

# CONFLICT ASSESSMENT

## FLORENCE-EUGENE HIGHWAY PROJECT (commonly referred to as the West Eugene Parkway or WEP)

-- Prepared for --

The Citizens of Lane County,  
Interested Agencies and Local Governments, and  
the U.S. Institute for Environmental Conflict Resolution

-- Prepared by --

*The Osprey Group*

May 2006

## I. BACKGROUND

### Why was this Assessment Conducted?

The West 11<sup>th</sup> Street – Garfield Street, Florence-Eugene Highway Project has been under consideration for over two decades. The project is now in the final stages of environmental review under the National Environmental Policy Act (NEPA) with the Oregon Department of Transportation (ODOT) as the lead state agency and the Federal Highway Administration (FHWA) as the lead federal agency. The Bureau of Land Management (BLM) of the U.S. Department of the Interior and the U.S. Army Corps of Engineers (USACE) are cooperating agencies in the NEPA review and approval process. The U.S. Fish and Wildlife Service (USFWS) plays an important role in the review of endangered species issues and other state, federal and local levels of government are also involved.

Several community groups oppose the current preferred alternative, known as the *West Eugene Parkway* or WEP, based on environmental and other grounds. Other stakeholders would like to see the Parkway constructed, and are frustrated with the slow pace of project development and review. FHWA, ODOT and the City of Eugene agreed to support an assessment of the controversy and asked for assistance from the U.S. Institute for Environmental Conflict Resolution, a federal agency whose mission is to help stakeholders resolve conflicts over public lands, natural resources and the environment, where a federal agency or interest is involved.

This assessment describes the controversy surrounding the proposed West Eugene Parkway, with particular emphasis on what, if any, expanded community involvement might be helpful. We asked two fundamental questions: How did the situation evolve in the way it has? What will it take to move ahead?<sup>1</sup>

### Who Conducted the Assessment?

The Osprey Group was selected to conduct this assessment. Osprey, based in Boulder, Colorado, acts as a neutral third party to help address and resolve a range of public policy disputes, often involving transportation, natural resources and environmental issues. Dennis Donald and John Huyler, Principals with the firm, conducted this assessment.

### How was it Performed?

A number of interested and potentially affected individuals and organizations were interviewed as part of this assessment. Osprey conducted interviews with over 50 people in Oregon, the vast majority of which were face-to-face. A list of those interviewed is shown in Appendix A. Our goal was to gain a range and balance of perspectives from the community. Undoubtedly, we missed some people with worthwhile views. We

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<sup>1</sup> It is interesting to note that the words “move ahead” were interpreted as a bias on our part by a few. These people thought “move ahead” meant we were in favor of building the WEP. To be clear, we are not in favor of any particular outcome.

augmented the personal interview process in several ways. Osprey hosted a “drop-in” session at the Eugene Public Library, which approximately 40 people attended. Our email address was published in local papers and nearly 100 people took the time to send us substantive emails. In addition, we met with eight members of the Eugene Roundtable, a bi-partisan group of community leaders who are interested in a range of community issues.

All our interviews were conducted in confidence; the results of these interviews are synthesized in this report without attribution. This report is Osprey’s summary of the issues and challenges facing this proposed project and the community as we understand them. The report has been reviewed by the U.S. Institute for Environmental Conflict Resolution, but no one else. It is being sent simultaneously to an email distribution list consisting of nearly 400 names. We have tried to impartially reflect what we heard about the nature of the challenge and the potential for solutions. To the extent there are errors, they belong solely to us.

## II. ISSUES

“The WEP represents a schism in Eugene’s community identity.”

“The Parkway has become a symbol for so many other things – growth, development controls, wetlands.”

There are a number of challenging issues. We have divided them into two categories: (a) major substantive issues in dispute and (b) issues related to the decision process, trust and relationships that influence the conflict and how it might be addressed. Our analysis of the issues in these two categories is what underpins our formulation of our statement of the problem and options for addressing the problem.

### What are the Major Substantive Issues?

This project has a long history (Appendix B provides a brief historical summary). During this time, a range of substantive issues has emerged where there is disagreement. We have not tried to present an exhaustive listing of issues here, but have summarized issues raised during a number of our interviews.

