

Written Comments Received at Hearing



Fern Valley Interchange

Phoenix, OR

November 3, 2010 Public Hearing/Open House

COMMENT SHEET

Name MICHAEL MONTBRO Phone 541-779-0771

Address 4497 BROWNIDGE TERRACE #105 Email MONTBRO_ASSOCIATES@G.COM
MEDFORD, OR 97504

The purpose of the I-5 / Fern Valley Interchange project is to develop a transportation solution that addresses the long-term traffic, transportation system and development needs of ODOT, the City of Phoenix and Jackson County. The proposed action would reduce congestion and improve operational conditions at the I-5 interchange with Fern Valley Road, on Fern Valley Road within the City of Phoenix Urban Growth Boundary, and on OR 99 near its intersection with Fern Valley Road. In addition, the Fern Valley Road Bridge over Bear Creek is proposed for replacement because it is structurally deficient and functionally obsolete.

ODOT appreciates any comments you have on this project. Written comments will become public record.

1. Your comments regarding the Fern Valley Interchange Environmental Assessment and proposed project.

ODOT EXECUTED A COMPREHENSIVE NEPA PROCESS INCLUDING EXTENSIVE PUBLIC OUTREACH & TESTIMONY. A WIDE ARRAY OF ALTERNATIVES WERE CAREFULLY EVALUATED. THE PREPARED ALTERNATIVE WAS DETERMINED BY THE CAR & PDT TO BEST MEET THE PURPOSE & NEED STATEMENT AND ALL APPLICABLE CRITERIA.

THE EVIDENCE SUGGESTS THAT THE ALTERNATIVE IDENTIFIED WILL PROVIDE ~~THE~~ FOR SAFETY CONCERNS WHILE PROTECTING HUMAN RESPIRATORY HEALTH THROUGH CONGESTION MITIGATION. THE PROJECT ADDITIONALLY ENHANCES REGIONAL INTERSTATE REDUNDANCY IN THE EVENT OF VIADUCT FAILURE. INASMUCH AS I-5 IS A DESIGNATED NAIL FREIGHT & DEFENSE CORRIDOR, THIS IS CRITICAL THE PROJECT SHOULD PROCEED.

Continued on back of page

For further information on this project, please contact:

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 Phone: (541) 774-6376
 Email: Anna.Henson@odot.state.or.us

Oregon Department of Transportation
 100 Antelope Road
 White City, OR 97503

2. How would you rate the Public Hearing? (materials provided, staff responses to your queries, etc.)
(1 = poor, 2 = average, 3 = good, 4 = excellent). Why?

(4) FOCUSED INFORMATION STATIONS EASY UNOBSTRUCTED
Q&A FOR PUBLIC

ADEQUATE STAFF

CLEAR CONCISE PUBLIC MEETING OVERVIEW

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Fern Valley Interchange

Phoenix, OR

November 3, 2010 Public Hearing/Open House

COMMENT SHEET

Name MIKE HOOPER Phone 541-535-1561

Address PO Box 817 Email mirxmike@gmail.com
PHOENIX, OR 97535

The purpose of the I-5 / Fern Valley Interchange project is to develop a transportation solution that addresses the long-term traffic, transportation system and development needs of ODOT, the City of Phoenix and Jackson County. The proposed action would reduce congestion and improve operational conditions at the I-5 interchange with Fern Valley Road, on Fern Valley Road within the City of Phoenix Urban Growth Boundary, and on OR 99 near its intersection with Fern Valley Road. In addition, the Fern Valley Road Bridge over Bear Creek is proposed for replacement because it is structurally deficient and functionally obsolete.

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1. Your comments regarding the Fern Valley Interchange Environmental Assessment and proposed project.

I am for a no build proposal. I feel the impacts on business are too significant to proceed at this time. I would suggest addressing an interchange at south stage. The impact on business would be much less. I feel that the only consideration at the Phoenix exit would be to at least return the turn lane onto the

Continued on back of page

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freeway that was removed a few years ago. The removal of the ~~same~~ turn lanes has had more negative impact on the interchange than has an increase in traffic.

2. How would you rate the Public Hearing? (materials provided, staff responses to your queries, etc.) (1 = poor, 2 = average, 3 = good, 4 = excellent). Why?

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Phoenix, OR

November 3, 2010 Public Hearing/Open House

COMMENT SHEET

Name Joe Strahl Phone (541) 665-5733
 Address PWM, Inc
60 N. 4th St
Central Point, OR Email joe@pwmmanagers.com

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EA estimates that approx cost of water line relocation is just under \$18,000. It is the City of Phoenix's responsibility to pay for waterline relocation. ODOT is urged to take steps to keep this cost as low as possible. Utility relocation costs can be extremely burdensome to small cities and efforts should be taken by designers to keep these costs as low as possible.

Continued on back of page

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④ Excellent - Very well organized.
Consistent statements from staff.
Informational. Good displays.
Good public feedback. Not many verbal comments.

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Phoenix, OR

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COMMENT SHEET

Name Dave; Peggy van de Velde Phone _____

Address 236 Jared Court Phoenix Email _____

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1. Your comments regarding the Fern Valley Interchange Environmental Assessment and proposed project.

Having spoken with the various people involved in the planning process, we are convinced that the project as planned will be helpful to the community in a number of ways. Pedestrian, bicycle as well as auto and truck traffic should benefit. This will also give the community of Phoenix an opportunity to develop business planning and eventual improvement in its environment.

Continued on back of page

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Phoenix, OR

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COMMENT SHEET

Name Coyote Marie Phone 541-778-1612
 Address Hunter-Rippin P.O. BOX 3347 Email CoyoteMarie1@gmail.com

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1. Your comments regarding the Fern Valley Interchange Environmental Assessment and proposed project.

Provide access to pedestrians and bicyclists during construction time by:

- ① Contractual agreement
- ② Safety measures installed
 - a. lights
 - b. visual aides
 - c. sectioned off

Continued on back of page

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③ Education & notification to public/community at large if, at times, path must be closed.

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Phoenix, OR

November 3, 2010 Public Hearing/Open House

COMMENT SHEET

Name MR. & MRS. STANLEY TUSAN Phone 541-535-6791

Address 105 BRECKINRIDGE DRIVE Email stantoone@charter.net
PHOENIX, OR 97535

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1. Your comments regarding the Fern Valley Interchange Environmental Assessment and proposed project.

OUR ONLY CONCERN IS THE INTERSECTION OF
N & S PHOENIX ROAD and FERN VALLEY ROAD.
WE FEEL IT'S IMPORTANT TO HAVE A TRAFFIC
LIGHT THERE RATHER THAN A "STOP SIGN".
OUR AUTO PATH & TRUCK PATH WILL BE AT
GRIDLOCK, WE FEEL WITH ONLY A STOP SIGN,
TRAFFIC FLOW WOULD SEEM TO GO SMOOTHLY
WITH A LIGHT. THANKS FOR YOUR CONSIDERATION.

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4, Very informative & direct
& graphic! Thanks for the
opportunity to view it all.
Good job!

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Phoenix, OR

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COMMENT SHEET

Name *Norsey Koontz* Phone *341-890-2037*
 Address *2216 Polar Circle, Medford* ^{*97504*} Email *—*

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1. Your comments regarding the Fern Valley Interchange Environmental Assessment and proposed project.

I have lived in this area (Medford) since 2003 & have seen numerous interior roads & freeway changes. Everything has been to our advantage as, I'm sure, the project will also. As far as I'm concerned, coming from the L.A. & Orange County, Calif. area & experiencing many highway changes, this project could be very beneficial to the local community as well as all others.

Continued on back of page

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(4) all the materials & the presenters were very
well prepared.

Thank you!

A. H.

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Phoenix, OR

November 3, 2010 Public Hearing/Open House

COMMENT SHEET

Name Richard Ripper Phone 541-772-9990
 Address 1175 Royal Ave Site A Email ripper1@msn.com
Medford, OR 97504

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Please treat bikes + peds with the same respect
as automobiles during construction by
 ① providing ped activated temporary crosswalk over
fern valley road from the green way.
 ② require in the construction contract that the
green way be shut down for very limited time frames.
Days + Hours not weeks + months.

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COMMENT SHEET

Name Bob Nelson Phone 541 5120831

Address 3001 W Phoenix Rd Email _____
Medford, OR 97504

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get on with it

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Private Dictated Comments and
Public Hearing Comments

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OREGON DEPARTMENT OF TRANSPORTATION
I-5: FERN VALLEY INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PHOENIX HIGH SCHOOL
PHOENIX, OREGON

NOVEMBER 3, 2010

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VERNON BLAIR
DSU PETERBILT
3727 North Phoenix Road
Phoenix, OR

MR. BLAIR: My name is Vernon Blair. I'm the branch manager for DSU Peterbilt located at 3727 North Phoenix Road in Phoenix, Oregon.
And my concern is the removal of the light which will be located at South Phoenix Road and Fern Valley

9 Interchange. And the removal of that light will be very
10 dangerous to the left-hand turn of a truck trying to get
11 back to the freeway, a truck pulling a 53-foot trailer
12 coming in to oncoming traffic that does not have any stop
13 signs or stoplights to slow them down.

14 I am very concerned that it will affect our
15 business as well as be a dangerous situation for all the
16 traffic, trucks and cars included.

17 Thank you.
18
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0004

1 DON MITCHELL
200 Karen Way
Phoenix, OR

2
3
4 MR. MITCHELL: I'm Don Mitchell. I live at 200
5 Karen Way, Phoenix. I've been a resident of the city
6 since I got out of the Service in the early '50s, and
7 we're property owners. We have three acres directly
8 behind Ray's Market up towards the high school on Cheryl.

