

Appendix N
Agency Coordination Letters

SOUTHWEST LRT (METRO GREEN LINE EXTENSION)

APPENDIX N

Agency Coordination Letters

1. Letter from Natural Resources Conservation Service declining participation in environmental review process, September 30, 2008
2. Letter from Advisory Council on Historic Preservation with direction on Section 106 compliance and coordination, October 6, 2008
3. Letter from U.S. Department of Housing and Urban Development declining participation in the environmental review process, October 10, 2008
4. Letter from City of St. Louis Park regarding scoping for the Draft Environmental Impact Statement for the Southwest Transitway Project, October 14, 2008
5. Letter from Riley Purgatory Bluff Creek Watershed District declining participating agency invitation, October 23, 2008
6. Letter from Three Rivers Park District regarding multi-use regional trail component of Southwest Transitway Project, October 27, 2008
7. Letter from City of Eden Prairie regarding scoping process and preference for LRT 3 Alternatives, October 31, 2008
8. Letter from St. Louis Park Public Schools District Offices providing concerns regarding proposed routes for the Southwest Transitway LRT line, October 31, 2008
9. Letter from Minnesota Department of Transportation Metropolitan District regarding their review of the Draft Environmental Impact Statement, November 3, 2008
10. Letter from Downtown Minneapolis Transportation Management Organization providing a recommendation for Kenilworth Alignment (Alternative 3A), November 5, 2008
11. Letter from Metropolitan Council providing support for Southwest Transitway Project, November 5, 2008
12. Letter from U.S. Environmental Protection Agency providing scoping comments, November 6, 2008
13. Letter from the City of Hopkins providing Draft EIS scoping comments, November 7, 2008
14. Letter from Minneapolis City Council recommending study of Nicollet Avenue alignment, November 7, 2008
15. Letter from Minnesota Historical Society State Historic Preservation Office providing response to initiation of environmental planning process and future involvement, November 7, 2008
16. Data request from Minnesota Natural Heritage Information System (NHIS) data request form, March 2, 2009
17. Letter from Minnesota Department of Natural Resources Division of Ecological Resources Natural Heritage data on Blanding's turtles in the vicinity of the proposed Southwest Transitway Project, April 30, 2009
18. Letter to the U.S. Army Corps of Engineers (USACE) requesting preliminary jurisdictional determination for waterbodies adjacent to or within the corridors, June 1, 2009

19. Response letter from USACE regarding preliminary jurisdictional determination of waterbodies, July 16, 2009
20. Letter to Prairie Island Indian Community requesting identification of concerns related to potential impacts of the Project and historic properties, September 9, 2009
21. Letter to Shakopee Mdewakanton Sioux Community requesting identification of concerns related to potential impacts of the Project and historic properties, September 9, 2009
22. Letter to Lower Sioux Indian Community Council requesting identification of concerns related to potential impacts of the Project and historic properties, September 9, 2009
23. Letter from Xcel Energy providing comments on alternatives, September 23, 2009
24. Letter to State Historic Preservation Office to initiate the Section 106 process for the Project, November 6, 2009
25. Letter to Fort Peck Tribes requesting identification of concerns related to potential impacts of the Project and historic properties, November 25, 2009
26. Letter to Santee Sioux Nation requesting identification of concerns related to potential impacts of the Project and historic properties, November 25, 2009
27. Letter to Tribal Historic Preservation Office requesting identification of concerns related to potential impacts of the Project and historic properties, November 25, 2009
28. Letter to State Historic Preservation Office to provide update on Section 106 consultation process lead, December 17, 2009
29. Letter to Upper Sioux Indian Community requesting identification of concerns related to potential impacts of the Project and historic properties, February 16, 2010
30. FTA letter to the Metropolitan Council approving Preliminary Engineering Approval for the Minneapolis Corridor Light Rail Project, September 2, 2011
31. Invitation to Surface Transportation Board, Office of Environmental Analysis to become a cooperating agency, August 22, 2012
32. Letter of acceptance from the Surface Transportation Board, Office of Environmental Analysis to become a cooperating agency for the Southwest Light Rail Transit Project, August 28, 2012
33. USACE letter to the Federal Transit Administration (FTA); review of the Draft EIS alternatives; concurrence with the array of alternatives, notice that the Locally Preferred Alternative is not the Least Environmentally Disturbing Practicable Alternative according to Guidelines, December 20, 2012
34. Letter to U.S. Fish and Wildlife Service requesting concurrence – No Effect Determination – Higgins eye pearlymussel for the Southwest Light Trail Transit Project, July 23, 2012
35. Response from U.S. Fish and Wildlife Service indicating that there are no federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project, August 21, 2012
36. Minnesota State Historic Preservation Office letter regarding Phase I Archaeology Report for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, February 14, 2013
37. Minnesota State Historic Preservation Office letter regarding Phase I Archaeology Report for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, March 12, 2013

38. Invitation letter to USACE to become a cooperating agency for the Southwest Light Rail Transit Project, June 14, 2013
39. Letter of acceptance from the USACE to become a cooperating agency for the Southwest Light Rail Transit Project, July 18, 2013
40. Hennepin County Resolution No. 13-HCRRRA-0059. HCRRRA's future conveyance of property interests for the Southwest Light Rail Transit Project to the Metropolitan Council, October 8, 2013
41. MnDNR National Heritage Information System letter identified element occurrences of one endangered species, four threatened species, and eight special concern species within approximately one-mile of the Project and associated facilities, January 31, 2014
42. Minnesota State Historic Preservation Office letter regarding Phase I/II Architecture History Investigations, Volume 5, Supplemental Report Number Two, SHPO Number 2009-0080, April 2, 2014
43. Minnesota State Historic Preservation Office letter regarding Phase II Archaeological Survey, SHPO Number 2009-0080, April 2, 2014
44. Minneapolis Park and Recreation Board letter regarding comments on the April 2014 Section 106 consultation package, May 16, 2014
45. City of Minneapolis comment email regarding comments on the April 2014 Section 106 consultation package, May 16, 2014
46. Minnesota State Historic Preservation Office letter regarding the Section 106 consultation package materials and meeting, SHPO Number 2009-0080, May 21, 2014
47. Minnesota State Historic Preservation Office letter providing concurrence on Grand Rounds and other property boundaries, SHPO Number: 2009-0080, June 5, 2014
48. Minnesota State Historic Preservation Office review letter regarding Phase I/Phase II Architecture History Investigation and Phase 1a Archaeological Investigation for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, June 5, 2014
49. Minnesota State Historic Preservation Office review letter providing clarification on Phase II investigations in the vicinity of archaeological sites 21HE0436 and 21HE0437, SHPO Number: 2009-0080, July 3, 2014
50. FTA letter to Surface Transportation Board seeking concurrence to rescind its cooperating agency status due to project changes, July 9, 2014
51. Response from the Surface Transportation Board to FTA concurring on rescinding cooperating agency status, August 22, 2014
52. Federal Railroad Administration letter regarding FRA safety jurisdiction determination, October 6, 2014
53. MnDOT CRU letter to Minnesota State Historic Preservation Office letter regarding consulting party comments on April 2014 Section 106 consultation package, SHPO Number: 2009-0080, October 13, 2014
54. USACE letter to FTA regarding the Southwest Light Rail Transit Concurrence Points package, October 16, 2014
55. Minnesota State Historic Preservation Office letter regarding Phase I Archaeology report for Area C for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, November 7, 2014

56. Kenwood Isles Area Association (KIAA) letter regarding comments on April 2014 Section 106 consultation package, and regarding October 17, 2014 adjustments to the Area of Potential Effect. Sent on behalf of KIAA by Preservation Design Works, LLC, November 12, 2014
57. Kenwood Isles Area Association (KIAA) letter regarding comments on November 2014 Section 106 consultation package. Sent on behalf of KIAA by Preservation Design Works, LLC, December 10, 2014
58. Minneapolis Park and Recreation Board letter regarding comments on November 2014 Section 106 consultation package, December 12, 2014
59. Minnesota State Historic Preservation Office review letter regarding comments on November 2014 Section 106 consultation package, and regarding October 17, 2014 revisions to the Area of Potential Effect and research design addendum, SHPO Number: 2009-0080, December 12, 2014
60. FTA letter to USACE inviting USACE to delegate Section 106 responsibilities to FTA, December 16, 2014
61. MnDOT CRU letter to Hennepin County (HC), inviting HC to become a Section 106 consulting party, December 16, 2014
62. Hennepin County letter to MnDOT CRU accepting consulting party status, December 17, 2014
63. Minneapolis Parks and Recreation Board letter to FTA regarding request for meeting to discuss legal jeopardy to the FTA New Starts Program Created by the Implementation of the Program for the Southwest Light Rail Transit (LRT) Project (the Project) in Minneapolis, Minnesota by the FTA and the Metropolitan Council, January 2, 2015
64. FTA letter to Minneapolis Parks and Recreation Board in response to MPRB letter dated January 2, 2015, regarding the Southwest Light Rail Project in Minneapolis, Minnesota, January 15, 2015
65. USACE letter to FTA accepting Section 106 Delegation to FTA for the Southwest LRT Project and requesting continuing involvement as a Section 106 consulting party, January 15, 2015
66. Minnesota State Historic Preservation Office email to MnDOT CRU concurring with consulting party status for Cedar-Isles-Dean Neighborhood Association, February 2, 2015
67. FTA letter to Cedar-Isles-Dean Neighborhood Association concurring on consulting party status, February 17, 2015
68. USACE letter to SPO regarding the Southwest Light Rail Transit Preliminary Jurisdictional Determination, February 18, 2015
69. BNSF Railway letter providing BNSF Commuter Principles and outlining Southwest LRT design concerns and preferences, March 26, 2015
70. Southwest LRT Design and Engineering letter to BNSF Railway delivering Green Line Extension LRT exhibits identifying the Southwest LRT project interface with the BNSF Wayzata Subdivision, June 5, 2015
71. Southwest LRT Design and Engineering request to BNSF Railway to meet regarding BNSF right of way use by the Blue Line Extension LRT operations on the BNSF Monticello Subdivision and the Green Line Extension parallel to the BNSF Wayzata Subdivision between Cedar Lake Junction and Royalston Avenue North, June 5, 2015
72. USACE letter delegating authority to the FTA to act as the lead federal agency on their behalf for purposes of compliance with Section 7 of the Endangered Species Act. June 16, 2015
73. MnDNR NHIS Review Specialist email confirming the results of the original review data from January 31, 2014, August 4, 2015

74. FTA letter to USFWS requesting concurrence regarding no effect determination for three species, August 26, 2015
75. Southwest LRT Design and Engineering response to BNSF Railway's August 5th, 2015 letter regarding the proposed use of BNSF right of way and adherence to Commuter Principles as well as associated issues for the BLRT and Southwest LRT, September 4, 2015
76. U.S. Fish and Wildlife Service letter to FTA confirming the Southwest LRT project may affect, but is not likely to adversely affect the northern long-eared bat, September 25, 2015
77. USACE letter to FTA regarding their review of the NEPA/404 Merger Process: Concurrence Point 4 and proposed compensatory mitigation plan and their concurrence, October 14, 2015
78. USFWS Twin Cities Ecological Services Field Office email stating the Northern long-eared bat, the Higgins eye pearl mussel and the snuffbox are not anticipated to be impacted by the Southwest LRT project, October 27, 2015
79. USFWS Twin Cities Ecological Services Field Office email clarifying the affect area considered for the Northern long-eared bat in the project area, and encouraging caution during pupping season (June and July), October 27, 2015
80. St. Louis Park Historical Society email to MnDOT Cultural Resources Unit requesting consulting party status for the Section 106 process, November 22, 2015
81. FTA letter granting consulting status to St. Louis Park Historical Society for the Section 106 process, December 3, 2015
82. FTA letter to Minnesota Historic Preservation Office to continue FTA's consultation for the Southwest LRT Project, with the draft Memorandum of Agreement (MOA) enclosed, February 4, 2016.
83. Advisory Council on Historic Preservation (ACHP) letter to FTA stating that their participation in the consultation to resolve adverse effects is not needed, February 16, 2016
84. Minnesota Historic Preservation Office letter with review comments of the Draft Memorandum of Agreement (MOA) for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, March 3, 2016
85. City of Eden Prairie email providing comments on the Draft MOA as part of its Section 106 consulting party review, March 7, 2016
86. City of Minneapolis letter with comments regarding the Draft MOA as part of its Section 106 consulting party review, March 7, 2016
87. Minneapolis Park and Recreation Board letter recommending approval of the MOA to the Board of Commissioners, March 7, 2016
88. FTA letter to EPA on EPA Comments on the Draft Environmental Impact Statement, Supplemental Draft Environmental Impact Statement, and the Amended Draft Section 4(f) Evaluation, Southwest Light Rail Transit Project, Hennepin County, Minnesota, April 12, 2016

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Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

Phone: (651) 602-7900
FAX: (651) 602-7914

File Code: 190-15-13

September 30, 2008

Ms. Katie Walker, AICP
Transit Project Manager
Hennepin County
Housing, Community Works & Transit
417 North 5th Street, suite 320
Minneapolis, MN 55401

IN REPLY REFER TO: Invitation to Participate in the Environmental Review Process for the Southwest Transitway Project

Dear Ms. Walker:

The Natural Resources Conservation Service (NRCS) has considered your invitation to participate in any environmental reviews required by the referenced project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable.

The following agencies may have federal or state wetlands, cultural resources, water quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.

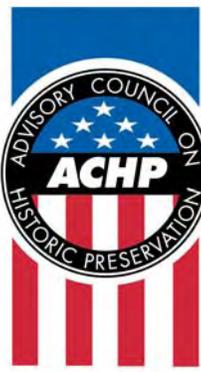
- Army Corps of Engineers (USACOE) – Clean Water Act
- US Fish and Wildlife Service (FWS) – Endangered Species Act
- Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
- Minnesota Department of Natural Resources (MDNR)
- Minnesota Pollution Control Agency (MPCA)
- State Historic Preservation Officer/State Archaeologist (SHPO)

Your project will not affect prime agricultural land within your proposed project area in the Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, nor in downtown Minneapolis, MN. This precludes the need for any further action on this project as required by the federal Farmland Policy Protection Act (FPPA) which is administered by our agency, the NRCS, and we therefore elect not to become a participating agency. The NRCS has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and therefore, does not intend to submit comments on the project as it progresses. If you have any questions concerning this matter, please call me at 651-602-7883, or email at: bill.lorenzen@mn.usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Lorenzen", written in a cursive style.

