

RECORD OF DECISION

REPLACEMENT OF THE INTERSTATE 5 BRIDGE ACROSS THE COLUMBIA RIVER, MILE 106.4, BETWEEN PORTLAND, MULTNOMAH COUNTY, OREGON AND VANCOUVER, CLARK COUNTY, WASHINGTON P(2-13-13)

I. DESCRIPTION OF THE PROPOSED PROJECT

The Washington State Department of Transportation (WSDOT) and the Oregon State Department of Transportation (ODOT) are proposing to construct two new bridge structures across the Columbia River, mile 106.4, between Portland, Multnomah County, Oregon and Vancouver, Clark County, Washington. The new bridges will replace the existing Interstate 5 (I-5) Bridges, mile 106.5, and will carry traffic, light rail transit, bicyclists, and pedestrians.

The proposed bridge is part of a larger project that also includes I-5 highway improvements including improvements to seven interchanges, north and south of the river, as well as related enhancements to the local street network; bicycle and pedestrian improvements throughout the project corridor; extension of light rail from the Expo Center in Portland to Clark College in Vancouver; construction of transit stations, park and ride facilities; and demolition of the existing through-truss lift bridges that currently carry I-5 traffic across the Columbia River. Work in the project corridor includes minor modifications on the Steel Bridge in Portland, and constructing three new bridge structures over North Portland Harbor, a new multimodal bridge carrying light rail transit, local traffic, pedestrians, and bicyclists, and two highway bridges carrying I-5 traffic. The Coast Guard has yet to receive a complete application for the bridges crossing North Portland Harbor or the modifications to the Steel Bridge. The Coast Guard has concluded that the additional work would have no utility independent of the I-5 Columbia River Bridge. Therefore, the Coast Guard has reviewed the additional work as a connected action and found that it is within the scope of the Coast Guard bridge-related NEPA review.

The project also includes expansion of the Ruby Junction light rail transit maintenance facility in Gresham, Oregon. Expansion of the maintenance facility is needed to support planned expansions of the light rail network throughout the region, and would occur even if the CRC project was not built. The CRC project may be constructed and operated regardless of whether the Ruby Junction maintenance facility exists. The Ruby Junction maintenance facility is related to the new I-5 Columbia River Bridge only insofar as they serve a common purpose, improving area transit facilities. The Coast Guard has concluded that Ruby Junction maintenance facility has utility independent of the new I-5 Columbia River Bridge and that the Ruby Junction maintenance facility is outside the scope of the current Coast Guard bridge-related NEPA review except as it contributes to a cumulative impacts analysis.

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are the lead federal agencies for satisfying requirements of the National Environmental Policy Act (NEPA). The FHWA and FTA approved a Draft Environmental Impact Statement (DEIS) on April 21, 2008 (FHWA-WA-EIS-08-01-D) and a Final Environmental Impact Statement (FEIS)

on September 7, 2011 (FHWA-WA-EIS-08-01-F). The U.S. Environmental Protection Agency (USEPA) Federal Register notice of availability for the FEIS is dated September 23, 2011. The FHWA and FTA prepared a Record of Decision (ROD) dated December 2011, and signed the ROD on December 7, 2011. The FHWA and FTA prepared a NEPA Re-Evaluation dated December 2012 to examine the potential impacts of design refinements that increased the vertical clearance in the primary channel from 95 feet above zero Columbia River Datum (CRD) to 116 feet above zero CRD. FHWA and FTA concluded in their December 28, 2012 Re-evaluation that the FEIS and ROD are still valid because there is no meaningful change in navigation or environmental impacts compared to those impacts discussed in the FEIS and ROD for the 95-foot bridge, and no significant adverse impacts requiring new mitigation measures were identified.

The Coast Guard was a cooperating agency in preparing the environmental document. Action by the Coast Guard consists of issuance or denial of a bridge permit for the proposed bridge replacement. Coast Guard NEPA responsibility is to assess the navigational and environmental impacts of construction, maintenance and operation of the proposed bridge, and demolition of the existing bridge.

II. DECISION

The Commandant, U.S. Coast Guard, has decided to approve, the location and plans for the proposed bridge. This decision is considered to be in the best public interest for satisfying project objectives with the least impacts on navigation and on the environment.

