

9 Public and Agency Coordination

This chapter provides an overview of public and agency coordination activities performed during the National Environmental Policy Act (NEPA)/Minnesota Environmental Policy Act (MEPA) process for the Southwest Light Rail Transit (LRT) Project (the Project). This chapter also addresses the Project’s advisory committee structures; agency participation; coordination activities, public meetings and events; and other information-dissemination activities implemented during the Project Development and environmental processes. Finally, this chapter summarizes public and agency comments received during the Draft and Supplemental Draft Environmental Impact Statement (EIS) public comment periods, as well as permits and approvals that will be required to implement the Project.

This chapter includes the following sections:

- 9.1 Public Involvement
- 9.2 Advisory Committees
- 9.3 Agency Coordination
- 9.4 Summary of Public and Agency Comments on the Draft EIS and Supplemental Draft EIS
- 9.5 Permits and Approvals Required

The Project has an extensive history of outreach and collaboration with the affected public throughout the corridor. The outreach process began with Hennepin County Regional Railroad Authority (HCRRA), which was the Project’s local lead agency for the environmental process through the Draft EIS. Outreach responsibilities were transferred to the Metropolitan Council (Council), which became the local lead agency for the environmental process upon completion of the Draft EIS public comment period.

The Project’s public and agency plans and activities have been developed and implemented in compliance with the Transportation Equity Act for the 21st Century (TEA-21), enacted in 1998; the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005; MAP-21; Title VI of the Civil Rights Act of 1964, Federal Transit Administration (FTA) Circular, *FTA C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, effective October 1, 2012 (Title VI Requirements and Guidelines Circular); and Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Clinton, 1994), including the United States Department of Transportation (USDOT) *Final Environmental Justice Order (Order 5610.2(a): Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)*, updated May 2, 2012; and the FTA Circular, *FTA C 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, effective August 15, 2012 (Environmental Justice Circular [FTA, 2012a]).

Outreach activities, agency coordination, and committee structure evolved as Project Development activities progressed. Public and agency coordination activities were consistent with the NEPA and the MEPA, Chapter 4410 Environmental quality Board (EQB) Environmental Review Program. Publications of notices of intent, document availability, public comment periods, and public open houses and hearings, were published in the *Federal Register* and the *EQB Monitor*. Requirements regarding the timing and length of public comment periods, as well as when public open houses and hearings could be held relative to publication of environmental documents were also consistent with NEPA and MEPA.

9.1 Public Involvement

This section provides an overview of the public involvement activities associated with the preparation of the Draft EIS, Supplemental Draft EIS, and Final EIS. Ongoing engagement and communication with the affected public has been a fundamental element of the Southwest LRT Project since its initiation. Maintaining an open dialogue and offering opportunities for input and discussion—especially related to the identified technical issues and items of concern to the affected public—will continue to be a key component of Project implementation.

9.1.1 Public Involvement for Project Scoping

Public involvement for the Project's environmental review process began with the Draft EIS scoping process, which informed the public, interest groups, affected tribes, and government agencies of the Draft EIS. The scoping process began with a notice in *Finance and Commerce* on August 23, 2008, and the publication of the Notice of Intent for the Draft EIS was published in the *Federal Register* on September 23, 2008 (FTA, 2008b), and in the *EQB Monitor* on September 8, 2008 (Minnesota Environmental Quality Board, 2008) (see Appendix G of this Final EIS). The notices announced the beginning of the Scoping Comment Period, which extended from September 8 to November 7, 2008, and included dates for three public Scoping Meetings/Hearings, can be found in the *Southwest LRT Community Events, Meetings, and Presentations Summary Report* listed in Appendix C. The process provided opportunities to inform the public, government agencies, elected officials, organizations, and businesses that development of the Draft EIS was commencing, and to solicit issues of concern.

A Scoping Information Booklet was prepared and distributed widely to inform the public about the Scoping Meetings; these booklets were translated into Hmong, Spanish, and Somali. Copies were made available on the Southwest Transit website and at all the Scoping Meetings. The booklet answered questions and presented information on a number of subjects, such as the how to participate in the scoping process. A *Scoping Summary Report*¹ that served as the Scoping Decision Document as defined in Minnesota Environmental Quality Board rules was completed in January 2009. The *Report* was amended in September 2012 to include impacts of relocation freight rail for the four build alternatives and include a co-location alternative where freight rail, light rail and the commuter bike trail share a common carrier between Louisiana Avenue and Penn Avenue. Notice of the Scoping Report amendment was published October 15, 2012 in the *EQB Monitor*.

9.1.2 Public Involvement Activities During the Draft EIS Public Comment Period

The FTA and HCRRA published the Draft EIS in October 2012 (HCRRA, 2012). The Notice of Availability was published in the *Federal Register* on October 12, 2012, and in the *EQB Monitor* on October 15, 2012. These notices were followed by a public comment period that concluded on December 31, 2012. Copies of the Draft EIS were available at the following locations for public review during the comment period:

- Hennepin County Housing, Community Works & Transit: 701 Fourth Avenue South, Suite 400, Minneapolis
- Southwest LRT Project Office: 6465 Wayzata Boulevard, Suite 500, St. Louis Park
- Libraries:
 - Eden Prairie: 565 Prairie Center Drive, Eden Prairie
 - Edina: 5280 Grandview Square, Edina
 - Franklin: 1314 East Franklin Avenue, Minneapolis
 - Hopkins: 22 11th Avenue North, Hopkins
 - Linden Hills: 2900 West 43rd Street, Minneapolis
 - Minneapolis Central: 300 Nicollet Mall, Minneapolis
 - Minnetonka: 17524 Excelsior Boulevard, Minnetonka
 - Sumner: 611 Van White Memorial Boulevard, Minneapolis
 - St. Louis Park: 3240 Library Lane, St. Louis Park
- City Halls:
 - Eden Prairie: 8080 Mitchell Road, Eden Prairie
 - Edina: 4801 West 50th Street, Edina
 - Hopkins: 1010 1st Street South, Hopkins
 - Minneapolis: 350 South 5th Street, Minneapolis

¹ Available at <http://old.swlrcommunityworks.org/component/content/article/54.html> and <http://metro council.org/Transportation/Projects/Current-Projects/Southwest-LRT/Environmental/Scoping.aspx?source=child>

- Minnetonka: 14600 Minnetonka Boulevard, Minnetonka
- St. Louis Park: 5005 Minnetonka Boulevard, St. Louis Park

During the Draft EIS public comment period, the Draft EIS was available on Hennepin County's webpage and can now be found at <http://www.swlrt.org>. HCRRA also provided an Executive Summary document, *Southwest Transitway Draft Environmental Impact Statement Executive Summary* and a supporting guide, *Guide to Commenting on the Draft Environmental Impact Statement*. Both documents were provided in four languages: English, Spanish, Hmong, and Somali.

Public hearings on the Draft EIS were held on November 13, November 14, and November 29, 2012. Each public hearing was preceded by an open house. Over 400 people attended the public hearings. Translation services and Americans with Disabilities Act (ADA) accommodations were provided upon request. Substantive comments received during the Draft EIS public comment period and responses are included in Appendix L of this Final EIS.

9.1.3 Public Involvement for the Supplemental Draft EIS

After the close of the Draft EIS public comment period, the Council became the lead agency for the remainder of the Project's environmental process. Public involvement efforts continued and evolved as local lead agency responsibility shifted from HCRRA to the Council in January 2013. The Council continued to work with local public transportation agencies and local jurisdictions to implement a public involvement program in support of its effort to continue Project Development, as described in Chapter 2 of this Final EIS.

Following publication of the Draft EIS, the FTA and the Council determined design adjustments made to the Locally Preferred Alternative (LPA) had the potential to result in new adverse impacts that needed to be evaluated in a Supplemental Draft EIS (see Section 2.2). In May 2015, the FTA and the Council published the *Supplemental Draft EIS* (Council, 2015). The Notice of Availability was published in the *Federal Register* on May 22, 2015, and in the *EQB Monitor* on May 25, 2015. A notice extending the public comment period on the Supplemental Draft EIS to July 21, 2015 was published in the *Federal Register* on June 5, 2015; a notice extending the public comment period to July 21, 2015, was published in the *EQB Monitor* on June 8, 2015.