WILLIAM E. LORENZEN
Environmental Review/Justice Coordinator
An Equal Opportunity Provider and Employer



Preserving America's Heritage

October 6, 2008

Ms. Katie Walker, AICP
Transit Project Manager
Hennepin County Department of Housing,
Community, Works & Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401

RE: *Southwest Transitway Project*
Hennepin County, Minnesota

Dear Ms. Walker:

On September 30, 2008, the Advisory Council on Historic Preservation (ACHP) received your invitation to participate in the environmental review process for the referenced undertaking pursuant to Section 6002 of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU). At this time, we do not expect to attend meetings or provide formal comments at environmental review milestones. However, we retain the right to become involved in the environmental review for this action in the future if, based on information provided by the Federal Transit Administration (FTA) or other consulting parties, we determine that our involvement is warranted.

In order to ensure compliance with Section 106 of the *National Historic Preservation Act*, the ACHP encourages FTA to initiate the Section 106 process by notifying, at its earliest convenience, the appropriate State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), Indian tribes, and other consulting parties pursuant to our regulations, "Protection of Historic Properties" (36 CFR Part 800). Through early consultation, FTA and your agency will be able to determine the appropriate strategy to ensure Section 106 compliance for this undertaking. Please note that FTA, as the federal agency, must be involved in the notification of consulting parties.

FTA and the Hennepin County Railroad Authority should continue consultation with the appropriate SHPO/THPO, Indian tribes, and other consulting parties to identify and evaluate historic properties and to assess any potential adverse effects on those historic properties. If you determines through consultation with the consulting parties that the undertaking will adversely affect historic properties, or that the development of an agreement document is necessary, FTA must notify the ACHP and provide the documentation detailed at 36 CFR § 800.11(e). In the event that this undertaking is covered under the terms of an existing agreement document, you should follow the process it outlines.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone:202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Should you have any questions as to how your agency should comply with the requirements of Section 106, please contact Blythe Semmer by telephone at (202) 606-8552 or by e-mail at bsemmer@achp.gov.

Sincerely,

A handwritten signature in black ink that reads "LaShavio Johnson". The signature is written in a cursive, flowing style.

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs



U.S. Department of Housing and Urban Development

Minneapolis Field Office
920 Second Avenue South, Suite 1300
Minneapolis, Minnesota 55402-4012

October 10, 2008

Katie Walker, AICP
Transit Project Manager
Hennepin County
Housing, Community Works & Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401

Dear Ms. Walker,

Thank you for the invitation to participate in the Environmental Review Process for the Southwest Transitway Project. This agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project.

Clearly, employees will benefit from enhanced transit in that corridor. We appreciate your consideration

Sincerely,

A handwritten signature in blue ink, appearing to read "Dexter J. Sidney".

Dexter J. Sidney
Director



October 14, 2008

Ms. Katie Walker, AICP
Transit Project Manager
Hennepin County Housing, Community Works & Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401

RE: Scoping for the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway Project

Dear Ms. Walker,

The City of St. Louis Park supports the work of the HCRRA and the development of LRT within the Southwest corridor at the earliest possible date. Improved transit service in the region and Hennepin County and, especially LRT in the Southwest corridor, is vital to future health and prosperity of our area. We applaud the County's leadership and steadfast commitment to bringing LRT service to Southwest Hennepin County.

A project of this magnitude and importance deserves careful planning and evaluation at each step of the process. We look forward to eagerly participating in the Draft Environmental Impact Statement (DEIS) process for the Southwest Transitway. We expect that a careful analysis of the potential impacts will be prepared; and, that potential mitigating measures (and necessary funding) to address any negative impacts will be identified for the corridor.

For St. Louis Park the potential impacts of the Southwest Transitway Project extend beyond the immediate Southwest Corridor itself. They include impacts associated with the potential relocation of freight rail from the trail corridor south of TH7 to the Canadian Pacific (CP) and Burlington Northern Santa Fe (BNSF) rail alignments which pass through the heart of St. Louis Park's residential areas. While we have issues that we have listed below that concern the proposed transitway itself, we especially ask that you make sure issues associated with the potentially rerouted freight rail are completely and comprehensively addressed.

Rerouted freight rail traffic is a big change with the potential to negatively affect many residents and businesses. It is an important issue that the community has anticipated for many years. In 1997 the City of St. Louis Park initiated the Railroad Task Force to study the impact of freight rail traffic on our community and the impact on our neighborhoods if freight rail would be rerouted from its

present tracks along Highway 7/25 to the north-south tracks in St. Louis Park. Such diversion would add significant train traffic to our neighborhoods, which include many homes within 50 ft. of the tracks, sometimes even closer. It would also result in a substantial increase of freight rail traffic immediately adjacent to St. Louis Park High School, and would significantly interfere with vehicle traffic on many already-congested streets, including Excelsior Blvd.

The Task Force expressed a strong preference that freight rail traffic not be rerouted through St. Louis Park, but acknowledged that such rerouting may be necessary. It reached consensus on principles that should guide the relocation. St. Louis Park requests that the DEIS also use these principles to guide its evaluation of the impacts of the freight rail rerouting and the design of mitigating measures. The principles are:

- Rail traffic should run smoothly, entering and leaving St. Louis Park as efficiently and safely as possible;
- No de-coupling or switching of rail cars should take place in St. Louis Park;
- Noise, vibration, and other adverse impacts on adjacent neighborhoods must be minimized to the extent feasible;
- Safety of at-grade rail/street intersections must be improved for pedestrians, motorists and bicyclists;
- Freight rail traffic coming from the west or east must be split, with half diverted north and half south along the CP tracks

Funding must be made available to accomplish these principles, as part of the development of the SWLRT.

The City of St. Louis Park (SLP) submits the following comments and requests several items be included into the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway Project.

Elimination of Current "Bottleneck"

Two of the potential SWLRT routes (# 1A and 3A) would include a short segment (less than ¼ mile) near W. Lake St. where freight trains currently travel, that is currently too narrow to accommodate the SWLRT parallel to the existing freight rail tracks and bike trail. If either of these routes is selected and the narrow "bottleneck" is not widened or other steps are not taken to accommodate all three modes of transportation, the freight rail would have to be diverted elsewhere. Due to the scarcity of north-south tracks within Hennepin County, that diversion could likely be through St. Louis Park, on the Canadian Pacific and Burlington Northern Santa Fe rail alignments.

St. Louis Park recognizes that the costs and regulatory requirements necessary to implement the mitigation measures associated with freight rail diversion (please see below) will be significant. We therefore urge that the DEIS fully explore the feasibility and costs of alternatives that would eliminate the diversion of freight rail traffic through St. Louis Park.

We request consideration of the following alternatives:

- Purchase sufficient right-of-way adjacent to the "bottleneck" near W Lake St. to accommodate SWLRT, freight rail, and the bike trail.
- Reroute or elevate the bike trail to permit SWLRT and freight rail within the "bottleneck" at West Lake Street.

The costs of one or more of these alternatives, if adopted, likely could be significantly cheaper than the costs of mitigation for freight rail relocation, and would eliminate the extensive disruption to St. Louis Park neighborhoods that would be caused by freight rail diversion.

DEIS study requirements – Freight Rail Rerouting

Freight rail relocation would result in a major increase in freight traffic in residential neighborhoods within St. Louis Park, and many impacts need to be evaluated with the DEIS prior to any decision to affect this potential change. St. Louis Park requests that Hennepin County Regional Rail Authority (HCRRA) address and mitigate impacts on neighbors and neighborhoods adjacent to the CP and BNSF railways in the event that the freight rail is rerouted. The following items need to be evaluated as part of the DEIS process:

- Determine the amount of increased rail traffic that would occur from rerouting trains to the north and east.
- Analyze the need for upgraded tracks and railroad bridges to permit trains to safely and efficiently travel through St. Louis Park.
- Assess the noise, vibration, visual and aesthetic impacts on residences and businesses and determine how to mitigate, in consultation with adjacent neighbors and businesses them.
- Evaluate the specific impacts on St. Louis Park High School with regard to traffic, pedestrian crossings, noise impacts, and the disruption to the learning process from additional rail traffic.
- Evaluate all at-grade rail/street intersections to be improved for the safety of pedestrians, motorists and bicyclists, including the need for signalized crossings. Evaluate using the proper railroad protective devices and the increased noise from additional train traffic.
- Evaluate noise walls, landscaped berms, soundproofing insulation and/or other measures to mitigate negative impacts of rail traffic on the many hundreds of homes and the St. Louis Park Senior High School that are located immediately adjacent to the freight rail tracks.

- Determine if there is a need to purchase more property to accommodate and mitigate the impacts of more rail traffic. Consider purchase of adjacent homes within the usual and customary distance to the rail lines, to create a green buffer for other nearby homes and to provide adequate space to construct noise barriers.
- Evaluate the impacts of building two new bridge connections at the Golden Auto site and an additional rail interconnection at the "iron triangle" site (which must be done prior to the rerouting of any rail traffic).
- Consider that Three Rivers Park District is conducting a feasibility study for a north-south bike/walking trail. Any freight rail diversion should be examined for issues concerning mitigation with trail location, construction, and usage, including the safety impacts of these two adjacent uses.
- Consider the extent which freight rail cars contain hazardous substances as they travel through St. Louis Park, and the impact on our community of any potential derailment.
- Assess elimination of the rail "wye" in the Elmwood/Oxford neighborhood, on which trains are backed up, de-coupled and reconfigured. This is a lengthy and noisy process that adversely affects the neighborhood all hours of the day and night.
- Evaluate the possibility of moving the current rail switching and blocking operations (which occur in SLP, Hopkins, and Minnetonka) to Glencoe.

The potential diversion of freight rail traffic through St. Louis Park would not be necessary but for the potential construction of the SWLRT along Route Nos. 1A or 3A and the potential decision by HCRRA to decline to fix the "bottleneck". Absent such decisions, freight rail traffic could continue indefinitely on its present alignment through the Kenilworth corridor. We believe it is critical that funding be made available to evaluate these impacts on St. Louis Park, as part of the development of the SWLRT. Additionally, the costs of these required measures must be considered, and be transparent to the public, as an integral element of the overall costs of Route Nos. 1A and 3A, when the final route is selected.

DEIS Study Requirements – Additional Transit Impacts

There are a number of issues that need additional attention beyond the typical required DEIS items, due to associated transportation issues. To address these issues, St. Louis Park requests that HCRRA address the following items to be evaluated as part of the DEIS process:

- Address the need to grade separate the light rail line and trail at both Beltline Boulevard and Wooddale Avenue.
- Evaluate the impacts of access, circulation and traffic issues in the station areas.
- Determine the need for parking in the station areas, and determine the demand versus supply and the spillover impacts to neighborhoods.

Ms. Katie Walker, AICP

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October 14, 2008

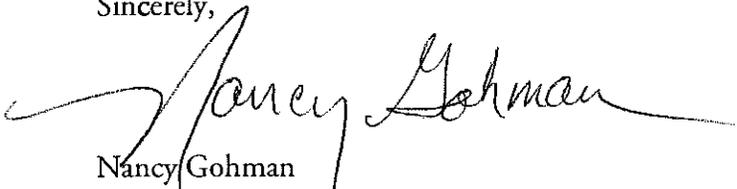
- Determine the need for a circulating feeder bus system to serve the transit stations; and resolve how that will be provided.

Conclusion

The full costs of rerouting freight rail traffic through St. Louis Park must be evaluated as part of route selection for SWLRT. The above suggests the types of improvements which will be necessary, and which require analysis as part of the DEIS process. We expect that these issues would be reviewed as part of this process and it is our request that the DEIS process incorporate all of our concerns as listed above. We additionally request that the DEIS process include at least one meeting within St. Louis Park to discuss these unique issues.

Thank you for your attention to these concerns.

Sincerely,



Nancy Gohman
Deputy City Manager

CC: Mayor Jeff Jacobs
Councilmember John Basill
Councilmember C. Paul Carver
Councilmember Phil Finkelstein
Councilmember Paul Omodt
Councilmember Loran Paprocki
Councilmember Sue Sanger
City Manager Tom Harmening
Jim Brimeyer, PAC Member
Lisa Miller, CAC Member
Bob Tift, CAC Member
Bill James, CAC Member
Shawn Klein, CAC Member



**Riley
Purgatory
Bluff Creek
Watershed District**

www.rileywd.org

#5

Board of Managers

~~Joe Bischoff~~
Michael Casanova
Howard Peterson
Kristine Sundberg
Kenneth Wenzl

October 23, 2008

Katie Walker, AICP – Transit Project Manager
Hennepin County – Housing, Community Works & Transit
417 North Fifth Street, Suite 320
Minneapolis, Minnesota 55401-1362

Subject: Southwest Transitway Project
Invitation to Participate in Environmental Review Process - Response

Dear Ms. Walker:

Thank you for the invitation to the Riley Purgatory Bluff Creek Watershed District (District) to become a participating agency. The District's focus is maintaining and improving water quality of the water resources within the watershed. From the information you provided, it appears that the Southwest Transitway project will likely have a minimal potential impact to the water resources within the Riley Purgatory Bluff Creek Watershed. In addition, within the District, the possible routes follow existing transportation corridors.

Thus, from a District staff perspective (CH2M HILL is the District Engineer), I will be recommending to the Board of Managers at their next meeting (November 5) that the District not serve as a participating agency. However, the District is interested in following the project as it develops and welcomes the opportunity to submit comments when appropriate. Please keep me apprised of developments and opportunities to comment.

If you have any questions or concerns, please feel free to contact me at Mark.Enochs@CH2M.com or 651.365.8542.

Sincerely,

CH2M HILL, INC.
District Engineer

A handwritten signature in blue ink that reads "Mark B. Enochs".

Mark B. Enochs
Vice President/Program Manager

c: Board of Managers

October 27, 2008

Three Rivers
Park District
Board of
Commissioners

Ms. Katie Walker, AICP
Transit Project Manager
Hennepin County
Housing, Community Works & Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401

Sara Wyatt
District 1

RE: Environmental Review Process for the Southwest Transitway Project

Marilynn Corcoran,
Vice Chair
District 2

Dear Ms. Walker:

Mark Haggerty
District 3

Three Rivers Park District (Park District) is a major stakeholder in the Southwest Transitway corridor. The Park District operates two regional trails within the corridor: 1) The Minnesota River Bluffs LRT Regional Trail, which begins in Hopkins and runs southwest to Chanhassen; and 2) the Cedar Lake LRT Regional Trail, which begins in Hopkins and runs northeast towards Cedar Lake, where it connects to the Kenilworth and Midtown Greenway Regional Trails. The two Park District trails within the Southwest Transitway corridor are heavily used, with over 500,000 visits annually. Additionally, the trails also serve as an important multi-modal commuting route as well.