- Purpose and Need – We found a number of individuals, mostly those who oppose the project or the expected preferred alternative, who thought the purpose and need statement in the EIS was too narrow and overly prescriptive, i.e., that only a limited set of alternatives could meet the purpose and need. This sentiment has also been expressed by some Federal agencies, such as the Fish and Wildlife Service and the Army Corps of Engineers. It should be noted that the purpose statement has been

recently modified by the FHWA, but this revised statement had not been made public during the time of our interviews.<sup>2</sup>

- Alternatives – Many of those we interviewed expressed concern about the alternatives and how the alternatives have been narrowed. In addition, a number were unclear about the criteria being used to identify a preferred alternative.

Many who support the project have confidence in the agencies' review process. While not necessarily committed to the specific solution, these WEP supporters see the need for a transportation solution. As one business person said, "No one in the business community believes this is the ideal solution" to the traffic problem. In other words, other lines on the map or combinations of options would be acceptable, but these individuals do believe there is a transportation problem that should be addressed.

For those particularly concerned about wetland impacts, other alternatives that do not bifurcate or further fragment the wetlands are frequently mentioned. It is probably safe to say that most express concern about the alignments west of Beltline, again primarily reflecting potential wetland impacts. The USFWS has voiced concerns over wetland impacts in the past. In October 2005, the Service wrote to the ODOT and FHWA citing meetings where "it became apparent that there is significant concern by the Service and other TAC (Technical Advisory Committee) members about the adequacy of the proposed SFEIS purpose and need statement, range of alternatives, and the preferred alternative."

One observation made by both opponents and proponents is that, as time goes on, land use decisions are made that further constrain available alternatives. Some concern is also expressed that any notably different alternative might require another EIS process and years of additional analysis.

- Wetland Preservation – There is widespread support for the value of the West Eugene wetlands. For some, these lands are viewed as an important community amenity, but they are not considered highly valuable or sacrosanct. Others have very strong opinions about the value of these lands as key to the protection and survival of rare habitat, plants and animals. It is clear that many of these individuals do not see all wetlands as equal, but that particular values and functions need to be recognized above and beyond acreage assessments.<sup>3</sup> Some describe the wetlands less in terms of its ecological function and more as a statement of Eugene's commitment to make hard land use choices in the face of development pressure. Among wetland supporters, there are a range of views. Some see these lands as more pristine than

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<sup>2</sup> The purpose statement suggested by FHWA is "The purpose of the project is to improve the mobility of people, goods and services to, from and through West Eugene, within the area bounded by Highway 126 near Oak Hill and Highway 99." This statement was sent to the USACE for their review on 17 February 2006.

<sup>3</sup> We understand that ODOT is preparing a draft "Wetland Functions Assessment for the West Eugene Parkway Project Corridor Study Area" as part of the alternatives assessment.

others. One individual said, “There will be noise, light and traffic and this will detract from the wetlands. It is not a pure wilderness. The wetlands are still within the urban growth boundary. But, it will continue to be a major community amenity, much like Central Park in New York.”

- Endangered Species – There are growing concerns about several threatened or endangered species. These include the Fender’s Blue Butterfly, Kincaid’s Lupine, and Willamette Daisy. If a species is listed or critical habitat designated by the U.S. Fish and Wildlife Service, the Endangered Species Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. The USFWS is currently in the process of receiving comments about its proposed designation of critical habitat for these species.
- Transportation Demand – While virtually everyone agrees that significant growth has and is occurring in Eugene and surrounding communities, there is not parallel agreement about the magnitude of the resulting demand for transportation or how this demand should be met. Some say the proposed WEP is an expensive option, financially and in terms of community and environmental impacts, to address a relatively modest transportation problem. One person simply asked: “Do the traffic projections warrant a project of this magnitude?” Those in this camp look to other system improvements that might reduce the need for a concrete-intensive solution. Some even believe the whole nature of transportation demand will dramatically change over time as the price of fuel rises and driving individual automobiles becomes more expensive. Others indicate it is time to make a difficult choice because transportation demand is rising, in Eugene and between I-5 and the coast. They particularly cite the growing truck traffic and congestion on West 11<sup>th</sup> Avenue and believe that considerable new highway capacity is necessary, not just improvements to the existing network.

Many also think of the traffic demand in two parts. We heard from several who discussed urban needs as distinct from the regional or connectivity needs, with the former generally being east of Beltline and the latter being west of Beltline.<sup>4</sup>

#### Are there Other Issues that Complicate the Decision-Making?

- Trust – The level of trust among key stakeholders is low. Almost every one of the key stakeholders is seen as partisan. It might be expected that there would be limited trust between environmental and development interests. And, indeed that exists. One individual said simply, “The development community doesn’t want the environmental community to get away with anything.” Sentiments are similar on the other side. It should be said, of course, that neither the business community nor the environmental

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<sup>4</sup> While these are the “major substantive issues” voiced most frequently and explained most deeply by the people we interviewed, clearly many others exist. They range from the details that are involved in the permitting requirements of various agencies to suggestions of expanded rail service to the coast. Moreover, there is often a vague line between substantive and procedural issues.

community is uniform in its thinking. An interviewee noted, “The environmental community is a tough one in this town. There is no one person who speaks for the environmental community; there is no single figurehead.”

