



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 28 2016

REPLY TO THE ATTENTION OF:

E-19J

Maya Sarna  
Office of Planning and Environment  
Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Nani Jacobson  
Assistant Director, Environmental and Agreements  
Metro Transit – Southwest LRT Project Office  
6465 Wayzata Boulevard, Suite 500  
St. Louis Park, Minnesota 55426

Re: Southwest (Green Line) Light Rail Transit Extension (SWLRT) Project Amended Draft  
Section 4(f) Evaluation (dated January 2016)

Dear Ms. Sarna and Ms. Jacobson:

The U.S. Environmental Protection Agency reviewed the above referenced Federal Transit Administration's (FTA) Amended Draft Section 4(f) Evaluation (Amended Evaluation) for the Metropolitan Council's proposed SWLRT Project. FTA's Final Section 4(f) Evaluation will be included in the Final Environmental Impact Statement (FEIS) for the SWLRT Project. Our comments are provided pursuant the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Amended Evaluation provides preliminary Section 4(f) *de minimis* impact determinations for two Section 4(f) properties in Minnetonka, Minnesota identified since the Draft EIS: 1) Unnamed Open Space B and 2) Opus Development Area Trail Network. EPA has no comments regarding the Opus Development Area Trail Network.

Unnamed Open Space B – The Amended Evaluation describes, in part, Unnamed Open Space B as an approximately 49-acre area designated by the City of Minnetonka as “open space” with “predominantly naturally vegetated (e.g., wooded, riparian, and wetland features), with some areas of landscaping and pavement (i.e., roadway and trail segments that cross the property).” There is a covenant restricting the future use of this parcel to “parkland” or “open space” (Deed Document No. 1260164). The City's Plan notes that the purpose of “open space” is to preserve as many of the natural features of the land as possible. The covenant restriction would be

addressed through the Council's and Minnesota Department of Transportation's property acquisition process by implementing a real property condemnation process for the portion of Open Space B that would be permanently acquired for the SWLRT Project.

Unnamed Open Space B is proposed for SWLRT Project use for the following:

- A short section of the proposed light rail alignment, including a double crossover and grading required to accommodate the light rail alignment;
- A traction power substation (TPSS) and a double-crossover bungalow (DCB), and
- An access driveway between the substation/bungalow and Bren Road West.

It is unclear why the TPSS and DCB with associated access driveway need to be located in Unnamed Open Space B. This area appears to have potential for use as a mitigation site for wildlife/habitat and water quality/quantity impacts associated with the SWLRT Project. EPA offers the following recommendations for your consideration regarding preparation of documentation for the Final Section 4(f) Evaluation and FEIS for the SWLRT Project:

- Identify the locations and boundaries of all wetlands and streams/drainage ways in document figures, include the Unnamed Open Space B wetland restoration area mentioned by City of Minnetonka staff in the January 5, 2016, meeting minutes found in Appendix B of the Amended Evaluation.
- Identify other alternative locations located outside Unnamed Open Space B considered for the TPSS and the DCB and provide the reason/s for their elimination from further consideration. For example, could either the TPSS and/or the DCB be located: 1) south of Bren Road West within the proposed Park and Ride area for the Opus Station, and/or 2) just west of the proposed transit line route and Red Circle Drive within the area delimited as "full property acquisition" on Figure 7 in Appendix A of the Amended Evaluation?

We appreciate the opportunity to comment on the Amended Evaluation and look forward to reviewing the FEIS with Final Section 4(f) Evaluation for the SWLRT Project. If you have any questions regarding our comments, please contact Virginia Laszewski of my staff. She may be reached by calling 312/886-7501 or by email at [laszewski.virginia@epa.gov](mailto:laszewski.virginia@epa.gov).

Sincerely,



Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

Cc (email):

Bill Wheeler, FTA-Chicago, [william.wheeler@dot.gov](mailto:william.wheeler@dot.gov)  
Melissa Jenny, USACE-St Paul, [Melissa.m.jenny@usace.army.mil](mailto:Melissa.m.jenny@usace.army.mil)

Andrew Horton, USFWS-Twin Cities Field Office, [Andrew\\_Horton@fws.gov](mailto:Andrew_Horton@fws.gov)

Lisa Joyal, MnDNR, [lisa.joyal@state.mn.us](mailto:lisa.joyal@state.mn.us)

Kate Drewry, MnDNR, [kate.drewry@state.mn.us](mailto:kate.drewry@state.mn.us)

Brook Haworth, MnDNR, [Brooke.haworth@state.mn.us](mailto:Brooke.haworth@state.mn.us)

Bill Wilde, MnPCA, [William.wilde@state.mn.us](mailto:William.wilde@state.mn.us)

Catherine Neuschler, MnPCA, [Catherine.neuschler@state.mn.us](mailto:Catherine.neuschler@state.mn.us)

Jim Brist, MnPCA, [jim.brist@state.mn.us](mailto:jim.brist@state.mn.us)