The Supplemental Draft EIS and supporting documentation are available on the Project website (<http://www.metrocouncil.org/swlrt/sdeis>). During the Supplemental Draft EIS public comment period, printed copies of the document and its supporting materials were available for review during regular business hours at the following locations:

- **Eden Prairie City Hall:** 8080 Mitchell Road, Eden Prairie
- **Eden Prairie Public Library:** 565 Prairie Center Drive, Eden Prairie
- **Minnetonka City Hall:** 14600 Minnetonka Blvd, Minnetonka
- **Minnetonka Public Library:** 17524 Excelsior Blvd, Minnetonka
- **Hopkins City Hall:** 1010 First Street South, Hopkins
- **Hopkins Public Library:** 22 Eleventh Avenue North, Hopkins
- **Edina City Hall:** 4801 West 50th Street, Edina
- **St. Louis Park City Hall:** 5005 Minnetonka Blvd, St. Louis Park
- **St. Louis Park Public Library:** 3240 Library Lane, St. Louis Park
- **Southwest LRT Project Office:** 6465 Wayzata Blvd., Suite 500, St. Louis Park
- **Minneapolis City Hall:** City Engineer's Office, 350 South Fifth Street, Room 203, Minneapolis
- **Minneapolis Central Library:** 300 Nicollet Mall, Minneapolis
- **Walker Public Library:** 2880 Hennepin Avenue, Minneapolis
- **Linden Hills Public Library:** 2900 West 43rd Street, Minneapolis
- **Sumner Public Library:** 611 Van White Memorial Blvd., Minneapolis
- **Franklin Public Library:** 1314 East Franklin Avenue, Minneapolis

- **Metropolitan Council Library:** 390 Robert Street North, St. Paul
- **Minnesota Department of Transportation Library:** 395 John Ireland Blvd., St. Paul
- **Minnesota Legislative Reference Library:** 645 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Blvd. St. Paul

The Council also provided a *Guide to the Supplemental Draft EIS*, which was intended to help the public locate information and submit comments on the Supplemental Draft EIS. The Guide was provided in four languages: English, Spanish, Hmong, and Somali.

Public hearings on the Supplemental Draft EIS were held on June 16, June 17, and June 18, 2015 (see details in the *Southwest LRT Community Events, Meetings, and Presentations Summary Report* listed in Appendix C). Each public hearing was preceded by an open house. Over 100 people attended the public hearings and open houses. Translation services and ADA accommodations were provided upon request. Substantive comments received during the Supplemental Draft EIS public comment period and responses are included in Appendix M of this Final EIS.

9.1.4 Accessibility to the Public

Public and agency coordination are managed by the Southwest LRT Project Office at 6465 Wayzata Boulevard, Suite 500, St. Louis Park, Minnesota 55426. The Project Office can be reached by telephone ([612] 373-3800), fax ([612] 373-3899), and email (swlrt@metrotransit.org). Media events, news releases, advisory and management committee agendas, presentations, meeting minutes, environmental documents and engineering plans are available on the Project website (<http://www.swlrt.org>). These materials and this Final EIS comply with the requirements of Minnesota Statutes 363A.42 regarding the accessibility of public records.

9.1.5 Communications and Public Involvement Plan

On July 22, 2013, the FTA issued a Notice of Intent to complete a Supplemental Draft EIS in the *Federal Register* (FTA, 2013) and the Council issued a Notice of Supplemental Draft EIS Preparation in the *EQB Monitor* (Minnesota Environmental Quality Board, 2013) to comply with MEPA. The Notice of Intent was also published in the *Star Tribune* on July 24, 2013. A comment period was held on the proposed scope of the Supplemental Draft EIS between July 22 and August 12, 2013. Comments on the scope of the Supplemental Draft EIS that were received during the MEPA comment period are documented in Appendix I of the Supplemental Draft EIS.

Chapter III of FTA's Environmental Justice Circular contains recommended strategies and techniques for ensuring that environmental justice populations have a voice in the decision making process and describes nontraditional outreach strategies and practical suggestions that may result in greater participation by environmental justice populations. The Project implemented these recommendations by conducting a strategic planning process and developing a *Communications and Public Involvement Plan* (CPIP) (Council, 2015a; see Appendix C for instructions on how to access the document) that includes a demographic analysis of the corridor (ethnicity, languages spoken, and income level). The CPIP identifies the following outreach strategies for engaging ethnic and low income populations:

- Providing translators at events and translating materials in languages other than English.
- Inviting community representatives to join the CAC and BAC.
- Proactively seeking opportunities to engage communities in dialogue about the Project.
- Establishing and maintaining connections between SPO outreach staff and community representatives.
- Reviewing efforts regularly for effectiveness.

In addition to traditional communication strategies, the Council established community and business advisory committees and hired outreach staff to attend neighborhood meetings, staff tables at community events, and meet with people one-on-one or in small groups. Chapter 5 of this Final EIS provides a summary of environmental justice-related public coordination activities performed by the Council to support publication of the Supplemental Draft EIS and Final EIS. The CPIP provides a summary of the outreach plans

to select an operations and maintenance facility (OMF) site and to accommodate and engage individuals with limited English proficiency.

The Council developed a CPIP that provides the structure for coordination between the Council, Project partners, and the public during the Project Development process, including the preparation of this Final EIS, to satisfy the requirements of NEPA and its implementing regulations. The CPIP supports the Project's *Agency Coordination Plan*, as updated by the Council. The CPIP also provides for compliance with the EQB Environmental Review Program, pursuant to MEPA and Minnesota Statutes, Section 116D.04. The goals of the CPIP are to:

- Develop and maintain public understanding of and support for the Project as an essential means to improve our transportation system and maintain regional competitiveness.
- Build mutual trust among the Council, Project partners, and the public by creating transparency through information-sharing and regular, clear, two-way communication about the Project with community members, residents, businesses, and interested groups in the corridor.
- Promote public involvement by providing opportunities for public participation and dialogue between the Council and the public.
- Maintain ongoing communication with Project partners and ensure that key messages are consistent, clear, and responsive to changing needs.
- Inform elected officials and funding partners about the Project's status, timing, and needs.
- Encourage meaningful public participation in the Project.
- Avoid schedule delays and cost increases due to misunderstanding of Project objectives or opposition to Project activities.

The CPIP identifies strategies for engaging the community during the decision-making process, including Project technical issues developed during Project Development. Section 6.1 of the CPIP identifies strategies for involving the public in Project technical issue resolution. This process is based on the level of public interest and type of input required. Considerations for involving the public include the mechanism by which the public provides input and how public input will be used in decision-making. The following subsections describe the Project team's organizational structure and the Project's advisory committees as documented in the CPIP.

9.1.5.1 Outreach and Communications Team

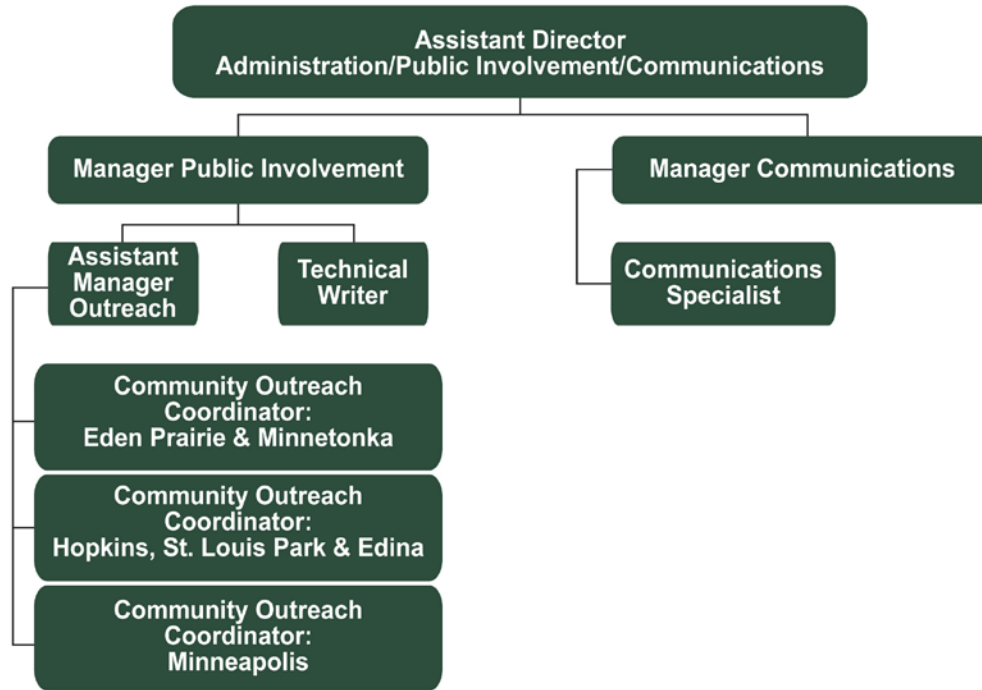
Project staff dedicated to communications and outreach includes the Assistant Director for Administration, Public Involvement and Communications; Communications Manager; Public Involvement Manager; Assistance Public Involvement Manager; Communications Specialist; three Community Outreach Coordinators; and a Technical Writer as shown on Exhibit 9.1-1. The efforts of the communications and public outreach staff are guided by the CPIP. The staff works closely with stakeholders, including several established stakeholder groups, to provide continuous engagement with the public as a part of the overall decision-making process.