Some believe there is a reason for optimism. As one person noted, “The old WEP debate was a struggle between hard-line environmentalists and the hard-line business community. The more responsible environmental community is willing to look at alternatives and willing to compromise. Let’s consider highway improvements, but avoid the wetlands.” A number of individuals recognized that improved interactions and creative thinking are more likely when people, organizations and agencies are not stuck in their positions.

Even recognizing openness in the search for solutions from many we interviewed, there is an overlay of suspicion or acrimony that complicates discussions and negotiations. For instance, we were told that the Federal agencies, with distinctly different mandates, apparently are not working as collegially or cooperatively as one might expect toward common solutions. Moreover, conflict exists between Lane County and the City of Eugene about the value of the WEP. The most recent tangible evidence of this was in the Metropolitan Policy Committee’s effort to approve the Metropolitan Transportation Implementation Plan (MTIP), when Eugene representatives sought approval of the MTIP without the WEP and others said no. This remains an outstanding conflict.

- Growth versus No-Growth – Some Eugene residents would prefer to see little or no growth in the City or even the region. They think growth causes a reduction in quality of life. As one individual said in citing our over-reliance on the automobile, “The party can’t go on. No solution that includes building a new highway makes any sense from any number of perspectives.” There are others who see growth as inevitable or desirable and that the challenge is to best plan for and manage the growth that does occur. As one person put it, “There is a conflict between the vision of Eugene as a village and the vision of Eugene as a city.” The WEP is a poster child for this fundamental philosophical difference in viewpoints. Another commented that, “This is a symbolic issue for the community. It is similar to the conundrum that a lot of communities face about balancing growth and livability.”
- Openness in the Process – Any lack of transparency in WEP planning contributes to suspicion and further lack of trust. Regardless of the level of public involvement to date, some believe that more complete and timely information should have been shared. A greater sense of openness and inclusion on the part of ODOT would help community understanding and potential acceptance of a decision. One person said, “The debate has gotten over-simplified. No one listens and it’s hard to get folks to move off their positions. We need a fresh look.” Others, however, see the problem as the inability of Eugene citizens to agree on anything. When asked why this process has taken so long, one individual said simply, “It’s Eugene.”

- Clarity of Decision-Making Roles – As might be expected, most people do not understand the intricacies of the decision-making process and agency roles for a transportation proposal of this complexity. This, too, contributes to confusion and distrust. Both proponents and opponents perceive the agencies as not working collaboratively and seek to advance their particular perspective with the agency most aligned with the result they want.
  
- Inter-Agency Collaboration – We were told there has not been consistent and productive communication and coordination among the Federal agencies. Even though there is a WEP Executive Coordination Team, it appears not to be functioning at a high level. Part of this is may be attributable to the sequential nature of the decision-making and the NEPA review process. This ineffective collaboration, notably between ODOT and FHWA on the one hand and BLM and the Corps of Engineers on the other, is at odds with the ODOT desire to complete the EIS by the end of the calendar year. One person noted the difficulty in working with ODOT saying, “ODOT is hard to start, hard to steer, and hard to get them to stop once they are moving.”
  
- Indecisive Community – There are a numerous indications of a community that is split over the WEP. In 2001, the City of Eugene and the Oregon Department of Transportation hosted a charrette. This group suggested a “no build” decision as their preferred alternative. In the same year, the Eugene voters narrowly indicated their ongoing preference for the WEP and, by a larger margin, a desire to not pursue other alternatives. This division is reflected in mayoral leadership in Eugene, with Mayor Torrey seen as an advocate for the WEP and Mayor Piercy seen as questioning the project’s merit. Recent City Council votes mirror the divide in the community. Some indicated to us that there’s an element in the community that would rather fight than find a solution. Situations like this often occur when there are complex issues on the table. As one person said, “Eugene residents enjoy the fight and the complexity of the issues.” This division in the community no doubt makes it challenging for organizations like ODOT, which because of technical and funding challenges must plan far into the future. Reflecting this long-term planning horizon, one person said, the “gestation period for these projects is so long, you need to have a local partnership that can be sustained over time.” Another individual in talking about Eugene said, “We’re not so different than other communities, except that we have perhaps a larger contingent of anarchists than normal.”

