

Sunrise Corridor Community Visioning

NEPA Re-Evaluation Considerations for Sunrise Corridor Gateway Concept and Refinement Plan

REVISED DRAFT – November 2024

PURPOSE

This memorandum aims to screen the Sunrise Corridor Gateway Concept and its project elements within the context of the ODOT NEPA Manual (2024 update, including Section 417 – Re-evaluation and Supplemental NEPA Documents). The goal is to determine the appropriate NEPA path forward for the Sunrise Corridor Gateway Concept and to establish a basis for discussions with FHWA, regarding re-evaluation and any other NEPA options. In the concluding Tables 1 and 2, this memo outlines a set of possible recommendations for developing the Sunrise Corridor Gateway Concept Refinement Plan and its re-evaluation.

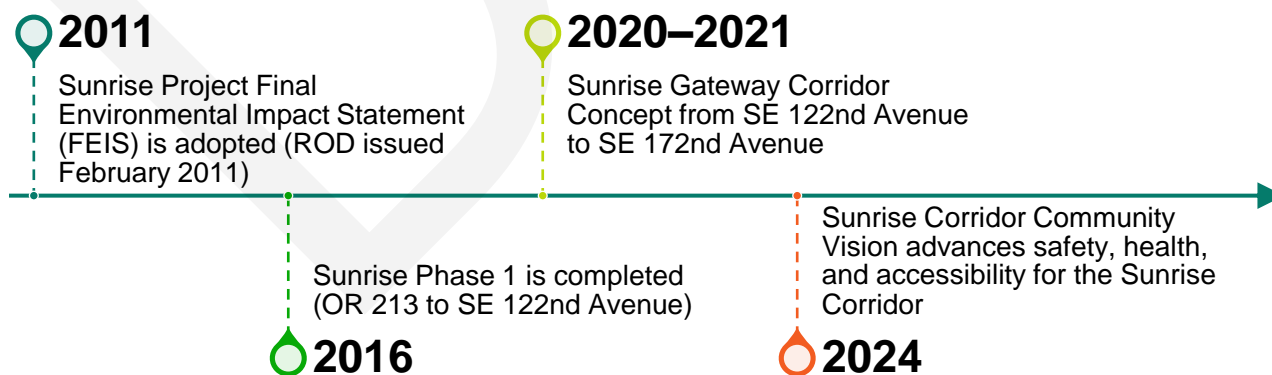
INTRODUCTION AND BACKGROUND

The Sunrise Corridor Gateway Concept Refinement Plan is a key component of the Sunrise Corridor Visioning Process. This process includes:

- Collaborating with the community to identify necessary changes to the Preferred Alternative not implemented in Phase 1 (visioning).
- Evaluating the impacts of these changes to ensure they fall within the identified FEIS, and re-evaluation.
- Clarifying FHWA’s role in determining if the re-evaluation necessitates a new SDEIS.

Clackamas County, ODOT and their agency partners have been working on planning and developing the OR-212/OR-224 Sunrise Corridor since prior to 2010. As illustrated in Figure 1 the Sunrise Corridor has undergone federal environmental planning efforts and approvals (completed in 2011), construction of initial Phase 1 improvements between I-205 and SE 122nd Avenue (2016), and continued design concepts (2021).

Figure 1: Sunrise Corridor planning and improvement efforts



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These planning and improvement efforts continue today with the Sunrise Corridor Community Visioning project, which started in 2023. To assist with clarifying the anticipated elements that need to be addressed in a National Environmental Policy Act (NEPA) Re-evaluation, after the Visioning project is complete, the attached NEPA Comparison Matrix has been created. The NEPA Comparison Matrix compares requirements for:

- Oregon Department of Transportation (ODOT) and Clackamas County *Sunrise Project, I-205 to Rock Creek Junction* (also referred to as the 2010 Final Environmental Impact Statement, or the 2010 FEIS), with
- modified design concept for remaining improvements to OR-212/OR-224 between SE 122nd Avenue and SE 172nd Avenue. The modified design concept is also referred to as the *Sunrise Gateway Corridor Concept*.

The NEPA re-evaluation would occur following the preparation and adoption of the Sunrise Gateway Corridor Concept Refinement Plan by Clackamas County, City of Happy Valley, Metro, and ODOT (in consultation with FHWA).

