

March 15, 2006

TO: Task Force
FROM: Hal Dengerink and Henry Hewitt
SUBJECT: Evaluation Framework
COPY: Doug Ficco, Rob DeGraff

Task Force members:

At our February 1 meeting, we reviewed, edited, and adopted the Evaluation Framework. Subsequent to our meeting, the CRC Project Sponsors Council met to review progress to date, including the Evaluation Framework. The council, which is comprised of elected officials and senior staff representing the eight sponsor agencies (WSDOT, ODOT, TriMet, C-TRAN, Metro, RTC, Vancouver, Portland), made three changes to the criteria at the recommendation of senior project staff. The changes addressed two areas of concern: 1) the criteria dealing with cultural resources was inconsistent with federal law, which does not allow for the enhancement of cultural resources, and 2) repeating criteria in two separate locations created the risk of a legal challenge about unfairly weighting some criteria over others.

Following the Project Sponsors Council meeting, the project's Interstate Collaborative Environmental Process (InterCEP) group also met to consider the Evaluation Framework. The InterCEP members include representatives from key national and state agencies responsible for protecting the region's air, water, wildlife and cultural resources. This committee must formally concur on project decisions affecting their areas of concern at major project milestones. In addition, the committee provides advice and consultation regarding the NEPA process. At their meeting they recommended minor text changes to four of the criteria, solely for the purposes of clarification.

The PSC-adopted changes and InterCEP recommendations are summarized in the table on the following pages. For your reference, the complete screening criteria list, as amended by the PSC and InterCEP, is attached, as is a letter from the Washington State Department of Archaeology and Historic Preservation, which describe the agency concerns about the cultural resource criteria.

We have reviewed the changes with project staff, and believe that they improve the criteria, and that they do not substantively change the way that the criteria will be used. Moreover, the changes will be helpful in working collaboratively with the large number of regulatory and sponsor agencies affected by this project, as well as in avoiding potential future challenges to our process. Our plan is to move forward with the revised criteria without further action by the Task Force, unless members raise significant concerns.

CRITERION	TASK FORCE RECOMMENDATION	PROJECT SPONSORS COUNCIL CHANGE	InterCEP CHANGE	NOTES
1.6	Avoid or minimize adverse impacts, or where practicable, preserve historic and prehistoric resources.	Combine 1.6 and 1.7 to read: Avoid or minimize adverse impacts, and where practicable, preserve historic and prehistoric, and cultural resources.	.	1.6 and 1.7 were originally combined. The Task Force split them to focus on the potential for enhancing cultural resources. However, the Washington State Department of Archaeology and Historic Preservation has noted that federal law does not allow for the enhancement of cultural resources (see attached letter). Therefore, the criteria were recombined and the focus shifted to preservation, rather than enhancement.
1.7	Avoid or minimize adverse impacts, or where practicable, enhance cultural resources.			
1.8	Support development/ redevelopment opportunities consistent with local comprehensive plans and regional plans, including jurisdiction-approved neighborhood plans.	Support development/ redevelopment opportunities consistent with local comprehensive plans, including jurisdiction-approved neighborhood plans.	Support local comprehensive plans and jurisdiction-approved neighborhood plans, including development and redevelopment opportunities consistent with these plans	The Task Force suggested modifying Criterion 1.8 to additionally reference support of “regional plans.” However, Criterion 9.1 already refers exclusively to support of regional plans. Measuring the same thing in two separate criteria creates a risk of a legal challenge to the process. The PSC chose to keep the evaluation of regional plans solely as part of 9.1, to avoid duplication. The PSC also felt that keeping Criteria 1.8 and 9.1 separate and distinct would strengthen the focus on each level of plans. InterCEP felt that the PSC text should indicate that project alternatives should support all elements of local comprehensive plans, not just those relating to development/re-development.
5.2	Reduce travel times and reduce delay for vehicle-moved freight on I-5 through the bridge influence area.	Reduce travel times and reduce delay for vehicle-moved freight in the I-5 corridor.		This is simply an administrative change to avoid potential duplication with the new criterion proposed by the Task Force, Criterion 5.6, which reads “Enhance or maintain access to port, freight, and industrial facilities.” To avoid duplication with Criterion 5.1, staff identified minor revisions to the performance measures associated with Criterion 5.1 (not shown), as well as the proposed text changes to Criterion 5.2 so that it can be more readily distinguished from 5.1.

CRITERION	TASK FORCE RECOMMENDATION	PROJECT SPONSORS COUNCIL CHANGE	InterCEP CHANGE	NOTES
6.1	Avoid, then minimize adverse impacts to, and where practicable enhance, threatened or endangered fish or wildlife habitat.		Avoid, then minimize adverse impacts to, and where practicable enhance, threatened or endangered fish and wildlife and their habitat.	In both of these criteria, InterCEP proposed a clarification that the criteria would measure impacts to fish and wildlife and their habitat (changing “or” to “and”); and adding the words “and their” in front of habitat.
6.2	Avoid, then minimize adverse impacts to, and where practicable enhance, other fish or wildlife habitat.		Avoid, then minimize adverse impacts to, and where practicable enhance, other fish and wildlife and their habitat.	
6.4	Avoid, then minimize adverse impacts to, and where practicable enhance, wetlands.		Avoid, then minimize adverse impacts to, and where practicable enhance and/or restore , wetlands.	InterCEP added the words “and/or restore”