### III. THE CHALLENGE

We think the current challenge can be captured is a single question:

“How can the State and the community get to a transportation solution for West Eugene that has widespread understanding and acceptability?”

This challenge is clearly complicated by the issues of substance and dynamics in the community cited above. We see any meaningful solution as being at the intersection of a technically sound transportation approach and something the community understands and accepts from growth management and environmental perspectives.

### IV. OPTIONS FOR MOVING FORWARD TOWARD A DECISION

We have identified three options that have merit. None is a panacea and each has its own problems.

We have termed the approaches:

- Proceed with Current NEPA Review Process
- A Collaborative Process
- Heightened Commitment to Public Engagement

The following narrative describes the approaches. Without a doubt, there are many permutations for each, but we offer them as fairly distinct choices that could address the current challenge. We describe below how each approach is functioning or could function. For each there is discussion about the upsides and downsides of the specific choice.

It is important to recognize that at “the end of the day” the various agencies must exercise their statutory responsibilities and make decisions consistent with their legal mandates and in accordance NEPA procedures. All options cited below recognize the authority and responsibility of ODOT and FHWA, as well as other decision-making agencies, such as the USACE. What is significantly different in the three options is the nature and extent of public involvement.

#### Option I: Proceed with Current NEPA Review Process

We see this option as a “continue the current course” option. It means that ODOT, working with FHWA, will complete the Final Supplemental Environmental Impact Statement (FSEIS). ODOT and FHWA have indicated a desire to have the FSEIS complete by the end of the 2006 calendar year. In our opinion, this deadline will likely



prove overly optimistic, especially if ODOT seeks to have the two cooperating Federal agencies support the Record of Decision (ROD) in writing. Our interviews lead us to believe that both the Corps and the BLM will find obstacles to the WEP as currently proposed.<sup>5</sup> These obstacles might prove to be either low or high hurdles. In any event, both cooperating agencies will likely require additional time to address wetland and conservation issues. There are also other Federal agencies that are likely to weigh in on this proposed action, particularly the U.S. Fish and Wildlife Service. Since the USFWS is currently in the process of designating critical habitat and has concerns about endangered species, their review process represents another potentially significant hurdle, even though this agency is not formally designated as a “cooperating agency.” Other state and federal agencies are also involved in the formal review process.<sup>6</sup> With respect to public involvement, this option employs the traditional public meeting format at prescribed points in the NEPA process.

This “continue the course” option has merit. It recognizes there is pressure to reach a decision after many years of study and analysis. It does not necessarily assume a predetermined decision and allows for the potential of the “no build” option being selected as the preferred alternative. It also recognizes that a different alignment might emerge as the preferred alignment avoids or minimizes wetland and species impacts. This approach also recognizes the ambiguity in the community about the WEP and questions the value of attempting to reach a community consensus on what has to date been a polarizing issue.

Funding is also an issue. We were told that the availability of initial funding for constructing the project is linked to selecting the preferred alternative and timely completion of the NEPA process. In addition, reimbursement by FHWA of money spent by ODOT on its transportation analysis and environmental review may be tied to the completion of the NEPA process.

There are clearly downsides to this option as well. In the words of one citizen, “It’s a big job educating people about how this process works.” This approach, most notably, fails in providing citizens of Eugene and Lane County a substantial opportunity to participate meaningfully in the process. ODOT and FHWA may present an alignment(s) that addresses major objections to the previous alternative(s), but any such details are not yet

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<sup>5</sup> Most of those we interviewed believe the alignment under consideration by ODOT is one that parallels the Central Oregon and Pacific Railroad west of Beltline and divides the wetlands. However, we were told the preferred alignment is under review as are the need statement and the criteria for evaluating alternatives. The preferred alternative might be notably different from the alignment most are considering “the preferred alternative” at this time.