REFINEMENT PLAN

The Refinement Plan will assess and document the functional performance of the Sunrise Gateway Corridor Concept in relation to the safety and mobility needs identified in the Sunrise 2010 FEIS. It will also incorporate feedback from the surrounding community, highway users, and other interested parties through the Sunrise Corridor Community Visioning engagement process, to support the Sunrise Gateway Corridor Concept developed in 2021. The Refinement Plan would also outline the necessary future NEPA efforts needed to implement the Sunrise Gateway Corridor Concept.

Community Engagement and Public Involvement

A key activity under the Sunrise Corridor Community Visioning process is to actively engage a broad range of partners – including both individuals and entities who have participated in past corridor and project planning development efforts as well as residents, businesses and groups likely to be impacted who were not previously involved. The broader outreach effort will help the County review and refine the proposed Sunrise Gateway Corridor Concept developed in 2021.

Traffic Analysis

As a part of the Sunrise Corridor Community Visioning Project, an analysis will be completed that compares 2-lane and 4-lane version of the Sunrise Gateway Corridor Concept design between SE 122nd Avenue and SE 172nd Avenue and the 2010 Final Environmental Impact Statement (2010 FEIS) Phase 2 improvements. This analysis also informs preliminary design refinements of the Sunrise Gateway Corridor Concept design concept to provide clarity of the modified area of potential impact (API) or “project footprint” which consists of the proposed transportation infrastructure geometry and right-of-way needed to accommodate the project.

The result of these efforts will be documented in the Refinement Plan to guide subsequent decisions and outline future NEPA efforts needed to implement the Sunrise Gateway Corridor Concept. Other elements of the Refinement Plan that can inform NEPA re-evaluation include:

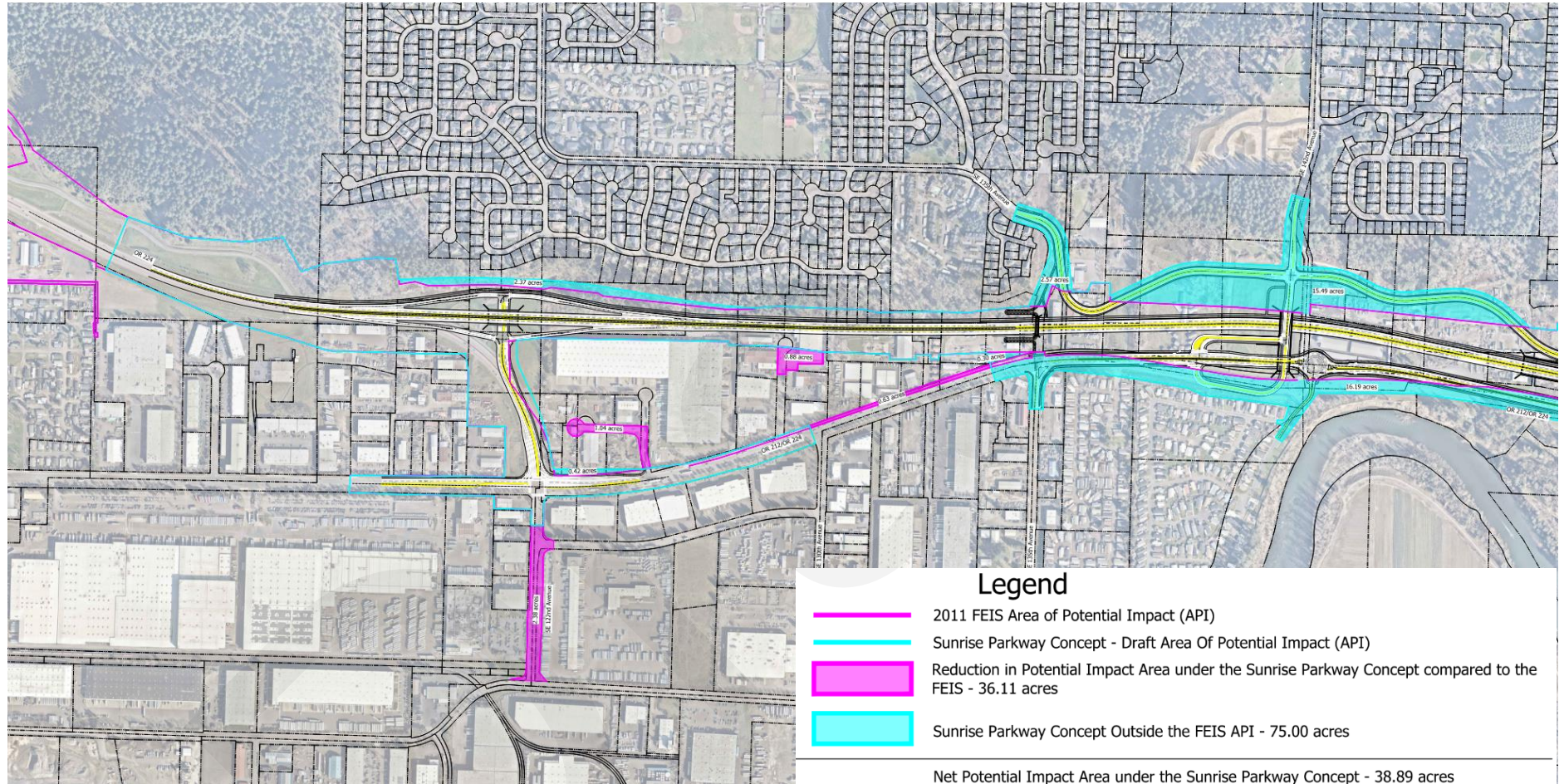
- Changes in existing and forecast regional travel demand and local operations that support the project need (Table 1)

