

# **EQRB Section 106 Consulting Parties Advisory Group Charter and Protocols**

## **PREAMBLE**

Multnomah County (County) is conducting the Earthquake Ready Burnside Bridge (EQRB) Project to provide our community with a reliable Willamette River crossing on the Burnside regional lifeline route after a major earthquake. In 2023, as part of the Environmental Review Phase, the County, the Oregon Department of Transportation (ODOT), the Oregon State Historic Preservation Office (SHPO), the Federal Highway Administration (FHWA), and the Advisory Council on Historic Preservation (ACHP) entered into a Programmatic Agreement (PA) implementing Section 106 of the National Historic Preservation Act (Agreement No. 73000-00016653; FHWA Federal-Aid No. CO51(111), ODOT Key No. 22592, SHPO Case No. 18-1479).<sup>1</sup>

The PA requires the County to establish a Section 106 Consulting Parties Advisory Group (Advisory Group) to guide the County and the Project Team during the project. The Project Team consists of the County and its consultant team including the owner's representative consultants, the architecture and engineering consultants, and the construction manager/general contractor. The full PA text regarding the Advisory Group is included below:

### ***Stipulation V, Item 6:***

Multnomah County shall convene an advisory group for interested Consulting Party members and representatives of Signatories whose purpose is to provide comments on the implementation of the mitigation for the adverse effect to the Burnside Bridge described in Stipulation II and to provide comments on design developments as they relate to the NHL District. The advisory group will be convened no later than six (6) months after the National Environmental Policy Act Record of Decision for the Undertaking is signed. The role of the advisory group will be outlined in a charter established once the group is convened and approved by ODOT and Multnomah County. Multnomah County shall distribute minutes from the advisory group meetings to all Consulting Parties to communicate progress and decisions regarding mitigation actions.

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<sup>1</sup> Section 106 of the National Historic Preservation Act of 1966 (54 United States Code [USC] § 306108) and its implementing regulations (36 Code of Federal Regulations [CFR] part 800) require federal agencies to consider the effects of their undertakings on historic properties (districts, sites, structures, objects or archaeological sites that are determined eligible or potentially eligible for listing under the National Register of Historic Places [NRHP]) before the expenditure of any federal funds or before the issuance of any federal permit, license, or approval. Federal agencies must consult with the SHPO and conduct government-to-government consultation with the appropriate federally recognized tribes before undertaking projects that would adversely affect historic or cultural resources.

## PURPOSE OF CHARTER

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This Charter Protocols document (Charter) will guide the operation of the Advisory Group. The Project Team will seek endorsement of this Charter from the Advisory Group during the first meeting.

This Charter defines the Advisory Group and the roles and responsibilities of the Advisory Group members, the group facilitator, the Project Team, and invited guests. It also identifies the way in which the Advisory Group will operate, including decision-making processes, meeting conduct, and communications. Once agreed upon by the Advisory Group, the Charter will guide the work and conduct of the Advisory Group in an open and transparent way.

## PURPOSE OF THE CONSULTING PARTIES ADVISORY GROUP

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Per Stipulation V, Item 6, above, the Advisory Group has the following two purposes:<sup>2</sup>

1. To provide input on the implementation of the mitigation to resolve the adverse effect to the Burnside Bridge described in Stipulation II.

Mitigation to resolve the adverse effect to the Burnside Bridge described in Stipulation II consists of the following twelve items:

- i. Archival records
  - ii. Documentation
  - iii. Publication
  - iv. Video documentation
  - v. Interpretive displays
  - vi. Book update
  - vii. Public event
  - viii. Salvage and reuse
  - ix. Three-dimensional model
  - x. Three-dimensional scanning
  - xi. Wikipedia entry
  - xii. Oregon Encyclopedia entry
2. To provide input on design developments as they relate to the National Historic Landmark (NHL) District.

Input from the Advisory Group will be considered by the Project Team along with a variety of other factors when making final decisions on implementation of the mitigation items in Stipulation II of the PA and on the final design of the bridge as it relates to the NHL District. FHWA and ODOT are ultimately responsible for compliance with Section 106 of the National Historic Preservation Act.

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<sup>2</sup> The Advisory Group is not anticipated to be involved in the implementation of the archaeological stipulations found within the PA or PA Attachment 1, Archaeological Identification Monitoring and Treatment Plan, as well as in the implementation of construction vibration minimization efforts found in Stipulation IV of the PA. The Project Team will follow the requirements of the PA for communications on these issues.

## MEMBERSHIP AND REVIEW

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### Term

The Advisory Group term extends from April 2024 through approximately 2031<sup>3</sup> when the new bridge is expected to open and the implementation of all the mitigation items listed above is complete. It is not expected that frequent Advisory Group meetings will occur throughout the entire term described above. Rather, regular meetings will occur to solicit input on mitigation implementation prior to execution, after which the Project Team will keep the Advisory Group informed on progress and will provide opportunities for continued feedback during implementation of mitigation.

### Membership

Advisory Group membership is a volunteer position. The group is comprised of members who have expressed their desire to participate in response to an invitation sent to all former Section 106 Consulting Parties and participants.

