

**SALEM-KEIZER TRANSIT**



Photo courtesy of Ron Cooper

# Keizer Transit Center

## **Finding of No Significant Impact (FONSI) and Other Determinations of Environmental Compliance**

**February 2010**

**Issuing Agency:  
Federal Transit Administration**



U.S. Department  
of Transportation  
Federal Transit Administration





U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION X  
Alaska, Idaho, Oregon,  
Washington

915 Second Avenue  
Federal Bldg. Suite 3142  
Seattle, WA 98174-1002  
206-220-7954  
206-220-7959 (fax)

February 4, 2010

Alan Pollock  
General Manager  
Salem Area Mass Transit District  
555 Court Street NE, Suite 5230  
Salem, Oregon 97301-3908

Re: Keizer Transit Center Project Finding of No Significant Impact (FONSI)

Dear Mr. Pollock:

The Federal Transit Administration (FTA) has completed its review of the National Environmental Policy Act (NEPA) Environmental Assessment (EA), December 2009, for the Keizer Transit Center project. Based on our review, FTA has issued a Finding of No Significant Impact (FONSI) for the project. A copy of the FONSI is enclosed.

The FONSI, EA, and all related supporting materials should be made available to the public, with notice of availability published in one or more newspapers of general circulation. Notice of FONSI availability should also be sent to the agencies on the EA circulation list. Please note that if a construction grant is approved for this project, the standard terms and conditions of the FTA grant contract will require the grantee to undertake all environmental mitigation measures identified in Appendix A of the FONSI.

Thank you for complying with NEPA. Please contact Annette Le at (206) 220-4461 should you have additional questions or concerns.

Sincerely,

R. F. Krochalis  
Regional Administrator

Enclosure

cc:

Steve Dickey, Transportation Development Director, [DickeyS@Cherriots.org](mailto:DickeyS@Cherriots.org)  
Sharon Kelly, Senior Transportation Project Manager, URS Corp., [Sharon\\_Kelly@URSCorp.com](mailto:Sharon_Kelly@URSCorp.com)



**Keizer Transit Center Project  
City of Keizer, Marion County, Oregon  
Finding of No Significant Impact (FONSI)**

**by the**

**U.S. Department of Transportation**

**Federal Transit Administration**

The Federal Transit Administration (FTA) has determined, in accordance with 23 CFR §771.121, that the proposed Keizer Transit Center Project will have no significant adverse impacts on the environment.

This Finding of No Significant Impact (FONSI) is based on the Keizer Transit Center Environmental Assessment (EA), issued in December 2009 and incorporated by reference, other documents and attachments as itemized in this FONSI and the findings herein. The EA and these other documents have been independently evaluated by the FTA and determined to accurately discuss the project purpose, need, environmental issues, impacts of the proposed project, and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.



*for*  
R. F. Krochalis  
Region 10 Administrator  
Federal Transit Administration

Date 4 February 2010



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**FEDERAL TRANSIT ADMINISTRATION  
REGION 10**

**Finding of No Significant Impact  
And Other Determinations of Environmental Compliance**

**Keizer Transit Center Project  
Salem Area Mass Transit District (SAMTD) also known as Salem-Keizer Transit (SKT)  
Keizer, Marion County, Oregon**

**1. Introduction**

This document provides basis for the determination of the Finding of No Significant Impact (FONSI) and other determinations of environmental compliance for the Keizer Transit Center Project proposed by Salem Area Mass Transit District (SAMTD). SAMTD is also known as Salem-Keizer Transit (SKT), and operates the “Cherriots” bus system in the Salem-Keizer urban area in Oregon. These determinations are made in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332 et seq.) as amended. Appendix A: Mitigation Commitments contains commitments that are part of the project design and mitigation measures to which SAMTD commits to be completed.

**2. Description of the Proposed Project**

The proposed Keizer Transit Center is envisioned as one node in a multi-nodal transit network for the Salem-Keizer urban area. The Keizer Transit Center is proposed to be located in the southwestern portion of the Keizer Station mixed-use development, near the northeast corner of Chemawa Road and Keizer Station Boulevard, approximately 1,000 feet west of Interstate 5 and immediately adjacent to the Burlington Northern Santa Fe (BNSF) Railway line. The transit center would be served by buses serving multiple destinations in the Salem-Keizer area and, potentially, an extension of commuter rail service on the BNSF line serving several urban areas in the Willamette Valley including a connection between the Salem-Keizer area and Portland. It will be a hub for transit service in Keizer.

The proposed transit center facility will accommodate transfers between bus routes and other modes and facilitate pedestrian and bicycle access to the Keizer Station mixed-use area. The facility will include off-street bus bays (8-10 bays total), an approximately 70 space park-and-ride lot, a passenger plaza and sheltered waiting areas, transit information kiosks, operator break facilities and restrooms, an auto drop-off/pick-up area, and bicycle storage; public art is also anticipated. Amenities in the future are planned to include a customer service information counter, an enclosed, lighted and heated passenger waiting area with public restrooms and a small leasable retail space.

The Keizer Transit Center Project is planned to be completed by the end of 2012.

### 3. Project Development, Agency Coordination and Public Involvement and Comment

Transportation and land use planning efforts conducted at both the local and regional level in the Salem-Keizer area have called for additional investment in alternative forms of transportation including transit, bicycle and pedestrian facilities. The goal is to move toward a more balanced transportation system that offers alternatives to the continued growth in automobile trips in the Salem-Keizer urban area and larger Willamette Valley region.

Salem-Keizer Transit (SKT)<sup>1</sup> has collaborated with the City of Keizer, the City of Salem, the Mid-Willamette Valley Council of Governments (MWVCOG), Marion County and the Oregon Department of Transportation (ODOT) to advance the Salem-Keizer Transit System Redesign generally, and specifically on identification of a site for a new transit center in the northern portion of the transit district.