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- Information developed during Sunrise Gateway Corridor Concept planning that could be relevant to re-evaluation and ROD
- Updated state (OTP, OHP), regional (RTP, RMP), and local (County and Happy Valley's Pleasant Valley/North Carver plan) transportation plans and policies
- Changes in local jurisdictional boundaries related to the disincorporation of the City of Damascus (finalized in 2020) and substantial expansion of the City of Happy Valley into the Sunrise Corridor
- Changes in some applicable environmental regulations and policies (Table 2)
- Changes to the proposed project design (i.e., proposed Federal action) that would result in potential new environmental effects beyond the area of potential impact disclosed in the 2010 FEIS (shown on Figure 2 maps with legend on the following pages)

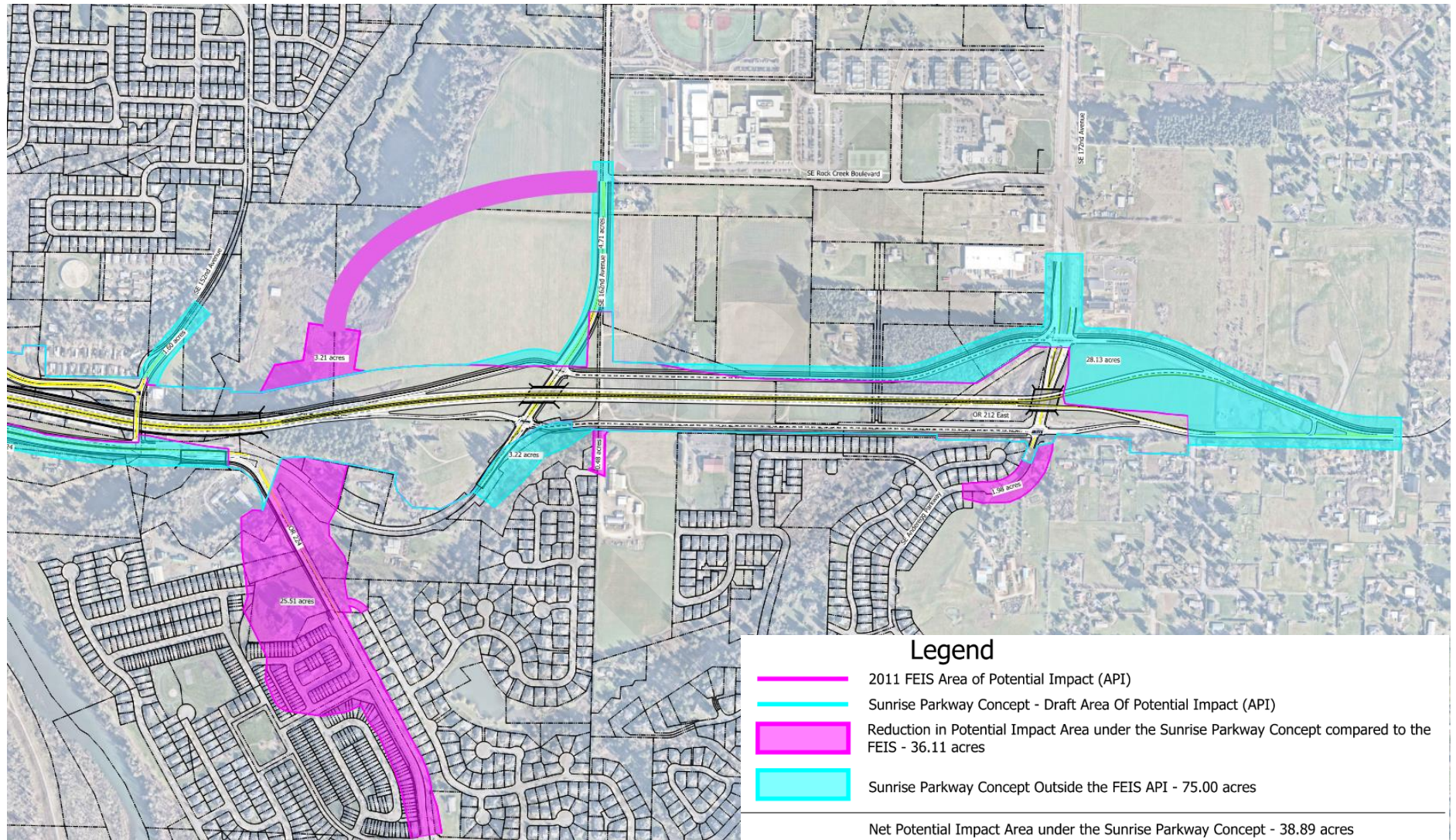
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Figure 2. Current Sunrise Corridor Gateway Concept refinements, compared to Sunrise Project FEIS Design Concept



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Figure 2. Current Sunrise Corridor Gateway Concept refinements, compared to Sunrise Project FEIS Design Concept (continued)



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RE-EVALUATION CONSIDERATIONS

23 CFR 771.129 contains a process for re-evaluating environmental documents or decisions to determine whether the original document or decision remains valid for Federal decision-making and, if not, what additional analysis/documentation is needed. A re-evaluation is required when there is a lapse of three years or more between completion of the FEIS and issuance of the Record of Decision (ROD); there is a lapse of three years or more between the issuance of the ROD and action initiation; there are remaining Federal approvals and a proposed change in an action, affected environment, anticipated impact, applicable requirements, or mitigation measure as they relate to the environmental document or decision.