Dale Woodbeck
District 4

As a participating agency, the Park District has expertise in the use and operation of the District's regional trails within the Southwest Transitway corridor. The Park District recognizes that to-date, the planning recommendations for the Southwest Corridor have been supportive of developing LRT while retaining the trails within a shared use corridor. A shared rail and trail corridor will successfully blend multiple modes of transportation that compliment each other while meeting the five stated goals of the Southwest Transit project.

Rosemary Franzese
District 5

Consequently, the Park District strongly recommends that the final design of the Southwest Transitway corridor include a multi-use regional trail component. The Park District desires to continue participation in the current and future planning efforts related to the Southwest Transitway Project.

Larry Blackstad, Chair
Appointed

As such, the Park District has prepared an initial summary of concerns related to the Environmental Review process and project alternatives.

Joan Peters,
Appointed

- The Park District currently operates two regional trails within the Hennepin County Regional Railroad Authority (HCRRA) corridor from Eden Prairie to Minneapolis.

Cris Gears
Superintendent

This regional amenity facilitates recreation and commuter use within the transit routes as identified as alternatives 1A, 3A, and 3C. Use of the trails is expected to increase with the addition of the LRT within the corridor. Consequently, the Park District recommends a minimum trail width of 12 feet (12') to meet safety design guidelines for the expected volume of trail use.

- The Park District strongly recommends a paved multi-use trail be safely and effectively incorporated into the final Southwest Transitway design alternative. A paved trail meets the goals of the project by increasing transportation choices, improving mobility, and providing efficient and effective travel options that protect the environment and which support economic development. Successful access and transfer considerations will enable trail users and trail commuters to integrate with the Light Rail Transit (LRT) system thereby, increasing LRT effectiveness.
- Will the Park District be obligated to financially participate in any component of the transitway or trail initiative?
- Safety for trail users must be a high priority as related to:
 - Street Crossing Safety - All three alternative routes will impact at-grade trail roadway crossings at 11th Avenue, Excelsior Avenue, St. Louis Street, Blake Road, Wooddale Avenue, and Beltline Boulevard. The potential for a negative impact on trail crossing safety will be increased by the addition of LRT traffic and the increase in traffic control devices and the expected increase in trail use by LRT users. Proper design of at-grade crossings must be a central consideration. Incorporation of grade-separated pedestrian/trail crossings of major roadways would solidify effectiveness of the transitway and trail system.
 - Amenities/Facilities within Corridor – consideration of all activities within the corridor must be examined and accounted for. Heavy rail, LRT, and trail users must be evaluated as to potential design and operational risks. Several concerns include, but are not limited to, non-sanctioned "mid-block" pedestrian crossings, proximity concerns, noise, design and placement of physical barriers, and entrapment concerns.
- The Park District has been awarded Federal funds to develop a grade-separated crossing for the trail at Beltline Boulevard; however, the final design of the LRT route and station in the Beltline Boulevard area will be the driving factor in the feasibility of developing the grade-separated trail crossing of Beltline Boulevard. Coordination of planning, design, and construction phases are imperative to maximize current Federal funds available for the trail crossing.
- Aesthetically pleasing, effective and functional design of all elements is essential at pedestrian and vehicular nodes where vehicular, transit, and trail users converge.

- A comprehensive, user-friendly, simple wayfinding system is essential for the successful operation of roadway system, transit, and trail.
- The regional trails act as the major arteries of the system-wide trail network. With the advent of LRT, there is the opportunity to promote bicycle and pedestrian access to the LRT stations through use of the system-wide trail network. Of particular importance are the local trail networks that feed into the regional trails that in turn will provide access to the LRT stations. As part of the LRT planning and implementation process, the local trail networks should be reviewed and recommendations drafted on how to fully develop the local trail network to promote pedestrian and bicycle access to the LRT.
- Phasing – Full and complete build-out of entire system is essential for effective and efficient operations of transportation, transit, rail, and trail uses.
- The Park District strongly encourages the design and development of the Southwest Transitway Initiative incorporate all measures to conserve resources, protect natural features, and incorporate sustainable features in order to reduce negative impacts on people and the environment.

Please feel free to contact me at 763.559.6759 if you have any comments or questions.

Sincerely,



Donald J. DeVeau, Director
Department of Planning and Development

DJD:lcl

C: Cris Gears, Superintendent
John Barten, Director of Natural Resources
Jonathan Vlaming, Senior Manager of Planning

10256

OFFICE OF THE CITY MANAGER | October 31, 2008

Katie Walker, AICP
Transit Project Manager
Hennepin County, Housing, Community Works and Transit
417 North 5th Street, Suite 320
Minneapolis, MN

RE: Southwest Transitway Scoping

Ms. Walker:

As the Southwest Transitway's Scoping process draws to a close I would like to take this opportunity to thank Hennepin County for its commitment to the project and for continuing to allocate the time and resources necessary to move the Southwest Transitway forward. In particular Hennepin County's commitment to public involvement has been a very successful element of the process. The high attendance level at all of the Scoping Meetings is a testament to the interest in the Southwest Transitway and the efforts Hennepin County has taken to help foster that interest.

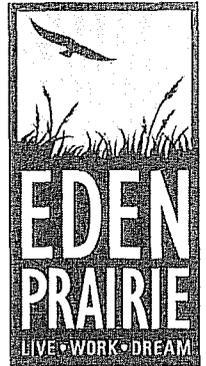
I would also like to reiterate the City's support for the project and strong preference for the LRT 3 Alternatives. The LRT 3 Alternatives that connect the Eden Prairie Major Center Area, the Golden Triangle Area, and Opus better serve the employment and commercial centers of the Southwest Area; provide better opportunities for development, redevelopment and economic development; and better support the City's long range planning initiatives than the LRT 1 Alternative. In addition, the LRT 3 Alternatives have higher daily ridership projections, more new transit riders, and better cost effectiveness indices than the LRT 1 Alternative.

The Southwest Transitway continues to be a priority project for Eden Prairie and the Southwest region. Eden Prairie remains committed to being a dedicated project partner and moving the project toward its successful implementation in a timely manner.

Sincerely,



Scott H. Neal
City Manager



OFF 952 949 8300
FAX 952 949 8390
TDD 952 949 8399

8080 Mitchell Rd
Eden Prairie, MN
55344-4485

edenprairie.org

NOV 03 2008

#8



St Louis Park Public Schools

Achieving success, one student at a time.

**St. Louis Park Public Schools
District Offices**

6425 West 33rd Street

St. Louis Park, Minnesota 55426-3498

952.928.6000 phone

952.928.6020 fax

www.slpschools.org

October 31, 2008

Southwest Corridor
Hennepin County Transit
417 North 5th Street
Minneapolis, MN 55401

To Whom It May Concern:

This letter serves to provide notice of Independent School District No. 283's concerns regarding the proposed routes for the Southwest Transitway LRT line. The St Louis Park School Board recently reviewed the planned routes of the proposed Southwest Transitway LRT line and believes that there are several concerns that should be addressed during the Draft Environmental Impact Statement process that is underway.

The Board understands that some of the proposed routes of the SW Transitway LRT line may force additional freight train traffic onto the rail line that runs parallel to the south boundary of St. Louis Park Senior High School, located at 6435 West 33rd Street. The additional freight traffic in close proximity to the high school raises safety, noise and vibration impact concerns.

Frequent train traffic operating in the vicinity of our student population likely presents increased risks to both pedestrian and vehicular traffic. Two grade level street crossings currently exist at the southeast and southwest corners of the high school property, with the southeast crossing separating the high school from a McDonald's restaurant frequented by large numbers of our students.

Noise impact is the second concern raised by the proposed LRT lines. Currently, noise generated by trains that travel on this line disrupts the learning process. The close proximity of the high school to the Dakota Avenue crossing with no noise remediation causes distractions to both staff and students from the train travel and the associated horns. Increasing the frequency of these disruptions would compound the already unfavorable conditions.

Finally, although less immediately perceptible, vibration from heavy freight trains may cause damage to nearby structures including district-owned facilities as well as disruptions during the school day.

We appreciate the opportunity to add our input during the scoping process and would welcome a formal presentation by the Hennepin County Regional Railroad Authority to discuss these issues at a future St. Louis Park school board meeting.

Very truly yours,

A handwritten signature in cursive script that reads "Bruce Richardson". The signature is written in black ink and is positioned above the printed name.

Bruce Richardson
St. Louis Park Board of Education Chair

cc City of St. Louis Park



Minnesota Department of Transportation

Metropolitan District

Waters Edge
1500 West County Road B-2
Roseville, MN 55113-3174

November 3, 2008

Ms. Katie Walker, Project Manager
Hennepin County
Housing, Community Work and Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401

Subject: **Southwest Transitway Draft Environmental Impact Statement**
Minnesota Department of Transportation (Mn/DOT) Review # **STUDY08-006**
Southwest Hennepin County (Minneapolis to Eden Prairie)
Hennepin County

Dear Ms. Walker:

Thank you for the opportunity to review the Southwest Transitway Draft Environmental Impact Statement (DEIS). Please note that Mn/DOT's review of this DEIS does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements. As plans are refined, we would like the opportunity to meet with Hennepin County to review the updated information. Mn/DOT's staff has reviewed the document and offers the following comments:

Traffic:

The following are Mn/DOT Traffic Section comments concerning the Southwest Transitway DEIS:

Care must be taken in planning for the interaction between LRT and existing highway and pedestrian facilities. For safety and operational reasons, grade separation should be utilized whenever possible. No other comments at this time. For questions concerning these comments please contact Jolene Servatius, Mn/DOT Metro District, at (651) 234-7841.

Water Resources:

Any locations that cross or follow Mn/DOT right-of-way will require a drainage plan review by Mn/DOT Water Resources Engineering. No increase in drainage rates are allowed to MnDOT right-of-way. For questions concerning these comments, please contact Martin Kors, Mn/DOT Water Resources Section, at (651) 234-7537.

Permits:

Any use of or work within or affecting Mn/DOT right of way requires a permit. Permit forms are available from MnDOT's utility website at www.dot.state.mn.us/tecsup/utility. Please include one 11 x 17 plan set and one full size plan set with each permit application. Please direct any questions regarding permit requirements to Buck Craig, MnDOT's Metro Permits Section, at (651) 234-7911.

This letter represents only the transportation concerns of Mn/DOT Metro District. Other environmental issues raised by a wider Mn/DOT review may be forwarded to you in a separate letter.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Development Review Coordinator
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require either:

1. One (1) electronic pdf. version of the plans (the electronic version of the plan needs to be developed for 11" x 17" printable format with sufficient detail so that all features are legible);
2. Seven (7) sets of full size plans.

If submitting the plans electronically, please use the pdf. format. Mn/DOT can accept the plans via e-mail at metrodevreviews@dot.state.mn.us provided that each separate e-mail is less than 20 megabytes. Otherwise, the plans can be submitted on a compact disk.

If you have any questions, please feel free to contact me at (651) 234-7797.

Sincerely,



William Goff
Senior Planner

cc: Bob Byers, Hennepin County Transportation Planning Section , Medina, MN

Copy via Groupwise:

Tod Sherman
Wayne Lemaniark
Brian Kelly
Buck Craig
Ramankutty Kannankutty
Pat Bursaw
Robert Vockrodt
Ann Braden, Metropolitan Council

File copy to:

Mn/DOT LGL file: Hennepin County

Mn/DOT District file: CS: 2755

Bob Byers, P.E.

Hennepin County Public Works

1600 Prairie Drive

Medina, MN 55340-5421

10102



November 5, 2008

Katie Walker, AICP
 Transit Project Manager
 Hennepin County
 Housing, Community Works & Transit
 417 North 5th St, Suite 320
 Minneapolis, MN 55401

Re: Recommendation for Kenilworth Alignment (alternative 3A)

EXECUTIVE COMMITTEE:

Dick Allendorf

Grubb & Ellis

Christine Escilsen

Piper Jaffray & Co.

Charles Ferrell

Faegre & Benson

Carol Flynn

Minneapolis Resident

Kevin Fossum

Piedmont Office Realty Trust

Rollie Glessing

U.S. Bank

Betsy Hodges

City Council Member

Luke Litteken

CenterPoint Energy

David Luick

Target Corporation

Glenn Olson

Downtown Council Member

Julie Reidhead

Thrivent Financial

Pat Scott

Minneapolis Resident

Jerel Shapiro

Loop Parking, Inc.

Peter Wagenius

Mayor's Office

Kent Warden

Minneapolis BOMA

EXECUTIVE DIRECTOR:

Teresa Wernecke



Resource Store

*A Project of the
 Downtown Minneapolis TMO*

220 South Sixth Street
 Suite 230
 Minneapolis, MN 55402
 Phone: (612) 370-3987
 Fax: (612) 339-1412
 Web: commuter-connection.org

Dear Ms. Walker:

On October 9, 2008, I sent you a letter, as Chair of the Downtown Minneapolis Transportation Management Organization, containing thirteen questions which our Executive Committee members wanted answered in order to make a fully informed recommendation during the formal DEIS scoping comment period between the alternatives for the Southwest Corridor Light Rail Transit line entry into and out of downtown Minneapolis.

Based upon the answers which we have received to those questions, we – as an organization – are formally recommending the choice of the Kenilworth Corridor option (alternative 3A) as the best alternative for the region and the best alternative to fulfill our mission of positively addressing congestion so downtown Minneapolis remains vibrant and growing. Our recommendation is based upon the following:

- The projected capital cost to implement alternative 3A is \$1.2 billion. The projected capital cost to implement alternative 3C is \$1.4 billion. Alternative 3A is \$200 million less costly to implement than is alternative 3C (all stated in 2015 dollars).
- The projected annual operating cost for alternative 3A is \$16 million. The projected annual operating cost for alternative 3C is \$17 million. Alternative 3A is \$1 million less costly annually to operate than is alternative 3C.
- The projected daily ridership figure for alternative 3A is 27,000. The projected daily ridership figure for alternative 3C is 28,100. Alternative 3C is projected to carry 1,100 more riders daily than alternative 3A.
- A typical trip from the West Lake stop to the downtown terminus for alternative 3A and 3C is equivalent (assuming a tunnel beneath Nicollet Avenue for alternative 3C).
- Downtown bus service would not be negatively affected by alternative 3A. If alternative 3C were chosen, buses serving Nicollet Mall would have to be shifted to other busy downtown streets.
- Access Minneapolis, with double bus lanes, will accommodate the movement of the currently projected rush hour bus traffic on Marquette and 2nd Avenue. With alternative 3C, two-thirds of the buses currently using Nicollet Mall would have to be shifted to other streets including Marquette and 2nd Avenues to service downtown Minneapolis.