The agency's *Strategic Business Plan*, adopted in October 2004, specifically identified the need to develop a system of more efficient and effective local and regional transit services. A central feature of the business plan was the development of multiple transit centers outside of downtown Salem that, together with the recently completed downtown Salem transit center, would serve as focal points for the community's transit services. The business plan targeted Keizer and south Salem area as the next two areas where transit centers should be developed. An SKT transit center siting study, initiated in summer 2007, concluded with a recommendation for a specific site (designated Site B1) for the transit center within the Keizer Station commercial district at Chemawa Road NE, Keizer Station Boulevard NE and the BNSF Railway line.

The proposed transit center responds to these previous studies and an extensive site identification and evaluation process. SKT collaborated with the City of Keizer and the Oregon Department of Transportation (ODOT) to advance the Keizer Transit Center project.

The site selection process has included an extensive public outreach and information process, including open houses and outreach to businesses, property owners and residents in the area. Public and business outreach has included:

- A. Six project-specific public meetings in Keizer between August 2007 and July 2009 as described below:
  - Two public meetings in August and September of 2007 to review project objectives, collect public input on candidate site locations and evaluation criteria and to gain a stronger understanding of community interests and priorities relative to the project.
  - A public meeting in March 2008 to review the initial screening of candidate sites.
  - A public meeting in March 2009 to review a detailed evaluation of the candidate sites.
  - Two public open houses in June and July of 2009 to review a detailed evaluation of candidate sites in the Keizer Station area that better responded to both the suggestions

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<sup>1</sup> The formal name of SKT is the Salem Area Mass Transit District (SAMTD)

and concerns of Keizer residents and the transit district's new Strategic Transit System Re-Design.

- B. Six transit district board meetings or work sessions related to the Keizer Transit Center Siting Study from September 2007 through July 2009.
- C. Project outreach mailers and informational flyers distributed to a wide range of community members, businesses and residents in Keizer for each public event. All notices included project background information as well as meeting times, locations and purpose. Recipients were provided several ways to participate (phone, mail, email or attending a public meeting).
- D. Posters were hung in all Cherriots buses and several prominent Keizer locations on two occasions providing project information and meeting times, locations and purposes.
- E. Two door-to-door outreach efforts to inform property owners and tenants of the project and the site selection process.
- F. Press releases were provided to two local papers regarding the project and the site selection process.
- G. An online survey was conducted prior to each of the 2009 public meetings to which 50 individuals participated.
- H. Notices for SKT Board Meetings at which the transit center project was an agenda item were advertised using the transit district's standard procedure for board meetings.

After the July 14, 2009, open house and recommendations from the consultant team and transit district senior staff regarding the preferred site, the SKT Board adopted Site B1 as the preferred site for the transit center and directed staff to initiate environmental work for the project at that location. Subsequently, letters of support for selecting the proposed site were provided from the following agencies:

- The Mayor of the City of Keizer
- The Community Development Director from the City of Keizer
- The Oregon Department of Transportation

Copies of these letters are in Appendix A of the Environmental Assessment.

The Keizer Transit Center Environmental Assessment was prepared by SKT staff and URS Consultants. The EA was reviewed and approved by FTA and released for agency and public review on December 29, 2009. SKT made copies of the EA, the Executive Summary and the EA appendices available to agencies and the public through a variety of means, including:

- Emailing notice to the individuals, businesses and other interested parties that had attended one or more of the project meetings or open houses) or had expressed interest in the project in some other way) with information on how to view or receive a copy of the document. More than 205 individuals, businesses and other interested parties were either sent an email or the postcard regarding document availability.

- Providing a newspaper notice advertisement on the availability of the environmental assessment on Wednesday, December 30, 2009, in the *Statesman Journal* and on Friday, January 1, 2010, in the *KeizerTimes*. The advertisements are shown below.

OREGON    Wednesday, December 30, 2009  
 Statesman Journal

## Notice of Environmental Assessment Availability

# Keizer Transit Center Project

**NOTICE IS HEREBY GIVEN** that the hard copies of both the executive summary and the entire Environmental Assessment (EA) for the Keizer Transit Center will be available for public inspection through January 29, 2010 at the following locations:

- **Salem-Keizer Transit**, 555 Court St. NE, Ste. 5230, Salem, OR 97301-3980
- **City of Keizer**, 930 Chemawa Rd. NE, Keizer, OR 97303-3716
- **Keizer Library**, 980 Chemawa Rd. NE, Keizer, OR 97303-3716

The EA as well as other project-related information is also available on the Salem-Keizer Transit website: <http://www.cherriots.org>.

**Comments pertaining to the Keizer Transit Center EA must be received by 5 p.m. Pacific Standard Time on January 29, 2010.**


**Submit comments to:**

- **Mail:** Stephen Dickey, Keizer Transit Center Comments, Salem-Keizer Transit, 555 Court St. NE, Ste. 5230, Salem, OR 97301-3980
- **E-mail:** [dickeys@cherriots.org](mailto:dickeys@cherriots.org)
- **Fax:** (503)566-3933

Submit questions or special needs requests to Stephen Dickey by using one of the options listed above. Type "Question (Special Needs Request) on Keizer Transit Center Environmental Assessment" in the e-mail/letter/fax subject line.

Salem-Keizer Transit is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives.

*Se les recomienda a las personas que necesiten un intérprete o arreglos especiales que llamen al (503)588-2877.*



**Cherriots**  
SALEM-KEIZER TRANSIT

Notice advertising availability of the environmental assessment on Wednesday, December 30, 2009, in the *Statesman Journal* newspaper.

