

Transportation Committee

For the Metropolitan Council meeting of August 10, 2016

Subject: Southwest Light Rail Transit Project Final Environmental Impact Statement (EIS)
Determination of Adequacy

Proposed Action

That the Metropolitan Council (Council): (1) determine the adequacy of the Final Environmental Impact Statement (EIS) for the Southwest Light Rail Transit (LRT) Project (Project) (METRO Green Line Extension); and (2) authorize its Chair to sign the Final EIS Determination of Adequacy on behalf of the Council.

Summary of Committee Discussion/Questions

Nani Jacobson presented this item. Ms. Jacobson indicated the Record of Decision (ROD) was issued by the Federal Transit Agency on July 15, 2016, and the Final EIS was published in May 2016, both of which are incorporated as part of the proposed Determination of Adequacy. The ROD can be found on the Project website at <http://www.swlrt.org>. Comments received on the Final EIS and responses to these comments can be found in Attachments C and D of the ROD, respectively.

Councilmember Elkins asked if the issuance of the ROD has an impact on current litigation. Ms. Jacobson responded this unknown.

Councilmember Dorfman asked about the responsibility of responding to comments received on the Draft EIS that was completed by Hennepin County. Ms. Jacobson responded that the Responsible Governmental Unit status transitioned from the County to the Council after the close of the public comment period on the Draft EIS, therefore the Council responded to comments received on the Draft EIS.

Motioned by Munt, seconded by Dorfman and carried. **Non-Consent to Council.**

Transportation Committee

Meeting date: July 25, 2016

For the Metropolitan Council meeting of August 10, 2016

Subject: Southwest Light Rail Transit Project Final Environmental Impact Statement (EIS)
Determination of Adequacy

District(s), Member(s): All

Policy/Legal Reference: Minnesota Statutes ch. 116D and Minnesota Rule 4410.2800

Staff Prepared/Presented: Mark W. Fuhrmann, Deputy General Manager, 612-373-3810
Jim Alexander, Acting SWLRT Project Director, 612-373-3830
Nani Jacobson, SWLRT Asst. Dir. Envir. & Agreements, 612-373-3808

Division/Department: Metro Transit / Green Line Extension Project Office

Proposed Action

That the Metropolitan Council (Council): (1) determine the adequacy of the Final Environmental Impact Statement (EIS) for the Southwest Light Rail Transit (LRT) Project (Project) (METRO Green Line Extension); and (2) authorize its Chair to sign the Final EIS Determination of Adequacy on behalf of the Council.

Background

Under Minnesota Statutes chapter 116D, Environmental Policy, and Minnesota Rules chapter 4410, Environmental Review, the Council is the Responsible Governmental Unit (RGU) for the Project in Hennepin County, Minnesota. As the RGU, the Council must determine the adequacy of the Final EIS for the Project under Minnesota Rule 4410.2800, subp. 4, which sets the following standard for determining if a Final EIS is adequate:

Subp. 4. Conditions. The Final EIS shall be determined adequate if it:

- A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;
- B. provides responses to the substantive comments received during the draft EIS review concerning issues raised in scoping; and
- C. was prepared in compliance with the procedures of the act and part 4410.0200 to 4410.6500.

Under the National Environmental Policy Act (NEPA), the Federal Transit Administration (FTA) is the lead federal agency for the Project. In this role, its final environmental determination in the environmental review process is the issuance of a Record of Decision (ROD). The ROD was signed by FTA on July 15, 2016, and includes the agency's decision regarding compliance with relevant environmental requirements. The ROD also summarizes the alternatives considered, impacts identified in the Final EIS, and measures to avoid, minimize and mitigate adverse impacts. The ROD is available on the Project website at <http://www.swlrt.org>.

Rationale

The Final EIS (published in May 2016) and the FTA's ROD are incorporated as part of the proposed Determination of Adequacy. Council staff recommend the Council find that the Final EIS is adequate under the Minnesota Environmental Policy Act based on the following:

1. The Final EIS addresses all potentially significant issues and alternatives identified during scoping. All significant issues for which information could reasonably be obtained have been analyzed in conformance with Minnesota Rules, part 4410.2300, items G and H. The analysis in the Final EIS addresses long-term and short-term (construction) direct and indirect impacts, as well as cumulative impacts related to the Project. The ROD provides FTA's decision for the Project, and the Council concurs with the ROD. Table 3-1 of the ROD summarizes the long-term and short-term impacts to environmental and transportation-related resources that will result from the Project. Specific mitigation measures for impacts from the Project are in Attachment A of the ROD.
2. The Final EIS provides responses to all substantive comments received during the Draft EIS and Supplemental Draft EIS public comment periods. Appendices L and M of the Final EIS contain all comments received during the public comment periods on the Draft EIS and Supplemental Draft EIS, respectively, and responses to these comments.
3. The Final EIS was prepared in compliance with the procedures of Minnesota Statutes, chapter 116D, and with Minnesota Rules parts 4410.0200 to 4410.6500.

Funding

There are no funding considerations associated with this action. Any funding required to implement mitigation measures committed to in the ROD have been identified and are included in the overall cost estimate for the Southwest LRT Project.

Known Support / Opposition

FTA signed the ROD, thus completing the federal environmental review process. Additionally, during the public comment period on the Final EIS, the Council received 50 letters or other communications with comments. The comments included support for and opposition to the Project, comments about the sufficiency of the analysis and mitigation included in the Final EIS, and comments on the adequacy of the Final EIS. While Minnesota Rule 4410.2800 does not require an RGU to respond to comments on the Final EIS, Council staff reviewed and considered the comments received on the adequacy of the Final EIS in making its recommendation and asks the Council to consider them as part of this Determination of Adequacy. The comments received are included in Attachment C of the ROD and responses to comments received are found in Attachment D of the ROD.