9 I've been involved in watching and listening to
10 the comments that people have made since the beginning of
11 this project; I found there are several inconsistencies.
12 For example, we were told that ODOT could not consider any
13 improvements or bypasses or overpasses or interchanges at
14 South Stage Road. I was told that I was pretty dumb to
15 suggest it, when everyone knows that the traffic on North
16 Phoenix Road could be intercepted and most of it diverted
17 by an overpass or an interchange at South Stage rather
18 than trying to have the residents of Phoenix solve
19 regional traffic problems. So I've been kind of a thorn
20 in their side.

21 And at one of the initial meetings, a report was
22 made and ODOT published some pictures of patrons who
23 supposedly attended that meeting and the pictures were
24 canned, they weren't of the people at the meeting. And
25 their spokesperson admitted that they do have pictures

0005

1 that they use, when convenient, from sources other than
2 where they were supposedly taken. I don't like that. I
3 was a teacher for 40 years, and I didn't approve of that
4 kind of business.

5 The second thing that bothers me, I received a
6 CD disc just recently from ODOT, and it doesn't work. Its
7 function was -- I was just told by a young lady now that
8 she has some that will work, so I intend to get one of
9 those.

10 This is nothing personal. I have nothing
11 personally against any member of ODOT. I have great
12 admiration for their safety record. But we were told in
13 an early meeting, and the recordings of this can be
14 verified, that ODOT cannot anticipate a need such as the
15 growth in southeast Medford that would further the cause
16 of a closer interchange and reduce the size of one that is
17 being contemplated for Phoenix.

18 Now, for some reason, for years they had

19 potential to divert some of the traffic from the Phoenix
20 area to the South Stage area, which would serve the new
21 Wal-Mart store and Harry and David's and the rapid growth
22 in southeast Medford, and that is not consequential in the
23 eyes of the people that operate ODOT.

24 Now, I may be wrong, but if I were doing the
25 communications for an organization such as this with a

0006

1 \$72 million price tag, I would have a video of a
2 functionally cross-diamond interchange, there is one in
3 Missouri I understand, that I would show publicly to the
4 people, the hicks -- we are hicks in Phoenix and that is
5 why this has been perpetrated. I think they consider us
6 to be dumb. Believe me, we're not dumb.

7 I liken the information that has been
8 piecemealed to the public to a lady who goes to the
9 supermarket and buys a dozen eggs without opening the
10 carton to see if some of them are broken. We're getting
11 tidbits of information at a time, and as a result we don't
12 get the complete picture. Again, this is nothing
13 personal, I have nothing against anybody at ODOT.

14 I understand that they intend to put bike lanes
15 in on Highway 99, it's already narrow. They anticipate
16 widening it and adding a southbound lane, according to the
17 documents here. They graciously sent me the Fern Valley
18 Interchange Executive Summary that mentions they
19 anticipate putting in a southbound lane. They anticipate
20 removing parking spaces from the supermarket and from
21 Angelo's Pizza and probably from the other structures. I
22 believe they mentioned 67 parking spaces would be
23 eliminated.

24 I have nothing whatsoever against bicyclists,
25 nothing, but they intend to put bike lanes, five-foot wide

0007

1 as I understand it, on each side of the road, that is
2 about equivalent to one lane of traffic. I also
3 understand that ODOT is required by state statute to put
4 in bike lanes whenever they do a project such as this.

5 I've always believed that if you expect
6 something you carry your fair share of the costs, and this
7 is not the case with the bicyclists. And I think that is
8 a point of contention for not just myself but others as
9 well. Besides, they're getting some parking spaces for
10 businesses along Highway 99.

11 I wrote a letter at the first meeting when
12 Senator Bates and Mr. Buckley were present, we met at the
13 motel down on the highway near the Pear Tree Restaurant,
14 Motel 8. I suggested then, as I suggest now, that Phoenix
15 shouldn't be required to solve a regional traffic problem,
16 we're willing to share, but we shouldn't have the burden
17 of doing it all.

18 I've learned to listen very carefully. In one
19 meeting, one of the ODOT representatives mentioned a name
20 of a construction company that could or would be called
21 upon if this project were to become fruitful. I don't
22 think that's right. I think things should be let out to
23 bid, there should be no prejudice whatsoever. They'll
24 probably select the lowest price or middle man, I don't
25 know. I'm sure they have good reputations, but that

0008

1 shouldn't be said publicly before the project is underway.
2 So I have these concerns.

3 There was some talk about coming through my

4 dahlia garden with the road in order to mitigate for some
5 of the parking spaces that were being lost. I've never
6 been contacted, I know nothing about that. Again, this is
7 like opening the case of eggs to see if some are broken,
8 you don't get the full picture. I would like some
9 resolution of that. After 60 years of organic farming --
10 I'm not a nut, I'm not an organic nut for not using
11 commercial fertilizers or pesticides or herbicides -- I
12 have some nice soil, my flowers are beautiful, there are a
13 couple hundred varieties.

14 I want to compliment them on the -- that they
15 furnished the executive summary. Again, there are a lot
16 of loose ends. I'd like to know about -- in the abstract
17 to this document, it says high-vehicle generating
18 development would be limited to trip budgets. I'd like to
19 know what those are and who makes them. What are these?
20 Who is in charge of them?

21 It says they're going to impact 7.4 acres of
22 land zoned exclusively farm use. I suppose that will be
23 shown out there on the display, I haven't been there yet.
24 Traffic due to growth in Phoenix and southeast Medford is
25 mentioned, so they're anticipating, which they said

0009

1 they're not able to do. Remember we were told ODOT cannot
2 anticipate.

3 I agree that the bridge needs to be redone in
4 Phoenix, it's hazardous. And I know a person who has been
5 killed on the approach, that I can recall, in nearly 60
6 years.

7 They present a Build Alternative and a No-Build
8 Alternative. Who can determine if no-build is possible?
9 Who is to say? Does the city council have the say or has
10 this gone so far that the fix is in? That is the question
11 I have. There is no question that the interchange down
12 here needs work. In this document it says the overcross
13 of the existing structure is so steep that it's a traffic
14 hazard. Who built it? I could go on and on.

15 I don't have ill-will towards anyone, but I do
16 believe that when you're dealing with the public you ought
17 to be open, communicate as clearly as possible, which I
18 don't think has been done. Not to dwell on the CD that
19 was sent to me that didn't work, because the young lady
20 said that she would find one for me, but it's probably a
21 little too late. Better late than never. But I think
22 that -- I do think that people that are in charge of
23 spending \$72 million in expenses should be required to
24 have some communication skills so that the people they're
25 dealing with feel very comfortable. And in my personal

0010

1 opinion, just my opinion, it hadn't been done.

2 As a matter of fact, at the last meeting here I
3 suggested that we consider not building it, and the
4 communication expert sat with his hands over his face
5 shaking his head. I thought he was going to have a fit.
6 I'm glad to see him up and moving.

7 So, anyway, if I were the person in charge, I
8 would tell ODOT, Thanks for all the effort that you've put
9 forth. Undoubtedly you're very sincere and well-meaning,
10 but in my opinion, you're misguided in trying to cause
11 Phoenix the headache of solving a regional traffic problem
12 when at least a half or more would be alleviated by an
13 overpass or something, South Stage crossing, which
14 eventually could be built right over in south Medford, but

15 that is thinking a little too far in the future, I'm sure.
16 But, anyway, that is what I would tell them during the
17 hearing.

18 But you've got it now so they can have access to
19 it. And I don't expect to hear from them, which is fine.
20 I probably won't live long enough to use the overpass and
21 I probably won't live long enough to see them go to South
22 Stage and do what should have been done long ago. And,
23 again, there is nothing personal, just professional. My
24 opinion has not been worth anything up to now, why should
25 I expect anything different.

0011

1 I have questions about who determines the
2 traffic due to growth. I have questions because, again,
3 like the case of eggs, you just don't see the whole
4 picture, I'm not smart enough to see the whole picture.
5 It says -- this is page 8 under the Build Alternative. It
6 says it "would enable additional development to occur
7 because it would remove violation of v/c standards in the
8 interchange area as a constraint on development."

9 I understand that there is going to be
10 development of an orchard adjoining the interchange, I
11 believe it's 35 acres, 35 acres of trees to be removed. I
12 can't blame the person for looking out for himself if that
13 is a way he can further his interests. That is a lot of
14 trees. Trees are very important. I've planted over 300
15 on my property, and some could be considered old growth
16 now. So I think there is going to be development there.
17 And it's supposed to -- those will not have high-vehicle
18 impact, as it's defined here someplace. So I'm not privy
19 to know what is considered near the interchange, things
20 like restaurants and motels.

21 It mentions specifically here as being
22 high-vehicle generating. And I have a question on who
23 determines -- who determines what would be a high-vehicle
24 impact business. It mentions some things, but it doesn't
25 mention who is in charge of that.

0012

1 Another concern that I have, recently the City
2 of Phoenix adopted an ordinance that prevents burning in
3 the city limits, however we're surrounded by farmland and
4 forest and we see burning going on all the time, which is
5 very necessary. And supposedly that is for air quality.
6 But for the life of me, I don't see how causing trucks to
7 drive further in an area that has lots of homes -- and you
8 can argue, well, it's a mile away. But air is still a
9 commodity. And when you have trucks going out of their
10 way to get to a truck stop because of the new design, I
11 think you're increasing the opportunity for more
12 pollution. The document says it would not be, but common
13 sense says when you increase traffic, diversion of trucks
14 from the shortest route to their parking space, repair
15 shops, ought to have an impact. I don't think this has
16 been adequately addressed. Those are just some
17 observations from someone who doesn't know anything.