**Notice of Environmental Assessment Availability**  
**Keizer Transit Center Project**

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- Mail: Stephen Dickey, Keizer Transit Center Comments  
Salem-Keizer Transit, 555 Court St. N.E., Ste 5230, Salem, OR 97301-3980
- E-mail: [dickeys@cherriots.org](mailto:dickeys@cherriots.org)
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Ses les recomienda a las personas que necesiten un intérprete o arreglos especiales que llamen at (503) 588-2877.



**Cherriots**  
SALEM-KEIZER TRANSIT

Friday, January 1, 2010, in the *KeizerTimes* newspaper.

- Mailing a post card to people on the project mailing list, announcing availability of the document and providing information on how to view or receive a copy. The postcard notice is shown below. More than 205 individuals, businesses and other interested parties were either sent an email or the postcard regarding document availability.

Notice of Environmental Assessment Availability  
**Keizer Transit Center Project**

NOTICE IS HEREBY GIVEN that the hard copies of both the executive summary and the entire Environmental Assessment (EA) for the Keizer Transit Center will be available for public inspection through January 29, 2010 at the following locations:

- Salem-Keizer Transit, 555 Court St. N.E. Ste 5230, Salem, OR 97301-3980
- City of Keizer, 930 Chemawa Rd. N.E., Keizer, OR 97303-3716
- Keizer Library, 980 Chemawa Rd. N.E., Keizer, OR 97303-3716

The EA as well as other project-related information is also available on the Salem-Keizer Transit website:  
<http://www.cherriots.org>.

Comments pertaining to the Keizer Transit Center EA must be received by 5 p.m. Pacific Standard Time on January 29, 2010. Submit comments to:

- Mail: Stephen Dickey, Keizer Transit Center Comments  
Salem-Keizer Transit, 555 Court St. N.E., Ste 5230, Salem, OR 97301-3980
- E-mail: [dickeys@cherriots.org](mailto:dickeys@cherriots.org)
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Salem-Keizer Transit is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and derivatives.

Ses les recomienda a las personas que necesiten un intérprete o arreglos especiales que llamen at (503) 588-2877.



Postcard announcing availability of the environmental assessment.

- Posting a notice of availability of the EA, the EA appendices and the Executive Summary of the EA on the project web page at:

<http://www.cherriots.org>



SKT webpage link to the environmental assessment documents.

- Providing hard copies of the document for public review at the several locations, including:
  - **Salem-Keizer Transit**, 555 Court Street NE, Suite 5230, Salem, OR 97301  
Available at the front desk 8:00 am-5:00 pm.
  - **Keizer City Hall**, 930 Chemawa Road NE, Keizer, OR 97303  
Building Permit Counter in Main Lobby  
8:00 am-12:30 pm and 1:00 pm-4:30 pm, Monday-Friday.
  - **Keizer Community Library**, 980 Chemawa Road NE, Keizer, OR 97303  
Third floor reference desk  
Monday- Friday 1 pm-4 pm; Monday 5 pm-8 pm; Saturday 10 am-4 pm.

Chapter 5 of the Keizer Transit Center EA: Public Involvement and Agency Coordination, further documents the public and agency involvement processes undertaken to engage and inform the public and agencies about the transit center siting study and proposed project.

On Sunday January 24, 2010, the last week of the public comment period, the *Statesman Journal* published an article about the Keizer Transit Center Environmental Assessment and reminded the public of the impending end to the public comment period. The article is below:

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**StatesmanJournal**  
SALEM, OREGON
<http://www.StatesmanJournal.com>

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## Deadline for comment on transit center is Friday

January 24, 2010

The public still has time to comment on the proposed Keizer transit center.

Comments on the project and an environmental assessment report completed in December must be submitted to Salem Area Mass Transit by Friday.

The Keizer transit project is expected to be built by early summer 2011 and will include a parking bay for eight to 10 buses and a park-and-ride lot.

The proposed site is an undeveloped portion of Keizer Station north of Chemawa Road NE and west of the railroad tracks.

Construction for the project is funded with federal grants, federal stimulus money, a state grant and about \$625,000 the transit district has set aside to build the project.

The assessment will be available online at [www.cherriots.org](http://www.cherriots.org) and at the following locations through Friday:

- Salem-Keizer Transit, 555 Court St. NE, Ste. 5230, in Salem
- City of Keizer, 930 Chemawa Road NE
- Keizer Library, 980 Chemawa Road NE

Public comment on the assessment must be received by 5 p.m. Friday.

Comments may be sent by mail to Stephen Dickey, Keizer Transit Center Comments, Salem-Keizer Transit, 555 Court St. NE, Ste. 5230, Salem, OR 97301-3980; by e-mail [todickeys@cherriots.org](mailto:todickeys@cherriots.org); or by fax at (503) 566-3933. For more information, call (503) 588-2424.

— Jillian Daley

#### 4. Comments on the Environmental Assessment

SAMTD did not receive any written comments or letters in response to the EA from the public or agencies during the comment period (December 29, 2009 through January 29, 2010). Because no comments were received, no responses are necessary.

#### 5. Mitigation Measures to Minimize Harm

Appendix A Mitigation Commitments describes the mitigation measures that are required of the Salem Area Mass Transit District as conditions of this FONSI. These mitigation commitments are based on the potential mitigation measures identified in the EA and the mitigation measures required for compliance under Federal and state laws and regulations. FTA finds that with the accomplishment of these mitigation commitments, SAMTD will have taken all reasonable, prudent, and feasible means to avoid or mitigate significant impacts, if any, from the proposed action.