III. ALTERNATIVES CONSIDERED

Prior to the DEIS, several conceptual alternatives that included various river crossing types and transit modes, alternate alignments, and specific designs to improve safety, freight movement, highway operations, and bicycle and pedestrian access were considered. An extensive screening process eliminated a number of these alternatives due to significant engineering problems, environmental impacts, cost, and/or failure to meet the project's purpose and need. The movable bridge alternative was dismissed at the DEIS stage on grounds that it would "would disrupt traffic, cause more accidents on the bridges, have a greater impact on navigation, be more expensive to construct, and cost substantially more to maintain and operate." (FEIS page 2.7.5 page 2-75) The No-Build Alternative and four multimodal build alternatives were carried forward for consideration in the DEIS as follows:

- No Build Alternative;
- Replacement Crossing with Bus Rapid Transit. Replace the existing I-5 bridges with a new crossing downstream (west) of the current I-5 alignment. The existing bridges would be removed. Bus rapid transit would operate in an exclusive guideway from the Expo Center in Portland to a terminus point in Vancouver;
- Replacement Crossing with Light Rail. Replace the existing I-5 bridges with a new crossing downstream (west) of the current I-5 alignment. The existing bridges would be

removed. Light rail would operate in an exclusive guideway from a connection with the MAX system at the Expo Center in Portland to a terminus point in Vancouver;

- Supplemental Crossing with Bus Rapid Transit. Retain both existing I-5 bridges and add one new bridge. Bus rapid transit would operate in an exclusive guideway from the Expo Center in Portland to a terminus point in Vancouver; and
- Supplemental Crossing with Light Rail. Retain both existing I-5 bridges and add one new bridge. Light rail would operate in an exclusive guideway from a connection with the MAX system at the Expo Center in Portland to a terminus point in Vancouver.

Each of the build alternatives also included highway improvements, several transit alignment and length options, improved bicycle and pedestrian facilities, tolling options, and transportation demand and system management measures. Both a three-bridge design and a stacked transit/highway bridge (two-bridge) design were studied in the DEIS for the full replacement alternatives.

Following publication of the DEIS, another build alternative known as the Locally Preferred Alternative was developed based on substantial public input and additional analysis and design work around the Hayden Island and Marine Drive interchanges. The Locally Preferred Alternative is a refined version of the Replacement Crossing with Light Rail Alternative. The No Build Alternative, the Locally Preferred Alternative, and the four build alternatives from the DEIS were carried forward for evaluation in the FEIS. The FHWA ROD is for the Locally Preferred Alternative.

An expanded description of the various alternatives and recommended (preferred) alternative, including the basis for the decision, is included in the FEIS. After considering responses to the Coast Guard Public Notice, the impacts associated with each alternative, and the present and future transportation needs, the Coast Guard has determined that the proposed project's impacts of the selected (preferred) alternative cannot be avoided, and all planning and mitigation to minimize these impacts have been accomplished.

PREFERRED ALTERNATIVE

The replacement crossing with light rail alternative is the preferred alternative. The two dual-level fixed bridge structures would be located to the west of the existing I-5 bridge. The western (downriver) structure will carry southbound I-5 traffic on the top deck, with light rail on the lower deck. The eastern structure will carry northbound I-5 traffic on the top deck, with bicycle and pedestrian traffic on the lower deck. Each of the new bridges will be wide enough to accommodate three through lanes and two add/drop lanes. The existing bridge structures are functionally obsolete and will be demolished.

The proposed bridge structure has been designed to provide the following clearances in the primary navigation channel:

Horizontal Clearance

400.0 feet between fenders (rub rail) normal to axis of each channel. Each proposed navigation channel will be 300.0 feet wide.

Vertical Clearance

The proposed primary navigation channel provides 116.0 feet minimum clearance above 0.0 Columbia River Datum (CRD) and 100.1 feet minimum clearance above Ordinary High Water (OHW). The proposed alternate channel on the Washington side provides a minimum 83.9 feet above OHW. The proposed alternate channel on the Oregon side provides a minimum 98.0 feet above OHW.

IV. BASIS FOR DECISION

After an independent review of the FEIS signed September 7, 2011 (FHWA-WA-EIS-08-01-F), the FHWA/FTA ROD signed December 7, 2011 and the NEPA Re-evaluation signed December 28, 2012, the Coast Guard has determined that all of its comments and suggestions as cooperating agency to the FEIS have been addressed satisfactorily. In addition, the environmental documentation adequately assesses the impacts of the proposed replacement bridge across the Columbia River, mile 106.5, between Portland, Multnomah County, Oregon and Vancouver, Clark County, Washington. The Commandant adopted the bridge-related portions of the FEIS and NEPA Re-evaluation.