<sup>6</sup> Oregon has an approach intended to assist in the coordination and review of transportation projects. To improve decision-making and develop an integrated land use and transportation planning process, Oregon created the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS). The goal of CETAS is to promote environmental stewardship, agency collaboration, and, in the early stages of a project, scoping. The agreement was approved in April 2001 by ten agencies, including the ODOT, FHWA, USACE, US Environmental Protection Agency, USFWS, National Marine Fisheries Service (NMFS), and several state resource and regulatory agencies. Because of this project’s long history, the provisions of CETAS are not being used in this NEPA review.

known. Moreover, it is clear that there are changes underway about the purpose and need statement. Similarly, the criteria for evaluating alternatives are under review. It is highly doubtful that there could be meaningful public engagement about these changes if a December 2006 deadline remains the target. Furthermore, while ODOT and FHWA could conceivably reach a decision by the end of the calendar year, it is doubtful that three key Federal agencies would embrace this decision within the same time frame. The agencies have expressed concern about the purpose and need statement, the range of alternatives explored, and the preferred alternative. USACE, for example, under its Section 404 Clean Water Act responsibilities must determine that the alternative proposed by ODOT and FHWA is the “least damaging practicable alternative” (LDPA); there is no indication that the Corps believes this LDPA has been found. There might well be legal action regardless of the course chosen by ODOT and FHWA. Some see this as simply a cost of doing business and making difficult choices in the public interest. At the same time, this option probably engenders a stronger likelihood of litigation than other options that allow for greater public involvement and openness.<sup>7</sup>

### Option II: A Collaborative Process

Any true collaborative community process involves a balanced group working together openly, transparently and in good faith to seek a solution acceptable to all. Community is defined more broadly than just Eugene. It requires participation by both community stakeholders and the key decision-making agencies. A collaborative community process could take a number of decision-making forms. It could, for example, be purely advisory or it could be structured in a way that joint citizen-agency decision-making was attempted, although the agencies’ statutory decision-making responsibilities cannot be altered. It would need to operate by a set of agreed-upon groundrules that were explicit on important questions such as the group’s decision-making model, the scope of its charge, the extent of its influence, its timeline for operation, who would contribute any necessary funding, how information would be supplied and handled, and who should be at the table and how the broader public could be involved. Transparency is critical. Any collaborative community process is beyond the expectations of the current NEPA review process. Such a process necessitates a longer timeline for a Record of Decision than the end of 2006.

When we asked people for examples of successful collaborative community processes in Eugene very little was offered, particularly on complex issues. There are, however, several ongoing, self-generated forums (such as the Roundtable and the City Club) that bring citizens from different walks-of-life and points-of-view together voluntarily to discuss issues of importance to the community. The recently established Sustainable Business Initiative is another example of an attempt to reach across ideological viewpoints to find common ground solutions for the community. These efforts might be helpful in launching a balanced, collaborative community process that is both sensitive to

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<sup>7</sup> A number of potential legal challenges have been mentioned, such as impacting lands conserved with Land and Water Conservation Funds, impacting wetlands or critical habitat, the Corps 404 permitting process, as well as various issues being investigated as part of the EIS.

the need to make a timely decision and to the need to have more openness within the community as alternatives are explored.

We think this type of approach has great potential, but only under certain conditions. It has been our experience that the additional time devoted to such an effort can pay dividends in reaching a decision that has considerable understanding and support from the community and addresses the needs of the stakeholders. These efforts are more appropriate as complexity rises. So the good news is that a collaborative process can increase public understanding about the nature and magnitude of the challenge, the range of alternatives that might address the problem, and the impacts associated with the alternatives. It is a helpful way to ensure community priorities are truly reflected in the criteria used to evaluate alternatives, and it may lead to better solutions.

At the same time, collaborative efforts can add little if the necessary ingredients for success are not in place. Under the worst conditions they translate into more time and resources being spent on a controversial issue and no resolution. Some we interviewed voiced the concern that a collaborative effort might be used as a tactic to delay or kill the project. Several necessary conditions need to be in place for a collaborative process to be effective:

TABLE 1  
OPTION II. CONDITIONS FOR SUCCESS

- There must be clarity about the purpose and charge for the effort.
- Key decision-makers, such as ODOT, FHWA and the cooperating agencies need to be involved and supportive.
- There must be a willingness on the part of all to listen to and authentically consider alternatives for addressing the challenge.
- The process must be convened without a predetermined solution and as an opportunity to find a potentially better solution.
- Participants must come to the table in good faith and be committed to finding a solution.
- The group being convened must be representative and balanced and be seen as such.<sup>8</sup>
- Members of the group can represent particular perspectives, but they must be able to listen and consider a range of options.
- The time and financial resources for such an effort must be in place.