#### 6. Determinations of Environmental Compliance and Findings

##### 6.1 National Environmental Policy Act Finding

FTA served as the lead agency under NEPA for this project. The Salem Area Mass Transit District prepared the EA in compliance with NEPA, 42 U.S.C Sections 4321 et. seq., and with FTA's regulations, 23 CFR Part 771. FTA has made an independent evaluation of the EA. The EA discusses the potential impacts of the project so that FTA can determine whether significant adverse impacts (CEQ §1508.27) are probable. If such a determination were made, an Environmental Impact Statement would need to be prepared.

The Salem Area Mass Transit District has incorporated environmental considerations into its study of project alternatives and has conducted evaluations of the project's potential environmental impacts. The EA was issued on December 29, 2009. The EA found that the project's construction and operation would cause no significant adverse environmental effects that would not be mitigated. This finding applies to all applicable environmental elements, including transportation (transit, traffic, parking and loading, bicycle and pedestrian facilities, and truck freight); land use; economics; population, environmental justice and displacements; noise and vibration; air quality; visual and aesthetics; public services, utilities and energy; historic and cultural resources; parks and recreation lands; hazardous materials; geology, seismic and soils; biological resources and endangered species; water quality and hydrology; safety and security; and construction.

After carefully considering the EA, its supporting documents, and the public comments and responses, **FTA finds under 23 CFR §771.121 that the development and operation of the proposed Keizer Transit Center project, with the mitigation as provided herein to which Salem-Keizer Transit shall implement as part of the project, will have no significant adverse impacts on the environment.** The record provides sufficient evidence and analysis for determining that an environmental impact statement is not required.

## 6.2 Section 106 Compliance Finding

Section 106 of the National Historic Preservation Act of 1966, as amended, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in, or eligible for inclusion in, the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Office (SHPO) and potentially affected tribes to make this determination. The Advisory Council on Historic Preservation has established procedures for the protection of historic and cultural properties in, or eligible for, the National Register (36 CFR Part 800).

The cultural resources assessment included an archival review, consultation with the Oregon SHPO, field reconnaissance of the project site and surrounding area, and preparation of the *Keizer Transit Center Historic Built Environment and Cultural Technical Report* and the *Keizer Transit Center Archaeological Inventory and Technical Report*. These reports document the analysis, findings and consultation related to the project.

On October 5, 2009 FTA provided a notice of undertaking to the Oregon SHPO. An area of potential effect (APE) was identified that included the subject property and the area within 200 feet surrounding the property. On December 15, 2009 FTA forwarded the draft *Keizer Transit Center Archaeological Inventory and Technical Report*, and the draft *Keizer Transit Center Historic Built Environment and Cultural Resources Technical Report* to the Oregon SHPO for review. On December 16, 2009 the Oregon SHPO responded with a letter of No-Effect to Archaeological Resources; and in a separate letter dated December 17, 2009 the Oregon SHPO responded with a letter of No-Effect to Historic Resources. Copies of all correspondence between FTA and the Oregon SHPO have been included in Appendix A: Agency Coordination and Consultation, of the Keizer Transit Center EA.

Three Native American tribes have identified Marion County as part of their traditional and customary lands. On October 6, 2009 FTA provided a notice of undertaking to the following tribes and invited their involvement in the Keizer Transit Center project.

1. Confederated Tribes of the Grand Ronde
2. Confederated Tribes of Siletz Indians
3. Confederated Tribes of the Warm Springs Reservation of Oregon

Sally Bird of the Warm Springs Tribe replied with a request for a copy of the Historic and Cultural Reports for the project when they were done. FTA provided copies of the reports noted above when the drafts were available. No further comments were received from the tribes.

The project will not adversely affect any identified historic or known cultural resources within the project vicinity. No mitigation is required or recommended for historic structures that are within the APE for the Keizer Transit Center Project. The archaeological investigation did not identify any significant resources. However, the potential exists for previously unidentified archaeological resources to be present at the project site. SAMTD will prepare an "Inadvertent Discover Plan" for approval by FTA prior to starting construction, to ensure that if

archaeological resources were discovered during construction, appropriate measures would be taken.

Based on the cultural resources analysis included in the *Keizer Transit Center Archaeological Inventory and Technical Report*, and the *Keizer Transit Center Historic Built Environment and Cultural Resources Technical Report*, the *Keizer Transit Center Environmental Assessment* and coordination with the Oregon SHPO and three tribes with an interest in the area, **FTA finds that the project will have “no adverse effect” on any identified or likely cultural or historic resources, and that the Section 106 consultation requirements for this project have been fulfilled.**

### **6.3 Section 4(f) Finding**

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966, codified at 49 U.S.C. §303, declares a national policy that a special effort should be made to preserve the natural beauty of the countryside, public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation may not approve transportation projects that require the use of publicly owned land from a public park, recreation area, or wildlife or waterfowl refuge of national, state or local significance, or land of an historic site of national, state or local significance (as determined by the Federal, State or local officials having jurisdiction over the park, area, refuge or site) unless a determination is made that: (i) there is no feasible and prudent alternative to the use of the land; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR §771.135).

The existence of potential Section 4(f) resources was evaluated as part of the *Keizer Transit Center Environmental Assessment*. No public parks, recreation land, wildlife or waterfowl refuges were identified on the project site or in the immediate vicinity of the project site. The nearest parks that were identified are approximately one-half mile from the project site. In addition, no effects, or use of, any historic or cultural resource is expected from the project. **FTA finds that the proposed project will not use or significantly impact any park, recreational area or other resource protected by Section 4(f) of the USDOT Act of 1966.**

### **6.4 Endangered Species Act Finding**

The federal Endangered Species Act (ESA) of 1973 as amended (16 USC 1531-1544) is intended to protect threatened and endangered species and the ecosystems on which they depend. The ESA requires a federal agency to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in direct mortality or destruction or adverse modification of critical habitat of listed species. This requirement is fulfilled under Section 7 of the ESA by a review of the proposed actions and consultation with the appropriate agency responsible for the conservation of the affected species. If necessary, mitigation would be required to avoid jeopardizing listed species or their habitat.

