

Section 106 Consulting Parties Advisory Group Proposed Restart Plan



Date: June 26, 2026
To: Megan Neill, Multnomah County
From: Jennifer Hughes, Parametrix, A&E Team
Cc: Jill Wolf, Multnomah County
Subject: Section 106 Consulting Parties Advisory Group Proposed Restart Plan

INTRODUCTION

This memo provides a work plan for closing out and restarting the Section 106 Consulting Parties Advisory Group (Advisory Group) established by Multnomah County to comply with the Section 106 Programmatic Agreement (PA) for the adverse effect to the Burnside Bridge from the Earthquake Ready Burnside Bridge Project. Due to ongoing uncertainty around the availability of federal funds, Multnomah County is pushing out the start of construction and has not yet determined a new start date. Because the timing requirements of the majority of the mitigation stipulations for the adverse effect to the Burnside Bridge in the PA are based on the obligation of construction funding or demolition of the existing bridge, it is appropriate to temporarily close out the Advisory Group activity and plan for restarting once construction funding and timing are more certain.

CLOSE-OUT PLAN

Multnomah County and the Oregon Department of Transportation (ODOT) will host an Advisory Group meeting in spring 2026 to review the decisions made to date, review proposed amendments to the Advisory Group Charter, and review the outline of steps to restart the Advisory Group in the future. This section of the memo includes the proposed amendments to the Charter.

Consulting Parties Advisory Group Charter

Multnomah County and ODOT recommend the following text should be added to the Charter as part of close-out, either as a new paragraph in the Term section, or as a Status Update text box before the Preamble:

- *Due to ongoing uncertainty around the availability of federal funds, Multnomah County is pushing out the start of construction and has not yet determined a new start date. The project in the meantime will continue key design work and plans to reach what is called the 60% design milestone by summer 2026.*

Because the timing requirements of the majority of the mitigation stipulations for the adverse effect to the Burnside Bridge in the PA are based on the obligation of construction funding or demolition of the existing bridge, the Consulting Party Advisory Group activities will pause starting when 60% is complete and will restart once construction funding and timing are more certain.

Amending the Charter includes reviewing the amendment language with the Advisory Group for comment at the meeting in Spring 2026 and Multnomah County finalizing the updated text.

Multnomah County and ODOT recommend the following two sections of the Charter will need to be amended after the project restarts:

- The Term section in the Charter indicates that the “Advisory Group term extends from April 2024 through approximately 2031” with a footnote explaining that the “date is subject to change based on the project timeline.” Thus, continuing Advisory Group meetings and activity after 2031 would still comply with the Charter. The project will amend the end date after restarting once a new project timeline is established.
- The Charter media contact is listed as Sarah Hurwitz, so depending on restart timing and staffing of the Multnomah County Transportation public information officer.

RESTART PLAN

The activities outlined in this section would start shortly after Multnomah County decides there is more certainty for federal funding opportunities and that the project is restarting. Major tasks include a review phase, an Advisory Group reconvening phase, and an Advisory Group meeting phase.

Review Phase

Duration: 6 to 18 months

The review phase consists of evaluating whether an amendment to the PA is necessary due to timing, revisions to the Advisory Group Work Plan to adjust the planned schedule of anticipated meetings, and coordination with a potential National Environmental Act (NEPA) Re-Evaluation.

Review Programmatic Agreement and Amend as Needed

Depending on the timing of restarting the project, Section VI. DURATION in the PA may need to be amended. Currently, Section VI. DURATION indicates the expiration date of PA is June 13, 2033 (10 years from the effective date of the agreement), or when all obligations are complete, whichever is sooner.

Multnomah County will need to request an amendment to Section VI. DURATION by declaring a number of years after the new effective date of the agreement (when the amended PA is signed by all signatories). The timing of amending Section VI. DURATION should occur before June 2033 but is otherwise at the discretion of Multnomah County, ODOT, and FHWA. It should be assumed that the process should start at least 6 months prior to June 2033 to allow for review and coordination time.

Potential NEPA Re-Evaluation and Resource Review

The Federal Highway Administration (FHWA) requires a written environmental impact statement (EIS) NEPA Re-Evaluation when “the project sponsor requests further approvals if major steps to advance the project (for example, authority to acquire a significant portion of right-of-way or to undertake final design) have not occurred within three years after the approval of the final EIS, final EIS supplement, or the last major Agency approval or grant (23 CFR 771.129(b)).” If the restart of the project falls within this requirement, a NEPA Re-Evaluation will be required.

As part of that re-evaluation, Section 106 resources would also need to be re-evaluated. Similarly, Section 106 Determinations of Eligibility and Findings of Effect generally must be re-evaluated if five or more years have passed and project construction has not started. If re-evaluation is done and new cultural resources are affected, then the project would need to conduct a new Section 106 consultation

to identify effects and mitigation in the event of new adverse effects. There could be an option to amend the existing PA or to create a separate memorandum of agreement for added affected resources.

Advisory Group Reconvening Phase

Duration: 2 to 3 months

If a NEPA Re-Evaluation is required, ODOT and Multnomah County should consider when in that process it is appropriate to restart the Advisory Group's work under Stipulation V, Item 6 of the PA. It is possible that some mitigation items could proceed in planning even during a re-evaluation. Once it is determined that the Advisory Group's work can continue, the following steps should occur:

- Reach out to Advisory Group members/agencies/entities to confirm individual members and/or identify new individuals.
- Conduct onboarding for new members; provide orientation materials (charter, work plan, historical summary, project status).
- Schedule re-start kick-off Advisory Group meeting.

Advisory Group Meeting Phase

Duration: 1.5 to 2 years

Once the re-start kick-off Advisory Group meeting is scheduled, the following steps should occur:

- Plan and hold re-start kick-off Advisory Group meeting.
 - Meeting Topics:
 - Review the Section 106 PA to revisit the Advisory Group's role and deliverables.
 - Review Advisory Group's previous progress and feedback.
 - Project update and schedule.
 - Current state of design.
 - Updated work plan timelines and responsibilities.
 - Plan for 2 months of preparation work to prepare for the meeting including two to three group meetings to draft and revise the agenda and slide deck and do a final practice of the presentation.
- Proceed with work plan.