How reimbursement for the NEPA review and funding for the project construction would be affected under this option is unclear. Some have told us that failure to select a

<sup>8</sup> We find it particularly valuable to have a number of individuals in the group who are well respected and civic minded. Even though it is important to have some who might have good reasons to be for or against a proposed project, it is often most helpful to have citizens who bring obvious credibility and strong commitment to the community; we call these individuals the “radical middle.” One person spoke of the usefulness of such people by saying, “Consultants and ODOT often hear from the vocal minority the most.”

preferred alternative quickly might mean that funds for this transportation priority are likely to be moved to other Oregon transportation needs.

### Option III: Heightened Commitment to Public Engagement

This option falls between the first two options. It allows for more meaningful additional public involvement, but is not a collaborative process.

This approach entails expanding the current public involvement process in an attempt to foster much deeper understanding of and solicit input on alternatives, evaluation criteria, possible environmental and other impacts, and the mandates of the agencies. It would likely involve a sequential series of workshops. The workshops might have a specific topical focus, such as:

- Project Overview (NEPA, Role of Agencies, Purpose and Need)
- Identification of Alternatives and Criteria for Evaluating Alternatives
- Assessment of Alternatives
- Identification of the Preferred Approach

No representative group of people would be selected to participate; everyone would be welcome. Extensive participation by all involved agencies, including ODOT, FHWA and the two cooperating agencies, and local governments would be expected, and an open exchange of information and ideas would be encouraged. Additional resources and interagency cooperation would be necessary to organize and execute the workshops and other means of outreach.

This approach has certain positive attributes. It allows additional public engagement in several substantive areas under debate, such as the purpose and need, the criteria being employed to evaluate the alternatives, and the range of alternatives under review. The workshop format is suggested so that the sessions are informative and beyond the traditional public meeting format. There should be ample opportunity for an exchange of ideas and information. This approach could be undertaken in a fairly expeditious fashion.

There are also certain downsides to this approach. It is likely that more time would be needed for this approach than for Option I (albeit less than Option II). Some will argue that the level of involvement is not sufficiently meaningful. They might say, for instance, that having a sole session to address alternatives would be inadequate. Moreover, this format does not allow for the richness and depth of discussion that the collaborative process would entail. What this approach gains in breadth, it loses in depth. Perhaps some would be concerned that this model gives the illusion of public engagement, but there might be little commitment on the part of the agencies to truly listen and be responsive to what they are hearing. In this sense, Option III could smack of cooption rather than true public involvement.

Some of the conditions for success for this option are summarized below:

TABLE 2 OPTION III. CONDITIONS FOR SUCCESS
<ul style="list-style-type: none"><li>▪ There must be clarity about the purpose of the effort.</li><li>▪ Key decision-makers, such as ODOT, FHWA and the cooperating agencies need to be involved and supportive.</li><li>▪ Because of the necessity for expanded planning, evaluation and review, additional time is needed.</li><li>▪ The agencies must be willing to listen and to consider suggestions from other agencies, groups, and individuals.</li></ul>

How reimbursement for the NEPA review and funding for the project construction would be affected under this option is unclear.

In the charts that follow, each of these options is presented with a summarized set of pros and cons.

## OPTION 1. PROCEED WITH CURRENT NEPA REVIEW PROCESS

*ODOT and FHWA, with reviews from the Corps of Engineers and BLM as cooperating agencies, continue with the NEPA process as planned and make a decision. USACE, in consultation with the USFWS, then decides whether to issue a 404 permit.*

Pros	Cons
<ul style="list-style-type: none"> <li>▪ Is ostensibly less time consuming</li> <li>▪ Requires fewer public resources to reach a decision</li> <li>▪ Recognizes years of transportation analysis and impact assessment</li> <li>▪ Recognizes two community votes supporting the WEP</li> <li>▪ Increases the likelihood that funds for a specific transportation priority in West Eugene will remain available</li> <li>▪ Demonstrates that the agencies can make a decision on a tough issue</li> <li>▪ There does not have to be a presumption about any “build” or “no build” alternative</li> </ul>	<ul style="list-style-type: none"> <li>▪ Perpetuates lack of community understanding</li> <li>▪ Exacerbates lack of community acceptance</li> <li>▪ Has limited transparency</li> <li>▪ Falls short of openly addressing suspicion about both adequacy and completeness of alternatives analysis</li> <li>▪ Will continue to raise questions about agency motives</li> <li>▪ Increases vulnerability to litigation over wetlands preservation and endangered species issues</li> <li>▪ Invites high stakes political and legal interventions by both opponents and proponents</li> <li>▪ There could be an extensive period before all parties would sign a ROD</li> <li>▪ There could be an extensive period before other Federal agency approvals and permits are granted, if at all</li> </ul>