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EXECUTIVE COMMITTEE:

- Dick Allendorf**
Grubb & Ellis
- Christine Esckilsen**
Piper Jaffray & Co.
- Charles Ferrell**
Faegre & Benson
- Carol Flynn**
Minneapolis Resident
- Kevin Fossum**
Piedmont Office Realty Trust
- Rollie Glessing**
U.S. Bank
- Betsy Hodges**
City Council Member
- Luke Litteken**
CenterPoint Energy
- David Luick**
Target Corporation
- Glenn Olson**
Downtown Council Member
- Julie Reidhead**
Thrivent Financial
- Pat Scott**
Minneapolis Resident
- Jerel Shapiro**
Loop Parking, Inc.
- Peter Wagenius**
Mayor's Office
- Kent Warden**
Minneapolis BOMA

EXECUTIVE DIRECTOR:

Teresa Wernecke



220 South Sixth Street
 Suite 230
 Minneapolis, MN 55402
 Phone: (612) 370-3987
 Fax: (612) 339-1412
 Web: commuter-connection.org

- Access Minneapolis envisioned carefully timed bus intervals and a free ride within downtown on Nicollet Mall. If alternative 3C is chosen, this convenient downtown circulator service would not be available to downtown workers or visitors.
- Implementation of alternative 3C would mean that the Hollidazzle Parade would have to be moved. In addition, since alternative 3C requires the rebuilding of Nicollet Mall into a straight street, with narrower sidewalks, the Farmers Market would have to move as well. Bike lanes would be problematic on an LRT street.
- Alternative 3A would make use of the Transit space at Target field, as well as connect directly to the Central Corridor LRT and to Northstar Commuter Rail. It would also present seamless through ridership to south Minneapolis and the airport, turning into the Hiawatha Line at Target Field. Alternative 3C does none of the above.
- Because alternative 3A makes use of the existing Hiawatha rail line, it can also traverse directly to the existing maintenance facility. Alternative 3C would require maintenance from another not-yet identified facility.
- Bus service from Uptown and LynLake is currently at a frequency of 5-10 minutes and is, therefore, seen as adequate with no need for LRT to supplement or to replace it.
- The building of the tunnel on Nicollet Avenue to accommodate alternative 3C would require disruption for businesses along Nicollet of between 18 and 24 months.
- Alternative 3A would promote economic development for the proposed 900 residential units and 1.6 million square feet of corporate office in the Bassett creek area, as well as less defined development in the area of the Target Field transit stop. Because the alternative 3C route is either all current residential use, and/or currently fully development, little economic development is seen along that route.

It is for the above reasons that the Downtown Minneapolis Transportation Management Organization fully supports the Kenilworth corridor alternative as the least costly, least disruptive, and most efficient route to bring Light Rail Transit into and out of downtown Minneapolis.

Sincerely,

Dick Allendorf
 Chair, Downtown Minneapolis Transportation Management Organization

Cc:
 Mayor of Minneapolis R. T. Rybak
 Minneapolis City Council Members
 Minneapolis Downtown Council President Sam Grabarski and Board Members
 Hennepin County Commissioner Gail Dorfman, Third District
 Hennepin County Commissioner Peter McLaughlin, Fourth District
 Downtown Minneapolis TMO Executive Committee Members

NOV 07 2008



November 5, 2008

Ms. Katie Walker, AICP
Project Manager, Southwest Transitway
Hennepin County Housing, Community Works & Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401

Dear Ms. Walker,

As a regional supporting agency of the Southwest Transitway, the Metropolitan Council and Metro Transit are encouraged to see the project proceed to the Draft Environmental Impact Statement (DEIS) phase. We see this corridor as a strategic step in the development of a regional network of transitways, as called for in the Metropolitan Council's 2030 Transportation Policy Plan. Improving transit is an essential element in ensuring the continued growth and vitality of our metropolitan region.

The Southwest Transitway will improve mobility, provide reliable, time-competitive transit service, and significantly improve reverse commute options for core city residents while boosting the potential for transit-oriented development. The development of the Southwest Transitway is consistent with the Council's vision for the development of a regional network of transitways that link major destinations and employment areas, facilitate transit-oriented development patterns, and accommodate growth in a flexible, connected and efficient manner.

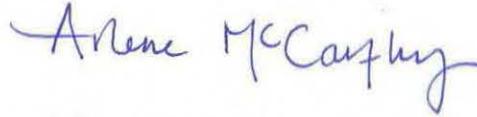
We are confident that the DEIS will provide the necessary level of analysis and refinement that will allow the locally preferred alternative to achieve the goals outlined in the scoping process. We realize that this process is not an easy one and we encourage Hennepin County to work as closely as possible with the Federal Transportation Administration and with the Metropolitan Council to ensure that the DEIS process follows all federal, state and local rules related to this very important process. To that end, both Metropolitan Council and Metro Transit staff stand ready to offer assistance to the County in the DEIS process.

As always, we appreciate Hennepin County's and the Hennepin County Regional Railroad Authority's strong and consistent advocacy of transit as a key feature in moving our metropolitan area towards a sustainable transportation future.

Sincerely,



Brian J. Lamb
General Manager
Metro Transit



Arlene McCarthy
Director
Metropolitan Transportation Services

C: Peter Bell
Tom Weaver
Vince Pellegrin
Julie Johanson
Mark Fuhrmann
John Levin
Tom Thorstenson
Amy Vennewitz



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

#12

NOV 06 2008

REPLY TO THE ATTENTION OF:

E-19J

Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 2410
Chicago, IL 60604

RE: Scoping Comments on the Notice of Intent to Prepare an Environmental Impact Statement for the Southwest Transitway Project in Hennepin County, Minnesota

Dear Ms. Simon:

This letter is provided in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. The U.S. Environmental Protection Agency (EPA) anticipates reviewing the Environmental Impact Statement (EIS) your agency is preparing for the Southwest Transitway Project in Hennepin County, Minnesota. We have reviewed the September 25, 2008, Notice of Intent (NOI) to prepare an EIS, the Green Means Go scoping information booklet, and the Coordination Plan, dated September 2008. We also participated in the October 15, 2008 Interagency Scoping Meeting.

A Minneapolis southwest public transit corridor has been under consideration since 1980. This corridor is defined and anchored by the two large residential/employment centers of downtown Minneapolis and the southwest Golden Triangle. Following a series of studies and plans, a Southwest Rail Transit Study was begun in 2003, resulting in the publication of the Southwest Transitway Alternatives Analysis in 2007. Although an extensive roadway/expressway system and a significant and successful bus system serves the metropolitan region, including this corridor, three needs are identified as unmet by the available transportation systems. This proposal's purpose and need are to: 1) improve mobility in this congested corridor; 2) develop a competitive rapid transit alternative for public-transit-dependent and transit-choice travelers; and 3) provide reverse commute service, which is currently unavailable for this area.

Alternatives include a NEPA baseline No-Build proposal and a New Starts baseline of Transportation System Management (TSM) modifications combined with enhanced bus service. Three build alternatives are being brought forward, proposing different routes for a light rail transit system comparable to and compatible with the Hiawatha and Central Corridor Lines. All three alternatives would connect to other transit lines at the downtown Minneapolis Intermodal

Station, extend southwest through St. Louis Park and Hopkins, and terminate along State Route 5 in Eden Prairie.

It is clear from the existing Hiawatha Line and the developing Central Corridor Line, that the metropolitan Minneapolis-St. Paul region is developing a public rapid transit system. Therefore, one purpose for this Southwest Transitway project would seem to be to extend the developing regional rail transit system to this corridor of the metropolitan area and thus provide direct access from this southwest area to the other branches of the rapid transit system. We recommend that the DEIS discuss this concept more directly in the purpose and need.

We would appreciate the opportunity to work with FTA, providing additional, more specific guidance as this project progresses and planning becomes more refined and specific. Based upon the information provided to date, EPA will look for more clarification in the DEIS regarding issues of air quality, water resources, and other impacts including, but not limited to the following:

Air Quality

- This project must demonstrate transportation conformity with the State Implementation Plan for air quality in the Minneapolis-St. Paul metropolitan region. Air conformity modeling and determinations should be presented in the DEIS using current air quality data and approved methodologies, including for "hot spots" at a number of at-grade crossings with potential to create local congestion pollution. The DEIS should quantify the net air emission consequences for each of the alternatives.
- There is a growing awareness of carbon dioxide and other greenhouse gases as they may affect our global climate. While this transit project is anticipated to reduce such emissions from private vehicles, the system may add bus diesel exhaust and electric generation emissions for trains. The DEIS should quantify these emissions and discuss their general impact upon the global climate. It would also be appropriate to consider how climate changes may impact this project.

Water Resources

- Discussion of avoiding, minimizing and mitigating for impacts to surface waters, wetlands, and floodplain areas affected by the project should be presented in the DEIS, for project construction, maintenance and operational impacts. This should include provisions for the handling of stormwater run-off volumes and pretreatment prior to discharging to natural water resources.
- The DEIS should provide specific mitigation details and commitments, including maintenance of such water resource impact mitigations. An adaptive management program for these functions may be appropriate.

Other Impacts

- The DEIS should discuss all impacts arising from project ancillary operations, including storage and maintenance facilities, power stations, electric generation and other utilities.
- Park and ride stations are indicated in figures provided, but the agency scoping meeting suggested some key station locations may not be able to accommodate much parking. Alternate station locations, use of parking decks, feeder bus networks, and other measures should be considered to enhance rider access and thus optimize ridership so the project purpose and need are

met and environmental justice community needs are adequately addressed.

-Environmental justice communities should be defined and identified, including maps. All potential and applicable impacts to these communities should be assessed in the DEIS.

-Considerations for safety issues, including emergency responders, should be discussed.

-Any toxic or hazardous waste sites that might be disturbed by the project should be identified, mapped, and assessed for possible remediation.

-Impacts and contributions to the existing transportation network including freight/industrial, automotive, pedestrian, and bicycle modes should be fully presented in the DEIS.

-Indirect and cumulative impacts should include specific considerations for neighborhoods along the right-of-way, socioeconomic impacts, land use changes as they affect both society and natural resources, invasive species, and other impacts specific to this area.

-All historic and cultural resources should be located, mapped, and discussed as to how they might be affected and how these impacts can be mitigated.

-Noise and vibration generators and receptors should be identified, mapped and fully discussed, with minimization and mitigation options evaluated.

We have agreed to be a participating agency on this project, consistent with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). EPA always retains its NEPA designated role of participating in federal project development of Purpose and Need, alternatives, methods of evaluation, and measures for avoidance, minimization and mitigation of impacts to the human and natural environment. We also retain our independent responsibility to review and comment for the public record on the DEIS. We intend to fully participate in this project concurrent with these designated responsibilities.

Thank you for the opportunity to provide these scoping comments. A hard copy of the project Alternatives Analysis published in 2007 would be appreciated. If you have any questions on our comments, please contact myself or Norm West, by phone at (312) 353-5692 or by e-mail at west.norman@epa.gov.

Sincerely,



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

Cc: Ms. Katie Walker
Transit Project Manager
Hennepin County Housing, Community Works & Transit
417 North 5th Street, Suite 320
Minneapolis, Minnesota 55401



City of Hopkins

1010 First Street South • Hopkins, MN 55343-7573 • Phone: 952-935-8474 • Fax: 952-935-1834
Web address: www.hopkinsmn.com

Ms. Katie Walker, AICP
Transit Project Manager
Housing, Community Works & Transit
Hennepin County

November 7, 2008

RE: City of Hopkins Southwest Transitway DEIS Scoping Comments

Dear Ms. Walker:

The City of Hopkins supports the Southwest Transitway project, including the three proposed stations and the anticipated alignment along the existing HCRRRA right-of-way. The City looks forward to the new commuting and regional travel options that the SW Transitway will provide for its residents. Also, we're excited about the potential for commercial and residential re-development within the station areas. Additionally, we anticipate opportunities to attract individuals and families from the proposed downtown station into our historic Central Business District for dining, shopping or entertainment. Of course, besides the many opportunities, this transit project will also bring challenges. Accordingly, the City would like the project DEIS to specifically address the following impacts which we believe qualify for mitigation actions and funding.