Both the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) have provided listings of threatened and endangered (T&E) species under their jurisdiction. For Oregon, these listings are available from the Oregon Natural Heritage

Information Center (ONHIC) web site ([http://oregonstate.edu/ornhic/2007\\_t&e\\_book.pdf](http://oregonstate.edu/ornhic/2007_t&e_book.pdf)). The current list from ONHIC includes a species listed for Marion County, Oregon. There are no terrestrial or aquatic T&E species on the site or in the immediate area of the proposed project. In addition, there are no pathways to an aquatic environment present in the project area or contributing waterways. As a result, **FTA has determined that the proposed action would have “no effect” on any threatened or endangered species.**

## **6.5 Migratory Bird Treaty Act Finding**

The area of the proposed Keizer Transit Center contains a mix of urban and suburban land uses with significant new commercial and residential development within the past 5-10 years. The proposed Transit Center site currently has significant fill on about 1/2 to 2/3 of the site varying in depth from 1 foot to over 10 feet. Functional habitat for migratory birds consists mainly of foraging and nesting components that no longer exist within the greater project area due to urbanization prior to the inception of this project. Based on field surveys, no functional habitat that would support migratory birds was identified within the immediate project area. Habitat modification and conversion due to residential and commercial landscaping in the surrounding areas has provided a lower valued habitat that is functionally used by some species who have adapted to the urban areas. Riparian habitat and functional migratory bird habitat exists along the Willamette River corridor, over a mile to the west of the proposed project, and in areas outside the City of Keizer. Implementation of the proposed project would not have an effect on habitat because of the previously disturbed nature of the project area, nor is it expected to affect migratory birds protected under the Migratory Bird Treaty Act, based on lack of functional habitat that would support or contribute to species viability in the project area.

Implementation of the project would have negligible effects on vegetation because the project site has been previously disturbed and composed mostly of urbanizing and previously developed lands. Existing vegetation includes minimal native and ornamental landscaping of low habitat quality with components of noxious/invasive plants. Some existing vegetation and small trees may be removed for project construction. **FTA has determined that Implementation of the proposed project would have no effect on habitat because of the previously disturbed nature of the project area, nor is it expected to affect migratory species under the Migratory Bird Treaty Act.** Wildlife species within the project area have adapted to the suburban environment and would not be affected by this change. There are no aquatic species on the project site or in the immediate vicinity; therefore there would be no effects to aquatic species.

## **6.6 Magnuson-Stevens Act Finding**

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), federal agencies are required to consult with NMFS regarding any of their actions or proposed actions authorized, funded, or undertaken that may “adversely affect” Essential Fish Habitat (EFH) as designated by MSA (16 U.S.C. §1855 (b)(2)). “Essential Fish Habitat” means “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” (16 U.S.C. § 1802(10)). Freshwater EFH for Pacific salmon includes all those streams, lakes, ponds, wetlands, and other water bodies currently, or historically accessible to salmon in Washington, Oregon,

Idaho, and California, except areas upstream of certain impassable man-made barriers, as identified by the Pacific Fishery Management Council (PFMC), and longstanding, naturally-impassable barriers (i.e., natural waterfalls in existence for several hundred years). The Willamette River is considered an EFH area for Pacific salmon. However there are no pathways to an aquatic environment present in the project area or contributing waterways. Therefore, **FTA has determined that the proposed actions of the project will have “no effect” on Essential Fish Habitat under the Magnuson-Stevens Act.**

## **6.7 Conformity with Air Quality Plans Finding**

Under the 1990 federal Clean Air Act Amendments (CAAA), no federal agency or department may support, license, permit, or approve any activity that does not conform to the state implementation plan (42 U.S.C. §7506(c)). Federal agencies are required to make a conformity determination under the transportation conformity regulations promulgated by EPA (40 CFR §93.100 to 93.128). Conformity determinations are based on quantitative and qualitative assessments of a project’s estimated motor vehicle emissions and possible violations of the National Ambient Air Quality Standards (NAAQS). For FTA, the federal funding agency for this project, to make a conformity determination, it must be demonstrated that the project will not cause or contribute to any new violations of the NAAQS, increase the frequency or severity of any existing violations or delay the timely attainment of the NAAQS.

Federally-funded transportation projects in non-attainment and maintenance areas must be consistent with air quality goals and strategies, as described in the Statewide Transportation Implementation Plan (SIP). The regional emissions analysis compares the emissions for all transportation projects in a region and is performed by the regional Metropolitan Planning Organization, in this case, the Salem/Keizer Area Transportation Study (SKATS). A transportation project meets the first part of the conformity requirements if it is identified specifically in the current regional transportation plan (RTP) and transportation improvement program (TIP), which have been analyzed for regional air quality impacts and been found by USDOT to conform.

Table 3 of OAR 340-252-0280 documents that bus terminals and transfer points are categorically exempt from the regional emissions analyses for conformity, unless the MPO, ODOT, EPA or the FTA concur that it has potential regional impacts for any reason. The Keizer Transit Center is not specifically included in the SKATS 2031 Regional Transportation Systems Plan (RTSP) or the SKATS FY 2008 – FY 2011 Transportation Improvement Program. Therefore, it is not specifically exempted in the air quality analyses performed to fulfill federal and state regional air quality conformity requirements, as described in the Air Quality Conformity Determination for the SKATS 2031 RTSP and the SKATS FY 2008 – FY 2011 TIP (Adopted May 22, 2007). However, according to SKATS personnel, a transit center was envisioned, and funds were included in the 2006 TIP (already obligated), therefore, no further conformity analysis would be required for the Keizer Transit Center<sup>2</sup>.