9.1.5.2 Public Outreach and Events

Council staff hosted public events in locations throughout the Southwest LRT corridor to provide the public with the opportunity to provide input on Project design efforts and receive updates and information about Project activities. Public events were tailored to present information and solicit feedback on specific Project aspects, including: alignment options in Eden Prairie; station locations, design, and landscaping; freight rail alignment options in St. Louis Park and Minneapolis; and OMF site options. These public events offered an opportunity for the public to provide feedback on various features of the Project and make connections with Project staff. Project ideas and requests provided by the public were documented and considered in Project Engineering (see Chapter 2 of this Final EIS for more information on the Project Development process). Public events were typically conducted in an open house format and were publicized on the Project website and through newspaper articles, newspaper advertisements, press releases, social media, and email alerts.

EXHIBIT 9.1-1

Southwest LRT Project Communications and Public Involvement Staff



Advisory committee members also aided in promoting the public events in their communities. Public events were accessible to those with disabilities in accordance with ADA. Translation services and other accommodations were provided upon request. SPO selected meeting locations based on ease of access to the location and meeting room, and proximity to affected areas.

Lists of the public hearings, open houses, and community events held since the start of the EIS process can be found in the *Southwest LRT Community Events, Meetings, and Presentations Summary Report* listed in Appendix C.

In addition to hosting public open houses and other events, Project staff frequently attended and presented at community meetings throughout the Southwest LRT Project vicinity. Attending such meetings allowed groups with specific concerns or questions to interact with staff and to provide feedback in a more personal, less formal setting. Any concerns expressed at these meetings were shared with the appropriate team members.

9.1.5.3 Other Project Communication Strategies

The Southwest LRT Project conducted a wide variety of other Project activities used to help implement the Council’s public involvement program in support of the effort to identify and evaluate potential adjustments to the Project. The *Southwest LRT Community Events, Meetings, and Presentations Summary Report* provides a list of meetings and events attended by staff from development of the Draft EIS through development of the Final EIS.

A. Project Website

HCRRA maintained a website (southwesttransitway.org, which is no longer active) during development of the Draft EIS; an archive of documents included on the HCRRA site is available at <http://www.swlrtccommunityworks.org/>. Upon completion of the Draft EIS, a new Project website was developed, which is part of the Council website and is available at <http://www.swlrt.org>. The Council’s Southwest LRT Project website serves as a communications forum and resource to the public, allowing stakeholders to keep informed about Project history, current activities and data, and upcoming milestones. The Council’s website also provides information on the NEPA and MEPA processes, and offers downloads of

environmental documents, including the Scoping Summary, the Draft and Supplemental Draft EIS's, and public comments submitted on the Draft and Supplemental Draft EISs. On average, the Southwest LRT Project website received about 15,000 page views per month. Information posted on the Project website includes:

- Current Project status information and timeline
- Project facts and frequently asked questions
- LPA route information
- Information about the proposed stations
- Public meeting announcements and presentations
- Environmental process information
- Links to Project partners
- CAC, BAC, and CMC information and meeting documents
- Contact information, including community outreach coordinators and SPO information
- Southwest LRT Project announcements and newsletters
- Project funding information
- Project documents, including public and committee meeting documents, environmental documents, and other reports
- Route visualization video

B. E-list

Early during Project Development, the Council established a project “e-list,” which was used to send out newsletters, press releases, and meeting information. The ability to sign up for email updates was made available at public meetings held by the Project and on the Project website. The list currently has more than 4,000 subscribers.

C. Social Media

The Southwest LRT Project used Twitter to provide Project updates, including new website information, press releases, upcoming public meetings, Project visualizations, Project newsletters, and other Project-related material. The Council used its Twitter and Facebook account to share selected Southwest LRT Project information.

D. Newsletters

Through development of the Draft EIS, HCRRA published three editions of the Southwest Newslite newsletter. These newsletters were published at the following key times during Draft EIS development:

- Fall 2008: Launch of the Draft EIS Project phase
- Spring 2009: Completion of scoping; Next steps
- Fall 2009: Selection of LRT 3A as recommended LPA

Throughout the Project Development phase of the project, the Council published and printed a Southwest LRT Project newsletter, *Extending Tracks*. This was also published during preparation of the Supplemental Draft EIS and the Final EIS, as follows: The newsletter was produced in:

- March 2013
- May – June 2013
- July 2013
- December 2013
- Spring 2014
- Summer 2014
- Fall 2014
- Late 2014
- February 2015
- March 2015

- September 2015
- December 2015
- March 2016

These newsletters provided an additional resource to the public for the latest Southwest LRT Project news and announcements. Each newsletter was distributed electronically via GovDelivery, a digital communications platform and posted to the Southwest LRT Project website. The newsletters were also available at public meetings and public locations such as bus stops, as well as provided to project advisory and management committees.

E. Other Outreach Efforts

A variety of other Project communication activities were used by outreach staff, as needed. This included door-to-door outreach, such as distributing fliers for upcoming meetings or notifying property owners about right of entry required for field work. Targeted mailings were also used to notify stakeholders of upcoming meetings and notifications of field work.

Additionally, a variety of Project-specific print material were developed for this Project, including a project one-pager and fact sheets (e.g., relating to noise and vibration), frequently asked questions, and the *Field Guide to LRT Elements*. These materials were provided at project meetings and open houses.



Southwest LRT Project mobile office, which brings Project information to the community.

In 2014, a Southwest LRT Project mobile office was used at locations and events located throughout the project corridor. The mobile office is a Metro Transit bus reconfigured to bring information about the Project to the community in an effort to engage minority communities and other typically under-served communities. Mobile office hours were coordinated with events when applicable, during the day, as well as during evening and weekend hours. The intent of the mobile office is to provide community members with an opportunity to provide input without having to attend formal project meetings.

F. Media

Southwest LRT communication staff coordinate with nearly 100 local reporters who represent print, electronic, and television network media that are following the Project. News sources include city and neighborhood newspapers and minority and ethnic media sources. Project coordination with media includes media tours and press releases regarding upcoming project events, such as open houses and significant project milestones.

G. Corridors of Opportunity/Partnership for Regional Opportunity

The Council worked with and through an enterprise called Corridors of Opportunity, which ran from 2011 through the end of 2013. The Corridors of Opportunity’s Community Engagement Team (CET) recommends grants to community groups that support innovative and effective place-based initiatives that engage and involve underrepresented communities (low-income, communities of color, immigrant communities, persons with disabilities) in participation, decision-making and leadership roles related to Southwest Corridor planning and implementation (<http://www.corridorsofopportunity.org/activities/engagement>). The Southwest LRT Corridor was one of seven Corridors of Opportunity projects within the region. Work performed by Corridors of Opportunity included outreach and engagement with Project communities, including underrepresented populations.

The CET identified and promoted existing community assets along the Southwest Corridor and worked to help ensure that communities in the Project vicinity were involved in the planning process. A list of CET grant recipients within the Southwest Corridor and the Project title for which the grant was provided is listed in Table 9.1-1.

TABLE 9.1-1
Corridors of Opportunity Community Engagement Team Recommended Grantees and Projects by Year

Grantee	Project Title	Year
Intercongregation Communities Association	Blake Road Neighborhood Discussion Circles	2011
New American Academy	SW Corridor Immigrant Opportunities Outreach and Engagement	2011
La Asamblea de Derechos-Civiles	Emancipation Campaign: Corridors to Freedom	2012
Centro de Trabajadores Unidos en la Lucha (CTUL)	Good Job Opportunities in Corridor Development	2012
Metropolitan Interfaith Council on Affordable Housing (MICAH)	Interfaith Housing, Transit and Equitable Development Organizing	2012
New American Academy	N/A	2012

Source: <http://www.corridorsofopportunity.org/activities/engagement>.

The Project team invited groups that have received CET grants to have a representative participant on the CAC. Additional information about Corridors of Opportunity’s work in relation to Southwest LRT Project is available on the Corridors of Opportunity website (<http://www.corridorsofopportunity.org/>).

In late 2013, the Corridors of Opportunity was renamed The Partnership for Regional Opportunity (the Partnership). This name change was intended to reflect the group’s region-wide focus, extending beyond transitways. The Partnership’s Policy Board, which adopted a new vision for its work, *Growing a prosperous, equitable, and sustainable region*, agreed to meet for one additional year through the end of 2014. The Partnership generally met on a monthly basis. The goals of the Partnership were to:

1. Improve the economic prospects of low-income people and low-wealth communities
2. Promote high quality development near existing assets (e.g., employment centers, transitways, and commercial and industrial corridors)
3. Advance a 21st century transportation system

Additional information about the Partnership is available here:

http://www.corridorsofopportunity.org/Corridors_News/partnership-regional-opportunity-corridors-opportunity-lives-2014.

H. Southwest LRT Transitional Station Area Action Plans

The Hennepin County Southwest LRT Community Works staff partnered with Council staff on the Transitional Station Area Action Plans (TSAAPs) planning effort for Southwest LRT communities. The objectives of TSAAPs were to address infrastructure, planning, and development needs at station locations to encourage area growth and a foundation for community planning when the Southwest LRT line opens. To create plans for prioritizing investment, TSAAP leaders reached out to the communities in the Southwest

LRT corridor to generate ideas and input. A community engagement plan was developed for the TSAAP process which included outreach methods to involve public participation and create comprehensive community plans. Information about TSAAPs, including the final report, completed in late 2013, is posted on Hennepin County's Community Works website (<http://www.swlrtcommunityworks.org/>).