- The proposed Blake Road station and its 300-stall parking facility will create additional peak hour traffic through the existing Excelsior Boulevard (CSAH 3)/Milwaukee Street intersection. This intersection is just east of the Highway 169 ramp and serves local traffic including the projected 3,300 Cargill employees at their new headquarters campus (completion scheduled in March 2010). This complex, skewed angle signalized intersection was designed for a redevelopment such as the Cargill campus. However, the proximity to the Highway 169 ramps, projected Cargill employee traffic and Excelsior Boulevard thru-traffic will surely make it an extremely congested traffic area. Currently, the only direct access route to the Blake Road Station from the west and Highway 169 is through this intersection. The City feels that the additional peak hour traffic created by the new Blake Road transit station will be enough to divert transit users away from this congested area. Instead, they will find other routes using local residential streets. Or, equally undesirable, they will go to the west from Highway 169 and attempt to use the Downtown Station area causing parking problems - by design, parking will be extremely limited at this local, pedestrian-oriented and multi-modal station. The DEIS should address an alternative access to the Blake Station such as a new signalized intersection on Excelsior Boulevard at Tyler Avenue. The City and County's Hopkins Station Area Planning Final Report, October 2007 identifies the need for this new access from Excelsior Boulevard to the Blake

- Road Station. We request that the scope of the DEIS include investigating this traffic concern for potential mitigation.
- One of the unique, positive aspects of Hopkins is the confluence of several regional trails and the ease of access to them. There is no other inner-ring suburb that can make a similar claim. In addition to the many existing regional trails within Hopkins, Three Rivers Park District intends to construct, within Hopkins, the first phase of a new regional trail named the "Nine Mile Creek Regional Trail". This trail will run from the existing SW Corridor regional trail at 11th Avenue to the southeast into Edina and ultimately to the Minnesota River Valley area. As a relatively small city, we intend to build on this strength we have in the regional trail system by improving access and popularity of Hopkins as a great place to get onto the trail or to get off the trail and enjoy the city's attractions. As such, the trails represent a target for a significant economic thrust for the city in the coming years. The proposed Southwest Transitway will, no doubt, impact the current trail system that is located on the HCRRA right of way. We understand that the intent is to retain the existing trails in conjunction with the new transitway. However, any transitway impact to the trails that negatively affects either the continuity of the various regional trails or the efficacy of the current trail access sites will reduce the recreational draw of the trail. Thus, diminishing the City's ability to tap into it as a source of economic vitality. The City requests that the DEIS identify the uniqueness of the trail system to Hopkins as a significant socio-economic factor in the City's future. Further, we request that any loss of access such as the Depot site as a trailhead facility be mitigated with enhancements to improve trail access at the Downtown Station or via a new trailhead facility at a different, nearby location.
- The Blake Road Station will add significant new pedestrian travel demand within the station area. Particularly, there will be demand from the 265-unit Westside Village Apartments and from upcoming redevelopment of the 15 acre Hopkins Cold Storage site, both of which are located just across Blake Road to the east of the proposed transit station. This pedestrian demand will create a major safety problem unless it is investigated through the DEIS process and mitigated by creating a safe crossing/s of Blake Road.
- Although some distance (about 2,000') from the proposed Blake Road Station, the Highway 7/Blake Road intersection currently operates at level of service "E" and "F" for several peak hour traffic movements. The new Cargill headquarters project located at the NE quadrant of Highway 169/Excelsior Boulevard will impose even greater traffic on the intersection. Blake road is the only north/south major roadway anywhere near the Blake Road station. Needless to say, the traffic demand created by the future Blake Road transit station will further exacerbate the current capacity problem at this intersection. Unless this is investigated and traffic mitigations recommended, those

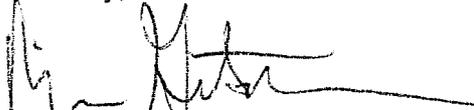
10110

travelling to the Blake Road station will be forced to consider alternate routes creating problems with traffic on local residential streets in the area.

- There is concern regarding vibration and noise impacts to a business within the commercial office building located very near the proposed tracks at 10417 Excelsior Boulevard. One of the tenants in this building is an audiologist who routinely conducts sensitive hearing tests.
- Hopkins has a vibrant, historic downtown that relies on automobile traffic off of Excelsior Boulevard. Without a strong pedestrian connection from the 8th Avenue (Downtown) LRT station to Mainstreet (3 block distance) it is believed the LRT will have a negative economic impact on the downtown as automobile traffic should decrease with the option of LRT.

If you have questions you may direct them to Steve Stadler, Public Works Director at 952-548-6350 or email at sstadler@hopkinsmn.com.

Sincerely,



Rick Getschow
City Manager

10357

November 7, 2008

Southwest Policy Action Committee,

In my role as a member of the Southwest Corridor's Policy Advisory Committee (SW PAC) I have spent the last three years attending corridor meetings, bringing the voice of Minneapolis constituents into the discussion, and studying the potential alignments. I have come to the conclusion that the selection of an alignment must meet more than our cost-effectiveness index. It must also connect communities, bring entry level employees to jobs in the suburbs, and link together high-traffic entertainment and employment zones.

While the Kenilworth alignment has the significant positive attribute of interlining with the Hiawatha or Central corridor, the neighborhoods through which it travels in Minneapolis prevent it from attaining these other, more person-driven goals. I directed my focus toward determining whether or not there was a way to join together the best of both lines.

For these reasons, I am recommending study of a hybrid Nicollet alignment, that would both interline with the Hiawatha light rail train and further Minneapolis's plan to reopen Nicollet Avenue. There are two areas where I am proposing possible change to the alignment.

- The hybrid would follow the Greenway at which point it could tunnel under Blaisdell, Nicollet, or 1st Avenue. A reopened Nicollet Avenue could then accommodate a light rail and bus station that would link Lake Street and Nicollet Avenue, thereby, I believe, increasing light rail ridership.
- After reemerging at Franklin Avenue, the train would continue at grade until it reached either 11th Street S or 12th Street S. It could interline with the Hiawatha line by turning at 11th or 12th Street, crossing the Royalston Avenue Bridge, and interconnecting as shown in the Kenilworth Alignment.

I am also open to exploring other options that achieve the same goals.

There are several opportunities to these changes, including a potentially reopened Nicollet Avenue and a possibility to send the train into the core of Minneapolis without directly impacting Nicollet Avenue businesses. This alignment would also avoid Nicollet Mall, significantly reducing conflicts with buses and events along the mall, allow for a direct interline with Hiawatha and Central Corridor lines, and allow for stations at Hennepin Avenue and near the turn (wherever along LaSalle, Nicollet, or 1st Avenue makes sense), dropping passengers within two blocks of the Convention Center and easy walking distance to major downtown employers.

Thank you for your time as you review this letter and my request. I am joined in this endeavor by Minneapolis Mayor RT Rybak and Council Member Lisa Goodman who both want to investigate the options.

Sincerely,

Ralph Remington,
Minneapolis City Council

Cc: Mayor RT Rybak
Council Member Lisa Goodman
Council Member Robert Lilligren
Commissioner Gail Dorfman
Katie Walker

**State Historic Preservation Office**

November 7, 2008

Ms. Katie Walker
Transit Project Manager
Hennepin County Community Works & Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401-1362

Re: Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080

Dear Ms. Walker:

Thank you for your notification of the initiation of the environmental planning process for the Southwest Transitway Project.

We look forward to working with the Federal Transit Administration and the Hennepin County Railroad Authority in reviewing this project under Section 106 of the National Historic Preservation Act (36CFR800).

In carrying out the provisions of this review, we would urge that the efforts to identify and evaluate historic properties be carried out at an early stage in the planning process. As various stakeholders become involved in aspects of project planning, it is crucial that information on the location and nature of historic properties in the project area is available. Then, historic properties can be taken into account as planning decisions are made. Adverse effects are more easily avoided, and opportunities to incorporate historic properties into the overall project scheme may be facilitated.

You can contact our office at 651-259-3456.

Sincerely,

A handwritten signature in cursive script that reads 'Kelly Hagg Johnson'.

Dennis A. Gimmestad
Government Programs & Compliance Officer

cc: Jack Byers, Minneapolis Heritage Preservation Commission
John Gertz, Eden Prairie Heritage Preservation Commission

For Agency Use Only:

Received _____ Due _____ RUSH

Related ERDB# _____

Search Radius _____ mi. ER/All Map'd _____ EOs _____

NoR/ NoC/ NoE/ Std/ Sub Let _____ Inv _____ Log out _____

MINNESOTA NATURAL HERITAGE INFORMATION SYSTEM (NHIS) DATA REQUEST FORM

DATE OF REQUEST March 2, 2009

WHO IS REQUESTING THE INFORMATION?

Name and Title Jed Chesnut, Wetland/Natural Resource Specialist

Agency/Company WSB & Associates, Inc.

Mailing Address 701 Xenia Ave S, Suite 300 Minneapolis MN 55416
(Street) (City) (State) (Zip Code)

Phone 763-231-4854 FAX 763-541-1700 e-mail jchesnut@wsbeng.com

WHAT INFORMATION DO YOU NEED?

Preferred Reply Method: Email US Mail

- Printouts of known occurrences of federally and state listed plants and animals; native plant communities; and aggregation sites such as bat hibernacula, colonial waterbird nesting sites, and prairie chicken booming grounds.
 - With Environmental Review
 - Printouts Only; No Review Needed
- Printouts of information listed above, plus geological features and state rare species with no legal status.
 - With Environmental Review
 - Printouts Only; No Review Needed
- Other (describe) _____

INFORMATION WE NEED FROM YOU:

- 1) **Enclose a map** of the project boundary (topographic maps or aerial photos are preferred).
- 2) If possible, please **provide a GIS shapefile** (NAD 83, UTM Zone 15N) of the project area.
- 3) List the following locational information (attach additional sheets if necessary):

For Agency Use Only:	<u>County</u> _____ <u>Township #</u> _____ <u>Range #</u> _____ <u>Section(s) (please list all sections)</u> _____
	_____ <u>PLEASE SEE ATTACHED LIST</u> _____

- 4) Please provide the following information (attach additional sheets if necessary):

Project Name <u>Southwest Light Rail Transit, Draft Environmental Impact Statement</u>
Project Proposer <u>Hennepin County Regional Railroad Authority</u>
Detailed Project Description (see instructions, please) _____
<u>Please see attached. Please provide separate NHIS data for each of the 3 corridor alignments. GIS shapefiles of each corridor are included.</u>

Current/Past Land-Use of Project Site _____
Portions of the corridor alternatives are existing railroad tracks or routes. Other areas are residential, commercial, or undeveloped areas.

5) You will be provided with a response letter, an index database printout, and a detailed database printout. **Describe how you plan to use this information, including** in what form and detail, if any, you wish to publish this information. (Please note that we do not generally give permission to publish the detailed database printout.) _____

This information will be used to determine potential impacts to natural features in proximity to the proposed transitway corridors. It is anticipated that all allowable information will be published in an EIS.

TURN-AROUND TIME

Requests generally take **3 weeks** from date of receipt to process, and are processed in the order received. Rush requests are processed in 2 weeks or less, and include an extra fee.

FEES

For-profit organizations, including consultants working for governmental agencies, are charged a fee for this service. In addition, **a fee may be charged for large requests from any source. A surcharge of \$50 is applied for ALL rush orders;** if this is a rush order, please check the blank below. All fees are subject to change. Please do not include payment with your request; an invoice will be sent to you.

Rush - (\$50 fee for ALL rush orders)

“The information supplied above is complete and accurate. I understand that material supplied to me from the Minnesota Natural Heritage Information System is copyrighted and that I am not permitted to reproduce or publish any of this copyrighted material without prior written permission from the Minnesota DNR. Further, if permission to publish is given, I understand that I must credit the Minnesota Natural Heritage and Nongame Research Program, Minnesota Department of Natural Resources as the source of the material.”

Signature _____
(required)

Mail or email completed forms to:

For further information call:

Lisa Joyal (for projects associated with environmental reviews; e.g., EAWs)
Endangered Species Environmental Review Coordinator
lisa.joyal@dnr.state.mn.us

(651) 259-5109

or

Sharron Nelson (for general requests)
Assistant Database Manager
sharron.nelson@dnr.state.mn.us

(651) 259-5123

at

Natural Heritage and Nongame Research Program
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, Minnesota 55155

Or FAX completed forms to: (651) 296-1811

Additional information about the Natural Heritage & Nongame Research Program is available at
<http://www.dnr.state.mn.us/eco/nhnrp/>

For Agency Use Only:

EO's requiring comment _____

Sources contacted Topic

Response

Response Summary _____

Responder _____

Corridor 1A			
TOWN	RANG	SECT	TRS
29	24	21	T29 R24 S21
29	24	22	T29 R24 S22
29	24	29	T29 R24 S29
29	24	28	T29 R24 S28
29	24	32	T29 R24 S32
117	21	17	T117 R21 S17
117	21	16	T117 R21 S16
28	24	6	T28 R24 S6
28	24	5	T28 R24 S5
117	22	24	T117 R22 S24
117	21	19	T117 R21 S19
117	21	20	T117 R21 S20
117	22	26	T117 R22 S26
117	22	25	T117 R22 S25
117	22	34	T117 R22 S34
116	22	4	T116 R22 S4
116	22	3	T116 R22 S3
116	22	9	T116 R22 S9

Corridor 3A			
TOWN	RANG	SECT	TRS
29	24	21	T29 R24 S21
29	24	22	T29 R24 S22
29	24	29	T29 R24 S29
29	24	28	T29 R24 S28
29	24	32	T29 R24 S32
117	21	17	T117 R21 S17
117	21	16	T117 R21 S16
28	24	6	T28 R24 S6
28	24	5	T28 R24 S5
117	22	24	T117 R22 S24
117	21	19	T117 R21 S19
117	21	20	T117 R21 S20
117	22	26	T117 R22 S26
117	22	25	T117 R22 S25
117	22	36	T117 R22 S36
116	22	1	T116 R22 S1
116	22	11	T116 R22 S11
116	22	12	T116 R22 S12
116	22	14	T116 R22 S14
116	22	16	T116 R22 S16
116	22	15	T116 R22 S15

Corridor 3C and alternates			
TOWN	RANG	SECT	TRS
29	24	22	T29 R24 S22
29	24	27	T29 R24 S27
29	24	32	T29 R24 S32
29	24	33	T29 R24 S33
29	24	34	T29 R24 S34
117	21	17	T117 R21 S17
117	21	16	T117 R21 S16
28	24	6	T28 R24 S6
28	24	5	T28 R24 S5
117	22	24	T117 R22 S24
117	21	19	T117 R21 S19
117	21	20	T117 R21 S20
117	22	26	T117 R22 S26
117	22	25	T117 R22 S25
117	22	36	T117 R22 S36
116	22	1	T116 R22 S1
116	22	11	T116 R22 S11
116	22	12	T116 R22 S12
116	22	14	T116 R22 S14
116	22	16	T116 R22 S16
116	22	15	T116 R22 S15
112	37	21	T112 R37 S21

PROJECT DESCRIPTION:

Extracted from: http://www.southwesttransitway.org/technical-documents/doc_download/15-scoping-booklet.html

The Southwest Transitway is a proposed 14-mile light rail transit (LRT) line in the Minneapolis/St. Paul region, connecting downtown Minneapolis to the high growth areas to the southwest. The LRT line will add system capacity in an area of high demand, respond to travel demand created by existing and planned residential and employment growth, provide a competitive travel option that will attract choice riders, and serve transit dependent populations. This line will also be an expansion of the region's transitway system (Hiawatha LRT line, Northstar Commuter Rail (under construction), and Central Corridor LRT line (proposed).