To meet conformity at a localized, or project level, a project must not cause or contribute to a new violation of the NAAQS, increase the severity of an existing violation, or delay timely

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<sup>2</sup> As documented in the Keizer Transit Center EA: Appendix A in an email from M Jaffe of SKATS.

attainment or maintenance of the standards. To determine whether a project meets project level conformity, traffic levels at local intersections must be examined. A hot-spot analysis is required if the project is forecast to significantly increase intersection-level traffic and degrade the intersection performance. A hot-spot analysis may involve air quality modeling to determine whether a project conforms to the NAAQS. For the Keizer Transit Center EA analysis a hot-spot analysis was conducted using the CAL3QHC model to predict CO concentrations for three intersections in the vicinity of the proposed Keizer Transit Center. This analysis predicted CO concentration well below the NAAQS of (9 ppm for the 8-hour averaging period and 35 ppm for the 1-hour averaging period) and documented that although traffic volumes in the vicinity are expected to increase in the future year scenario, CO impacts are expected to decrease due to improved emission rates<sup>3</sup>.

**At both the regional and project levels, the proposed Keizer Transit Center Project is found to conform to the purpose of the current SIP, and to all requirements of the Clean Air Act Amendments of 1990.**

## **6.8 Farmland Finding**

Two soil series, the Amity silt loam and the Woodburn silt loam are identified on the site by the United States Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service). 1972. *Soil Survey of Marion County, Oregon*. September. (NRCS, 1972). The Amity series is a somewhat poorly drained soil that formed from mixed alluvial silts on broad valley terraces with slopes of 0 to 2 percent. The soil is assigned to Capability Class IIw-2. The Woodburn series is a moderately well drained soil that formed in silty alluvium and loess on broad valley terraces with slopes of 0 to 20 percent. The soil is assigned Capability Class IIw-1.

Sites with soils assigned to Capability Classes I through IV are considered "Agricultural Land" [OAR 660-033-0020(1)(a)], and sites with soils assigned to Capability Classes I and II are considered "High-Value Farmland" [OAR 660-033-0020(8)(a)]. Soils on the site, therefore, meet the definition of "agricultural land" and "high-value farmland" as defined in OAR 660-033-20.

Recently (ca. 2008) fill was placed on the site during development of the Kaiser Station Boulevard undercrossing of the adjacent railroad. The fill now covers about one-half to two-thirds of the site and ranges in thickness from about one foot to more than 10 feet. The fill was obtained from an excavation that reached depths of up to 20 feet. Since the topsoil of the Amity and Woodburn series is about 17 inches thick, much of the fill likely consists of subsoil, which is the soil material that occurs below the topsoil. The subsoil of both the Amity and Woodburn series consists of silty clay loam, owing to the increase in clay content with depth in the soil profile.

The topsoil is the portion of the soil that is most valued as a growing medium. The subsoil is typically not a suitable growing medium due to a higher clay content and higher bulk density. For this reason, land and soil conservation efforts typically focus on the preservation of topsoil,

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<sup>3</sup> Air Quality "Hot-Spot" Analysis Technical Report for the Keizer Transit Center EA

since loss of topsoil through erosion results in exposure of the subsoil at the ground surface, rendering the soil much less suitable for agricultural use.

Much of the site is now covered by a soil type that may consist of compact, clayey fill. Placement of clayey subsoil fill over the topsoil at the site has essentially converted much of the site soil to a soil type that is likely less suitable for agriculture use, and may no longer meet the definition of Agricultural Land or High-Value Farmland.

In addition, the proposed Keizer Transit Center site is within the City of Keizer and the Salem-Keizer Urban Growth Boundary. Under Oregon Statewide Planning laws and regulations, areas inside city limits and urban growth boundaries are considered urbanizable and areas outside of urban growth boundaries are designated for resource protection as farm and forest lands.

The site for the proposed transit center is currently a vacant lot in a suburban area within the City of Keizer and within the Salem-Keizer Urban Growth Boundary. The project would not use any prime or unique agricultural land. **FTA finds that there would be no adverse impacts to agricultural lands caused by the project.** The project would be consistent with the Farmlands Protection Policy Act (FPPA) of 1981 (7 U.S.C. §§4201 - 4209) and other applicable federal farmlands protection policies, orders, and guidance.

## **6.9 Environmental Justice Finding**

Executive Order 12898 provides that “each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations,” The Department of Transportation’s (DOT) Order to Address Environmental Justice in Minority Populations and Low-Income Populations similarly requires agencies to explicitly consider human health and environmental effects related to transit projects that may have a disproportionately high and adverse effect on minority and low-income populations. It also requires them to implement procedures to provide “meaningful opportunities for public involvement” by members of these populations during project planning and development (DOT Order No. 5680.1). The DOT Order specifically provides for the consideration of mitigation and enhancement measures, as well as project benefits in making determinations regarding disproportionately high and adverse effects on minority and low-income populations.

Section 3.4 of the *Keizer Transit Center Environmental Assessment* includes an environmental justice analysis in accordance with the Executive and the DOT’s Orders. The analysis determined that there are no significant concentrations of minority or low-income households located near the project site that would experience potential adverse environmental effects of either construction or operation of the proposed transit center. Based on the analysis of environmental justice included in the *Keizer Transit Center Environmental Assessment*, **FTA finds that the construction and operation of the Keizer Transit Center Project would not result in disproportionately high and adverse effects on minority or low-income populations.**

Within Keizer, the minority population is not concentrated in specific areas. Some residents in the immediate project area identified as non-white, Hispanic, elderly, or disabled. No comments were received during the public outreach effort regarding minority populations or related issues. As a result, the proposed project would not have a disproportionate adverse impact on minority elderly, or disabled populations. The project would benefit the surrounding community of disabled residents in Keizer by enabling better transit access.