18 I do have an interest because I've lived here
19 before the freeways, there was just Highway 99. I should
20 mention something else, too, from an outsider looking in.
21 I was a surveyor at one time before I got so I couldn't
22 jump over rattlesnakes and outrun the bees, so I went back
23 to college and got a doctorate in biology and continued
24 helping to educate myself and students. And I suggested
25 that they consider an off-ramp near the city limits of

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1 Phoenix on the northbound lane of I-5 and you wouldn't
2 have to take the trucks through the interchange up towards
3 Arrowhead Ranch and bring them back to the truck stop.
4 I've never heard a definitive answer as to why that is so
5 impractical. Seems to me if you could minimize the
6 traffic entering into an interchange you'd be pretty
7 successful. Of course, that is just an old man talking.

8 I have misgivings about trying to solve all the
9 regional problems with the Phoenix interchange. Senator
10 Bates was there and Representative Buckley, and I gave him
11 the letter, it probably made it to the first round file,
12 but it expressed many of the sentiments that I expressed
13 now.

14 Thank you.

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TERRY ROMBACH
PHOENIX PROPERTIES
PACIFIC PLAZA

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4 MR. ROMBACH: My name is Terry Rombach, and I
5 represent Phoenix Properties, Pacific Plaza, which is at
6 the corner of Fern Valley Road and South Pacific Highway.
7 And we will be impacted very heavily with this Fern
8 Valley/South Pacific Highway 99 construction.

9 I just received the Environmental Impact booklet
10 from ODOT, and to me they left out one of the most
11 important recipients of this, of the impact, and that is
12 the businesses along 99, Fern Valley, and the interchange.

13 I personally have dealt with the ODOT people for
14 six years regarding this. I've been lied to face-to-face,
15 they won't return my phone calls. I can give a name if --
16 I won't do that. They promised maps, which I haven't
17 received. They tell me that they will work on solving
18 some of these situations that are impacting our property,
19 they haven't done any of those.

20 I look at these ODOT people with their safe
21 government jobs and I don't think they have a clue about
22 what it takes to operate a private business. They don't
23 have a clue about the impact that they are creating on
24 these businesses with the downtime prior to the
25 construction and the downtime during construction. No new

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1 businesses are going to open up, no property is going to
2 be developed during this time.

3 They decide to do these projects, and they must
4 think we're really stupid because they just expect us to
5 just go with whatever they have to say. Their arrogance
6 really, really offends me. I don't think that any of them
7 even think twice about this, this is their project and
8 that's what they do. I don't know where they got the
9 authority to do all of this stuff, maybe there is a law,

10 I'm not sure. But I don't think that they really take
11 into account the pluses and the minuses when they do these
12 things.

13 The No-Build Alternative right now is something
14 that I think they should really seriously look at. In
15 case everybody hasn't noticed, we're in a very, very tough
16 economic time. Even without this construction, a lot of
17 these businesses will not make it. They're going to be
18 further impacted by this, and some of them, I'm sure, will
19 not make it through this time period.

20 I've discussed with ODOT the South Stage
21 overpass just to tie in with North Phoenix Road, which
22 would alleviate a lot of traffic that is impacting the
23 interchange and the intersection at 99. They keep saying
24 that it doesn't figure into their project, their plans.
25 Whatever their reason is, it doesn't pencil out. That

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1 would be an alternative that would alleviate a lot of the
2 traffic that is supposedly causing the problem at this
3 particular point and not impact the City of Phoenix the
4 way that this major one will.

5 Put it on hold. Put it on hold for two or three
6 years until this economy turns around, look at it again in
7 two or three years, build the South Stage tie-in, do the
8 repairs on Bear Creek and the interchange that you have to
9 repair, and let it sit for a while, and see what the heck
10 happens.

11 Also, in the impact statement booklet, they
12 discussed artifacts. We've owned that property at 99 and
13 Fern Valley for 50 years. I have found artifacts on that
14 property and along the creek. Also, at the beginning of
15 North Phoenix Road where the S-curve is at, there are
16 artifacts in that orchard. I thought that that was
17 something that you should know because it wasn't in your
18 statement.

19 Well, I guess that is probably all I have to say
20 right now, but this will be a terrible, terrible impact on
21 us. What they're going to take from our property is
22 probably going to leave us with a building that is not
23 usable the way that it is, we won't have enough parking.
24 They've given us no option on any of these portions of our
25 property that they're going to take, there is no

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1 compromise. It just doesn't seem like it's a fair
2 situation. And, again, it seems like they really don't
3 care, other than getting their project built.

4 To whom it may concern, thank you for listening.
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STEPHEN MORRISON
DSU/Peterbilt & GMC
Phoenix, OR

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4 MR. MORRISON: Stephen Morrison. I am with the
5 DSU/Peterbilt and GMC. My title is Vice-President,
6 Vice-President and Director of parts and operations. And
7 we have a plant located on Fern Valley Road.

8 And our concern is that we're going to have
9 large trucks, Class 8 diesel trucks with trailers coming
10 out of our property and going up Fern Valley Road to the
11 intersection of Fern Valley and South Phoenix Road. And
12 we feel that there should be a light there at that
13 intersection because we're going to have 53-foot trucks
14 turning left at that light. And we understand that that
15 light is going to be removed from that location, just have
16 a stop sign.

17 And concern is that those large trucks will have
18 to fend for cross traffic to get out into the stream of
19 traffic there. And just feel that we should retain the
20 signal, if at all possible there, to assist the trucks in
21 getting out into that traffic on a left-hand turn. That's
22 it.

23 This is in the new trucks. This is the proposed
24 light. There was a light proposed there. And I
25 understand from talking to the people here at the meeting

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1 that they are taking the light out and just putting stop
2 signs up at that intersection.

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110310 odot public hearing.txt
OREGON DEPARTMENT OF TRANSPORTATION
I-5: FERN VALLEY INTERCHANGE
ENVIRONMENTAL ASSESSMENT
PHOENIX HIGH SCHOOL
PHOENIX, OREGON

NOVEMBER 3, 2010

ORAL PUBLIC HEARING

PROCEEDINGS

MS. REYNOLDS: I am Nancy Reynolds. Time is 6:30 p.m.

Okay, let's get started.

Ah -- good evening and welcome to the Fern Valley Interchange Public Hearing. My name is Nancy Reynolds. And I'm a Senior Consultant and Environmental Project Manager. And I've been working on the Fern Valley Interchange Project since it began in 2000 -- January 2004.

I'll be conducting the formal oral testimony portion of this public hearing. And I'll be assisted by Seth Galt [phonetic] at the table over there. He will act as the timekeeper.

I'm going to go over just a little bit of a background summary. And then we'll get into the public hearing portion.

Over the past six years, as many of you know, ODOT has conducted an extensive public involvement program for this project. And this included the Project Development Team Meetings, Citizen Advisory Committee Meetings, we had open houses, and a lot of meetings with individuals, businesses, residents and meetings with city council and Jackson County, and with regulatory agencies.

And just a quick note, so I don't forget. This is being taped for Rogue Valley Television.

Now, the purpose and need is develop for the project, and it's specifically to identify problems that must be solved as we develop the alternatives.

And the purpose of this particular project is to improve the safety and operations for vehicles and pedestrians and bicyclists at the interchange on Oregon 99 and the project area, and also on Fern Valley Road. And also to address and correct the structural and traffic capacity problems at the Bear Creek Bridge.

Now, the need for this project is due to, as I know many of you are aware, of the congestion at the interchange where vehicles can back occasionally onto I-5, and a condition which is projected to worsen over time.

16 And it's predicted, actually, that eventually there will
17 be traffic congestion if something isn't done to address
18 it, actually going from 99 to Phoenix, North Phoenix Road.

19 Also, in addition, there is poor sight distance
20 on Fern Valley Road caused by the I-5 overpass. And the
21 project area lacks continuous sidewalks and bike lanes.

22 Now, besides needing to address the purpose and
23 need for the project, there were eight goals that were
24 developed by the Citizens Advisory Committee and the
25 Project Development Team to address specific issues of

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1 concern to the community. And these goals and the
2 associated objectives with them represent issues that they
3 felt were of particular -- that they should be considered
4 during the project development process.

5 And just to give you some examples, it would be
6 like protecting existing businesses and residences and
7 neighborhoods, and as well as planned developments,
8 ensuring that there's a safe -- that they had a lot of
9 concerns about safety with emergency vehicles and school
10 busses, bicyclists and pedestrians. Also, the intent
11 would be to help to enhance the livability of the
12 community, and to protect and enhance the natural
13 environment.

14 And through the alternative development process
15 there were 30, about 30 alternatives that were developed,
16 and were considered. And all of those alternatives were
17 put through a filtering process. And they had to meet the
18 purpose and need for the project. And then you would make
19 every effort for them to also meet the goals and
20 objectives. And then all of the alternatives that were
21 looked at also had to go through -- they had to -- we had
22 to avoid or minimize economic, social and natural
23 environmental impacts with any alternatives as they were
24 filtered through. We wanted to try to avoid impacts.

25 Now, two alternatives were evaluated in the Fern

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1 Valley Interchange and environmental assessment, the
2 No-Build Alternative and the Build Alternative.

3 The No-Build Alternative essentially means that
4 the proposed project would not be built. And it's also
5 used in the environmental document as a basis of
6 comparison with the Build Alternative.

7 The Build Alternative evaluated in the
8 environmental document includes a new interchange design
9 concept called the crossing-diamond interchange. And with
10 this particular kind of interchange, drivers are directed
11 to the opposite side of the structure in order to cross
12 I-5. If you want more information on this particular
13 design, you can see that over at the design table up in
14 the lobby.

