plans. In addition, TriMet's contractor will be required to develop and comply with the SWPPP.

Historic and Cultural Resources

The following are effect minimization and avoidance measures for Section 106 historic properties (which are also Section 4(f)-protected properties) and previously unidentified archaeological resources. These measures will be placed in TriMet's contract documents (plan sheet notes and Special Contract Provisions). The Federal Transit Administration (FTA) will enforce compliance with these and other minimization / avoidance measures. These measures include property-specific requirements for historic architectural properties, as well as implementation of the *Archaeological Resources Monitoring Plan (AMP)* and *Inadvertent Discovery Plan (IDP)*. The Section 106 Findings of Effect and Section 4(f) *de minimis impact* and Temporary Occupancy Exception determinations are based on these measures. In addition, the AMP and IDP were revised to include conditions requested by the

Oregon State Historic Preservation Office (SHPO) in their concurrence letter dated March 4, 2019. These conditions included:

- Ensuring that construction worker training include a review of historic archaeological artifacts;
- Ensuring that consultation with the SHPO is undertaken when a previously unidentified archaeological resource is found [whether the archaeological monitor believes it is eligible or not for the National Register of Historic Places (NRHP)];
- Ensuring that all archaeological resources are documented (whether eligible or not);
- Ensuring that all NRHP criteria are applied to previously unidentified archaeological resources;
- Ensuring that artifacts recovered under a state archaeological permit are properly curated with the University of Oregon Museum of Natural and Cultural History.

6720 to 6922 SE Division Street (Delaine / Dolphin Court Apartments):

The retaining wall and the large pin oak tree behind the retaining wall (immediately behind the south station) will be retained and will not be adversely affected by the proposed Project. Project planners have reviewed the tree's position relative to the Project activities and improvements and will ensure that the characteristics of the tree (closest to the platform and shelter), which contributes to the significance of the historic property, will not be adversely affected.

- TriMet and its contractors will avoid impacts to the tree by limiting trimming and root removal so as not to adversely affect the health of the tree.
- TriMet and its contractors will protect the resource by identifying the retaining wall for avoidance and ensuring that a certified arborist monitors excavation and trimming activities to ensure that these contributing elements are protected and the health of the tree is not adversely affected.

2370 SE 60th Avenue / Gatehouse Portland City Reservoir No. 2:

- TriMet and its contractors shall identify and protect the retaining wall on the south and west edge of the property, as well as the stairs and stair wing walls (southwest Corner of the property from any damage or permanent change during construction.
- TriMet and its contractors shall take care to avoid any type of damage to these historic features during the entire period of construction at this site. No structural changes or other permanent changes to the stairs and walls shall be made during construction. Only temporary alterations to the stairs and walls shall occur and only if required for construction activities directly adjacent to the stairs and walls, such as installation of protective fencing.
- If any change is made to the stairs or walls during construction, TriMet and its contractors shall return them to preconstruction conditions before construction is complete. Construction materials shall not be stored on the stairs and walls. Pre-construction conditions shall be documented immediately before construction begins. Construction activities affecting the stairs and wall shall be limited to four calendar months.

Protection Measures for Previously Unidentified Archaeological Resources

Priority Monitoring Areas were identified in the *Division Transit Project: Archaeological Resources Report*.

- TriMet and its contractors will implement archaeological monitoring during ground disturbing activities should utility relocations be required on SW Hall, SW 4th, SW Lincoln, SE Division (between SE 8th and SE 10th) based on the proximity of these relocates to previously identified archaeological resources.

- TriMet and its contractors shall implement archaeological monitoring as appropriate, at additional discrete locations for monitoring that were identified along SE Division between SE 40th and SE 82nd Avenue. The protocols for monitoring are included in the AMP. If cultural materials are encountered either during monitoring or during construction within the Area of Potential Effect (APE), the IDP will be implemented in coordination with FTA, TriMet, SHPO, Tribes, and consulting parties.

Effect Avoidance and Minimization for Historic Properties and Section 4(f) Protected Properties

- TriMet and its contractors shall return Historic Properties and Section 4(f) protected-properties affected by construction easements and/or temporary occupancies to their pre-construction condition as soon as possible during the construction of the Project.

Section 4(f) regulations require that disruptions to the property (including temporary construction easements and other temporary occupancies) be completed as soon as possible and all barriers to the property shall be removed prior to the expiration of the temporary construction easement or occupancy. All areas of the temporary construction easement or occupancy on historic properties that were changed during construction shall be returned to its approximate pre-construction conditions or better, as determined by TriMet.

- TriMet and its contractors shall document pre-construction conditions immediately before construction at these sites begins.
- TriMet and its contractors shall store no equipment or materials within the temporary construction easement area, except for equipment and materials needed for the construction activities associated with the temporary construction easement or occupancy.

Table 1 below lists the historic properties subject to these requirements.

Table 1. Historic Properties Requiring Effect Avoidance and Minimization

RESOURCE NAME	ADDRESS	LOCATION	PROJECT ELEMENT REQUIRING EFFECT MINIMIZATION/AVOIDANCE
Charles Misslich House	2515 SE Division St.	Portland	Construction easement
Follis Court Apartments	5110 SE Division St.	Portland	Construction easement
LuDon Apartments	5900-5938 SE Division St.	Portland	Construction easement
Gatehouse, Portland City Reservoir No. 2	2370 SE 60th Ave.	Portland	Temporary occupancy (stairs and wingwalls)
DeLaine (Dolphin) Court Apartments	6720-6922 SE Division St.	Portland	Construction easement
Albertsons Food Center	17420 SE Division St.	Portland	Construction easement
Plaid Pantry Market	18238 SE Division St.	Gresham	Construction easement
Van Doninck Duplex Apts. I	830-840 NW Division St.	Gresham	Construction easement
Van Doninck Duplex Apts. II	850-860 NW Division St.	Gresham	Construction easement

In addition to the historic resources, the Temporary Occupancy Exception determination for the Grant Butte Wetlands, which is protected under Section 4(f) as a wildlife refuge, is also subject to the requirements listed above. Grant Butte Wetlands site planning has not yet been completed by Metro Parks and Nature and Gresham Parks. Consequently, TriMet, the City of Gresham, and Metro agree to provide transportation planning staff to collaborate with parks and natural area staff of the three agencies/jurisdictions in a planning process to identify

circulation and access to/from the site as a way avoid any unintended impacts related to the Project improvements. The results of this planning process will be documented in a summary memorandum, a copy of which will be provided to FTA.

Public Services

TriMet and its contractors will coordinate with public service providers before and during construction to maintain emergency access.

Utilities

TriMet and its contractors will coordinate with utility providers and the public.

TriMet and its contractors shall undertake the following preconstruction measures as appropriate: ground penetrating radar, potholing and survey to identify utility locations.

TriMet will continue to work with utility providers to minimize any potential service interruptions and perform outreach to notify the public of planned or potential service interruptions and utility relocations.

Parking / Loading Zones / Bicycle Facilities

Construction of the Project will result in the displacement of some on-street parking, eight loading zones for local businesses, and twelve on-street bicycle racks. Adequate on-street parking opportunities exist in the corridor and on adjacent streets and no additional mitigation is required.

TriMet will work with local jurisdictions to find suitable locations for displaced loading zones and bicycle racks.

Displacements and Right-of Way

The construction of the Project will result in the permanent removal of two businesses and require easements from 103 commercial and residential parcels.

- TriMet will provide property owners with monetary compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Relocation Act) and FTA's Circular 5010.1D Grants Management. Any businesses or persons displaced from the property will be compensated in accordance with provisions of the Uniform Relocation Act.