The proposed project would improve transit service in Keizer. It would improve the transit system by increasing connectivity between modes and facilitating transfers between bus routes and it would provide a weather-protected area for patrons. The improved transit facilities would serve all people in Keizer, including low-income and minority residents who could be transit dependent. It would improve the current transit user condition where bus stops are located on-street with no shelters. As a result, the project could benefit minority and low-income populations who rely on transit.

The broader community of Keizer should benefit from the new transit center and improved access to transit service, as it provides additional mobility and thus access to a wider range of employment and housing opportunities. These benefits further support the conclusion that no disproportionately high and adverse effects on minority or low-income populations would result from the project.

#### **6.10 Floodplain Finding**

Pursuant to Executive Order 1198 (Floodplain Management), the Salem Area Mass Transit District has documented that the proposed Keizer Transit Center Project site is outside of the delineated 100-year floodplain (and floodway) of the Willamette River. Claggett Creek and Labish Creek, both tributaries to the Willamette River are located approximately 1-mile from the project site and would not be affected by the proposed project. No in-water work is necessary for the proposed project. **FTA finds that no significant adverse impacts to 100-year floodplains or floodways would occur as a result of the proposed project.**

#### **6.11 Wetland Finding**

The United States Department of Transportation seeks to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects (DOT Order 5660.1A). This is consistent with Executive Order 11990, requiring that new construction located in wetlands be avoided unless there is no practicable alternative to the construction and that the proposed action include all practicable measures to minimize harm to wetlands that may result from such construction. The U.S. Army Corps of Engineers (Corps) regulates discharges of dredged or fill materials into waters of the United States, including wetlands, under Section 404 of the Clean Water Act. The Corps requires that wetland impacts be avoided or minimized to the extent practicable, and mitigation would likely be required for unavoidable wetland impacts.

Section 3.13: Biological Resources and Endangered Species in the EA documents that no wetlands or waterways exist on the project site or in the immediate vicinity of the project site,

therefore **FTA has determined there would be no effects to wetlands or waterways resulting from the project.**

### **6.12 Environmental Finding**

Based on the *Keizer Transit Center Environmental Assessment* and its associated supporting documents, the Federal Transit Administration finds pursuant to 23 CFR §771.121 that there are no significant adverse impacts on the environment associated with the development and operation of the proposed Keizer Transit Center Project.

**APPENDIX A  
MITIGATION COMMITMENTS**

**Keizer Transit Center  
Mitigation Commitments  
February 2010**

Following the issuance of the Finding of No Significant Impact (FONSI) by the Federal Transit Administration, the Salem Area Mass Transit District (SAMTD) proposes to initiate final design and construction of the Keizer Transit Center (KTC) Project. The *Keizer Transit Center Environmental Assessment* (EA) has identified a variety of potential mitigation measures. The mitigation measures to be implemented are described below.

SAMTD shall implement the following mitigation measures for the Keizer Transit Center Project. Longer-term or operational mitigation measures are discussed first, followed by short-term or construction mitigation measures (in Section 16 Construction):

**1. Transportation.** Transportation Mitigation Measures are discussed in section 3.1.6 of the EA.

Several design measures are recommended and shall be evaluated to provide for a safe, functional access to the proposed transit center:

- Signalize the Keizer Transit Center Access/Keizer Station Boulevard NE intersection. The timing of the implementation of a signal at this intersection should be based on monitoring of additional development within the Keizer Station commercial district and of added bus service at Keizer Transit Center to ensure that delay to traffic exiting the transit center is minimized.
- Over time, in conjunction with the City of Keizer evaluate the need to develop dual southbound left-turn lanes at the Lockhaven Drive NE / Keizer Station Boulevard intersection.
- As the project design moves forward, coordinate with the City of Keizer, Marion County and the Oregon Department of Transportation to ensure that bus circulation, bicycle and pedestrian access and circulation on and around the site provides for the safe movement of buses, pedestrians, bicycles, and vehicles accessing the park-and-ride lot.

**2. Land Use.** As discussed in Section 3.2 of the EA, the proposed action is not expected to have any adverse land use impacts. Therefore no land use mitigation measures are necessary. SAMTD will ensure that the project is designed to ensure consistency with the city's land use plans, policies and codes. A Conditional Use Permit and Design Review must be secured for the project prior to Building Permits from the City of Keizer.

**3. Economics.** As discussed in Section 3.3 of the EA, the proposed project would not result in adverse economic impacts. Therefore no economic mitigation measures are necessary.

**4. Population, Environmental Justice and Displacements.** As discussed in Section 3.4 of the EA, the proposed project is not expected to have any adverse population, environmental justice or displacement impacts. Therefore no population or environmental justice mitigation measures are necessary.

**5. Noise and vibration.** As discussed in Section 3.5 of the EA, operation of the proposed project is not expected to result in any adverse noise or vibration impacts. Therefore no operational noise or vibration mitigation measures are necessary.

**6. Air Quality.** As discussed in Section 3.6 of the EA, the proposed action is not expected to have any adverse Air Quality impacts. The Keizer Transit Center Project would meet air quality conformity criteria; therefore no operational air quality mitigation is required.

**7. Visual and Aesthetics.** As discussed in Section 3.7 of the EA, the proposed project would not result in adverse visual impacts. Therefore no visual or aesthetic mitigation measures are necessary. The following are measures could minimize negative visual effects of the proposed project and, where feasible, should be included:

- Work with the community through the design review process to develop a project that fits harmoniously with the surrounding environment.
- Select signage, station furniture, and other appurtenances to harmonize with their surroundings and minimize visual intrusion.
- Retain the large diameter trees if possible and ensure abundant space is available for site vegetation and landscaping.

