



February 22, 2006

Gail Brooks  
U.S. Institute for Environmental Conflict Resolution  
130 South Scott Avenue  
Tucson, AZ 85701

RE: Florence-Eugene Highway Project SOQ

Dear Gail Brooks:

I have received a copy of the attached Statement of Qualifications (SOQ) and find myself confused. The SOQ, as written, could lead to the selection of the wrong candidate. I believe there are issues and concerns that need to be answered prior to moving forward. They are:

1. The date of SOQ notice is February 21, 2006; however, the deadline per the last page is February 13, 2006. Does this mean the candidates were pre-selected from some other list or method?
2. Referenced SOQ assessment of the West Eugene Parkway project is called a controversy. Who defined it as a controversy when 62 percent of the voters directed the community to not look at any other alternatives? Is this new process design to give the vocal objecting minority a greater voice in hope of preventing the West Eugene Parkway's construction?
3. To what degree are the BLM and the US Corps of Engineers involved in the process? What does the term "... have agreed, ... to support an assessment ..." mean? Are they really stakeholders, or are they agencies like the City and LCOG who provide background information about local transportation goals and planning policy, wetlands, habitat, etc. Should not City and LCOG staff fall within the same category of providing background information?
4. The SOQ enumerates two tasks (however, three are stated).
  - Background research and stakeholder interviews
  - Facilitate one meeting (maybe)
  - Write an assessment report (draft and final?)

Letter from Larry E. Reed  
RE: Florence-Eugene Highway Project SOQ  
February 22, 2006  
Page 2

- a. Are there standards and methods of evaluation (MOEs) of such conflict assessments? What are they?
  - b. How is or who determines if a "... maybe be useful" meeting is held? Who comes to and who participates in this meeting? Just the stakeholders? With or without a meeting, how is the SOQ outline process of interviews a "collaborative process"?
5. The desired qualifications in Item #4 are not realistic. The term "no familiarity with . . . , including stakeholders . . ." does not seem possible nor desirable.
- If the candidates are to have the right experience, shouldn't they be familiar with Federal Highway Administration, Oregon Department of Transportation, Bureau of Land Management, the U.S. Corps of Engineers policies, procedures, etc.
  - The desired qualifications are written in a manner that gives greater weight to environmental issues than transportation needs.
  - Sounds like the successful SOQ candidate is more like a judge.

The process was described as a collaborative process. Collaboration is defined as a working together; action of working together with one or more people (assume stakeholders) in order to achieve something; action of aiding or cooperating toward the same goal. The chosen candidate will provide another type of review process, but collaboration it is not! Further, it is not clear to me how this process is better or that much different than the regular scheduled public hearing, except it is weighted toward environmental issues.

I believe these SOQ errors should be addressed prior to any contract.

Yours truly,



Larry E. Reed  
Principal, Land Use Planner

Attachment: Copy of SOQ with referenced notes

Letter from Larry E. Reed  
RE: Florence-Eugene Highway Project SOQ  
February 22, 2006  
Page 3

cc: Metro Policy Committee (MPC)  
c/o Lane Council of Governments  
99 East Broadway, Suite 400  
Eugene, OR 97401

Jeff Scheick, P.E.  
Region Manager, Northwest Region  
Oregon Department of Transportation  
455 Airport Road SE, Building B  
Salem, OR 97301-5395

Jane Lee  
Area Manager, Lane County Region 2  
Oregon Department of Transportation  
644 "A" Street  
Springfield, OR 97477



130 South Scott Avenue, Tucson, Arizona 85701  
 Telephone: 520.670.5299 Fax: 520.670.5530  
 Website: www.ecr.gov

February 21, 2006

NOTE #1

Re: Interest in Assessing the *West 11<sup>th</sup> Street – Garfield Street, Florence-Eugene Highway Project* Controversy

?? NOTE #2

Dear Candidate:

The U.S. Institute for Environmental Conflict Resolution is requesting expressions of interest and statements of qualifications from members of the Transportation Roster in Western States to conduct a conflict assessment of a transportation controversy in Eugene, Oregon.