15 The west of I-5, the alignment of the Build
16 Alternative essentially follows Fern Valley Road to, or to
17 Highway 99, and then east of the interchange, it
18 essentially connects to Phoenix Road along the new
19 alignment.

20 After this hearing, the Citizens Advisory
21 Committee and the Project Development Team will make a
22 recommendation on whether to select the Build or No-Build
23 Alternative. And then the Federal Highway Administration
24 will make a final decision on whether to select the Build
25 or the No-Build Alternative.

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1 And then a final environmental document will be
2 published documenting this hearing, public comments,
3 responses, and the final decision.

4 And as many of you probably already know, we do
5 have hard copies of the environmental, the executive
6 summary of the environmental assessment and CDs that
7 contain the entire environmental document. Those are
8 available at the environmental table in the lobby, and
9 also we have hard copies, a few hard copies of the
10 environmental assessment. And you can also, upon request,
11 if we run out, we can also take your name and we'll get a
12 copy to you. You can also obtain copies of the
13 environmental assessment online at ODOT's Region III
14 website. And locally they are available for review at
15 city hall, the county library, and also ODOT Region III.

16 I want to take just a moment to go over the
17 ground rules that will be in effect for this public
18 hearing. We're hear to listen to you. And we won't be
19 answering questions during the hearing. You can take
20 questions and ask those out at the stations and folks will
21 help you there. This is specifically for oral testimony.
22 All comments will be responded to in the final
23 environmental documentation.

24 If you're giving testimony, please limit your
25 comments to three minutes. We will hold up, Seth will be

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1 holding up a yellow card when you have one minute left.
2 And then we will hold up a red card when your time is up.
3 If you have more testimony that you would like to give
4 beyond the three minutes, you can give additional
5 testimony to the court reporter, who is in the library, or
6 you can provide written testimony.

7 You cannot transfer your testimony time to
8 someone else. All speakers must speak into this
9 microphone, and give their names and addresses. Comments
10 need to be relevant to the proposed project alternatives
11 or the environmental assessment, and should not be of a
12 personal nature or repetitive. And please do not address
13 the audience, or ask for audience participation during the
14 testimony.

15 If you are in the audience, please remain quiet
16 so that others can hear, and the court reporter can hear.
17 Please don't interrupt others that, who are speaking with
18 any kind of questions or comments. Disruptive behavior is
19 not prohibited. Please leave the room if you have side
20 discussions you'd like to have. And please turn off your
21 cell phones and pagers, or set them to vibrate.

22 So, we have -- we just have a quick reminder of
23 the rules for the public testimony. I'll call out the
24 names of individuals whose names are on the testimony
25 cards in the order I received them. Okay.

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1 Okay, the hearing is now open. And the first
2 card that I have is a Don Mitchell.

3 UNKNOWN AUDIENCE MEMBER: I thought I saw him
4 walking over there.

5 MS. REYNOLDS: Pardon?

6 UNKNOWN AUDIENCE MEMBER: I thought I saw him
7 walking right back there.

8 MS. REYNOLDS: Let's move to the next one then
9 and -- I couldn't hear you.

10 UNKNOWN AUDIENCE MEMBER: I thought I saw him
11 walking right back there. Don.

12 MS. REYNOLDS: Don Mitchell. Seth will put up
13 the yellow card when you have one minute left.
14 MR. MITCHELL: It's three minutes, right?
15 MS. REYNOLDS: Yeah. They will put up a yellow
16 card and then a red card --
17 MR. MITCHELL: Well, don't start yet.
18 MS. REYNOLDS: They won't start until you start
19 talking.
20 MR. MITCHELL: Yeah, whenever you are ready.
21 You want my name? You've got the information already.
22 COURT REPORTER: I have to have it.
23 MR. MITCHELL: Don Mitchell.
24 COURT REPORTER: And your address?
25 MR. MITCHELL: 200 Karen Way, K-A-R-E-N, Way,

0028

1 Phoenix, 535.6304. Been a resident of the city since --
2 well, it turned 100 recently. Not quite that long, but
3 for most of it.
4 I've attended all of these meetings. And I
5 thank the ODOT and the Council of Governments for taking
6 the time to sponsor it.
7 I filled out a card and sent it into ODOT some
8 time ago. And they blessed me with this document. I
9 appreciate it. I've read it very carefully.
10 I just spent about 25 minutes with a court
11 reporter giving my opinions, for what they are worth,
12 probably not very much.
13 If I were questioning to have a build or
14 no-build alternative, what I would say to the powers that
15 be -- and there's nothing personal -- there's nothing
16 personal in my remarks, whatsoever -- I just think that
17 it's wrong.
18 I think we're being asked in Phoenix to build an
19 interchange that serves the valley wide problem. And it
20 is not our problem. We're part of it, but it's not up to
21 us to the whole solution.
22 And in this document, which I appreciate
23 receiving from ODOT, I received a CD disk, too -- it
24 didn't work. I guess I can get a new one tonight.
25 Somebody said they had some that would work. I appreciate

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1 that.
2 But you have a build and no-build. If I had the
3 power, which I don't have any power whatsoever, I'd say
4 hey, wait until you do something to alleviate the problem
5 before you ask us to fix it all. And you can alleviate
6 some of that with an overpass at South Stage. You can
7 minimize the impact on the City of Phoenix.
8 We don't need that traffic. We don't need that
9 pollution. Recently the city council says you can't burn
10 in the city because of pollution. What do you think the
11 traffic generated at that interchange is going to be?
12 What, have I got a minute? I'm a poor judge of
13 time. I made my living talking.
14 I wonder how the city council feels about adding
15 the pollution from such an interchange when they were so
16 concerned about burning in the city. I don't think that
17 it makes good sense to promulgate the emissions from
18 trucks having to drive out of the way because of design of
19 a new interchange.
20 And we know that air moves. It says in here
21 that the residents will be some distance from the truck
22 stop. Air moves, doesn't it? It belongs to everybody.

23 So if I were king, I'd say hey, you do something
24 to alleviate the problem closer to its source, which is
25 southeast Medford, before you come here and ask us to

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1 solve the whole problem.

2 Times up. Thank you.

3 MS. REYNOLDS: Thanks, Don.

4 MR. MITCHELL: Nothing new said. I said this in
5 the very beginning.

6 Is this yours or mine?

7 MS. REYNOLDS: This is yours and this is mine.

8 Terry Rombach.

9 MR. ROMBACH: My name is Terry Rombach. And I
10 represent Phoenix Properties, which is located at the
11 corner of Fern Valley and South Pacific Highway.

12 When I got this environmental assessment, I
13 notice that there was one, to me, a very crucial part of
14 that environmental assessment that was not in there, what
15 the impact is going to be on the businesses that are along
16 99, Fern Valley and the interchange.

17 We've owned that property there for 50 years and
18 Pop has been fighting ODOT for 50 years. They slowly take
19 a little bit more on the front. They want to take a ton
20 on the side, take a ton on the other side, and leave us
21 with a business or a building that we cannot use.

22 Right now there's nine viable businesses in that
23 complex and every one will be impacted, not only now with
24 the time that it takes to get this thing started. There's
25 been no building, no expansion, no anything, because

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1 nobody knows what's going on. And then you've got three
2 or four or five years of construction.

3 No new businesses, no expansion. And they never
4 give any thought about that. They come in, they take part
5 of our property. They expect us to just sit there and
6 take it. And not even thinking about what they are
7 leaving us, whether we can survive with what we've got.
8 It's not just a business, it's our livelihood. Not just
9 now, but forever.

10 I've talked to ODOT many, many times over the
11 last six years. They don't return phone calls. I've been
12 lied to, straight to my face. Their arrogance offends me.
13 I have a difficult time believing anything that they say
14 because I've dealt with them face to face and I've dealt
15 with three or four or five or six, then they change, and
16 three or four or five, six more.

17 This late onset, I would vote for the No-Build.
18 In case you all haven't noticed, we're in a terrible
19 economic situation right now. Many businesses will not
20 survive this. Many businesses will not survive this
21 interruption that we're going to have, plus taking away
22 from us.

23 I would vote don't build right now. Look at it
24 again in two or three years, see if we've recovered. Give
25 us a chance to survive this economic situation first.

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1 Thank you.

2 MS. REYNOLDS: That's all the cards I have.

3 Would anyone else like to provide oral testimony? No?

4 Okay.

5 This hearing is now concluded. Thank you for
6 participating. And thank you for your involvement with
7 the project.

8 You may still provide comments on the project.
9 I think the court reporter is still in the library, and
10 also for oral comments. And also written comments will be
11 accepted through November 16th, and can be sent to Dick
12 Leever, ODOT Project Leader, and his address is on this
13 slide. Yeah.

14 MR. ROMBACH: Excuse me. I honestly have one
15 more important thing, if I could say it. Five seconds.
16 And I will show you what it is.

17 You have on your environmental assessment about
18 artifacts. We've owned that property for 50 years.
19 There's artifacts on that property. The orchard across
20 the freeway that is on the beginning of North Phoenix
21 Road, there's artifacts in that orchard yard.

22 MS. REYNOLDS: What I suggest is you might want
23 to do is make sure you document that, and write that up or
24 give it in your oral testimony. And we respond to all of
25 the comments that are made on the document, or on the

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1 alternatives.

2 MR. ROMBACH: I would think you would want to
3 know that.

4 MS. REYNOLDS: Please make those comments.

5 MR. ROMBACH: I will.

6 MS. REYNOLDS: Anyone else?

7 Okay. The hearing is concluded. Thank you.
8 [Oral public meeting concluded at 6:55 p.m.]
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CERTIFICATE

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3 STATE OF OREGON)
4 County of Jackson) ss.