## OPTION 2: A COLLABORATIVE PROCESS

*A representative and balanced group of stakeholders and relevant agencies examines the purpose and need for a project, reviews alternatives to meet that need, and works toward a consensus solution. ODOT, FHWA and the cooperating agencies support and participate in the process.<sup>9</sup>*

Pros	Cons
<ul style="list-style-type: none"> <li>▪ Increases transparency and openness of the process</li> <li>▪ Establishes an opportunity for increased public understanding</li> <li>▪ Establishes a mechanism to openly address a variety of alternatives for meeting transportation and environmental protection needs</li> <li>▪ Provides additional opportunities to demonstrate how new and evolving issues, such as critical habitat designations, are being addressed</li> <li>▪ Is likely to lessen vulnerability to litigation and political challenges</li> <li>▪ Could provide an effective vehicle to engage multiple agencies in the dialogue</li> <li>▪ Might lead to an acceptable solution with more community and agency ownership and, thus, require less time to reach a sustainable and implementable decision</li> </ul>	<ul style="list-style-type: none"> <li>▪ It is late in a long project history for an elaborate new process</li> <li>▪ There is a history of personal animosities and polarization in the community</li> <li>▪ The lack of trust may make collaboration difficult</li> <li>▪ Value differences exist that may not be amendable to any collaborative solution</li> <li>▪ A collaborative agreement is not binding on any public entity or agency, although it may be adopted by them</li> <li>▪ There is an undercurrent of suspicion regarding the motives of various agencies, units of government and affected interests that may make collaboration difficult</li> <li>▪ Some suspect that a collaborative effort is just a delaying, or killing, tactic</li> <li>▪ Collaborative efforts require additional cost in dollars and, possibly, more time</li> <li>▪ Many believe that most alternatives have already been identified and considered</li> <li>▪ There is no guarantee that consensus will be reached</li> <li>▪ Failure to select a preferred alternative quickly might mean that funds for this transportation priority are moved to other Oregon transportation needs</li> </ul>

<sup>9</sup> See Table 1, the Option II conditions for success.

### OPTION 3: HEIGHTENED COMMITMENT TO PUBLIC ENGAGEMENT

*This option presumes an expanded approach taken by the agencies, lead by ODOT and FHWA. It recognizes a need for enhanced public engagement through a series of workshops.<sup>10</sup>*

Pros	Cons
<ul style="list-style-type: none"><li>▪ Acknowledges a community need for greater understanding and input</li><li>▪ Brings Federal partners to the table to add clarity about their responsibilities and approaches to representing the public interest</li><li>▪ Can be conducted thoughtfully and in a shorter period of time than Option 2</li><li>▪ Increases inclusion, transparency and accountability</li></ul>	<ul style="list-style-type: none"><li>▪ Requires additional time, money and staff resources</li><li>▪ May not allocate sufficient time to meaningfully explore issues</li><li>▪ The nature of the public involvement could make project opponents feel as though this gave the illusion, but not the reality, of meaningful participation</li></ul>

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<sup>10</sup> See Table 2, Option III conditions for success.



## V. CONCLUSION

We believe that if the agencies and the community can rise to the challenge, the collaborative process, Option II, can best address the current challenge of “getting to a transportation solution for West Eugene that has widespread understanding and acceptability.” The hurdles, however, are serious. Several are cited in the text that describes this option. It is clear, for example, that without willing and active ODOT participation, such a process should not be pursued.

Option III provides the next best course if the agencies are truly committed to listening and understanding, and believe that a heightened commitment to public engagement is in their interests. This option could be pursued to enhance public involvement while simultaneously seeking improved inter-agency coordination and agreement.

Proceeding on the current course, Option I, is unlikely to increase public understanding or acceptability of whatever decision is made. Any build option that fragments the wetlands will be strongly opposed by many. This option, despite the appearance of being most committed to a timely decision, has the greatest potential of facing difficult and time-consuming agency reviews and litigation.