9.2 Advisory Committees

This section summarizes the advisory committee structure used through development of the Final EIS. The discussion is divided into two parts—through development of the Draft EIS, during which time the advisory committee process was led by HCRRA; and through development of the Final EIS, during which time the advisory committee process was led by the Council. Meetings held between 2013 and 2015 for the Advisory Committees are included in *Southwest LRT Community Events, Meetings, and Presentations Summary Report*; instructions for how to access this report are in Appendix C.

9.2.1 Advisory Committees through the Draft EIS

HCRRA utilized three advisory committees through development of the Draft EIS. These committees are described in the following sections. For committees used during the Draft EIS and for other related County-led committees, see <http://www.swlrtcommunityworks.org/get-involved/committees-meetings/committees/>.

9.2.1.1 Southwest Policy Advisory Committee

The Southwest Transitway Policy Advisory Committee (PAC) was formed in 2002. This group provided policy oversight regarding major aspects of Project planning. The PAC was composed of representatives from key stakeholder groups including:

- Hennepin County, the lead agency
- Cities along the corridor
 - Eden Prairie
 - Minnetonka
 - Hopkins
 - Edina
 - St. Louis Park
 - Minneapolis
- Metropolitan Council
- Metro Transit
- SouthWest Transit
- Three Rivers Park District
- Midtown Community Works Partnership
- Cedar Lake Park Association
- Local chambers of commerce

9.2.1.2 Community Advisory Committee

The Southwest Transitway CAC was composed of residents appointed by neighborhood organizations or cities from along the Southwest Transitway corridor. CAC members helped inform community members about the Draft EIS process and key opportunities to provide input. The CAC also identified ways to reach out to their neighborhood groups and in some cases also served as liaisons to their neighborhoods.

9.2.1.3 Technical Advisory Committee

The Southwest Transitway Technical Advisory Committee (TAC) was composed of engineers and/or planners from each of the stakeholder cities, the Three Rivers Park District, SouthWest Transit, Minnesota Department of Transportation (MnDOT), the Council, and the Twin Cities and Western (TC&W) Railroad. In addition to advising the project team on the technical aspects of Southwest Transitway planning work for the Draft EIS, TAC members provided suggestions and support for the public outreach effort.

9.2.2 Advisory Committees from the Draft EIS through the Final EIS

After publication of the Draft EIS, the Council led the project's advisory committee process. The advisory committee structure was expanded since publication of the Draft EIS, with the addition of the Technical Project Advisory Committee (TPAC), the BAC, and the CMC during the Project Development phase. Exhibit 9.2-1 illustrates the key steps in the process used by the Council to make adjustments to the Project since publication of the Draft EIS.

EXHIBIT 9.2-1

Southwest LRT Project Advisory Committee Input to Decision Process



Between January 2013 and April 2014, after the close of the Draft EIS public comment period, the Council took action on the Project's scope and budget, including adjustments incorporated into the LPA. After Project staff developed concepts for adjustments to the Project, which addressed comments received from stakeholders and on the Draft EIS, those proposed adjustments were taken through the advisory process, concluding with identification of the adjustments by the Council in April 2014. These design adjustments were recommended by the Council to avoid impacts, integrate mitigation measures, and allow for cost reductions associated with the Project.

In July 2015, the Council adopted additional design adjustments to the Project, after considering recommendations from the BAC, CAC, and CMC. The process of cost reductions was done in close coordination with Project stakeholders, including the five cities along the Southwest LRT Project and Hennepin County. Additional information about design adjustments to the LPA, are included in Chapter 2 of this Final EIS. For current SWLRT committees see <http://www.metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/SWLRT-Committees.aspx>.

Committee and Council meeting schedules, agendas, presentations, and minutes are posted on the Council's Southwest LRT Project website (<http://www.swlrt.org>). BAC, CAC, CMC and Council meetings are open to the public. The advisory committees include the following:

- Technical Project Advisory Committee.** The TPAC was established by the Southwest LRT Project Office (SPO) to provide technical input on Project-related design, engineering, construction, and operation. The TPAC includes senior level staff, as well as engineering and planning staff from SPO, Metro Transit Rail Operations, city and county staff, MnDOT, and Three Rivers Park District. The TPAC also advises on the communication of technical issues with other committees; supports integration of design work with community land use and development goals and objectives; and identifies issues to avoid, minimize and mitigate impacts of the Project. Membership includes staff from the TPAC first met in February 2013, after Project Development activities began in earnest, and is chaired by the Southwest LRT Project Director.
- Community Advisory Committee.** The CAC was formed in January 2007. The CAC serves as a primary avenue for public and community involvement, advising the Corridor Management Committee (discussed within this section) and providing feedback to Council staff on issues related to environmental documents, design, engineering, and construction of the Southwest LRT Project. The CAC advises on station location and design, feeder bus service, public art, traffic and parking, station/pedestrian access, construction mitigation, and impacts on corridor communities. The CAC also provides feedback to Hennepin County Community Works initiatives on land use and development issues in the corridor. The CAC represents a variety of interests, including neighborhood and community groups; underrepresented populations, including new immigrant communities, communities of color, low-

income communities, and persons with disabilities; educational institutions; environmental groups; religious organizations; freight rail concerns; transit riders; park, bike, and trail interests; station areas; seniors; youth; and affordable housing. CAC members represent a community near an LRT station. They are appointed by the City Council or the mayor, depending on each city's process. The CAC generally meets on a monthly basis and holds a joint meeting with the BAC (discussed within this section) at least twice a year. Council staff manage and support the work of the CAC with assistance and input from Hennepin County staff. Agendas, presentations, and meeting minutes for CAC meetings are posted on the Council's Southwest LRT Project website (<http://www.swlrt.org>). A representative of the CAC serves on the CMC and is a voting member.

- **Business Advisory Committee.** The BAC, formed in August 2012 by the Council and HCRRA, advises the CMC on project design and construction from a specific business perspective and serves as an information resource to the business community. The BAC also provides input on station area vision and character from a business point of view, addressing the needs of employees, customers, deliveries, and other aspects relevant to business retention and expansion. This committee represents a diversity of business establishments along the corridor, including small entrepreneurs, chambers of commerce and business organizations, corporate headquarters, nonprofit organizations, developers, and land owners. The BAC generally meets on a monthly basis and holds a joint meeting with the CAC at least twice a year. Council staff manage and support the work of the BAC with assistance and input from Hennepin County staff. Agendas, presentations, and meeting minutes for BAC meetings are posted on the Council's Southwest LRT Project website (<http://www.swlrt.org>). A representative of the BAC serves on the CMC and is a voting member.
- **Corridor Management Committee.** The CMC was established in December 2010 to provide advice to the Council on the Southwest LRT Project design and construction, as mandated by Minnesota Statutes 473.3994. The CMC advises the Council on issues relating to the environmental review, Project Development through final Engineering, implementation method, and construction of the Southwest LRT. The committee comprises representatives from the Council; HCRRA; the Cities of Minneapolis, St. Louis Park, Hopkins, Minnetonka, Eden Prairie, and Edina; Metro Transit; MnDOT; Minnesota Department of Management and Budget; the CAC and BAC; and the Counties Transit Improvement Board. The CMC is chaired by the Chair of the Council and generally meets monthly, or more often as needed. CMC recommendations are transmitted to the Council. Agendas, presentations, and meeting minutes for CMC meetings are posted on the Council's Southwest LRT Project website (<http://www.swlrt.org>).
- **Metropolitan Council.** The Southwest LRT Project receives direction from the Council and the Council's Transportation Committee, which focuses on regional transportation issues specifically concerning transportation policy and planning and transit operations. The Transportation Committee is composed of Council Members and meets on the 2nd and 4th Monday of each month. The full Council meets on the 2nd and 4th Wednesday of each month to discuss a broad range of topics impacting communities, parks, transportation, wastewater and water, housing, and planning. These meetings are public and agendas, presentations, and meeting minutes are posted on the Council's website (<http://www.metrocouncil.org>).

In addition to the above advisory structure, other committees were established to provide input into specific aspects of the project. These committees are described below; meetings of these committees are listed in the *Southwest LRT Community Events, Meetings, and Presentations Summary Report* listed in Appendix C:

- **Southwest LRT Community Works Steering Committee (Steering Committee).** The Steering Committee was established in 2009 by Hennepin County to focus on public investment and community benefits in the Southwest LRT Project vicinity. The Steering Committee meets monthly and includes members from the cities of Eden Prairie, Edina, Hopkins, Minneapolis, Minnetonka, and St. Louis Park; Hennepin County Board of Commissioners; HCRRA; the Council; Minnehaha Creek Watershed District; Minneapolis Park & Recreation Board; SouthWest Transit Board; and Minnesota Urban Land Institute. Additional information regarding the Community Works program is available at Hennepin County's Southwest Corridor website (<http://www.swlrtccommunityworks.org/get-involved/committees-meetings/committees>).