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6 I, Katherine Shelley, Shorthand Reporter, hereby
7 certify that, at the time and place set forth in the
8 caption hereof, that at said time and place I reported in
9 stenotype all oral proceedings had in the foregoing
10 manner, that thereafter my notes were reduced to
11 typewriting under my direction, and that the foregoing
12 transcript, pages 1 to 17, both inclusive, constitutes a
13 full, true and accurate record of all such oral
14 proceedings had, and of the whole thereof.

15 WITNESS my hand and notary stamp at Medford,
16 Oregon, this 14th day of November, 2010.
17

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Katherine Shelley
Shorthand Reporter
Notary Public

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CERTIFICATE

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STATE OF OREGON)
County of Jackson) ss.

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I, Shirley Blayne, Registered Professional Reporter, hereby certify that, at the time and place set forth in the caption hereof, that at said time and place I reported in stenotype all oral proceedings had in the foregoing manner, that thereafter my notes were reduced to typewriting under my direction, and that the foregoing transcript, pages 18 to 33, both inclusive, constitutes a full, true and accurate record of all such oral proceedings had, and of the whole thereof.

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WITNESS my hand and stamp at Medford, Oregon, this 14th day of November, 2010.

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Shirley A. Blayne
Registered Professional Reporter
RPR No. : 002043

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Comments Received by E-Mail

----- Message from "Harry Page" <harrypage1924@gmail.com> on Tue, 19 Oct 2010 15:28:10 -0800 -----

To: "LEEVEVER Dick B" <Dick.B.LEEVEVER@odot.state.or.us>

Subject: Fern Valley I/CExecutive Summary,page ES-2

The area identified as Phoenix Hills is known as ; Meadow View Estates!

Phoenix Hills is the Area between Breckenridge and Phoenix Road.

Harry Page

harrypage1924@gmail.com

----- Message from <brilew5@aol.com> on Mon, 15 Nov 2010 07:27:07 -0800 -----

To: "LEEVER Dick B" <Dick.B.LEEVER@odot.state.or.us>

Subject: I-5: Fern Valley Interchange vote: Build Alternative

Hi Dick! The members of the Phoenix East Side Traffic Study group vote for the Build Alternative for the I-5: Fern Valley Interchange. Thank you for all your hard work getting this project to this point. All the best in the future to you and your team. Take care.

Brian (Dr. Brian J. Lewis, Ph.D).

From: Tom Pyle [<mailto:amatom2@charter.net>]

Sent: Monday, November 08, 2010 9:28 AM

To: vguarino@rvcog.org

Subject: Fern Valley Interchange Project

(Vicki: Please forward this to ODOT)

The only remaining alternative to doing nothing to improve the

Interstate 5 exit 24 interchange does little to improve the

intersection of Fern Valley Road and Highway 99 in Phoenix.

In fact, it perpetuates a number of problems at the intersection.

At present, and in the proposed "North Phoenix Through" (NPT)

alternative which is likely to be approved, Fern Valley Road in

effect dead-ends into the Ray's Market parking lot. To quote ODOT's

Gary Leaming, with whom I spoke at the recent public hearing on the

project, "Who ever heard of a freeway exit road dead-ending in a

parking lot?" No one has, but that's exactly what the city of Phoenix

and ODOT propose to continue to allow to happen. The result will be

continued unsafe conditions for pedestrians in the parking lot as

well as very limited access to and from Cheryl Lane where it butts

into highway 99.

At present, and in the NPT alternative traffic to and from Phoenix

High School and homes in the Cheryl Lane neighborhood use the parking

lot as a through street to reach either Fern Valley Road eastbound

or highway 99 northbound. These vehicles create an unsafe situation

for Ray's customers who park in the lot and then must cross traffic

to enter the store. They are faced with the same challenge when they

try to return to their vehicles upon leaving the store.

This problem is caused by ODOT's decision of several years ago to

place a median curb in the middle of highway 99 on the north side of the Fern Valley/highway 99 intersection. This median makes it impossible for eastbound traffic on Cheryl to turn left onto 99 and impossible for westbound traffic on Fern Valley or northbound traffic on 99 to turn left on Cheryl, which is the primary access route to Phoenix High School and neighboring homes.

I do not criticize the decision to place the median curb on highway 99, but am trying to point out the obvious result of that decision as well as what will occur if the NPT is adopted.

What then is the solution?

The solution, quite clearly, is to connect Fern Valley Road and Cheryl Lane and close the entrance/exit to/from Ray's at the current Fern Valley/highway 99 intersection.

The NPT alternative already shows the current intersection being widened to allow a sweeping turn from Fern Valley onto northbound 99.

This proposal forces the relocation of a gas station and, I believe, a diner at the intersection. My proposal would add elimination of the northeast portion of Ray's parking lot to the short list of properties affected. This portion of the lot has little vehicle usage and no structures and entrances to Ray's would still be available off of Cheryl and highway 99 to the south of the current Fern Valley intersection. The impact on customer access to Ray's would be minimal, as would the store's loss of revenue.

I ask that my proposal be given a fair review, with safety of pedestrians in Ray's lot be looked at as a priority, as well as the opportunity to improve traffic flow to and from Cheryl Lane. There are pros and cons to this and any other proposal, but surely safety

and traffic flow have to be first and foremost on the list of priorities ODOT uses when considering different approaches to solving problems with its highway system.

Thank you for your attention to this matter.

Tom Pyle

2298 Camp Baker Road

Medford, OR 97501

Comments Received by Mail

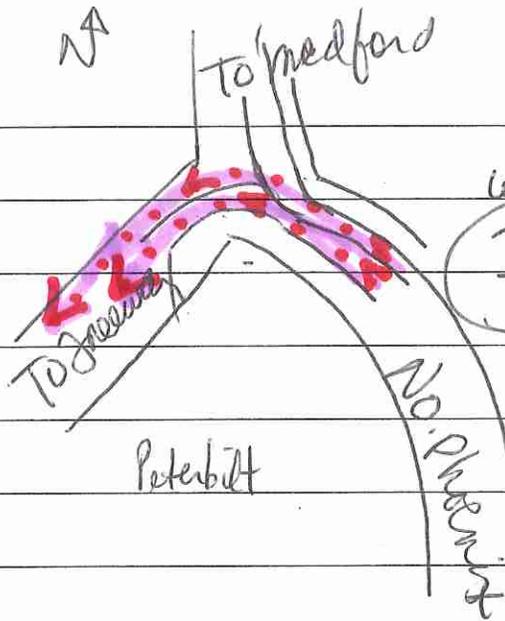
Andi Bruce Sogho
Paul Jones

Karen Jones

Phoenix Hills Subdivision
Neighborhood Country Hills Dr.

Meadow View Subdivision

All agree



Well, I tried -
26ft
turn
lanes!
Longer queuing
lane just
will NOT
be sufficient!

2. How would you rate the Public Hearing? (materials provided, staff responses to your queries, etc.)
(1 = poor, 2 = average, 3 = good, 4 = excellent). Why?

4 - Phoenix residents need to be informed, concerned, and cooperating in this process if we want to survive the construction process without sanity and businesses intact!

Thank you, ODOT, for doing an excellent job. It's been a passionate process!
Karen

For further information on this project, please contact:

Anna Henson, Environmental Project Manager
Phone: (541) 774-6376
Email: Anna.Henson@odot.state.or.us

Oregon Department of Transportation
100 Antelope Road
White City, OR 97503

11-14-10

Dear Mr. Leever,

I am writing in support for the ~~road~~ build
alternative for the phoenix I5 interchange
Project.

Thank you,

Brianna Lewis

Received
NOV 16 2010
ODOT
District 8

11/14/10

Received

NOV 16 2010

ODOT
District 8

Dear Mr. Leever,

I'm writing in support
of the Build Alternative
for the Phoenix I-5 interchange
project.

Thank you.

Sincerely,

Kara Lewis

Phoenix Hills resident

Received
NOV 16 2010
ODOT
District 8

Nov. 14, 2010

MR. Leever,

I support the BUILD ALTERNATIVE.
This is for the PHOENIX / I-5 INTERCHANGE

Neil Lewis Staube

Nov, 14, 2010

Dear Dick Leever,
I am writing in support for
the Build Alternative for the Phoenix / I 5
interchange project. Thanks.

Sincerely,
Menna Quinn Lewis
Resident of Phoenix

Received
NOV 16 2010
ODOT
District 8



Fern Valley Interchange

Phoenix, OR

November 3, 2010 Public Hearing/Open House

COMMENT SHEET

Name TERRY ROMBACH FOR Phone 541-512-2211
PHOENIX PROPERTIES
 Address 4149 S. PACIFIC HWY. Email _____
MEDFORD, OR. 97501

The purpose of the I-5 / Fern Valley Interchange project is to develop a transportation solution that addresses the long-term traffic, transportation system and development needs of ODOT, the City of Phoenix and Jackson County. The proposed action would reduce congestion and improve operational conditions at the I-5 interchange with Fern Valley Road, on Fern Valley Road within the City of Phoenix Urban Growth Boundary, and on OR 99 near its intersection with Fern Valley Road. In addition, the Fern Valley Road Bridge over Bear Creek is proposed for replacement because it is structurally deficient and functionally obsolete.

ODOT appreciates any comments you have on this project. Written comments will become public record.