A re-evaluation is a continuation of the project development process, though it does not necessarily re-open the NEPA decision. However, it does not serve as the supplemental analysis or supplemental documentation under 23 CFR 771.130.

The re-evaluation should be concise and tailored to the project changes and other new circumstances that could affect the validity of the Sunrise Project FEIS and ROD that were issued by the Federal Highway Administration (FHWA). It will need to describe how the impact will be different from what was previously described and determine whether the original environmental decision remains valid.

The need to re-evaluate the NEPA analysis for the Sunrise Gateway Corridor Concept is triggered by the more than three-year lapse of time between implementation of the Phase 1 action in 2016 and substantial changes to the proposed action and affected environment from the 2010 FEIS and 2011 ROD. The project sponsors (ODOT and Clackamas County) will need to request FHWA approval of major steps and the Re-evaluation to advance the Sunrise Gateway Corridor Concept to implementation.

The following tables summarize the components of the 2010 FEIS that are recommended to be addressed through NEPA re-evaluation. Table 1: Re-evaluation Recommendations for the 2010 FEIS Purpose and Need Statements includes potential modifications to the Project Need statement. Table 2: Changes in Circumstances and Re-evaluation Implications for the 2010 FEIS Preferred Alternative includes an overview of the associated 2010 FEIS discipline/resource sections that would or would not need to be addressed in the re-evaluation. An essential factor influencing the re-evaluation is the extent of the modified area of potential impact (API).