- **Kenilworth Landscape Design Committee.** The Committee was established in May 2015 to focus on the landscape design in the Kenilworth Corridor from West Lake to Station to the Penn Avenue Station. The purpose of the committee was to help ensure that landscape design would restore the natural setting while incorporating the regional trail system, light rail, and freight rail; to facilitate a transparent and inclusive design process; and generate design that integrates and visually minimizes LRT-related infrastructure. The twelve member committee has community representatives appointed by the City of Minneapolis, Minneapolis Park and Recreation Board, Hennepin County and the Southwest Project Office and includes representatives from Minneapolis' neighborhoods along the project corridor, Cedar Lake Park Association, Hennepin and Minneapolis Bike Advisory Committees, and Minneapolis Arts Commissions. The committee meets on an as needed basis, approximately monthly.
- **Communication Steering Committee.** The Communications Steering Committee establishes, reviews, implements, and updates the CPIP to maintain a coordinated communication and public involvement effort for the Southwest LRT Project. The Steering Committee includes communication and public affairs staff from the Council, Metro Transit, MnDOT, Hennepin County, and the corridor cities and is chaired by the Southwest LRT Assistant Director of Administration/Communication/Public Involvement.

Meetings shown in Exhibit 9.2-1 as well as meetings the Council held on topics related to the Southwest LRT Project are provided in the *Southwest LRT Community Events, Meetings, and Presentations Summary Report*, which is included in the Appendix C list of Supporting Documents and Technical Memorandums.

9.3 Agency Coordination

This section provides a description of the project's participating agencies and the Council's agency coordination efforts that supported the development and evaluation of design adjustments to the Project.

9.3.1 Participating Agencies

The Southwest LRT Agency Coordination Plan (Council and FTA, 2014), which helps guide the Project's agency coordination efforts, is based on the requirements of MAP-21, NEPA, and the EQB Environmental Review Program. The Project's original Coordination Plan for the Preparation of the Southwest Transitway Draft Environmental Impact Statement (HCRRA, 2008) was updated in 2014 to reflect agency and municipal coordination procedures underway during Project Development subsequent to the Draft EIS process. The updated Agency Coordination Plan summarizes the structure for coordination between the FTA, the Council, participating agencies, cooperating agencies, and the public.

A participating agency, as defined in the MAP-21 1305(c) guidance, is a federal, state, tribal, or local government agency that has an interest in the Project and that agrees to participate in the Project's NEPA and related processes. In general, participating agencies provide input, identify Project concerns, and partake in issue resolution processes to further the Project within the NEPA framework. The Project's federal and local lead agencies and federal cooperating agencies under NEPA are included as participating agencies. Chapter 12 and Appendix H of the Draft EIS describe the process used to identify potential participating agencies, including the FTA invitation to agencies to participate in the Project and the agencies' responses to those invitations. Table 9.3-1 lists the parties that accepted participating agency status as identified in Section 1.1.1 of the Draft EIS. The SPO worked with many of the Project's participating agencies during the Project Development process to provide input to adjustments to the Project.²

² The Council coordinates with other agencies that are not officially participating agencies; these include but are not limited to: (1) the Riley Purgatory Bluff Creek Watershed District, (2) the Bassett Creek Watershed Management Commission, (3) the Hennepin County Regional Railroad Authority, and (4) the Counties Transit Improvement Board.

TABLE 9.3-1
Participating Agencies

Federal Agencies
Advisory Council on Historic Preservation
United States Army Corps of Engineers
United States Department of Agriculture
United States Department of Housing and Urban Development
United States Department of Interior
United States Department of Transportation, Federal Highway Administration
United States Environmental Protection Agency
United States Department of Transportation, Federal Aviation Administration
United States Federal Emergency Management Agency
United States Department of Transportation, Federal Railroad Administration
United States Fish and Wildlife Service
United States Department of Homeland Security
Surface Transportation Board
State Agencies
Minnesota Pollution Control Agency
Minnesota Department of Health
Minnesota Department of Transportation
Minnesota Environmental Quality Board
Minnesota Department of Natural Resources
Indian Affairs Council
Board of Water and Soil Resources
Office of the State Archaeologist
Minnesota Department of Agriculture
Minnesota Department of Commerce
State Historic Preservation Office
Minnesota Historical Society
Regional Authorities
Three Rivers Park District
Minnehaha Creek Watershed District
Nine-Mile Creek Watershed District
Mississippi Watershed Management Organization
County Agencies
Hennepin County
Hennepin County Research, Planning and Development
Hennepin Conservation District
Local Government Agencies/Municipalities
City of Eden Prairie
City of Edina
City of Hopkins
City of Minneapolis
City of Minnetonka
City of St. Louis Park
Minneapolis Park and Recreation Board

A cooperating agency is a federal, state, or other agency with jurisdiction by law or special expertise that has been requested by the lead agency to be involved in the environmental documentation efforts per 40 Code of Federal Regulations (CFR) 1508.5. A cooperating agency is included as a participating agency, but not all participating agencies are NEPA-cooperating agencies. The U.S. Army Corps of Engineers (USACE) is a cooperating agency. The USACE is responsible for implementing NEPA and related laws and Section 404 of the Clean Water Act (CWA).

9.3.2 Agency Coordination since Publication of the Draft Environmental Impact Statement

This section provides an overview of the Council's agency coordination efforts since publication of the Draft EIS that supported the Council's efforts to develop and evaluate design adjustments to the Project, and that supported preparation of this Final EIS. These efforts were also supported by, and implemented in coordination with, the public involvement activities and advisory committees (TPAC, CAC, BAC, and CMC) described in Section 9.2 of this Final EIS. Agency coordination during the Project's AA and Draft EIS phases is documented in Section 12.2 of the Draft EIS. Subsequent to the publication of the Notice of Availability of the Supplemental Draft EIS in the *Federal Register* and the *EQB Monitor*, FTA and the Council provided a public comment period on the Supplemental Draft EIS. That comment period complied with NEPA and MEPA requirements and included public hearings, as outlined in the Executive Summary of this Final EIS. Substantive comments received on the Supplemental Draft EIS and Draft EIS are documented and responded to in this Final EIS. Agency coordination during the Supplemental Draft EIS phase is documented in Chapter 4 of the Supplemental Draft EIS.

Key elements of the Project's agency coordination efforts since publication of the Draft EIS included the following:

- **Technical Issues.** Following publication of the Draft EIS, the Council implemented a process to help identify and evaluate design adjustments to the LPA. The design adjustment process was organized around 25 technical issues. Each issue was addressed in detail by the project team, working closely with state and local jurisdictions and with representatives of affected railroads (for technical issue 21).
- **Clean Water Act Section 404 Coordination.** The U.S. Army Corps of Engineers (USACE) issued a preliminary jurisdictional determination in 2009 that stated that there may be waters and/or wetlands subject to USACE oversight. Based on information provided during Project Development, the USACE issued a second preliminary jurisdictional determination in 2015, which presumes that all aquatic resources listed on the preliminary jurisdictional determination are jurisdictional under the Federal CWA. The USACE completed an approved jurisdictional determination for the aquatic resources that were delineated within the Project corridor but are likely not regulated by the Federal CWA. The USACE also issued a determination of the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2014. For CWA Section 404 purposes, the LEDPA is the alternative that meets the Project purpose, is available to the Project, and which has the least amount of impact to aquatic resources. Using a NEPA/404 merger process implemented since publication of the Draft EIS, FTA, the Council, and the USACE—which is a federal Cooperating Agency on the Project's Supplemental Draft EIS—have been coordinating on activities that will support the Project's CWA Section 404 wetland permit process. The merger process focuses on four key milestones, which are described in Section 3.9.3 of this Final EIS. In particular, this Final EIS includes an update of the USACE's LEDPA, where USACE provided concurrence on the first three of the four key milestones and preliminarily determined that LRT 3A-1³ is the LEDPA for the Project (see Section 3.9.3 and Appendix E of this Final EIS for additional detail).
- **Wetland Technical Evaluation Panel.** As prescribed under the Minnesota Wetland Conservation Act of 1991, a Technical Evaluation Panel (TEP) was established in July 2013 to institute coordination procedures as wetlands are delineated throughout the corridor, wetlands qualities are assessed, and mitigation options are considered. Chaired by the Assistant Director of Environmental and Agreements, the Project's TEP has members representing the USACE, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, MnDOT, City of Eden Prairie, City of Minneapolis, City of

³ As described in Section 2.1.1 of this Final EIS, the Locally Preferred Alternative (LPA) includes capital improvements, construction activities, and transit operations. The LPA will be a 14.4-mile double-tracked light rail extension of the existing METRO Green Line, which will operate from Eden Prairie through Minnetonka, Hopkins, and St. Louis Park to downtown Minneapolis. The LPA will include 16 new light rail stations (including the Eden Prairie Town Center Station that has been deferred for construction at a later date than other stations along the route) and a new light rail operations and maintenance facility in Hopkins. It will also include nine park-and-rides (and an additional one to be deferred at Eden Prairie Town Center Station) with passenger drop-off areas, bicycle and pedestrian access, as well as new or restructured local bus routes connecting stations to regional and local destinations.