Project Background and Description

The *West 11<sup>th</sup> Street – Garfield Street, Florence-Eugene Highway Project* is intended to improve connectivity, relieve congestion, improve safety, support land use and environmental goals, and in other ways enhance the transportation system in West Eugene, Oregon. The project has been under consideration for over two decades, and is now in the final stages of NEPA review. Several community groups have opposed the preferred alternative, known as the West Eugene Parkway, based on environmental and other grounds, arguing that other, less environmentally damaging alternatives could possibly satisfy the project's purpose and need. Other stakeholders are frustrated with the slow pace of project development and review. Recently, the Mayor and City Manager of Eugene requested that stakeholders be given another opportunity to discuss the proposed project before the NEPA process is completed. FHWA and the Oregon Department of Transportation have agreed together with the City of Eugene, to support an assessment of the situation/conflict. The Bureau of Land Management/U.S. Department of the Interior and the U.S. Army Corps of Engineers are cooperating agencies in the preparation of the Environmental Impact Statement and are also participating in planning the assessment.

?  
 } NOTE #3

Tasks and Schedule

Once an assessor/facilitator is selected, the anticipated schedule of tasks is as shown below:

Task	DATES
① Conduct a focused conflict assessment (background research and stakeholder interviews) to determine the nature of the controversy, what actions stakeholders would like to see taken to address it. ② Prepare and deliver an assessment report.	March 1 – April 7, 2006
③ As may be useful, facilitate one meeting to discuss the assessment report	Mid April 2006

DRAFT?

FINAL REPORT

NOTE #4  
 ? ONLY 2 TASKS LISTED

Level of Effort

A total level of effort of 80-100 professional staff hours is anticipated.

SEEMS HIGH FOR LENGTH OF TIME AND TASKS ?

Desired Qualifications

The desired facilitator/mediator will have:

- 1) experience conducting situation/conflict assessments (especially where the issues are highly complex) and designing stakeholder processes;
- 2) substantial experience and expertise as a neutral with complex, multi-party conflicts involving transportation projects and diverse environmental issues, including wetlands and endangered species;
- 3) familiarity with urban/rural connectivity and limited access transportation issues;
- 4) no familiarity with the subject conflict, including stakeholders and conflict-specific issues. #5

Interested candidates should provide the following information and demonstration of qualifications. **Please limit your responses to no more than 5 pages using a font size of 12.**

**Information Required in Response to Letter of Interest**  
**Customize your response to the desired qualifications listed above**

- Descriptions of your three most relevant cases. Include the:
  - number and types of parties
  - number of hours spent on the project
  - specific issues addressed
  - your specific involvement
  - the use and importance of the situation/conflict assessment
  - the resulting outcomes
- Contact information for a reference for each of the above described cases.
- A description of any specific skills, expertise, qualifications or experiences that will enhance your work on this project.
- A statement regarding your availability for this project between March and June 2006.
- A description of any limitations of which the U.S. Institute should be aware.

**Submit Information to:**

Gail Brooks  
U.S. Institute for Environmental Conflict Resolution  
130 South Scott Ave.  
Tucson, AZ 85701  
Phone: (520) 670-5299, ext. 47  
Fax: (520) 670-5530  
Email: Brooks@ecr.gov

Submittals by mail, fax, or email are permissible. Note: e-mail response are encouraged; include in the subject heading of your email message: "W. Eugene Parkway Response".