1. Your comments regarding the Fern Valley Interchange Environmental Assessment and proposed project.

YOU LEFT OUT THE MOST IMPORTANT PART OF OUR CITY THAT IS HARDEST HIT BY YOUR FORCED PROJECT! BUSINESSES & COMM. PROP. OWNERS. WE ARE IN A MASSIVE ECONOMY DOWNTURN, SOME WILL NOT SURVIVE THIS DOWNTURN, OTHERS WILL NOT SURVIVE THE CONST. PERIOD. WAIT 2-3 YEARS AND SEE IF THE ECONOMY REBOUNDS, MAKE THE NEEDED REPAIRS, FINISH THE S. STAGE TIE IN, GIVE US A CHANCE TO HOLD ON. OUR PROPERTY WILL BE HIT ON (3) SIDES, NO COMPROMISE, JUST TAKE IT & LIKE IT! I'VE BEEN LIED TOO, NO MAPS AS PROMISED, NO

Continued on back of page

For further information on this project, please contact:

Anna Henson, Environmental Project Manager
 Phone: (541) 774-6376
 Email: Anna.Henson@odot.state.or.us

Oregon Department of Transportation
 100 Antelope Road
 White City, OR 97503

RETURN OF PHONE CALLS. THEY SAY THEY LISTEN, BUT THEY DON'T CARE. THESE PEOPLE ARE ARROGANT & THEY DON'T CARE ABOUT ANYTHING BUT THEIR PROJECT OR WHO THEY DESTROY TO GET IT. LOOK AT THE MAPS, THEY CAN MOVE THE LINES, BUT THEY WON'T. WHAT THEY STEAL, WILL LEAVE US WITH A BUILDING THAT WILL NOT HAVE ENOUGH PARKING TO OPERATE AS BEFORE. AGAIN NO COMPROMISE TO HELP US. BIKE PATHS & SIDEWALKS THAT GO NO WHERE. WE'VE OWNED THIS PROPERTY FOR 50 YEARS, YOU KEEP TAKING MORE & MORE. LAST, I'VE FOUND INDIAN ARTIFACTS ON THIS PROPERTY & OTHERS. THIS IS TOO COSTLY AT THIS TIME & SHOULD BE TABLED, BUT THAT MAKES COMMON SENSE, WICK DOT LACKS A VERY DEDICATED PROPERTY OWNER WHO WILL FIGHT.

2. How would you rate the Public Hearing? (materials provided, staff responses to your queries, etc.)
(1 = poor, 2 = average, 3 = good, 4 = excellent). Why?

THERE WERE ONLY (2) PEOPLE TO SPEAK, YOU'D THINK YOU COULD HAVE GIVEN MORE THAN 3 MINS. TO SPEAK. DID YOU ONLY SET UP FOR 6 MINS.? SAME OLD MAPS, SAME OLD GOVT. CRAP, SAME OLD ARROGANT PEOPLE WHO DON'T GIVE A DAMN ABOUT WHO THEY HURT WITH THEIR PROJECT ETCHED IN STONE. I HAVE NOTHING GOOD TO SAY ABOUT THESE PEOPLE OR HOW THEY'VE HANDLED THIS PROJECT. WE WILL CONTINUE TO FIGHT YOU ALL WE CAN!

For further information on this project, please contact:

Anna Henson, Environmental Project Manager
Phone: (541) 774-6376
Email: Anna.Henson@odot.state.or.us

Oregon Department of Transportation
100 Antelope Road
White City, OR 97503

November 12, 2010

Not having easy access to the Truck Stop at Phoenix for truckers & travelers is a Safety Issue.

This is especially true in bad weather. Truckers and travelers coming off the Siskiyou Mountain Pass need a place to rest and park their vehicles that does not require multiple turns & twists to locate.

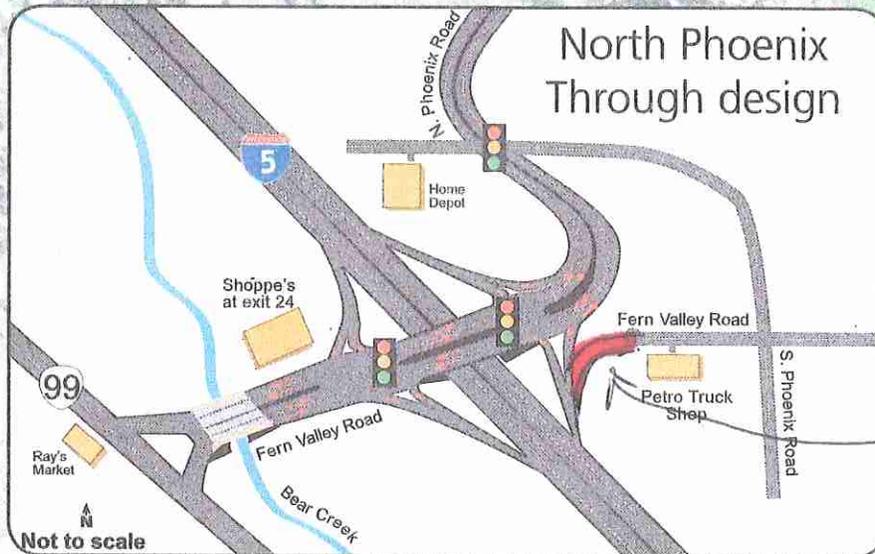
It appears that a By-Pass Road to the East Side of Medford is more important than Safety. Small business in the area is already stressed without the removal of easy to navigate access roads!

This appears to be yet another example of the Government telling the people what the people are going to do and how it will be done.

Copies to:
Mail Tribune
City of Phoenix
Truck Stop
Exit 24
ODOT

FERN VALLEY INTERCHANGE PROJECT

receives public comment



?
WHY
NOT

The opportunity to comment on the Environmental Assessment (EA) for the Fern Valley Interchange project runs through Tuesday, November 16.

The Draft EA evaluates the "North Phoenix Through" design alternative and the no-build option. Public comments are included and addressed in the Revised EA.

The Interstate 5 interchange (exit 24) experiences traffic congestion throughout the day, especially during morning and afternoon commutes. New and proposed development on the east side of I-5, as well as development growth within the Rogue Valley, are choking the interchange's capacity and causing safety concerns.

ODOT hosted an open house and public hearing at Phoenix High School on November 3.

"We are receiving a lot of public input," said ODOT Project Leader Dick Leever. "It is excellent to see the community take an active interest in developing transportation solutions."

The project's design phase started in 2004. The "Fern Valley Through" design alternative was eliminated in 2009 because it would have an adverse impact on nearby farm land.

The \$73 million Fern Valley interchange project could be constructed using a

crossing-diamond design that provides a higher capacity to move traffic safely while reducing right-of-way needs. Vehicles crossing the interchange move to the opposite side of the road to either enter I-5 or to cross it, reducing the number of signal cycles for traffic to clear.

The Missouri Department of Transportation was the first agency to construct an interchange of this design in the United States. ■

The Draft EA is posted online on the project web site: www.oregon.gov/ODOT/HWY/REGION3/fvi_index.shtml, and is available for review at the following locations:

- Phoenix City Hall, 112 W. 2nd
- Phoenix Public Works and Shops, 1000 S. B Street
- Phoenix/Jackson Co. Library, 510 W. 1st, Phoenix
- Medford/Jackson Co. Library, 205 S. Central, Medford
- RVCOG, 155 N. 1st, Central Point
- ODOT District Office, 100 Antelope Rd., White City



Working Towards a Livable & Sustainable Rogue River Valley Region

Nov. 16, 2010

Dick Leever
Project Leader, Region 3
Oregon Department of Transportation
100 Antelope Rd.
White City, OR 97503

Re: I-5: Fern Valley Interchange Environmental Assessment

Dear Mr. Leever,

Thank you for this opportunity to comment on the Fern Valley Interchange Environmental Assessment (EA). Rogue Advocates is a non-profit organization dedicated to the promotion of responsible land use planning to ensure a more livable and sustainable Rogue Valley region. Along with our members in Jackson and Josephine counties, we are particularly concerned with the protection and preservation of farmland, forestland and open space. We submit our comments to address the issues in the EA that are pertinent to our organization's public interest mission.

An Environmental Impact Statement is Required for this Project

Rogue Advocates believes an Environmental Impact Statement (EIS) is required for this project. The Fern Valley Interchange could have significant impacts on the human environment, especially in light of the cumulative impacts of past, present and foreseeable future development and land use changes brought by this project, which requires an EIS instead of the EA that was prepared.

Courts have ruled that whenever there is reason to believe that significant impacts will occur an EIS must be prepared:

. . . [T]he plaintiff has alleged facts which, if true, show that the proposed project may significantly degrade some human environmental factor . . . A determination that significant effects on the human environment will in fact occur is not essential. If substantial questions are raised whether a project may have a significant effect upon the human environment, an EIS must be prepared.

Foundation for North American Sheep v. U.S. Department of Agriculture, 681 F2d 1172, 1178 (9th Cir 1982).

NEPA requires that an EIS be prepared for every major federal action that significantly affects the environment. 42 USCA §4332(C). The CEQ defines an EA as a "concise public document" that provides enough evidence to determine whether to prepare an EIS. 40 C.F.R. §1598.9(a). The Fern Valley project EA does not provide

substantive and quantitative evidence that this project will not cause serious and irreversible damage to water quality, farmland and air quality.

In fact, all available evidence suggests that the project will cause significant impacts to these resources. This runs counter to the requirements of NEPA's implementing regulations and the statute's clear intent, which mandates that an EIS be prepared to fully consider the cumulative impacts of this project and other past and present impacts in the area. 36 C.F.R. 1500.1(b); 1508.27(b)(7); *Sierra Club v. USFS*, 843 F2d 1190, 1193 (9th Cir.1988). The court has ruled that an agency's decision not to prepare an EIS will be considered unreasonable if the agency fails to "supply a convincing statement of reasons why potential effects are insignificant." *The Steamboater v. FERC*, 759 F2d 1382, 1393 (9th Cir 1985).