The FEIS, FHWA/FTA ROD and NEPA Re-evaluation contain an adequate detailed statement of the following: project description and purpose, probable impacts of the project, alternatives, unavoidable adverse environmental effects, and measures to minimize environmental harm. Based on the air quality analyses completed for the proposed overall project, the bridge would not contribute to any violation of the National Ambient Air Quality Standards. The proposal is consistent with the region's year 2035 regional transportation plan and is in the 2012-2015 transportation improvement program. The Coast Guard has determined, in accordance with the Clean Air Act section 176(c) [42 U.S.C. 7506(c)], that its issuance of a permit to construct the I-5 bridge across the Columbia River at mile 106.4 would conform to the Clean Air Act state implementation plans (SIPs) for the states of Oregon and Washington. The Coast Guard made this determination based on its review of the FEIS, FHWA/FTA ROD, and NEPA Re-evaluation for the proposed project.

V. MITIGATION

A Biological Assessment dated June 2010 was submitted to the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) on June 24, 2010 and June 25, 2010, respectively. On August 27, 2011, the USFWS concurred that the project may affect, but is not likely to adversely affect the Columbia River bull trout and its proposed critical habitat. On January 19, 2011, the NMFS issued a Biological Opinion with a "not likely to jeopardize" determination for 13 salmonid stocks, southern green sturgeon, eulachon, Steller sea lion, and relevant critical habitat. NMFS also concurred that the project is "not likely to adversely affect"

the southern resident killer whale. The NMFS Biological Opinion required the implementation of a number of measures to minimize and monitor the effects of the proposed project. These measures will be implemented through compliance with a series of terms and conditions specified in the Biological Opinion.

On April 4, 2013, formal consultation with the NMFS was reinitiated to address the newly expanded critical habitat for the eulachon, and the proposed designation of Lower Columbia River coho salmon critical habitat. On August 30, 2013, the NMFS issued a Supplemental Biological Opinion for the proposed project which concluded that the proposed project will not result in destruction or adverse modification of critical habitat designated for eulachon or proposed for Lower Columbia River coho salmon.

Formal consultation in accordance with the Magnuson-Stevens Fishery Conservation and Management Act was completed with NMFS on January 19, 2011. NMFS determined that impacts associated with bridge construction and removal would cause adverse effects to Essential Fish Habitat (EFH) designated for salmon. The NMFS provided conservation recommendations to avoid mitigate, or offset the impacts to EFH. Specifically, these recommendations included use of best management practices for pile driving and construction and completion of a conservation monitoring and reporting program. The conservation recommendations will be followed during bridge construction and demolition.

The project was reviewed for impacts to migratory birds. Construction activities would impact migratory birds through noise impacts and removal or degradation of habitat. Vegetation removal would occur outside of nesting seasons for migratory birds. To avoid direct impacts to active nests, demolition of existing structures would likely be scheduled outside of nesting seasons for native migratory birds. If demolition activity does occur during the nesting season, and migratory bird nesting is deemed likely, exclusionary measures or other methods to prevent active nesting will be implemented. The FHWA and FTA, as lead federal agencies, acted on the Coast Guard's behalf to satisfy responsibilities under the Migratory Bird Treaty Act.

The project was reviewed for impacts to marine mammals. Noise from construction and demolition activities, such as pile driving and pile removal could result in a "take" of sea lions and seals, in the form of incidental harassment. In-water construction will not commence until a letter of authorization for long-term incidental behavioral harassment of sea lions and seals is obtained from the NMFS.

The selected alternative would require 59 residential displacements, 69 commercial displacements and two public use displacements. Displaced households and businesses would be relocated in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Up to 20 acres of temporary easements from approximately 200 parcels would be required for the temporary staging of equipment and materials during construction. Property used temporarily during construction could be returned to its owner once construction is complete. Impacts to real or personal property, due to temporary construction uses, would be compensated according to fair-market or contributory value.

The Oregon Department of Environmental Quality and the Washington State Department Ecology have issued water quality certifications for the I-5 Columbia River Crossing.

Procedures related to conditions of the water quality certifications, will be followed during construction of the proposed bridge structures.

Coastal zone federal consistency certification is not needed for the project because it is not located within the Oregon or Washington coastal zone. This has been confirmed by coastal zone management authorities in Oregon by email dated August 9, 2013 and Washington by letter dated August 27, 2013.