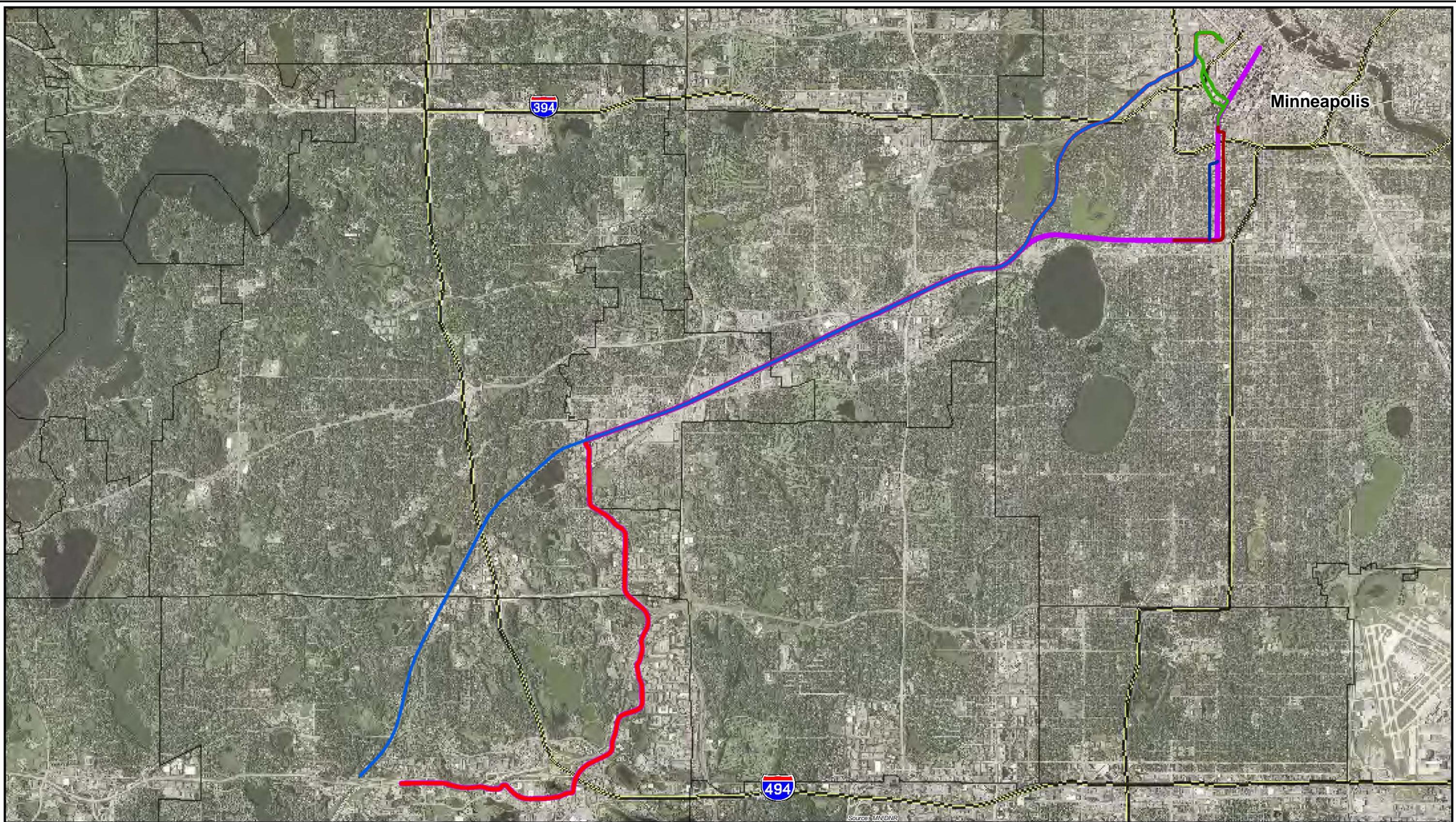
The alternatives include proposed station locations, park and ride facilities at stations, and routings between stations. An LRT maintenance and storage facility is assumed, but a location is yet to be determined.

Light Rail Transit 1A: This alternative would operate from downtown Minneapolis to Eden Prairie (TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the HCRRA property through St. Louis Park, Hopkins, Minnetonka and Eden Prairie terminating at TH 5 and the HCRRA's property. Stations are proposed at Royalston Ave., Van White Blvd., Penn Ave., 21st St., West Lake St., Beltline Blvd., Wooddale Ave., Louisiana Ave., Blake Rd., downtown Hopkins, Shady Oak Rd., Rowland Rd., TH 62, and TH 5

Light Rail Transit 3A: This alternative would operate from downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/Golden Triangle area, the Eden Prairie Major Center area terminating at TH 5 and Mitchell Road. Stations are proposed at Royalston Ave., Van White Blvd., Penn Ave., 21st St., West Lake St., Beltline Blvd., Wooddale Ave., Louisiana Ave., Blake Rd., downtown Hopkins, Shady Oak Rd., Opus, City West, Golden Triangle, Eden Prairie Town Center, SouthWest Station, and Mitchell Rd.

Light Rail Transit 3C: This alternative would operate from downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via Nicollet Mall to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street), the Midtown Corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/ Golden Triangle, the Eden Prairie Major Center area terminating at TH 5 and Mitchell Road. Stations are proposed at 4th St., 8th St., 12th St., Franklin Ave., 28th St., Lyndale Ave., Hennepin

Ave., West Lake St., Beltline Blvd., Wooddale Ave., Louisiana Ave., Blake Rd., downtown Hopkins, Shady Oak Rd., Opus, City West, Golden Triangle, Eden Prairie Town Center, SouthWest Station, and Mitchell Rd.



**Southwest Transitway
Project Location
All Alignments**

- Legend**
- Municipality Boundary
 - Blaisdell Ave Tunnel
 - 1st Ave South 3C Sub-Alternative
 - LRT Route 3C
 - LRT Route 3A
 - 11 12th Street 3C Sub-Alternative
 - LRT Route 1A





Minnesota Department of Natural Resources

#17

Division of Ecological Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 Fax: (651) 296-1811 E-mail: lisa.joyal@dnr.state.mn.us

April 30, 2009

Correspondence # ERDB 20090682

Jed Chesnut
WSB & Associates, Inc.
701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416

RE: Natural Heritage information in the vicinity of the proposed Southwest Light Rail Transit, Hennepin County

Dear Mr. Chesnut,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, several rare features have been documented within the search area (for details, see the enclosed database reports; please visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html> for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following **rare features may be impacted** by the proposed project:

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported from the vicinity of the proposed project and may be encountered along all three corridors. If Blanding's turtles are found on the site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harms way, otherwise they should be left undisturbed.

For your information, I have attached a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** If greater protection for turtles is desired, the second list of additional recommendations can also be implemented. The attached flyer should be given to all contractors working in the area.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

The enclosed results include an Index Report and a Detailed Report of records in the Rare Features Database, the main database of the NHIS. To control the release of specific location information, which might result in the destruction of a rare feature, both reports are copyrighted.

The Index Report provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an environmental review document (e.g., EAW or EIS), municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index report for any other purpose, please contact me to request written permission. **The Detailed Report is for your personal use only as it may include specific location information that is considered nonpublic data under *Minnesota Statutes*, section 84.0872, subd. 2. If you wish to reprint or publish the Detailed Report for any purpose, please contact me to request written permission.**

This letter does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. Additional rare features for which we have no data may be present in the project area, or there may be other natural resource concerns associated with the proposed project. For these concerns, please contact your DNR Regional Environmental Assessment Ecologist, Wayne Barstad at 651-259-5738. Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,

A handwritten signature in black ink that reads "Lisa Joyal for". The signature is written in a cursive, flowing style.

Lisa Joyal
Endangered Species Environmental Review Coordinator

enc. Rare Features Database: Index Report
 Rare Features Database: Detail Report
 Rare Features Database Reports: An Explanation of Fields
 Fact sheets: Blanding's Turtle



Infrastructure ■ Engineering ■ Planning ■ Construction

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

Memorandum

To: *Barbara Walther, US Army Corps of Engineers*

Copy: *Mona Elabbady, HDR*
Terry Phemister, HDR
Scott Reed, HDR

From: *Jed Chesnut, WSB & Associates, Inc.*

Date: *June 1, 2009*

Re: *Southwest Transitway: Waters of the US Jurisdictional Determination*
WSB Project No. 1837-00

The proposed Southwest Light Rail Transit Project is currently in the environmental review phase of the Draft Environmental Impact Statement (DEIS) process.

The Southwest Light Rail Transit Alternative Alignments originate in Eden Prairie near the State Highway 5/US Highway 212 interchange and follow a north-easterly direction through Minnetonka, Hopkins, and St. Louis Park, terminating in downtown Minneapolis on 5th Street NE near the new Target Stadium location. The proposed alignments are shown in **Figure 1**.

Each of the alternative alignments is associated with potential impacts to waterbodies that are adjacent to the each alignment. To ensure compliance with all regulatory requirements governing waterbodies, a US Army Corps of Engineers Preliminary Jurisdictional Determination (JD) is requested for all waterbodies adjacent to or within the corridors. The enclosed figures (**Figures 2-II**) illustrate each waterbody that could potentially be affected by the Southwest Light Rail Transit project. Waterbodies were defined using the US Fish and Wildlife National Wetlands Inventory and the land cover classification of Hennepin County, completed in 2008. Each feature is labeled with a number and a Preliminary JD is requested for each of the labeled features. A list of all features with their corresponding Public Land Survey description is included. Please note that the numbers of the features are not necessarily sequential.

*Please note: There has been a change in the alignment of Segment 3. This change occurs along Technology Drive and may be associated with impacts to Idlewild Lake as shown in **Figure 4**. This area is identified as Number 17a.*

The approved JD will be used for determining future permitting requirements relating to the construction of the Southwest Light Rail Transit project. If you have any questions, please call me at (763) 231-4854.

Enclosures

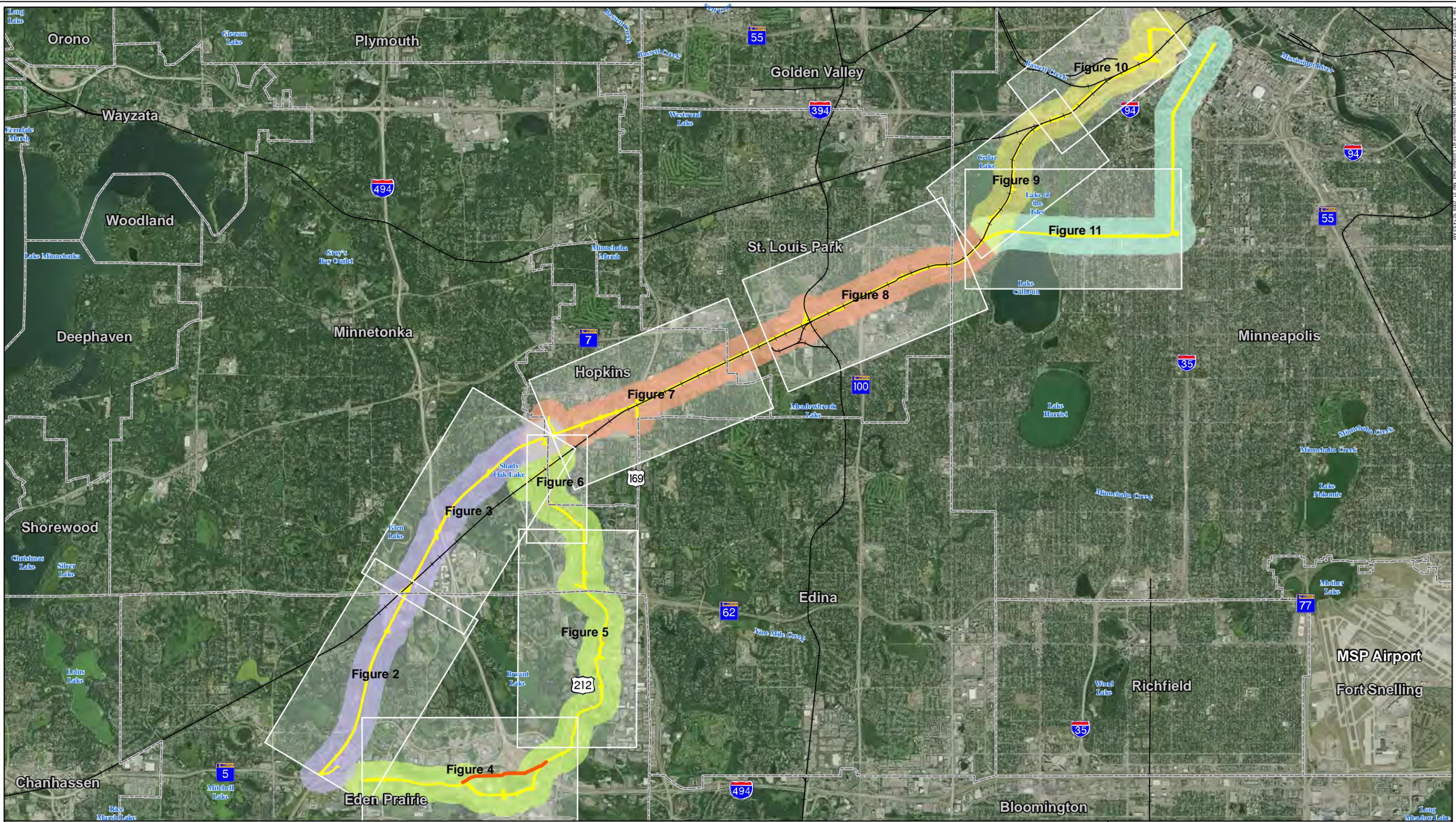
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**U.S. Army Corps of Engineers
Preliminary Jurisdictional Determination
Southwest Transitway**