Minnetonka, City of St. Louis Park, Bassett Creek Watershed District, Minnehaha Creek Watershed District, Mississippi Watershed Management Organization, and Nine Mile Creek Watershed District. Representatives from Hennepin County and Riley Purgatory Bluff Creek Watershed District also participate in the TEP. The TEP first met on July 2, 2013, and generally meets on a monthly basis. The meetings are anticipated to continue through preparation and approval of the Project's wetland permits. Section 3.9.3 of this Final EIS identifies specific coordination activities with local governmental units responsible for local wetland permitting.

- Section 106 of the National Historic Preservation Act Coordination.** The Draft EIS identified tasks and coordination efforts occurring as part of the Section 106 process. Tasks described in the Draft EIS included identifying buildings, structures, and known archaeological sites within the Project Area of Potential Effect (APE) determined that a Section 106 Agreement (documenting the terms and conditions agreed upon to resolve adverse effects related to historic properties) needed to be developed among the FTA, the Advisory Council on Historic Preservation, Minnesota State Historic Preservation Office (MnHPO), the Council, and other interested parties during the Final EIS process. Section 106 coordination is documented in Section 12.2.2 of the Draft EIS and has been ongoing since publication of the Draft EIS. Section 3.5.2 of this Final EIS documents the evaluation of Section 106 resources within the scope of this document and related coordination activities between the Council, FTA, the MnDOT Cultural Resources Unit, and the MnHPO. Section 106 consulting parties include the MnHPO; USACE; Hennepin County; the Cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis; the Minneapolis Park and Recreation Board; the Minneapolis Heritage Preservation Commission; the St. Louis Park Historical Society; Three Rivers Park District; Cedar-Isles-Dean Neighborhood Association; and Kenwood Isles Area Association. Signatories and invited signatories to the Section 106 Memorandum of Agreement include the FTA, MnHPO, USACE, and the Council.
- Tribal Coordination.** In September and November 2009 and February 2010, the FTA sent letters to potentially affected Indian tribes, requesting that they identify any concerns about potential project impacts. The letters were sent to the Prairie Island Indian Community, Lower Sioux Indian Community Council, Shakopee Mdewakanton Sioux Community, Fort Peck Tribes, Santee Sioux Nation, Sisseton-Wahpeton Oyate (Tribal Historic Preservation Office), and the Upper Sioux Indian Community. In addition, a meeting opportunity was offered to tribal representatives in 2010; none of the representatives expressed an interest in meeting at that time. Section 12.2.3 of the Draft EIS documents tribal coordination. The Indian tribes listed above were sent copies of the Supplemental Draft EIS in May 2015, as documented in Appendix A of that document.

Coordination with agencies occurred throughout preparation of the Southwest LRT Final EIS.

9.4 Summary of Public and Agency Comments on the Draft EIS and Supplemental Draft EIS

This section provides a summary of comments received on the Draft EIS and the Supplemental Draft EIS. Complete responses to comments received on the Draft EIS are included in Appendix L of this Final EIS. Complete responses to comments received on the Supplemental Draft EIS are included in Appendix M of this Final EIS.

9.4.1 Public and Agency Comments on the Draft EIS

The public comment period for the Draft EIS began upon the Notice of Availability published in the *Federal Register* on October 12, 2012, and concluded on December 31, 2012.

9.4.1.1 Draft EIS Comments Received

A total of 997 comments on the Draft EIS were submitted, in the form of letters, emails, public testimony at the public hearings, and comment cards received at the public open houses and public hearings (see Section 9.1 for more information on the Project's public involvement activities). Comments were received from individuals, businesses, community groups, non-profit organizations, and public agencies, including local municipalities, state and regulatory agencies. Agencies that submitted comments in response to the Draft EIS include: U.S. Environmental Protection Agency (EPA), USACE, U.S. Department of Interior, Surface

Transportation Board, MnDOT, Minnesota Department of Health-Environmental Health Division, Three Rivers Park District, Minnehaha Creek Watershed District, Nine Mile Creek Watershed District, Minneapolis Park and Recreation Board, and the cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis. The agencies' correspondence is included in Appendix L. Following is a brief summary of these agencies' overall concerns, including a reference to where in Appendix L their particular comments can be found.

- The **EPA**, commented on the Draft EIS in a letter dated December 27, 2012. The EPA's comments discuss the Project's Purpose and Need, alternatives, environmental impacts, and mitigation of impacts. The EPA recommended clarifying the Project Purpose and Need and adequately analyzing alternative impacts related to the operations and maintenance facility, aquatic resources, environmental justice compliance, neighborhoods, and several other issues. See comment #862 in Appendix L.2.
- The **USACE**, which became a federal Cooperating Agency on the Project in July 2013, commented on the Draft EIS in a letter dated December 20, 2012. The USACE's comments were generally concerned with Project compliance with the Clean Water Act and the Section 404 wetland permitting process, including their preliminary determination that LRT 3A (relocation) would not qualify as the Least Environmentally Damaging Practicable Alternative. See comment #489 in Appendix L.2.
- **U.S. Department of Interior** commented on the Draft EIS in a letter dated December 7, 2012. The DOI commented on the preliminary level of detail in the Section 4(f) Evaluation, noting that they will withhold its final concurrence that there are no feasible or prudent avoidance alternatives until a preferred alternative is selected and mitigation measures have been determined. See comment #234 in Appendix L.2.
- **Surface Transportation Board** commented on the Draft EIS in a letter dated December 19, 2012. The Surface Transportation Board comments presented a range of issues concerning the Project's Purpose and Need, the Surface Transportation Board's involvement with the Project, and the Draft EIS LPA with relocation of TC&W freight trains to the Minneapolis, Northfield, and Southern Railway (MN&S) Spur and Wayzata Subdivision. See comment #351 in Appendix L.2.
- **MnDOT** commented on the Draft EIS in a letter dated December 7, 2012. MnDOT commented on a range of issues concerning alternatives considered, noise, water resources, design, planning, traffic and permits. See comment #372 in Appendix L.2.
- **Minnesota Department of Health-Environmental Health Division** commented on the Draft EIS in a letter dated December 31, 2012. The Department of Health letter stated that the Project may overlap several communities' Drinking Water Supply Management Areas and Emergency Response Areas for public drinking water supply wells. As a result, the Department of Health is concerned that the potential need for temporary and permanent dewatering could negatively affect public drinking water supplies. See comment #625 in Appendix L.2.
- **Three Rivers Park District** commented on the Draft EIS in a letter dated December 28, 2012. The Park District's letter identified the regional trails that could be affected by the Project, and it noted a lack of consistency in how regional trails are characterized. The letter also stated that trail use estimates in the Draft EIS do not provide an accurate picture of actual trail use. The Park District is concerned that the following issues are not adequately addressed: costs and funding sources for regional trails affected by the Project and the implementation and ownership of the North Cedar Lake Regional Trail/MN&S Spur Bridge. See comment #499 in Appendix L.2.
- **Minnehaha Creek Watershed District** commented on the Draft EIS in a letter dated December 6, 2012. The District explained its regulatory role in projects like Southwest LRT that have the potential to affect water resources, and identified its projects in the riparian corridor of Minnehaha Creek that could be affected by the Project. The District is interested in the potential reconstruction of the light rail crossing over Minnehaha Creek and managing stormwater runoff in a comprehensive manner. See comment #368 in Appendix L.2.

- **Nine Mile Creek Watershed District** commented on the Draft EIS in a letter dated December 31, 2012. The District had several water resource concerns, including minimizing impacts to Nine Mile Creek and its floodplains, wetland evaluation methods and wetland mitigation requirements, and stormwater retention and treatment. The District also commented on the size of the Project's impact area, best management practices, and its regulatory requirements. See comment #621 in Appendix L.2.
- **The City of Eden Prairie** commented on the Draft EIS in a letter dated December 4, 2012. The City provided a range of comments on the Project's design, operations, environmental impacts, and mitigation of impacts. See comment #191 in Appendix L.2.
- **The City of Minnetonka** commented on the Draft EIS in a letter dated December 14, 2012. The City provided a range of comments on the alternatives considered; the Project's social, environmental, economic, and transportation effects, indirect effects, and cumulative impacts; and public and agency water resources, design, planning, traffic and permits. See comment #344 in Appendix L.2.
- **The City of Hopkins** commented on the Draft EIS in a letter dated December 28, 2012. The City commented on the Project's alternatives considered, environmental impacts, and mitigation of impacts. See comment #492 in Appendix L.2.
- **The City of St. Louis Park** commented on the Draft EIS in a letter dated December 21, 2012. The City reiterated its support for the Project and expressed concern about the information in the Draft EIS that supported the LRT 3A alternative (relocation). The City provided information supporting its opposition to LRT 3A (relocation) and supporting its conclusion that dismissing LRT 3A-1 (co-location) was premature. See comment #487 in Appendix L.2.
- **The City of Minneapolis** commented on the Draft EIS in a letter dated December 4, 2012. The City commented on the alternatives considered, minimizing impacts to cultural resources, and mitigating for a wide range of impacts. See comment #250 in Appendix L.2.
- **Minneapolis Park and Recreation Board** commented on the Draft EIS in a letter dated December 5, 2012. The City commented on a range of issues concerning the Project's alternatives considered and potential impacts to parks, trails, and historic resources. See comment #226 in Appendix L.2.