**The deadline for receipt of responses is: 5 pm MST, Monday February 13, 2006**

Sincerely,

Dale Keyes, Senior Program Manager



February 22, 2006

Elaine M. Brong, State Director  
Bureau of Land Management  
333 Southwest First Avenue  
Portland, OR 97204

RE: West Eugene Parkway

Dear Ms. Brong:

I am not sure to whom this letter should be addressed. Several weeks ago in a meeting with Senator Ron Wyden, I raised the following issue and thought possibly a meeting with BLM would be forthcoming. It has not. I am concerned about BLM's having taken sides on the West Eugene Parkway, a project identified in the Metropolitan Planning Organization's listing of projects. This statement is based upon the following.

- In 1992 the West Eugene Parkway Wetlands Special Area Study showed the route of the West Eugene Parkway along the south side of the railroad line (see attached colored map – areas in red along the south side of the Southern Pacific Railroad line).
- The location of the West Eugene Parkway was later moved to the north side of the railroad line for reasons that centered on the south side having higher quality wetlands, with the north side, being lower quality agricultural wetlands.
- This change was documented in BLM's July 5, 1998 map, entitled "Amazon Creek Wetlands Section 1135 Project". According to this BLM project map, no wetlands restoration was to be done within 250 feet of the railroad line (see attached BLM map).

It is my understanding that wetland enhancement/ mitigation has, and continues to be, done in this 250 foot set-back area.

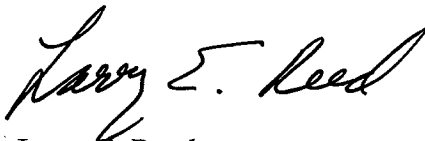
To repeat, BLM has taken sides by ignoring their own instructions to not do any wetland enhancement within the 250 feet along the north side of the railroad and, secondly, these enhancements are identified in BLM environmental studies as now being important wetland areas.

I am very concerned about BLM's conduct. Please look into this matter and advise me and the Metropolitan Planning Organization why the BLM did wetlands restoration in the path of the West Eugene Parkway north of the railroad line,

In addition, I have heard rumors that BLM is looking for any excuse to not be a party to any future lawsuit. Further, one way to do just that is, as part of the environmental review process, to find that the affected wetlands are too important and, therefore, leave it to the Federal Highway Administration/ ODOT to go it alone. I would like to remind the BLM public policy should not be decided based upon a fear of lawsuits. To do so means that policy will now be formed through the threat of lawsuits by the opposition, as opposed to upon its merits.

Please respond to this matter as soon as possible.

Yours truly,



Larry E. Reed  
Principal, Land Use Planner

cc: Gordon Smith, U.S. Senator  
Federal Building, Room 202 - 211 East 7<sup>th</sup> Avenue - Eugene, OR 97401

Ron Wyden, U.S. Senator  
Eugene Office - 151 West 7<sup>th</sup>, Suite 435 - Eugene, OR 97401

Peter DeFazio, U.S. Representative  
4<sup>th</sup> Congressional District  
Eugene Office - 151 West 7<sup>th</sup>, Suite 400 - Eugene, OR 97401

BLM Upper Willamette District  
2890 Chad Drive - P.O. Box 10226 - Eugene, OR 97440

Metro Policy Committee (MPC)  
c/o LCOG - 99 East Broadway, Suite 400 - Eugene, OR 97401

City of Eugene – Mayor and City Council  
777 Pearl Street, Room 105 - Eugene, OR 97401

City of Springfield – Mayor and City Council  
225 Fifth Street – Springfield, OR 97477