ODOT cannot avoid the fact that substantial questions have been raised since this project's inception as to whether or not the project would have significant environmental effects. Therefore, an EIS should be prepared. *San Francisco v. United States*, 615 F2d 498, 500 (9th Cir 1980); *Save the Yaak Committee v. Block*, (9th Cir 1988). These questions are reasonable, justified and supported by accepted scientific findings. Failure to prepare an EIS for this project therefore violates both the spirit and letter of NEPA.

The Environmental Assessment Fails to Include an Adequate Range of Alternatives

As the Ninth Circuit has stated, "The 'touchstone' for courts reviewing challenges to an EIS under NEPA 'is whether an EIS's selection and discussion of alternatives fosters informed decision-making and informed public participation.'" *Westlands Water Dist. V. United States DOI*, 376 F3d 853, 872 (9th Cir 2004). This critical discussion of alternatives is something that the majority of cases analyzing the adequacy of an EA or an EIS focus their critique.

Although there is no "bright line rule" as far as how many alternatives are needed to pass court scrutiny, the general rule of thumb is that "[A]n agency's consideration of alternatives is adequate 'if it considers an appropriate range of alternatives, even if it does not consider every available alternative.'" The fewer alternatives the agency considers, however, the greater the risk of the court finding the alternatives analysis inadequate. *Compare Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F3d 800, 813 (9th Cir 1999) (analysis of only "no action" and two other virtually identical alternatives was found to be inadequate", with *Morongo Band of Mission Indians v. Federal Aviation*, 161 F3d 569 (9th Cir 1998) (court found consideration of seven alternatives to be adequate).

Here, ODOT's EA presents only a single action alternative: Build. Although the EA states that numerous alternatives were considered, none were advanced for a more comprehensive analysis under the EA. The difference between "Build" and "No Build" is a remarkably different future for Phoenix and the Rogue Valley, and to fail to fully consider other options in between jeopardizes this project by subjecting it to potential legal challenges.

As the EA states, the identified purpose and need for this project is to reduce congestion and improve operational conditions at and around the I-5 interchange. See ES-1. We believe that other options must surely exist that would accomplish these worthy goals without displacing our valley's limited supply of agricultural land and further degrading the water-quality impaired Bear Creek. We suggest advancing an action alternative loosely based on Map 18: PDT 19 (*See Appendix A: Alternatives Considered but Not Advanced*). Some problems enumerated about this concept would have to be worked through, but it has the positive effect of rebuilding the interchange on its current footprint and displacing no farmland.

The Cumulative Impacts Analysis Does Not Adequately Consider the Urbanization this Project Will Facilitate

NEPA requires that an agency provide a detailed analysis of the environmental impacts of the proposed action. 42 USCA §4332(C)(i). As part of this analysis, the agency must include an adequate discussion of cumulative environmental impacts. "Cumulative impact' is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions . . ." 40 CFR §1508.7. "Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." *Id.*

Here, the EA states that the future development actions that are likely to occur and therefore warrant a cumulative impacts analysis include the implementation of the Greater Bear Creek Valley Regional Plan and development of the Knollcrest Orchard, Arrowhead Ranch and Centennial Golf Course housing complex. EA, pg. 3-1-3-2.

The Ninth Circuit has rejected cumulative impacts analysis that referred in general terms to "development projects" and "ongoing urbanization" rather than identifying projects and their specific impacts to water quality, farmland and other resources. *Carmel by the Sea v. U.S. Dept. of Transp.*, 123 F3d 1142, 1160-61 (9th Cir 1997). In this case a variety of private and public entities created the cumulative impact. In *Carmel*, the court explained:

The duty to discuss cumulative impacts in an Environmental Impact Statement is mandatory . . . The Final Environmental Impact Statement/Report fails both to catalogue adequately past, present and future projects in the area, and to provide any useful analysis of the cumulative impacts of past, present and future projects and the Hatton Canyon freeway on the wetlands, Monterey pine and Hickmans onion . . .

To begin, the Final Environmental Impact Statement/Report describes past projects in the area with generalities insufficient to permit adequate review of their cumulative impacts . . .

These descriptions are particularly inadequate in light of the Final Environmental Impact Statement/Report's acknowledgment that the Carmel area has experienced "substantial growth" over "the last 30 years."

While this EA does specifically identify future development projects, it does not specifically identify the other projects' combined impacts to resources, as the law

requires. The only analysis offered regarding such impacts is limited to statements such as the following:

- “The cumulative impact of the Build Alternative and adoption and implementation of the *Greater Bear Creek Valley Regional Plan* would be very similar to the indirect effects described above” (indirect effects of the Build alternative include “The Build Alternative would enable additional development to occur. . .” and result in “increasing its attractiveness for development.” EA, pgs. 3-26-3-30;
- “Increased runoff volumes associated with the Build Alternative may increase pollutant loading in stormwater runoff, while projected increases in impervious surface area would increase volumes and peak flood flows of Bear Creek.” EA, pg. 3-130; and
- “As a result of the Build Alternative, population growth and development are expected to continue in the Bear Creek watershed at a higher rate than expected under the No-Build Alternative, due to zoning modifications and associated development potential.” EA, pg. 3-133.

This EA specifies the scope of the development projects adjacent to the Interchange project area, on page 3-21-3-22:

- Knollcrest Orchard: a 36-acre retail, office and residential development on the pear orchard property;
- Arrowhead Ranch: commercial and residential development on a 400-acre property;
- Centennial Golf Course: 1,352 units around the existing golf course;
- Urban Reserve Areas: up to 500 acres in Phoenix and 1,767 acres in Medford (uses yet unknown).

ODOT possesses specific knowledge about the scope of potential development on this acreage and admits that these development projects would not be able to proceed without this interchange being built. *See* EA at 3-29 (discusses how the No-Build Alternative would likely preclude the Knollcrest Orchard development, the Arrowhead Ranch development and development of Urban Reserve Areas PH-5 and PH-10). Curiously, no detailed analysis of the specific impacts of these projects that will be directly enabled by this project has been detailed and this surely cannot stand up to the court’s scrutiny for a proper cumulative impacts analysis.

Additional Considerations

Regional Problem Solving Not an Adequate Basis for Modeling

Transportation projects must base their need on planned development. This NEPA document appears to have based much of its modeling on population projections in the *Greater Bear Creek Valley Regional Plan* (RPS). However, RPS is not an acknowledged plan and is still years away from being one (assuming that it even passes muster with the state and is approved). It is improper for ODOT to justify this project based on any projections besides planned developments, which RPS is not.

Compliance with Jackson County Transportation System Plan

All project alternatives must be consistent with city, county, regional, state and

federal plans and policies. In 2005 Jackson County enacted a Transportation System Plan (TSP), which guides the management and development of county transportation facilities into the foreseeable future. Page 3-70 of the EA states, “The *Jackson County Transportation System Plan* incorporates by reference the Fern Valley Interchange project because it ‘incorporates by reference the *Regional Transportation Plan* (RTP) for all regionally significant transportation facilities within the MPO area.’ The RTP includes the Fern Valley Interchange project as a Tier 1 transportation improvement.”

ODOT is incorrect, however, that the Jackson County Transportation System Plan (TSP) incorporates by reference this interchange project. The TSP references the 2001 RTP, which referred to a project that was not this Fern Valley interchange project. As the county’s TSP states, “Updates to the RTP that change policies and/or affect planning of regionally significant County facilities will require an amendment to the County TSP to maintain plan consistency. 4.2.1-L, Jackson County TSP.

Short of an amendment to the TSP to include the more current RTP that includes this interchange project, the project fails to comply with a county plan and is illegal.

Conclusion

Rogue Advocates supports this project’s important goals of reducing congestion and improving operational conditions around the Fern Valley Interchange area. However, for the reasons discussed above, we cannot support the project in its current form. We understand the hard work that has gone into this project and want to acknowledge that, but also at the same time cannot emphasize enough the critical need to manage growth in a way that limits impacts to our region’s important resources (i.e. productive farmland, clean water and air and open space). Pushing forward with this project as is will trigger unsustainable development and degrade the region’s quality of life. We hope that your agency considers an alternative that advances the goals of your project while simultaneously preserving our important resources. Thank you for opportunity to comment.

Sincerely,

/s/ Sarah Vaile

Sarah Vaile
Project Coordinator, Rogue Advocates

/s/ Jimmy MacLeod

Jimmy MacLeod
Executive Director, Rogue Advocates

November 18, 2010

Dick Leever, Project Leader, Region 3
Oregon Department of Transportation (ODOT)
100 Antelope Road
White City, OR 97503
Email: Dick.B.Leever@odot.state.or.us



RE: Fern Valley Interchange EA Comments

Dear ODOT,

Thank you for accepting these comments from Rogue Riverkeeper/Klamath-Siskiyou Wildlands Center. The Klamath-Siskiyou Wildlands Center (KS Wild) is a non-profit organization whose mission is to advocate for the forests, waters and wildlife of the Rogue and Klamath River Basins of southwest Oregon and northwest California. We have more than 1,800 members. The Rogue Riverkeeper program of KS Wild works to protect and restore water quality and fish populations in the Rogue Basin and other coastal watersheds. KS Wild and its members use and enjoy the Rogue River, its tributaries and other coastal watersheds.

Thank you for this opportunity to comment on the Environmental Assessment (EA) for the proposed Fern Valley Interchange project. I was not aware of a scoping period for this project as I first learned about the EA via a Mail Tribune article. I would like to be placed on a list to be notified of all ODOT projects in Jackson, Josephine and Curry counties so that I can submit public comments starting with the scoping phase. My physical and email addresses are at the bottom of this letter.