For purposes of responding to Draft EIS comments, the Council organized comments into major themes, including comments received:

- Either in favor or not in favor of the Project
- Related to Project elements, including engineering of the alignment, stations, and the OMF
- On Project costs and effectiveness
- Related to the NEPA process, including the scoping process, extent, and effort of the analysis of alternatives, and outreach efforts
- On various social issues such as safety due to close proximity of train operations, the barrier the light rail alignment may create to community cohesion, economic issues such as potential community development, loss of parking for businesses, potential property acquisitions, and environmental effects such as impacts to parks, vegetation, wildlife, groundwater, and cultural and historic resources
- On transportation system effects such as maintaining access to businesses, changes to traffic patterns that may create local congestion and inhibit emergency vehicle access, impacts to parking, and supporting an alternative transportation mode

In general, comments in support of the Project noted enhanced transit service, accessibility, and lower transit travel times. Comments opposed to the Project cited cost of the Project and that the funds could be spent on other public transportation to greater effect, moving the location chosen for the alignment to one of the other alternatives previously studied, and concerns about LRT reducing property values because of the potential increase in noise, traffic, and neighborhood parking. Other commenters expressed concern about increased property values because of development resulting from a nearby station.

Many comments received were related to the location of freight rail relative to the Project. Numerous comments were received opposing freight rail co-location in the Kenilworth Corridor, as well as opposing the rerouting of freight rail into St. Louis Park.

Other comments focused on design elements and environmental issues. Specific design issues that generated numerous comments included:

- Support for a tunnel or trench in the Kenilworth Corridor
- Preferences regarding specific stations and the OMF location
- Alignment adjustment comments, including adjustments in Eden Prairie
- Preference for other Draft EIS Alternatives

Specific environmental issues that generated numerous comments included:

- Concerns about noise and vibration impacts from LRT, as well as from relocated freight rail operation
- Neighborhood and community impact concerns related to safety and security due to freight rail and light rail alignments in close proximity to one another and to residents, construction impacts and hazards, potential to increase emergency vehicle response times, proposed park and ride lots in Minneapolis with harmful impacts to local traffic and community character (spillover parking) combined with increased noise
- Concern about acquisitions and displacements and impacts to residents and businesses
- Concerns about maintaining park-like settings and potential impacts on visual quality and impacts from noise for many park resources along the corridor including Cedar Lake Parkway, Purgatory Creek Park, and trails
- Comments on environmental justice, including the need to more thoroughly study impacts from freight rail relocation and support of the Penn and Van White stations in assisting environmental justice communities with improved access to employment opportunities
- Economic impacts, including concerns over impacts to freight rail owners and operators resulting from the re-route, the importance of maintaining economical freight rail operations in the communities served by rail, that rail shipping stays competitive, and the need for an alternative to the re-route
- Requests for additional analyses on water resources within the study area, including more accurate wetland determinations

All substantive comments received during the Draft EIS comment period and responses to the comments are in Appendix L of this Final EIS.

9.4.2 Public and Agency Comments on the Supplemental Draft EIS

After release of the Supplemental Draft EIS on May 22, 2015, the public, agencies, and jurisdictions were offered the opportunity to review and comment on the Supplemental Draft EIS during the FTA public review process, consistent with NEPA and MEPA requirements. The process included three public open houses and hearings held in the project area and a public comment period from May 22, 2015, through July 21, 2015. Approximately 100 people attended the Southwest LRT Project public open houses and hearings in June 2015. The public open houses allowed attendees to review project information and discuss the Supplemental Draft EIS with Project team members. Public notices announcing the publication of the Supplemental Draft EIS, the duration of the Supplemental Draft EIS public comment period, and the times and locations of the open houses and public hearings can be found in Appendix G and in the *Southwest LRT Community Events, Meetings, and Presentations Summary Report* listed in Appendix C (see Appendix C for instructions on how to access this document).

9.4.2.1 Supplemental Draft EIS Comments Received

A total of 206 comments were received during the public comment period for the Supplemental Draft EIS. Comments were submitted in the following formats: emails; testimony at the public hearings held on June 16, 17, and 18, 2015; comment cards; and letters. Comments were received from individuals, businesses,

community groups, non-profit organizations, and public agencies, including local municipalities, state and regulatory agencies. Agencies that submitted comments in response to the Supplemental Draft EIS include EPA, U.S. Department of Interior, MnDOT, Minnesota Department of Natural Resources (MnDNR), Minnesota Department of Health (MDH), Hennepin County Public Works, the cities of Eden Prairie, Minnetonka, St. Louis Park, and Minneapolis; and the Minneapolis Park and Recreation Board. One representative and two senators from the Minnesota State Legislature submitted comments. The agencies' correspondence is included in Appendix M. Following is a brief summary of these agencies' overall concerns, including a reference to where in Appendix M.2 their particular comment can be found.

- **EPA** commented on the Supplemental Draft EIS in a letter dated July 16, 2015. The EPA stated that because of the limited scope of the Supplemental Draft EIS, the agency's comments on the Draft EIS still apply. The EPA remains concerned about potential impacts to aquatic resources, water quality, and mitigation. See comment #201 in Appendix M.2.
- **U.S. Department of Interior** commented on the Supplemental Draft EIS in a letter dated July 17, 2015. The Department of Interior provided its consideration of effects to properties identified in the project study area as eligible to be considered under Section 4(f). While the FTA has made preliminary determinations on properties with which the Department of Interior concurs, the department will reserve concurrence when an agreement is signed. See comment #210 in Appendix M.2.
- **MnDOT** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. MnDOT provided comments on rail operations near Target Field Station, stated that noise mitigation must follow state and federal guidelines, provided comments stating that submission of drainage permits and design of trunk highways be coordinated with MnDOT. See comment #130 in Appendix M.2.
- **MnDNR** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. MnDNR agreed with the statements of "no effect" for biota and habitat. The MnDNR made requests that high-profile areas for wildlife crossings be identified (wetlands, public waters, open park spaces). See comment #151 in Appendix M.2.
- **MDH** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. The MDH comments focused on the importance of transit accessibility to lower-income residents, students, people of color, and other transit dependent populations. They encouraged the Council to ensure that transit benefits all communities. See comment #170 in Appendix M.2.
- **Hennepin County Public Works** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. Hennepin County submitted a list of items pertaining to engineering activities such as wetland replacement, floodplain designations, stormwater management, and treatment of contamination sources. See comment #156 in Appendix M.2.
- **The City of Eden Prairie** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. Its general comments expressed support for the Supplemental Draft EIS alignment. General comments included the necessity for inclusion of the following in the design process: stations, visual components, park impacts, parking, and future development. See comment #142 in Appendix M.2.
- **The City of Minnetonka** commented on the Supplemental Draft EIS in a letter dated July 10, 2015. The letter included a range of issues and requests for additional traffic operations analysis, adherence to stormwater management standards, and accurate determinations of wetlands. See comment #105 in Appendix M.2.
- **The City of St. Louis Park** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. Comments from the City addressed noise impacts, the need for accurate assessments of contaminated sites, traffic improvement efforts to prevent congestion, and maintaining quality trail experiences. The letter requested that the freight rail conclusions be stated clearly. See comment #181 in Appendix M.2.
- **The City of Minneapolis** commented on the Supplemental Draft EIS in a letter dated July 16, 2015. The city stated its appreciation of the Council's work to address city concerns and provided comments on the following impacts in the Kenilworth Corridor: construction, noise, vibration, and visual impacts. The

letter also stated the need for coordination on traffic, transit connections, and bicycle and pedestrian safety. See comment #171 in Appendix M.2.