Lane Transit District Board of Directors  
P.O. Box 7070 – Eugene, OR 97401

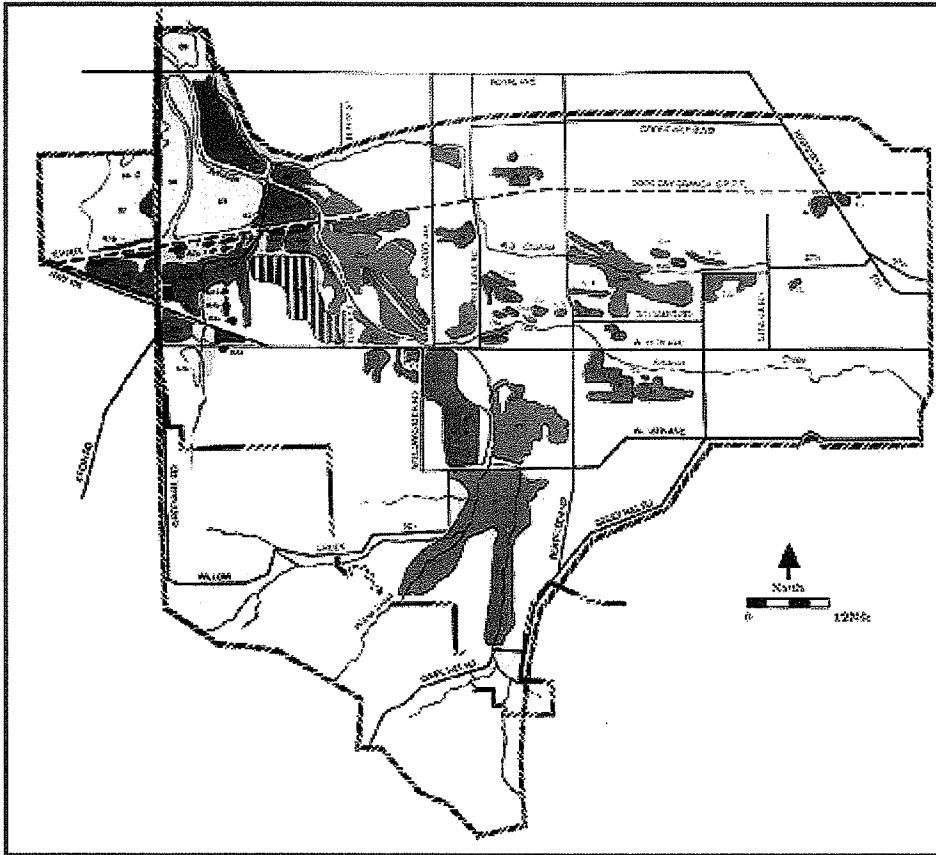
Lane County Board of Commissioners  
125 East Eighth Avenue – Eugene, OR 97401