Wetland

Number	PLSS Description	COUNTY	TOWNSHIP	RANGE	SECTION	FORT_DESC
1	SE1/4 SW1/4 SEC 9 T116 R22	27	116	22	9	SESW
2	NW1/4 SE1/4 SEC 9 T116 R22	27	116	22	9	NWSE
3	SW1/4 NE1/4 SEC 9 T116 R22	27	116	22	9	SWNE
4	SE1/4 SE1/4 SEC 4 T116 R22	27	116	22	4	SESE
5	NW1/4 NW1/4 SEC 3 T116 R22	27	116	22	3	NWNW
6	NE1/4 SW1/4 SEC 34 T117 R22	27	117	22	34	NESW
7	NW1/4 SE1/4 SEC 34 T117 R22	27	117	22	34	NWSE
8	NE1/4 NE1/4 SEC 34 T117 R22	27	117	22	34	NENE
9	SW1/4 SW1/4 SEC 26 T117 R22	27	117	22	26	SWSW
10	SW1/4 SW1/4 SEC 26 T117 R22	27	117	22	26	SWSW
11	SEC 26 T117 R22	27	117	22	26	Meandered waterbody
12	SW1/4 NE1/4 SEC 26 T117 R22	27	117	22	26	SWNE
13	NE1/4 NE1/4 SEC 16 T116 R22	27	116	22	16	NENE
15	NW1/4 NE1/4 SEC 15 T116 R22	27	116	22	15	NWNE
16	NW1/4 NE1/4 SEC 15 T116 R22	27	116	22	15	NWNE
17	NW1/4 NW1/4 SEC 14 T116 R22	27	116	22	14	NWNW
17a	SE1/4 SW1/4 SEC 11 T116 R22	27	116	22	11	SESW
17a	NE1/4 NW1/4 SEC 14 T116 R22	27	116	22	14	NENW
18	SE1/4 NW1/4 SEC 12 T116 R22	27	116	22	12	SENW
19	NE1/4 NW1/4 SEC 12 T116 R22	27	116	22	12	NENW
20	SE1/4 SW1/4 SEC 1 T116 R22	27	116	22	1	SESW
21	SW1/4 NE1/4 SEC 1 T116 R22	27	116	22	1	SWNE
23	SE1/4 NW1/4 SEC 36 T117 R22	27	117	22	36	SENW
25	SE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	SESE
26	SE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	SESE
27	SE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	SESE
28	NE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	NESE
29	NW1/4 SW1/4 SEC 25 T117 R22	27	117	22	25	NWSW
30	SE1/4 NE1/4 SEC 26 T117 R22	27	117	22	26	SENE
31	NW1/4 NW1/4 SEC 25 T117 R22	27	117	22	25	NWNW
32	NE1/4 NW1/4 SEC 25 T117 R22	27	117	22	25	NENW
33	SW1/4 NW1/4 SEC 20 T117 R21	27	117	21	20	SWNW
34	NW1/4 NE1/4 SEC 20 T117 R21	27	117	21	20	NWNE
35	NW1/4 NW1/4 SEC 5 T28 R24	27	28	24	5	NWNW
36	NW1/4 SE1/4 SEC 32 T29 R24	27	29	24	32	NWSE
38	SW1/4 SE1/4 SEC 21 T29 R24	27	29	24	21	SWSE
39	NW1/4 SE1/4 SEC 21 T29 R24	27	29	24	21	NWSE
40	SEC 33 T29 R24	27	29	24	33	Meandered waterbody



Legend

Southwest Transit Alignment Alternatives	Segment 1	Segment A
Technology Drive Alignment Alternative	Segment 3	Segment C
Existing Railroad	Segment 4	

1 inch = 1 mile

0 1 2 Miles

North Arrow

**Source: DNR Land Cover 2008, Imagery: Aerials Express 2008

Figure 1
US Army Corps of Engineers
Jurisdictional Determination
Location Map
Southwest Transitway





Legend

- Wetlands**
- Southwest Transit Alignment Alternatives
- Wetland Number
- ++ Existing Railroad

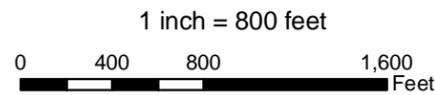


Figure 2
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 1 to 5
Southwest Transitway

**Source: DNR Land Cover 2008, Imagery - 2008 Aerials Express





Legend

- Wetlands**
- Southwest Transit Alignment Alternatives
- 25 Wetland Number
- Existing Railroad

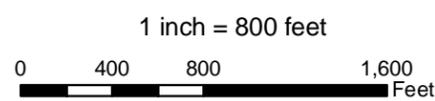


Figure 3
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 6 to 12
Southwest Transitway

**Source: DNR Land Cover 2008, Imagery: Aerials Express 2008

File: K:\RIS\2008\GIS\MapDocs\Jurisdictional Determination\MapDocs\Wetlands 6-12.mxd, Date: 30 2008 11:02:23 AM





- Legend**
- Southwest Transit Alignment Alternatives
 - Wetlands**
 - Technology Drive Alignment Alternative
 - Wetland Number
 - Existing Railroad

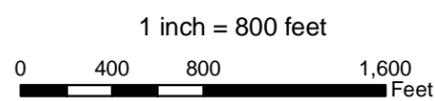
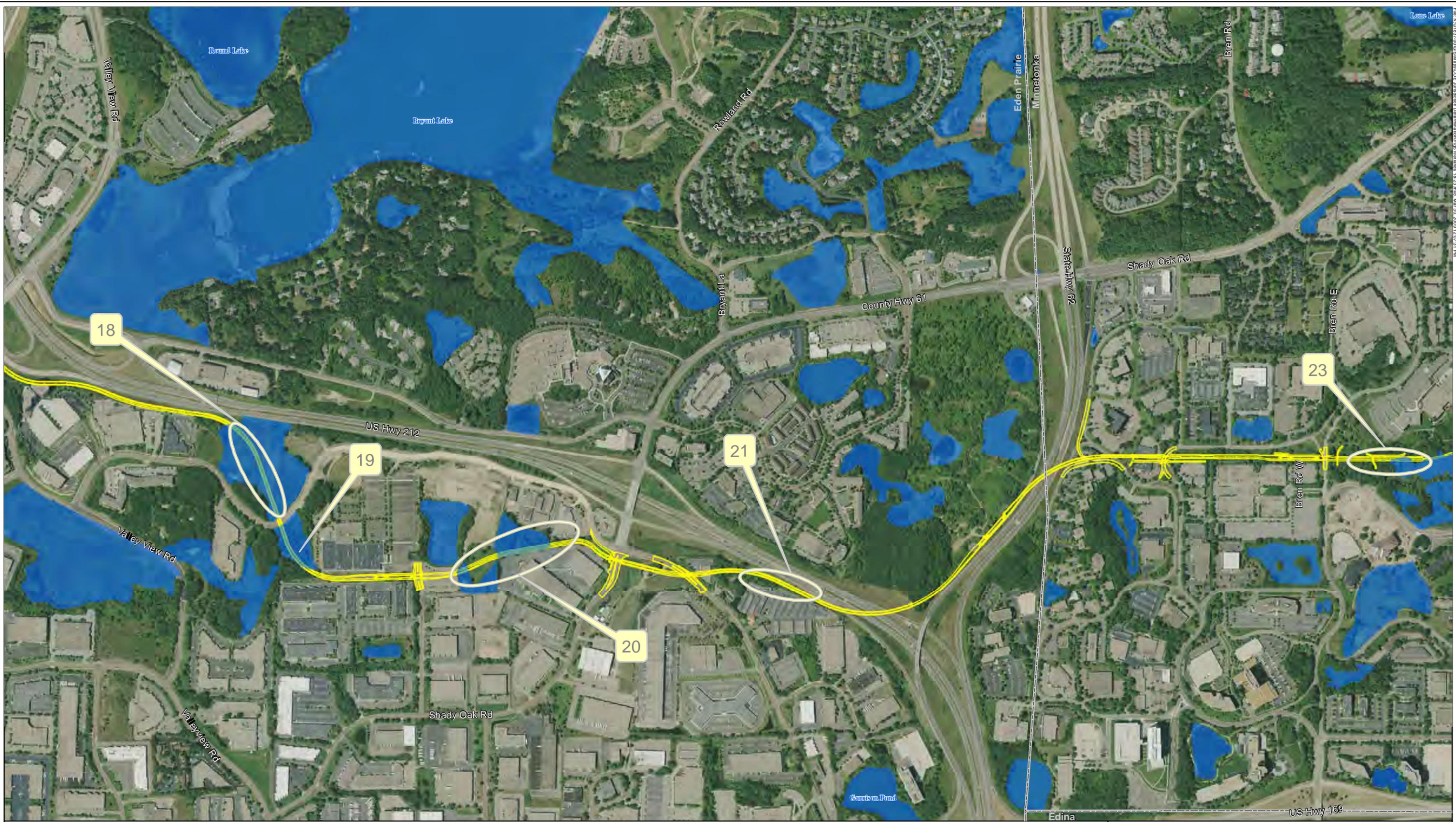


Figure 4
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 13 to 17
Southwest Transitway

**Source: DNR Land Cover 2008, Imagery: Aerials Express 2008





Legend

- Wetlands**
- Southwest Transit Alignment Alternatives
- Wetland Number
- Existing Railroad

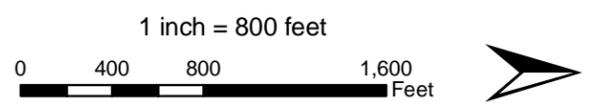
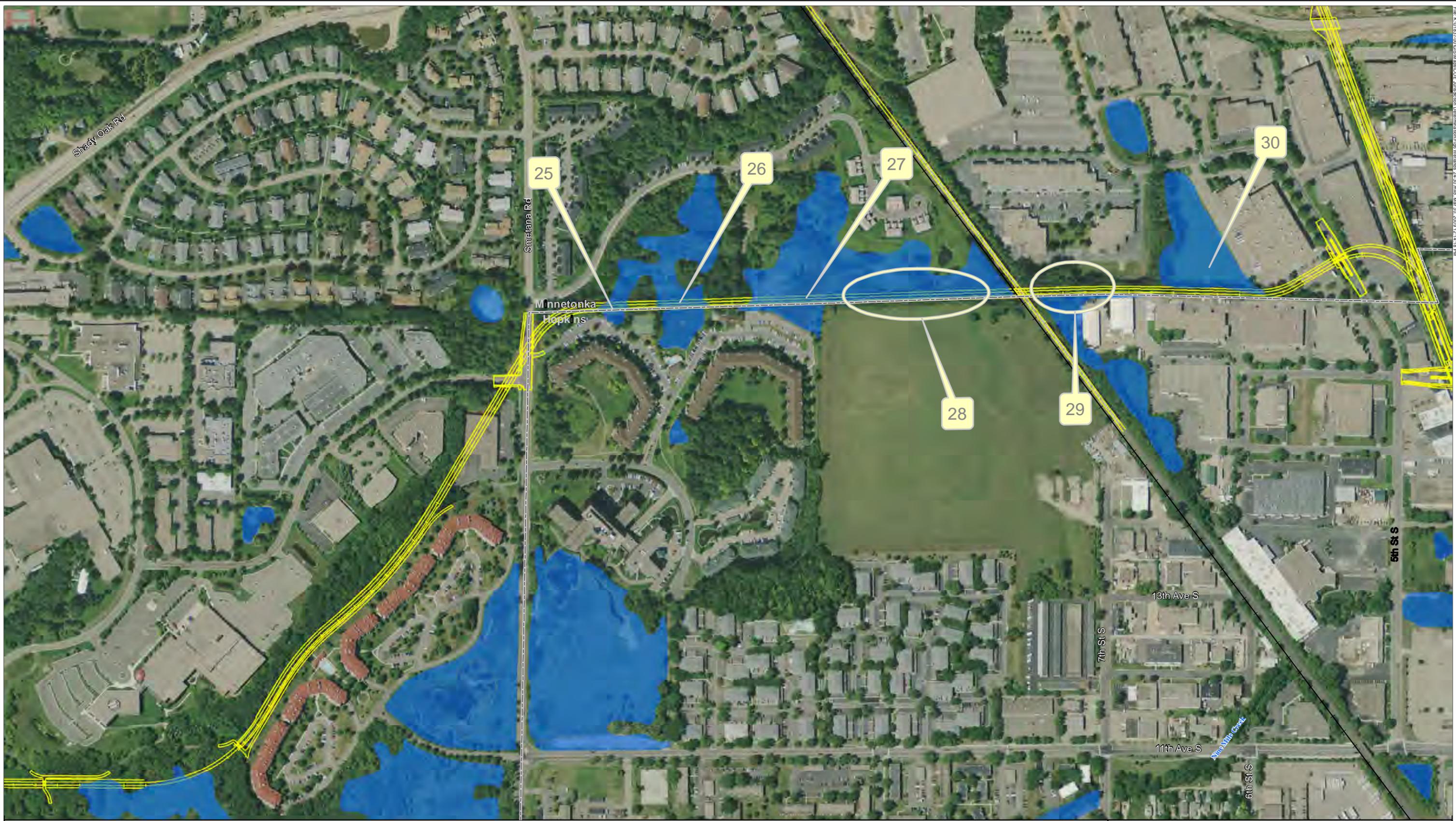


Figure 5
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 18 to 23
Southwest Transitway

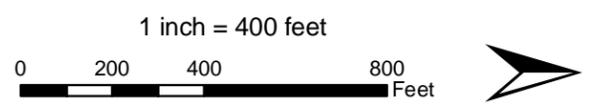
**Source: DNR Land Cover 2008, Imagery - 2008 Aerials Express