Invited agencies, organizations, and individuals include the following:

- Signatory parties: ODOT, SHPO, FHWA, and ACHP
- Concurring party: National Park Service (NPS)
- Tribes<sup>4</sup>
  - Confederated Tribes of the Grand Ronde
  - Confederated Tribes of Siletz Indians
  - Confederated Tribes of the Umatilla Indian Reservation
  - Confederated Tribes of the Warm Springs Reservation
  - Confederated Tribes and Bands of the Yakama Nation
  - Cowlitz Indian Tribe
- City of Portland Bureau of Development Services, Historic Landmarks Commission
- Columbia River Inter-Tribal Fish Commission
- Architectural Heritage Center
- HistoricBridges.org
- Historic Bridge Foundation
- Japanese American Museum of Oregon
- New Traditional Architecture
- Oregon Black Pioneers
- Oregon Historical Society

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<sup>3</sup> This date is subject to change based on the project timeline.

<sup>4</sup> Invitation to the tribes will be sent by the ODOT archaeologist and tribal liaison.

- Restore Oregon
- Willamette Light Brigade
- Ed and Sharon Wortman, authors of The Portland Bridge Book and creators of Bridge Stories
- Interested Neighborhood Associations who previously expressed interest.

A list of the membership and represented organizations will be attached to this Charter after the first meeting. Outside of the Advisory Group, members' personal contact information is considered private information and should not be disclosed to the public unless group permission has been provided to do so.

### Member Participation

Meetings will be scheduled in advance, and attendance is important. Members will make their best effort to attend all meetings. Members will notify the facilitator or designated staff in advance if unable to attend; members can provide written input prior to the meeting. The County will consider the use of alternate attendees and the expectation of their role as needed.

Should a member need to resign or be deemed unable to represent their organization (through change in position or other circumstance), they will inform the Advisory Group facilitator in writing. The County will seek a replacement to represent that organization.

### Evaluation and Review

Advisory Group members will be regularly asked for their feedback on the meetings and materials to ensure reflection and continual improvement in the process.

## OPERATION AND PROCESS

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### Roles and Responsibilities

To ensure the success of the Advisory Group, the following roles have been identified:

- FHWA Representative
- ODOT Archaeologist & Tribal Liaison
- ODOT Senior Historian
- County transportation director (participation as required)
- County project managers
- Design team project managers
- Technical advisory group leads
- Facilitator
- Notetaker

## Meeting Frequency and Location

Meetings will be held on weekdays during work hours and will typically be 2 hours in duration. Meetings will be hosted online through an online meeting hosting platform; however, in-person meetings may be arranged as needed. Depending on the agenda and progress of meetings, a longer meeting or an additional meeting may be required. Conversely, scheduled meetings may be canceled. The frequency and timing of the proposed meeting schedule is outlined in the EQRB Section 106 Consulting Parties Advisory Group Work Plan.

## Communication Protocols

Notifications, invitations, and other emails to the Advisory Group members will be emailed by the meeting facilitator.

## Meeting Agendas and Materials

The County will provide transparency around all communications within the Advisory Group, and as such, will establish an Advisory Group website containing meeting agendas, notes, supporting materials, etc.<sup>5</sup>

The meeting agenda will be posted to the County website prior to the meeting, and members will be notified via email. From time to time, background materials may be included with the agenda for pre-reading and meeting preparation and subject matter experts or guest speakers may be asked to present to the group.

Meeting materials and summaries will be posted on the County website after the Advisory Group meeting. Every effort will be made to ensure meeting materials are finalized at the time of electronic distribution to Advisory Group members. However, there may be instances where updated versions of materials or additional materials are provided during the meeting.

The facilitator and supporting staff will be available at and between meetings to address questions, concerns, and ideas. The facilitator and staff will respond to all member inquiries in a timely manner. The facilitator may contact Advisory Group members between meetings to address any potential areas of concern or conflict that may arise during the Advisory Group process.

## Meeting Minutes

Meeting summaries will be prepared by the Project Team.

## Meeting Protocols

A facilitator will ensure that meeting discussions are consistent with the Charter and that discussion, feedback, and recommendations are advanced from the group in a timely manner.

The facilitator will conduct meetings in an unbiased manner to ensure that all members have an equal opportunity to participate. The group's facilitator, Advisory Group members, Project Team members, consultants, and invited guests agree to the following rules:

- Be curious and willing to learn and contribute.

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<sup>5</sup> Meeting notes will also be provided to all signatories to the Section 106 PA.



- Ask questions of each other to gain clarity and understanding.
- Express yourself in terms of your preferences, interests, and the outcomes you wish to achieve.
- Listen respectfully, support each other, and try to understand the needs and interests of others.
- Respect timelines by being concise and brief with comments and questions.
- Focus on the agreed scope of the discussion.
- Attend all meetings in a timely manner.
- Respect the role of the facilitator to guide the group process.
- Seek common ground.

Members agree to give the facilitator permission to keep the group on track and table discussions as needed to keep the group moving.

### Media Contact

The media contact for this project is Sarah Hurwitz, Transportation Public Information Officer, who may be contacted at 971-500-3311 or [sarah.hurwitz@multco.us](mailto:sarah.hurwitz@multco.us).

Advisory Group members may not speak to the media on behalf of the Advisory Group unless consent has been provided in writing from the County and agreed to by the Advisory Group membership.

### Governance Structure

The Advisory Group has no formal delegated powers of authority to make decisions, represent Multnomah County, or commit to the expenditure of any funds. Instead, the group serves as an advisory body to Multnomah County and the Project Team.

### Progress and Recommendations Tracking

Regular updates will be provided to the Advisory Group about the status of each mitigation item in progress.