City of Veneta – Mayor and City Council  
88184 Eighth – Veneta, OR 97487










City of Coburg – Mayor and City Council  
P.O. Box 8316 – Coburg, OR 97408

# Map 3

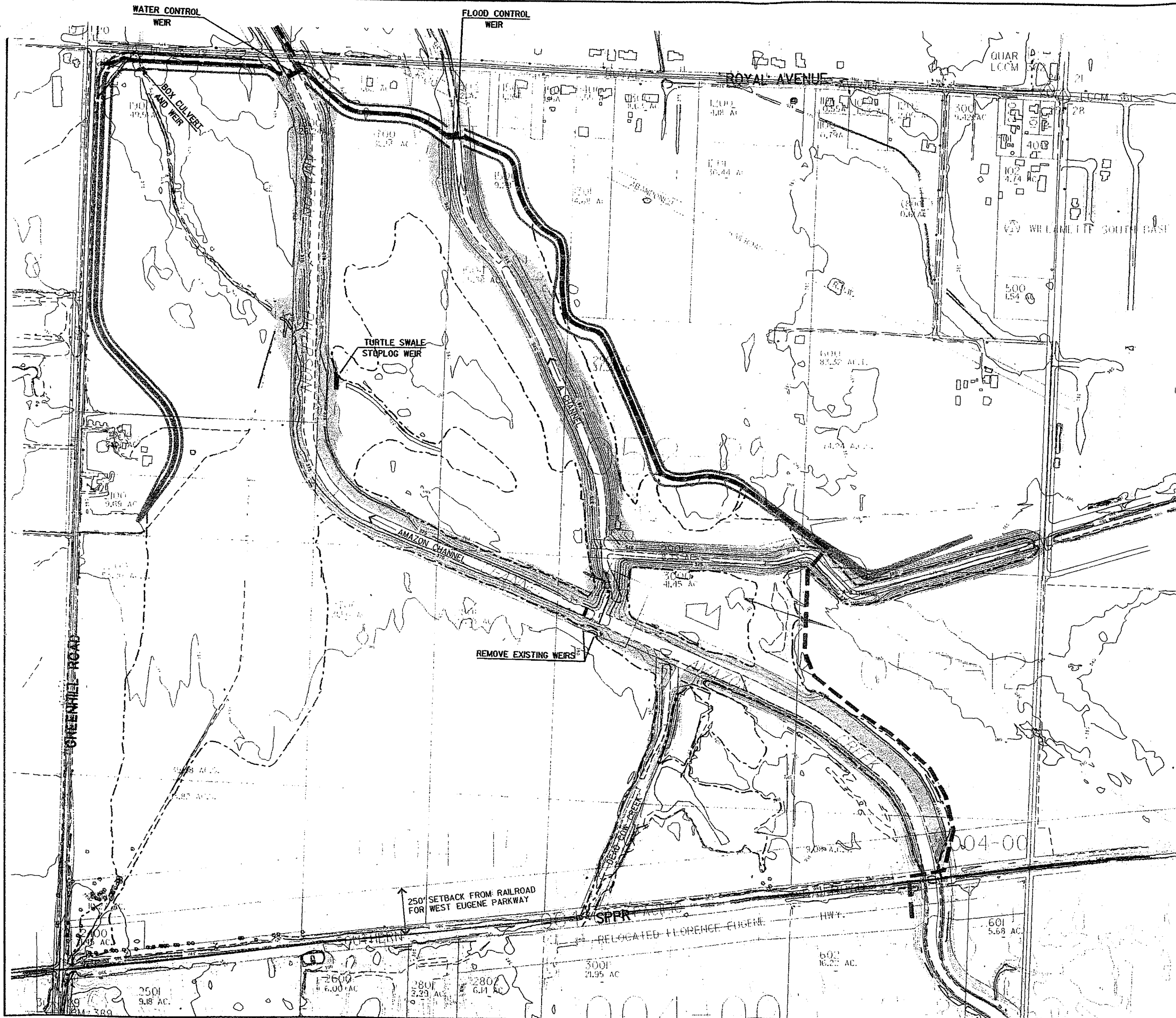
## M03: Wetlands Recommendations (WEWSAS)







### Map 3 Wetlands Recommendations

- |   |   |   |   |
|---|---|---|---|
|  | Wetlands to be Protected ( <i>Areas generally unsuitable for disposal of dredged or fill material</i> ) |                                  | Boundary of Regulated Wetland with Site Identification Number |
|  | Wetlands to be Developed ( <i>Possible future disposal sites for dredged or fill material</i> )         |                                  | Berm and Furrow Wetland Delineation                           |
|  | Wetlands to be Enhanced for Mitigation Credit   |                                  | Urban Growth Boundary   |
|  | Upland Mitigation Sites   |                                  | Study Area Boundary   |
|  | Streams to be Protected   | * Wetlands identified using the off-site methodology which are potentially regulated wetlands under further review. |   |

West Eugene Wetlands Special Area Study, 1992



**LEGEND**

-  LEVEE REMOVAL / CHANNEL RESTORATION
-  RELOCATED LEVEE
-  PROPOSED FUTURE LOCATION OF BIKE PATH (BY OTHERS)
-  TWO YEAR FLOOD LINE WITH PROJECT

NOT TO SCALE

**AMAZON CREEK WETLAND SECTION II35 PROJECT**

**COMPREHENSIVE PLAN  
(LOCAL SPONSOR PREFERRED)  
PROJECT MODIFICATIONS**

**FIGURE A**