- **The Minneapolis Park and Recreation Board** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. The letter state that there would be impacts to the Kenilworth Corridor and nearby parks' setting and experience related to LRT operations. The letter expressed concern for the effects to historic and recreational resources and stated that features should be restored to match existent conditions as closely as possible. See comment #143 in Appendix M.2.
- **Senator Tim Kelly** commented on the Supplemental Draft EIS in a letter dated June 23, 2015. Senator Kelly's comments focused on the cost of and funding for the Project. He sent the Council Chair questions about the Council's proposed use of Certificates of Participation. See comment #226 in Appendix M.2.
- **Representative Frank Hornstein and Senator Scott Dibble** commented on the Supplemental Draft EIS in a letter dated July 21, 2015. The representatives' comments included concerns about locating freight rail in the Kenilworth Corridor and the need for an adequate discussion of safety operations for freight rail, and they requested the development of coordination and response plans. See comment #196 in Appendix M.2.

Multiple comments expressed concerns over the Project design adjustments within the Kenilworth Corridor and proposed options and modifications. Environmental concerns generated comments from individuals as well as community and neighborhood organizations.

The most frequent topics of public comments were noise; vibration; safety and security; general opposition to freight rail co-location; and the AA/NEPA process. Appendix M documents all comments received on the Supplemental Draft EIS and includes the responses to those comments. The following list summarizes the issues raised in the comments received:

- Concerns about safety in the Kenilworth Corridor with light rail operating in close proximity to freight rail; operations and potential hazardous freight rail cargo, the safety and security of LRT construction, and safety of roadway, trail, and sidewalk crossings at 21st Street West
- Project elements, including engineering of the alignment, stations in the Kenilworth Corridor area, construction and operation of the Kenilworth tunnel (groundwater, safety, utility relocation)
- Project costs for potential additional construction activities (e.g., removing contaminated soil, relocation of existing sewers) and lost property tax revenue as costs to the community
- NEPA process, including the scoping process, potential impacts to Grand Rounds Historic District, and that freight rail operations should not be considered an existing condition and should be excluded from the baseline data
- Replacement of the Skunk Hollow Switching Wye with the Southerly Connector (between Bass Lake Spur and the MN&S Spur) and impacts related to neighborhoods, visual quality, noise, and vibration
- Environmental issues generated comments about visual impacts to the park and historic resources in the Kenilworth Corridor, noise impacts to the Kenilworth Corridor community, and vibration impacts from LRT tunnel construction

All comments received during the Supplemental Draft EIS comment period and responses to the comments are in Appendix M of this Final EIS.

9.5 Permits and Approvals Required

The Draft EIS identified preliminary permits, approvals, or reviews required for the Project in Table 12.2-2. Table 9.5-1 of this Final EIS updates this information.⁴ Project staff continue to work with the applicable

⁴ This section complies with MN Administrative Rules 4410.2300(F) by listing all known governmental permits and approvals required for the Project, including identification of the governmental unit that is responsible for each permit or approval. Permits and approvals are defined under MN Administrative Rules 4410.0200 Subp. 4 and Subp. 5.

agencies on the permits, approvals, and reviews required for the Project and additional permits, approvals, and reviews may be identified as the Project advances.

TABLE 9.5-1
Preliminary List of Required Permits/Approvals and Reviews (by Agency Jurisdiction)

Government Agency	Type and/or Name of Document	Permit	Approval	Other
Federal				
Federal Transit Administration	Environmental Impact Statement		•	
	Section 4(f)		•	
	Section 106 of the National Historic Preservation Act – Agreement		•	
	Record of Decision		•	
U.S. Army Corps of Engineers	Environmental Impact Statement		•	
	CWA Section 404 Permit	•		
	Section 106 of the National Historic Preservation Act – Agreement		•	
U.S. Fish and Wildlife Services	Section 7 of the Threatened and Endangered Species Act			•
Advisory Council on Historic Preservation	Section 106 of the National Historic Preservation Act – Agreement			•
Department of the Interior	Section 4(f)			•
Environmental Protection Agency	Environmental Impact Statement		•	
State				
MN Department of Health	Cap and Abandon Wells	•		
	Water Main Plan Review			•
Minnesota Department of Transportation	Permit to Construct on MnDOT Right of Way	•		
	Wetland Conservation Act Wetland Replacement Plan		•	
	Section 106 of the National Historic Preservation Act – Agreement		•	
MN Department of Natural Resources	Public Waters Work	•		
	Water Appropriation Permit	•		
	Natural Heritage Information System Review for Rare Features			•
MN Pollution Control Agency	National Pollutant Discharge Elimination System Permit	•		
	CWA Section 401 Water Quality Certification		•	
	Response Action Plan		•	
	Application for Voluntary Brownfield Program Participation (addresses non-petroleum and petroleum contamination)		•	
	Industrial Groundwater Pump Out	•		
State Board of Electricity, MN Department of Labor and Industry	Electrical Permits	•		
Minnesota Historic Preservation Office (MnHPO)	Section 106 of the National Historic Preservation Act – Agreement		•	
	Design Review			•
Local and Regional				
Metropolitan Council	Environmental Impact Statement		•	
	Section 106 of the National Historic Preservation Act – Agreement		•	

Government Agency	Type and/or Name of Document	Permit	Approval	Other
	EIS Adequacy Determination (state process)		•	
	Rail Access Permit	•		
	Special Discharge Permt	•		
Hennepin County	Section 106 of the National Historic Preservation Act – Agreement			• a
City of Minneapolis	Utility Permits Construction	•		
	Sediment and Erosion Control Permit	•		
	Section 106 of the National Historic Preservation Act – Agreement			• a
	Permit to Construct on Minneapolis Right of Way	•		
City of St. Louis Park	Utility Permits Construction	•		
	Section 106 of the National Historic Preservation Act - Agreement			• a
	Permit to Construct on St. Louis Park Right of Way	•		
City of Hopkins	Utility Permits Construction	•		
	Sediment and Erosion Control Permit	•		
	Section 106 of the National Historic Preservation Act - Agreement			• a
	Permit to Construct on Hopkins Right of Way	•		
City of Minnetonka	Utility Permits Construction	•		
	Grading, Filling, Excavation Permit	•		
	Wetland Conservation Act Wetland Replacement Plan		•	
	Section 106 of the National Historic Preservation Act - Agreement			• a
	Permit to Construct on St. Louis Park Right of Way	•		
City of Eden Prairie	Utility Permits Construction	•		
	Wetland Conservation Act Wetland Replacement Plan		•	
	Eden Prairie Wetland Replacement Plan		•	
	Land Alteration Permit	•		
	Section 106 of the National Historic Preservation Act - Agreement			• a
	Permit to Construct on Eden Prairie of Way	•		
Minneapolis Park & Recreation Board	Permit to Construct on MPRB Right of Way	•		
	Section 106 of the National Historic Preservation Act - Agreement			• a
Nine Mile Creek Watershed District	Permit to Construct on NMCWD Right of Way	•		
	Wetland Conservation Act Wetland Replacement Plan		•	
	Wetland Permit	•		
Minnehaha Creek Watershed District	Water Resource Permit	•		
Riley Purgatory Bluff Creek Watershed District	Permit to Construct on RPBCWD Right of Way	•		

Government Agency	Type and/or Name of Document	Permit	Approval	Other
Three Rivers Park District	Section 106 of the National Historic Preservation Act – Agreement			• a
St. Louis Park Historical Society	Section 106 of the National Historic Preservation Act – Agreement			• a
Bassett Creek Watershed Management Commission	Development Proposal Permit	•		
Non-Government Agency				
Burlington Northern Santa Fe Railroad	Permit to Construct on Railroad Right of Way	•		
Canadian Pacific Railroad	Permit to Construct on Railroad Right of Way	•		
Kenwood Isles Area Association	Section 106 of the National Historic Preservation Act – Agreement			• a
Cedar Isles Dean Neighborhood Association	Section 106 of the National Historic Preservation Act – Agreement			• a

^a 36 CFR 800.6(c)(3)

Source: Update of the Draft EIS Table 12.2-2.

In addition to the above permits/approvals/reviews, in October 2014 the Project received a jurisdiction determination from the Federal Railroad Authority (FRA). FRA has safety jurisdiction, delegated from the Secretary of Transportation, over any type of railroad carrier regardless of the type of equipment that it uses or its connection to the general system, with the exception of rapid transit operations in an urban area that are not connected to the general system.⁵ FRA will, however, exercise jurisdiction over commuter, short-haul railroads and urban rapid transit (URT) to the extent that it is necessary to help ensure railroad safety at shared connection points, such as shared highway-rail grade crossings.⁶ FRA concluded that the proposed Southwest LRT Project will be a URT operation; therefore, FRA will exercise its safety jurisdiction and regulations over the five shared highway-rail grade crossings for the Southwest LRT Project, and these regulations will not apply to other locations, such as where freight rail and light rail will operate adjacent to each other, recognizing that freight rail and URT systems are regulated separately and differently. (See Appendix N of this Final EIS for a copy of this letter and description of the five shared highway-rail grade crossings.)

⁵ See 49 United States Code Section 20102(2)(B) and 49 CFR Part 189.

⁶ See 49 United States Code Section 20102(2)(A)(i) and Appendix A to 49 CFR Part 209.