The selected alternative would not impact any delineated wetlands, but it would impact a total of 0.45 acre in three wetland buffer areas: Victory Boulevard interchange (up to 0.05 acre), Kiggins Bowl (0.3 acre), and Burnt Bridge Creek (0.1 acre). Mitigation would occur in accordance with local regulatory guidance, and could include purchasing easements at compensatory mitigation projects. Some staging areas located near the Columbia River may contain wetlands. Mitigation for temporary effects including the replacement of vegetation that is cleared for construction activity would occur in accordance with local regulatory guidance.

The proposed project would not result in adverse impacts to floodplain resources or increased flooding of adjacent areas during the long-term operation of the project. The Coast Guard presumes the Army Corps of Engineers permits will identify any and all floodplain mitigation for the project. The Coast Guard permit requires compliance with the provisions of any other law or regulations as may be under the jurisdiction of any federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge. This includes compliance with the Army Corps of Engineers permit.

The proposed project would have an adverse effect on the northbound I-5 Columbia River Bridge and the Vancouver National Historic Reserve (VNHR), which are listed on the National Register of Historic Places (NRHP), and the Pier 99 Building in Portland, which is eligible for listing in the NRHP. A total of 32 NRHP-listed or eligible archaeological sites would also be adversely affected. The Oregon State Historic Preservation Office (OSHPO) concurred with this finding on May 1, 2009, and the Washington State Department of Archaeology and Historic Preservation (WDAHP) concurred with this finding in a letter dated January 24, 2011. In compliance with federal historic preservation laws, mitigation measures are presented in a Memorandum of Agreement (MOA), dated September 8, 2011. The MOA commits the FHWA and FTA (as lead federal agencies), WSDOT, and ODOT to numerous activities, so as to ensure adequate identification, protection, documentation, and preservation of historic and archeological resources.

The FHWA and FTA, as lead federal agencies, have completed consultation on the Coast Guard's behalf under Section 106 of the National Historic Preservation Act (NHPA) which culminated in said MOA. The Coast Guard memorialized its understanding of Section 106 responsibilities by letter dated September 19, 2013 to all signatories of the MOA.

Noise impacts will temporarily increase during construction of the replacement bridge project. Bridge traffic and light rail transit operations will exceed FWHA noise abatement criteria at several receptor locations. Sound barriers will be constructed to abate future noise levels.

The project occurs in an area that is classified as maintenance for carbon monoxide (CO). The FEIS includes a project-level transportation conformity determination for the project. The project is included in the Metropolitan Regional Government (Metro) currently conforming 2035 Regional Transportation Plan, and the 2012-2015 Regional Transportation Improvement Plan.

The operation of construction equipment will cause a temporary increase in air pollutant emissions in the project area. All contractors will be required to develop and implement a dust control plan and to maintain air quality permits on all portable equipment.

Temporary changes in traffic operations would occur during construction of the replacement bridge. To mitigate construction impacts, three southbound and three northbound lanes would be maintained during all weekdays. I-5 traffic would be shifted onto temporary alignments, lanes and shoulders would be narrowed to accommodate equipment and workers, merge and exit distances would be shortened, and posted speed limits reduced.

Temporary changes in transit service would occur during construction of the replacement bridge, including delays, relocation or temporary elimination of bus stops, street detours, and a deterioration of reliability for bus routes using certain roadways and facilities within the project corridor. Project construction plans will include measures to manage these impacts.

The selected alternative will not impact a wild and scenic river, American heritage river, coastal barrier resource, national marine sanctuary, or prime and unique farmland.

The selected alternative will not have disproportionate negative effects on low-income or minority populations, or adversely affect environmental justice concerns.

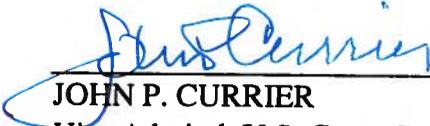
Construction and operation of the proposed project will have no significant adverse indirect or cumulative effect in combination with other projects in the area.

Minimization, avoidance or elimination of adverse impacts was a primary consideration throughout the project planning. All efforts have been made to minimize impacts on the environment and on navigation.

VI. CONCLUSION

Based on an independent Coast Guard review of all pertinent factors, including navigation and the human environment, the Coast Guard concludes that the proposed replacement bridge across the Columbia River would meet the reasonable needs of navigation with no unmitigated, significant impacts on the quality of the human environment.

Date: 27 SEP 2013



JOHN P. CURRIER
Vice Admiral, U.S. Coast Guard
Acting Commandant