I understand that the purpose of the proposed action is to reduce congestion and improve conditions at the I-5 interchange with Fern Valley Road in Phoenix. The current interchange poses safety problems and I support ODOT's effort to alleviate them while providing for pedestrian and bicycle traffic. However, I am concerned that the project team has not explored options to fully minimize or avoid impacts to aquatic resources. My comments emphasize the impacts of the project on aquatic resources. I believe the EA fails to include a reasonable range of alternatives and lacks an action alternative that considers avoiding and/or fully minimizing impacts to water, fish and other aquatic resources.

I appreciate ODOT's planning for the future. However, while this proposal addresses future use and traffic projections for the interchange, it fails to similarly incorporate future projections for water and salmon resources. The EA states that the capacity of the interchange is degrading rapidly, and traffic safety remains an ongoing concern. The EA states, "by 2030, congestion will increase throughout the project area. The traffic queues on the off-ramps that extend back onto I-5 will do so for a longer period of time each day, increasing the risk of high-speed, rear-end collisions (ES-3)."

The Rogue Valley is one of the fastest growing regions in Oregon and the population is expected to double by 2050. OSU fisheries biologist Robert Lackey published a book a few years ago called "Salmon 2100." In it, Dr. Lackey makes clear that the chances for wild salmon to exist in the Pacific Northwest in 2100 are very slim unless we change the way humans relate to the natural world. How we build, maintain and expand our towns and communities has a great impact on our water and fish resources. For example, detention ponds for stormwater are no longer good enough. Why are pervious surface materials not being considered for incorporation into this project?

The University of Oregon's Climate Initiative and the U.S. Forest Service's Pacific Northwest Research Station released a report in December 2008 entitled, "Preparing for Climate in the Rogue River Basin." The report predicts some extreme consequences for the Rogue Valley, including warmer ambient and water temperatures, more intense storms and flooding, changes in stream flows and less snowpack. Increased storm and fire frequency are predicted to increase sediment and nutrient loads as well as persistent organic pollutants and other contaminants entering the Rogue River and its tributaries. Along with higher water temperatures these factors will reduce water quality, threatening the recruitment and survival of young native fish. More storms are also predicted to increase streambank erosion and channel downcutting, resulting in degraded stream habitat. These are just some of the predicted impacts of climate change in the Rogue Basin that will increase the vulnerability of aquatic species. Coupled with existing stressors and population growth, good water quality and viable salmon have a precarious future.

Water quality conditions in the Bear Creek watershed have been substantially degraded due to past and ongoing urbanization, road building and agricultural practices. Population growth and development are expected to continue in the Bear Creek watershed. The EA acknowledges that, "These actions are expected to further degrade the water resources in the Bear Creek watershed (3-137)."

Impervious surface and associated stormwater pollution is one of the biggest problems we face today with regard to water quality and aquatic ecosystems. Indeed, the EA acknowledges that highway stormwater runoff contains heavy metals, inorganic silts, aromatic hydrocarbons, suspended solids, rubber particles, oil, grease and copper. In addition to increasing volumes of sediment loading in Bear Creek, increased stormwater runoff can also alter stream channel morphology and hydraulics. The EA states, "As a result of the increased impervious surface associated with the Build Alternative, there would be an increase in runoff rates and volumes and pollutant load (3-134)."

While the EA states that, "stormwater runoff volumes would double due to increased impervious surface and reduced infiltration potential, with a corresponding decrease in baseflow (3-131)," it also states that, "The final combination of stormwater treatment and detention measures has not been determined at this time (3-131)." Without an innovative and final plan for stormwater management, ODOT cannot assure the public in this EA that the project will not harm water quality. Again, why aren't pervious surface materials

being incorporated to reduce the acreage of new impervious surface?

The Bear Creek sub-basin has the most impervious surface of any sub-basin in the Rogue watershed and it is no a coincidence that Bear Creek salmonid runs are a fraction of what they were 150 years ago. The amount of impervious surface in a watershed has a direct relationship to degraded water quality and altered morphology in adjacent streams. This project would add 11.2 acres of new impervious surface area adjacent to Bear, Coleman and Payne Creeks, all of which are listed as impaired under the Clean Water Act. The EA acknowledges negative impacts from impervious surfaces:

The Bear Creek watershed is subject to irrigation diversion, upland and riparian vegetation clearing, and conversion of fields and uplands to impervious surfaces. Increases in impervious surface area result in increased stormwater runoff in the winter and decreased infiltration and groundwater recharge in the summer. As a result, stream flows peak higher during winter storms and are reduced during the summer when groundwater is the primary water source. Flow changes resulting from increased impervious surfaces generally have a negative effect on salmonid habitat (3-116)... Potential long-term effects that could impact water quality downstream would be due primarily to the net increase of impervious surface and the potential for untreated run-off. 3-122.

The EA recognizes how urban development has already impacted water resources in the project area:

Water resources within the project-affected area have typically been impacted by increased urbanization and agricultural activity. Wetlands are generally low to moderate functioning due to proximity to existing roads, developed areas, and ongoing agricultural practices. The only exception is Wetland B, which provides moderately high wetland functions due to its provision of riparian functions (thermoregulation, woody debris production, flood attenuation, etc.) along Bear Creek. Increased development in the project area has resulted in increased impervious surfaces, altering hydrology by decreasing infiltration and increasing stormwater runoff into Bear, Coleman, and Payne Creeks, thereby affecting water quality and modifying stream morphology. 3-136.

The EA acknowledges how surface waters have been impacted in the project area:

Wetlands and other surface waters in the Bear Creek watershed have been heavily altered by past and ongoing urbanization and agricultural activities. Floodplain wetlands have been lost due to development, road building, and diking. Bear Creek and its tributaries, Coleman and Payne Creeks, are subject to irrigation withdraws and stormwater pollutant inputs. The watershed has lost much of its riparian zone vegetation to development and agricultural conversion. The riparian zones have been narrowed and/or degraded so that shading and other riparian functions are

compromised system-wide. 3-137.

The EA also acknowledges how urban development has exacerbated sediment loading, which is harmful to salmon:

The uplands of the Bear Creek watershed consist of highly erodible soils that result in high levels of natural sediment. Extensive agriculture and urban development in the watershed add to that sediment load. The result of these processes is poor water quality clouded by sediment, making the creeks less suitable for salmonids. 3-116.

The EA states that impacts to Bear and Coleman Creeks include:

Approximately 20 mature riparian trees would be removed to construct the new, wider Bear Creek Bridge. These trees provide shade for Bear Creek, thus helping to keep temperatures cooler in the summer... Temporary impacts could include increased sedimentation and turbidity. There is a potential for construction-related debris to enter the waterway, and for chemical contamination to occur as heavy machinery operates in and near the waterway. 3-122.

The Biological Assessment (BA) for this project concluded that the Build Alternative “may affect, and is likely to adversely affect” SONCC coho salmon and “may affect, but wouldn’t likely adversely modify the designated critical habitat for SONCC coho salmon.” In addition, the findings stated that the proposed action may temporarily impair the functioning of Essential Fish Habitat for Pacific Salmon during construction. The related Biological Opinion issued an “incidental take permit” to kill SONCC coho during project construction.

The BA determined that the project would result in a loss of 0.79 acres of riparian habitat that would be mitigated at a 1:1 ratio off-site. Why is the mitigation only at a 1:1 ratio? The EA and BA acknowledge the negative impacts of this project on aquatic resources, while simultaneously acknowledging the degraded state of Bear Creek and its tributaries. Why would a 1:1 ratio be adequate or acceptable mitigation for riparian habitat loss *if* we want to have wild salmon in the lives of future generations?

In addition to aquatic impacts from the project itself, it would facilitate growth and development by improving transportation facilities, which would increase stormwater pollution, including discharges of sediment, dissolved metals and other pollutants. The EA states that such develop could increase pollutant loading, including bacteria and pollutants that are, “not otherwise well-controlled by stormwater treatment.” The EA states that:

Local projects and continued commercial and residential development northeast of the Fern Valley Interchange, together with the Build Alternative, may incrementally increase the impacts to water resources in

the vicinity of the project. 3-137.

The EA states that this impact could be mitigated by Low Impact Development (LID) techniques; yet such LID approaches in future development facilitated by this project are treated in isolation. We cannot and should not proceed this way. Rather, we should ensure that any development associated with, or facilitated by, this project will incorporate LID techniques to minimize and avoid impacts to streams from stormwater pollution.

In summary, this project would have significant impacts to water quality and salmon, including SONCC coho, in a watershed that is already degraded and 303(d)-listed under the Clean Water Act. An alternative should be considered that would minimize and/or avoid these impacts.

Why does the EA only include two alternatives, one being no action and the other being the proposed action? Under NEPA, this does not appear to be a reasonable range of alternatives. In particular, there is no action alternative that would 1) minimize or avoid removing mature riparian vegetation in a 303(d) listed stream (under the Clean Water Act) for temperature; 2) not require an incidental take permit for SONCC coho salmon; 3) not negatively impact "Wetland B," which is a high functioning wetland on Bear Creek; or 4) incorporate pervious surface materials that would reduce new impervious surface acres. I believe ODOT should issue a supplemental EA that includes a second action alternative that minimizes and/or avoids these aquatic impacts.

As we consider the future of growth and development in the Rogue Valley, we cannot analyze in isolation a transportation project that would have such impacts on our fragile aquatic resources. As we look to accommodate growth and improve unsafe transportation infrastructure, we must simultaneously take a hard look at a project's impact on the future of salmon and water resources. With credible reports on climate change impacts in the Rogue Basin, we must also work hard to minimize and avoid impacts to aquatic resources so as not to exacerbate current and predictable near future stressors.

I look forward to your response.

Thank you,

/s/ Lesley Adams

Lesley Adams, Rogue Riverkeeper
Klamath-Siskiyou Wildlands Center
PO Box 102
Ashland, Oregon 97520
541.488.5789
lesley@rogueriverkeeper.org