The Project Need statement is supported by the 2010 FEIS *Sunrise Project Transportation Technical Report*. The transportation analysis and technical document will need to be updated in the Refinement Plan to support the re-evaluation.

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Table 1: Re-evaluation Recommendations for the 2010 FEIS Purpose and Need Statements

2010 FEIS Purpose and Need Statements	Re-evaluation Recommended Modifications
<p>Project Purpose: The purpose of the proposed Sunrise Project is to effectively address the existing congestion and safety problems in the OR 212/224 corridor between its interchange with I-205 and Rock Creek Junction, and to serve the growing demand for regional travel and access to the state highway system.</p>	<p>The 2010 FEIS Purpose Statement is still applicable and no modifications are needed.</p>
<p>Project Need first bulleted statement: OR 212/224 between I-205 and Rock Creek Junction is currently experiencing unacceptable levels of congestion and delay during the peak travel periods. In 2030, the projected traffic volume will far exceed the volume that the existing four-lane arterial can be expected to handle at an acceptable level of service.</p>	<p>To confirm that the needs are still valid or if they have substantively changed, this Project Need statement and corresponding footnotes that refer to the 2010 FEIS <i>Sunrise Project Transportation Technical Report</i> will need to be updated to reflect current, build year (2030) and forecast year (2045) analysis and evaluated to determine whether the need still exists or has substantively changed. The draft Future Conditions Memorandum #4.4 prepared as part of the Sunrise Corridor Community Visioning project and to support the Sunrise Gateway Corridor Concept Refinement Plan confirmed the following:</p> <p>First Bullet Need – Still Applicable: OR-212/OR-224 is projected to exceed mobility targets in the 2045 forecast year at SE 122nd Avenue, SE 135th Avenue, SE 142nd Avenue, SE 152nd Avenue, Rock Creek Junction, and SE 172nd Avenue (all over capacity vs. the mobility targets of 0.99 at signalized intersections).</p>
<p>Project Need second bulleted statement: By 2030, the numbers of households and jobs in the area served by this section of OR 212/224 are expected to increase by 136 percent and 85 percent, respectively.</p>	<p>Second Bullet Need – Still Applicable: The 2045 model forecasts an increase of 37% in households and 23% in jobs, like the 2020 model.</p>
<p>Project Need third bulleted statement: Both the northbound and southbound weave sections of I-205 between SE 82nd Avenue and OR 212/224 are approaching capacity, resulting in frequent stop-and-go movements, difficulty in changing lanes, and long queues forming because of minor incidents. By the year 2015, this section of I-205 will exceed its design capacity, and the length of these stop-and-go movements will continue to grow if no action is taken. Traffic traveling on the Milwaukie Expressway (OR 212) heading east on OR 212/224, as well as the reverse direction, must either use the above section of I-205 or the currently congested SE 82nd Drive.</p>	<p>Third Bullet Need – Partially Addressed through Phase 1 implemented in 2016: The Sunrise Gateway Corridor Concept Refinement Plan is not proposing any changes west of SE 122nd Avenue.</p>

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2010 FEIS Purpose and Need Statements	Re-evaluation Recommended Modifications
<p>Project Need fourth bulleted statement: OR 212/224 near I-205 is ranked in the top 10 percent of state routes for vehicle crash rate. Over 500 vehicle collisions [between I-205 and Rock Creek Junction] were reported for this area during the five-year period of 1998 through 2002. The high crash rate is attributed to severe congestion and roadway deficiencies. Inadequate bicycle and pedestrian facilities reduce the safety and connectivity for these modes of travel in the project area.</p>	<p>Fourth Bullet Need – Partially Addressed through Phase 1 implemented in 2016: The Sunrise Gateway Corridor Concept Refinement Plan is not proposing any changes west of SE 122nd Avenue.</p>
<p>Project Need fifth (last) bulleted statement: OR 212/224 is designated as a statewide and regional freight route, with 12 percent of the traffic on the project section of this highway being trucks. OR 212/224 serves the Clackamas Industrial Area, which is a major freight distribution center for the Northwest. This area is expected to nearly double its employment by the year 2015. Long delays are currently reported for trucks accessing I-205 from the distribution center.</p>	<p>Fifth Bullet Need – Still Applicable: The corridor currently supports 5% trucks and employment is anticipated to increase 23% by year 2045.</p>