**8. Public Services, Utilities and Energy.** As discussed in Section 3.8 of the EA, the proposed project would not result in adverse impacts to public services, utilities or energy. Therefore no mitigation measures are necessary.

**9. Historic and Archaeological.** As discussed in Section 3.9 of the EA, the proposed project would not adversely affect any known historic or cultural resources within the project vicinity. No mitigation is required or is recommended for historic structures that are within the APE for the Keizer Transit Center Project. No additional archaeological investigation is recommended.

**10. Parks and Recreation Lands (Section 4(f) Resources).** As discussed in Section 3.10 of the EA, there are no publicly owned parks, recreation land, wildlife refuges in the vicinity of the proposed project. There would therefore be no use of any of these resources, or need for mitigation measures. As noted in Section 9 above, no effect to or use of any historic or archaeological resource is expected. Therefore no mitigation is required.

**11. Hazardous Materials.** As discussed in Section 3.11 of the EA, no hazardous materials have been identified on the proposed project site. However, the project site has potential to contain environmental contamination. To reduce the risk of liability and comply with FTA Circular 5010.1C, Chapter II.2 (October 1, 1998), a Phase I Environmental Site Assessment will be completed prior to purchase of land for the project. A Phase I Environmental Site Assessment is part of the due diligence process required by lenders and typically includes review of regulatory

agency files and permits, a site reconnaissance visit, and interviews with current or previous property owners who are knowledgeable of the past use of the property. Based on findings of the Phase I Environmental Site Assessment, a Phase II Environmental Site Assessment may be warranted. A Phase II Environmental Site Assessment typically includes a focused investigation of the subsurface media through sampling or geophysical techniques.

**12. Soils, Geology and Seismic.** As discussed in Section 3.12 of the EA, the proposed project would not result in adverse impacts related to soils, geology or seismic conditions. Therefore no soils, geologic or seismic mitigation measures are necessary.

**13. Biological Resources.** As discussed in Section 3.13 of the EA, the proposed project would not result in adverse biological resource impacts. Because there would be no effects to biological resources, no mitigation is required beyond compliance with the City of Keizer’s water quality/storm water regulations, as discussed below.

**14. Water Quality and Hydrology.** As discussed in Section 3.14 of the EA, the proposed project is not expected to result in adverse water quality or hydrology impacts. The Keizer Transit Center would comply with provisions outlined in the City of Keizer’s Public Works Design Standards: Chapter 4, Storm Drainage Design Standards, and DEQ’s 1200-C permit requirements for construction stormwater runoff. On-site detention of stormwater would provide a net benefit to water quality in the area. Options for on-site detainment could include bioswales, a green roof, working with existing wastewater infrastructure, or ponding/retaining within the proposed impervious surface area. The Design Review process required by the City of Keizer would ensure compliance with the storm water regulations.

**15. Safety and Security.** As discussed in Section 3.15 of the EA, the proposed project would not result in adverse safety or security impacts. The project will address safety and security issues further through the refinement of the project design. Security features of the proposed project could include use of durable materials, ensuring good lighting, creating good lines-of-sight and incorporating on-site uses that provide human presence. Potential security problems would be managed with regular security visits and monitoring to ensure the safety and security of the transit center facilities and park-and-ride lot.

**16. Construction.** As discussed in Section 3.16 of the EA, the proposed project is not expected to result in adverse impacts from construction. Measures to mitigate possible construction effects will begin during final design and will be implemented through the duration of project related construction. Mitigation measures during construction will include, but are not limited to the following:

- **Neighborhood** mitigation measures would be coordinated with adjacent uses, such as the residence to the west of the site. SKT would conduct construction activities with sensitivity to the potential effects on this residence.
- An “Inadvertent Discovery Plan” (for Section 106 archeology) will be prepared and approved by FTA prior to the start of any construction. If during construction significant unanticipated **archaeological** materials are encountered, then work should cease until a professional archaeologist can make a determination as to the significance of the find and

identify an appropriate course of action in compliance with the inadvertent discovery plan.

- **Traffic** mitigation measures during construction would include coordination of construction traffic measures with the City of Keizer and provision of temporary traffic safety control devices and signage for detours or lane closures.
- Although construction **noise** and vibration is not expected to result in significant effects, some simple measures could be employed to minimize the intrusion of construction noise into nearby commercial receiving locations. For example, construction noise could be reduced with properly sized and maintained mufflers, engine intake silencers, engine enclosures, turning off idle equipment. Additional measures may include equipment placement, type (hydraulic or electric vs. impact tools), operation methods to reduce backup alarms, and material handling techniques to reduce dragging.
- The contractors would be required to comply with federal, state and local **air quality** regulations during construction. With the implementation of best management practices (BMPs) for the duration of the project construction, effects on air quality are not anticipated to be significant. Measures to minimize construction effects to air quality during construction would include BMPs, including: use of water spray as necessary to prevent dust emissions; prompt cleanup of any spills of transported material on public roads by frequent use of a street sweeper machine or other appropriate methods; and, requiring contractors to maintain all construction machinery engines in good mechanical condition to minimize exhaust emissions.
- Prepare a **health and safety** plan for construction incorporating a work plan for handling any identified hazardous materials on the site.
- Creation of a **storm water plan** for the construction period would be required during the design review process. Based on the project size (3.42 acres), a construction 1200-C permit would be required, in addition to the City's requirements for erosion and sediment control. BMPs for erosion and sediment control would be utilized according to DEQ's 1200-C permit requirements to minimize water quality and hydrologic effects. This permit requires the use of BMPs to reduce soil erosion rates, manage sediment and other pollutants from construction sites, and reduce the release of non-stormwater pollutants to the maximum extent practicable.