APPENDIX A  
LIST OF INTERVIEWEES

John Alcott  
Preferred Futures

Nick Arnis, Transportation Manager  
City of Springfield

Anne Ballew  
Councilor, City of Springfield

Bonny Bettman  
Eugene City Councilor

Mark Buckbee  
BLM Eugene District Office

T. J. Brooker, Mayor  
City of Veneta

Steve Calish  
BLM Eugene District Office

Terry Connolly  
Eugene Chamber of Commerce

David Cox  
Federal Highway Administration

Gary Foglio  
Gary Foglio Trucking

Gerry Gaydos  
Lane Transit District

Steve Gordon  
LCOG Planner and semi-retired

Bobby Green  
Lane County Commissioner

Rob Handy  
WEP Gazette

James Hanks  
JRH Engineers

Michele Hanson  
Corps of Engineers

John Harris  
Bi-Mart Corporation

Dave Hauser  
Eugene Chamber of Commerce

Ric Ingham, City Administrator  
City of Veneta

David Kelly  
Eugene City Councilor

Ken Kohl  
Oregon Department of Transportation

Emily Lawton  
Federal Highway Administration

David Leal  
U.S. Fish and Wildlife Service

Jane Lee  
Oregon Department of Transportation

Ann Marie Levis  
Funk, Levis & Associates

Troy Likens  
The Jerry Brown Company

Mona Lindstromberg  
Veneta Neighbors for Responsible Growth

John Marshall  
U.S. Fish and Wildlife Service

Greg McLauchlan  
University of Oregon

Anna Morrison  
Lane County Commissioner

Teena Monical  
Corps of Engineers

Debra Noble  
Business Owner

Mary O'Brien  
WETA

Randy Pape  
Oregon Transportation Commission

Cynthia Pappas  
Acting City Manager, City of Springfield

Ethen Perkins  
Natural Areas Management Specialist

Kitty Piercy, Mayor  
City of Eugene

Chris Pryor, City Councilor  
City of Eugene

Gary Reed  
Reed's Fuel Company

Jim Reed  
Preferred Futures

Larry Reed  
JRH Engineers

Mark Robinowitz  
WETLANDS

Tom Schwetz  
Lane Council of Governments

Majeska Seese-Green  
Whiteaker Community Council

Lauri Segel  
1000 Friends of Oregon

Marty Smith  
Bi-Mart Corporation

Jennifer Solomon, City Councilor  
City of Eugene

Pete Sorenson  
Lane County Commissioner

Phil Speers, General Manager  
Sheppard Motors

Jan Spencer  
Citizens for Public Accountability

Faye Stewart  
Lane County Commissioner

Dave Stone  
Audubon Society

Linda Swisher  
West Eugene Environmental Advocate

Dennis Taylor, City Manager  
City of Eugene

Jim Torrey  
Former Mayor, City of Eugene

Clayton Walker  
C.W. Walker & Associates, LLC

Rob Zako  
1000 Friends of Oregon

APPENDIX B  
BRIEF HISTORY OF THE PROPOSED PROJECT

This project has been under consideration for two decades. During this time, much has happened. The project has been subject to considerable environmental review. There have been two community votes. Wetlands were acquired through the efforts and investment of public and non-profit entities. Local transportation and wetland planning has been conducted. There is additional knowledge about endangered species and critical habitat designation is now under review. Some key events are shown below:

- 1978 The T-2000 transportation plan is adopted, which replaces the proposed Roosevelt Freeway with a new east-west corridor
- 1985 ODOT and FHWA publish a Draft Environmental Impact Statement, initiating the WEP
- 1986 A city referendum, required by City charter, that requires any freeway or throughway constructed within the City must have the route approved by a majority of voters in a City election, passed with an 80 percent affirmative vote.
- 1990 FHWA and ODOT publish Final Environmental Impact Statement
- 1994 ODOT, LCOG and City of Eugene publish the West Eugene Parkway Supplemental Needs Analysis, an update needed to assess the project in the context of the adopted 1992 West Eugene Wetlands Plan
- 1997 FHWA and ODOT publish the second Supplemental Draft EIS with description and analysis of 22 alternatives
- 2001 A West Eugene Area Transportation Charrette is held to examine the transportation situation and determine if a path forward could be developed
- 2001 A special election is held with two ballot measures, one which a narrow margin of voters reaffirmed the 1986 decision to build the WEP and a much wider margin voting against a measure calling for the continued study of alternatives to the WEP
- 2002 The Eugene City Council votes 7 to 1 to authorize amendments to the West Eugene Wetlands Plan and local transportation plans to include the WEP
- 2004 FHWA approves a re-evaluation report for the WEP that allows the project to proceed to a Supplemental Final EIS
- 2005 The Fish and Wildlife Service proposes to designate critical habitat for the Fender's blue butterfly and two plants in several areas, including lands in Lane County
- 2006 FHWA proposes language to the Army Corps to clarify the purpose of the project

Currently, ODOT is planning to publish the Supplemental Final Environmental Impact Statement and submit a draft Record of Decision to FHWA by the end of 2006.