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Table 2: Changes in Circumstances and Re-evaluation Implications for the 2010 FEIS Preferred Alternative

Discipline /Resource (in order per 2010 FEIS)	Affected Environment changes: Legal/Regulatory/Policies				Affected Environment changes: Existing/Baseline Conditions	Environmental Consequences	Mitigation
	Federal	State	Region	County			
Transportation	No	Yes	Yes	Yes	Oregon Transportation Plan	Update if needed for impacts beyond FEIS API	No action anticipated
					Oregon Highway Plan (update pending)	Update if needed for impacts beyond FEIS API	No action anticipated
					Transportation Planning Rule	Update if needed for impacts beyond FEIS API	No major effects anticipated
					2023 Metro Regional Transportation Plan	Update if needed for impacts beyond FEIS API	No major effects anticipated
					Metro Regional Mobility Policy	Update if needed for impacts beyond FEIS API	No action anticipated
					Happy Valley's Pleasant Valley/ North Carver Comprehensive Plan	Update if needed for impacts beyond FEIS API	No major effects anticipated
					Clackamas County's Damascus Mobility Plan	Update if needed for impacts beyond FEIS API	No major effects anticipated
					Sunrise Gateway Corridor Concept Refinement	Update if needed for impacts beyond FEIS API	No major effects anticipated
Land Use	No	Yes	Yes	Yes	Damascus disincorporation City of Happy Valley annexation HV/North Carver Plan	Incorporated into 2045 model. Update if needed for impacts beyond 2010 FEIS API	

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Discipline /Resource (in order per 2010 FEIS)	Affected Environment changes: Legal/Regulatory/Policies				Affected Environment changes: Existing/Baseline Conditions	Environmental Consequences	Mitigation
	Federal	State	Region	County			
Parks & Recreation	No						
Business & Communities	No				Refine Sunrise Gateway Corridor Concept preliminary design to verify and document needed ROW acquisitions for properties beyond 2010 FEIS API	Update if needed for impacts beyond 2010 FEIS API	
Environmental Justice	Yes	Not EJ, but policies for diversity and equity			Update relevant EJ data for affected communities, and Incorporate information on public/stakeholder engagement plan and process	Update if needed for impacts beyond 2010 FEIS API	No major effects anticipated
Visual	No				Update relevant visual context for affected areas outside 2010 FEIS API	Update if needed for impacts beyond 2010 FEIS API	No action anticipated
Noise	No				Update relevant noise context for affected sensitive receptors/areas outside 2010 FEIS API	Update if needed for impacts beyond 2010 FEIS API	No action anticipated
Air Quality	Yes	Yes	Yes	NA			
Energy	Yes	Yes	Yes	Yes	Update context	Effects reduced	No action anticipated
Greenhouse Gas	Yes	Yes	Yes	Yes	Update context	Effects reduced	No action anticipated
Biology	Yes	Yes	NA		Federal and State protected species updates as of March 2024 at	Document ORBIC and needed field inventory and ODFW consultation	If needed, ID mitigation

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Discipline /Resource (in order per 2010 FEIS)	Affected Environment changes: Legal/Regulatory/Policies				Affected Environment changes: Existing/Baseline Conditions	Environmental Consequences	Mitigation
	Federal	State	Region	County			
					https://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp Obtain ORBIC data for revised API	results in potential effects	
Wetlands	Yes (Sackett V. EPA 2023 decision changes federally regulated wetlands and waters – also affecting state and other wetland determinations)				Determination in new API	Confirmation of impacts, mitigation and permitting TBD in Re-evaluation Report	
Geology & Soils	No				Update relevant G&S context for affected areas outside 2010 FEIS API	Update if needed for impacts beyond 2010 FEIS API	No action anticipated
Cultural Resources	No	No	No		Need Area of Potential Effect (APE) studies including portion of APE within 2010 FEIS API for potential cultural resources since 2010	Update if needed for effects beyond 2010 FEIS API	No action anticipated
Hazardous Materials	No				Conduct updated data search of applicable Federal, State, and County agency data	Update if needed for impacts beyond 2010 FEIS API	
Utilities	No				Update relevant utilities inventory for affected areas outside 2010 FEIS API	Update if needed for impacts beyond FEIS 2010 API	

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