Legend

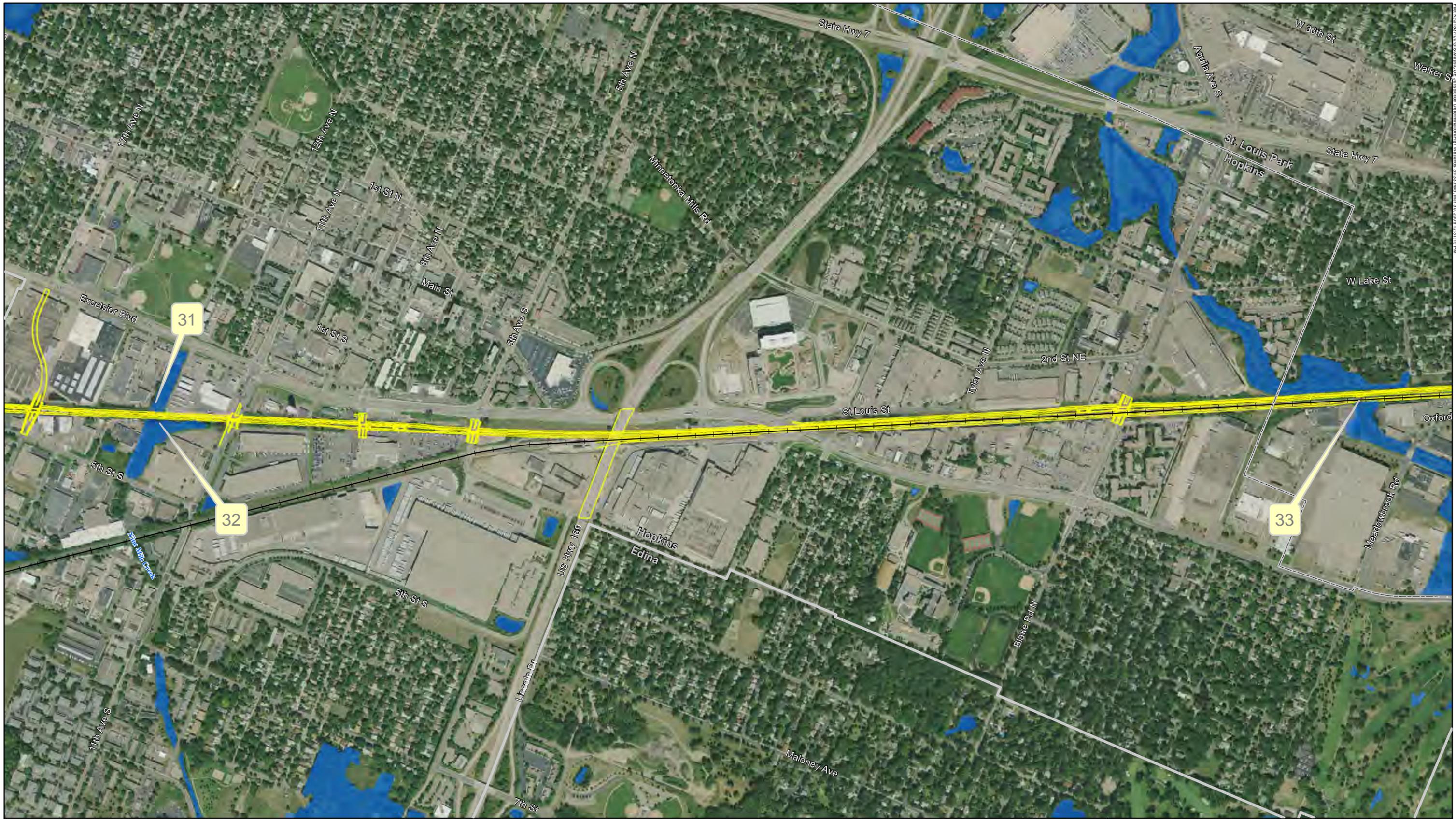
- Wetlands**
- Wetland Number
- Southwest Transit Alignment Alternatives
- Existing Railroad



**Source: DNR Land Cover 2008, Imagery - 2008 Aerials Express

Figure 6
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 25 to 30
Southwest Transitway





Legend

- Wetlands**
- Southwest Transit Alignment Alternatives
- 25 Wetland Number
- ++ Existing Railroad

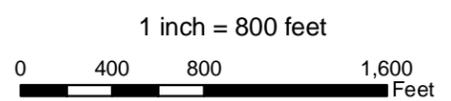
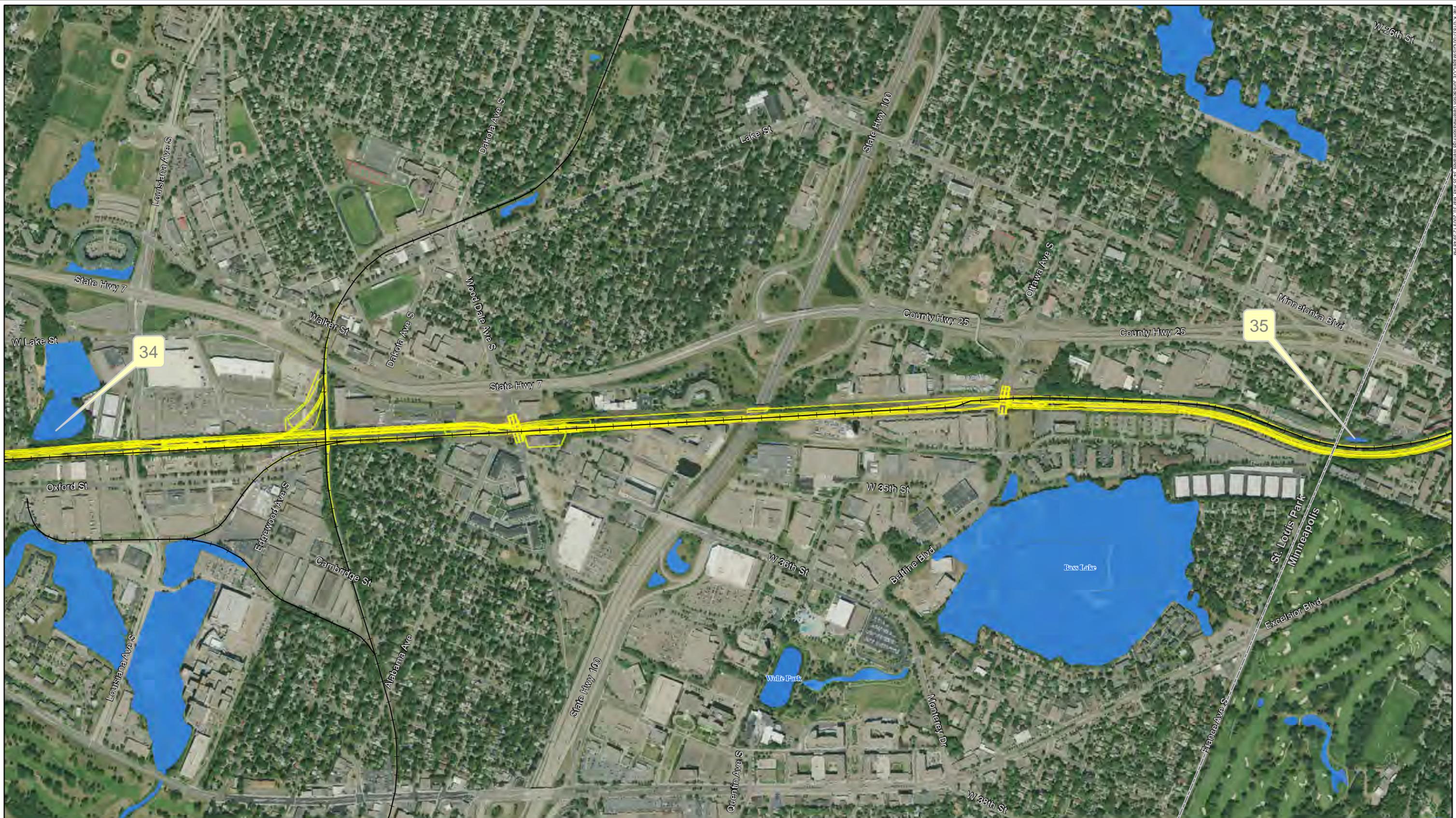


Figure 7
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 31 to 33
Southwest Transitway

**Source: DNR Land Cover 2008, Imagery - Aerials Express 2008

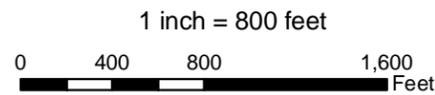
File: K:\182520\GIS\MapDocs\Jurisdictional Determination\MapDocs\Wetlands 31-33.mxd, Date: 09/20/2009 12:31:19 PM





Legend

- Wetlands**
- Southwest Transit Alignment Alternatives
- Wetland Number
- Existing Railroad



**Source: DNR Land Cover 2008, Imagery - 2008 Aerials Express

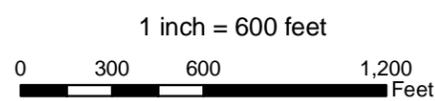
Figure 8
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 34 to 35
Southwest Transitway





Legend

- Wetlands**
- Wetland Number
- Southwest Transit Alignment Alternatives
- Existing Railroad



**Source: DNR Land Cover 2008, Imagery - Aerials Express 2008

Figure 9
US Army Corps of Engineers
Jurisdictional Determination
Wetland 36

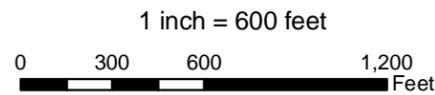
Southwest Transitway





Legend

- Wetlands**
- Southwest Transit Alignment Alternatives
- 25 Wetland Number
- Existing Railroad

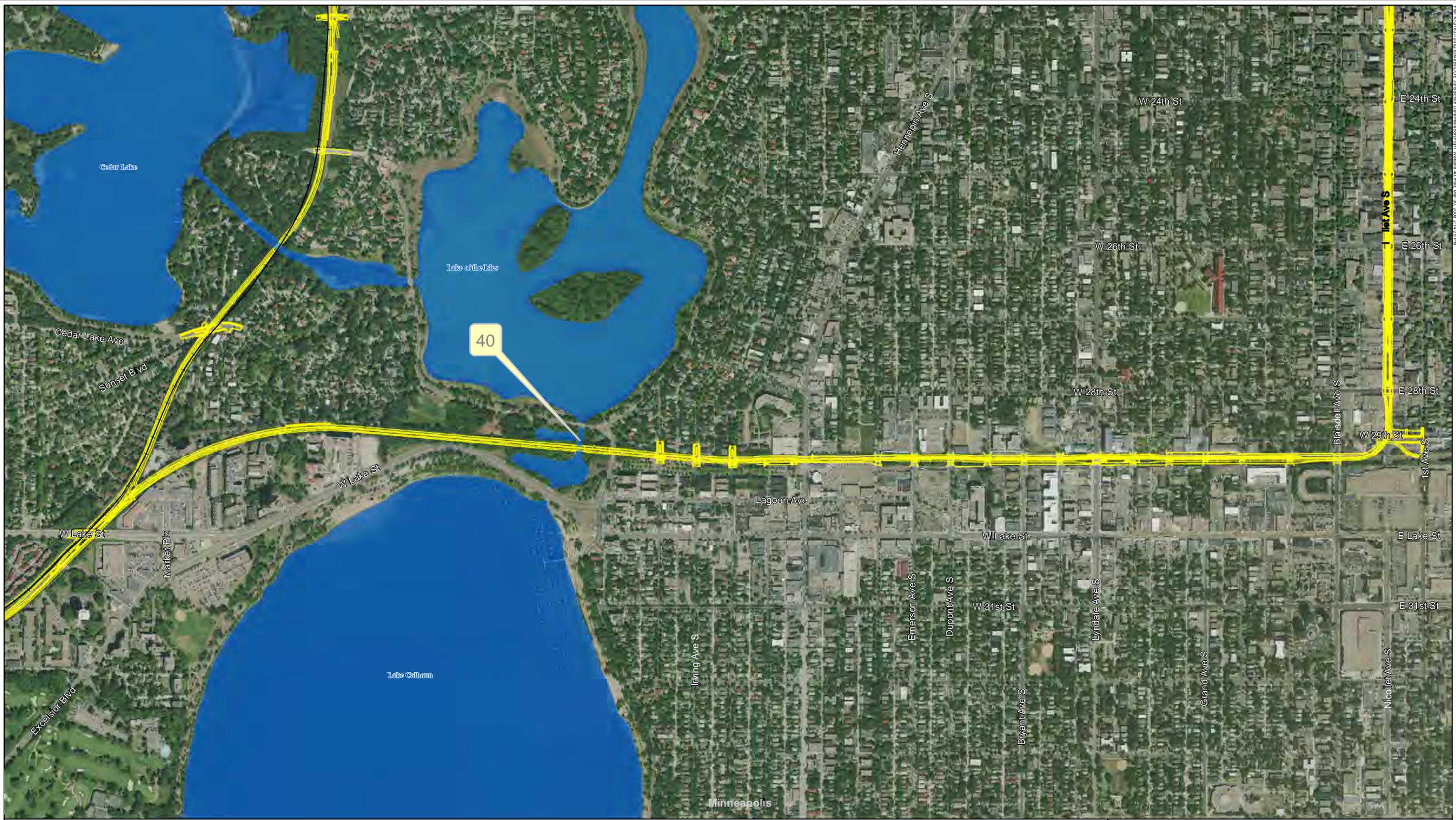


**Source: DNR Land Cover 2008, Imagery - 2008 Aerials Express

Figure 10
US Army Corps of Engineers
Jurisdictional Determination
Wetlands 38-39

Southwest Transitway





Legend

- Wetlands**
- Southwest Transit Alignment Alternatives
- 25 Wetland Number
- Existing Railroad

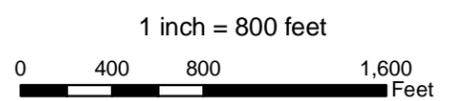


Figure 11
US Army Corps of Engineers
Jurisdictional Determination
Wetland 40
Southwest Transitway

**Source: DNR Land Cover 2008, Imagery - 2008 Aerials Express





DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MN 55101-1638

RECEIVED
JUL 20 2009
WSB & ASSOCIATES

REPLY TO
ATTENTION OF

July 16, 2009

Operations
Regulatory (2009-01283-BLW)

Mr. Jed Chesnut
WSB & Associates, Inc.
701 Xenia Avenue South
Minneapolis, Minnesota 55416

Dear Mr. Chesnut:

This is in response to your request dated June 1, 2009 requesting a Preliminary Jurisdictional Determination for the proposed Southwest Light Rail Transit Project currently under environmental review. The project site is located in the southwest portion of Hennepin County, Minnesota, from Eden Prairie to downtown Minneapolis (from the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 9, T. 116N., R. 22W. to SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 23, T. 29N., R. 24W.).

A preliminary jurisdictional determination (JD) has been prepared, as requested, for the site described above. The preliminary JD is a written indication that there may be waters or wetlands subject to Federal jurisdiction on the site or an indication of the approximate location(s) of waters or wetlands on a parcel. The preliminary JD is not appealable. If you prefer an appealable approved jurisdictional determination you may request one by contacting me at the number indicated in the final paragraph of this letter. You also may provide new information for further consideration by the Corps to reevaluate the JD. If this preliminary JD is acceptable, please sign and date both copies of the Preliminary Jurisdictional Determination Form and return one copy to the address below within 30 days from the date of this letter.

U.S. Army Corps of Engineers
St. Paul District
190 5th Street East, Suite 401
St. Paul, Minnesota 55101-1638
Attn: Barbara Walther

Pursuant to Section 404 of the Clean Water Act, the Corps of Engineers has regulatory jurisdiction over the discharge of dredged and fill materials in all waters of the United States. In addition, the Corps regulates all work in navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act.

Please note that work performed below the ordinary high water mark in waters of the United States, or the discharge of dredged or fill material into wetlands, without a Department of the Army permit could subject your client to enforcement action. Receipt of a permit from a

Operations
Regulatory (2009-01283-BLW)

state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

Thank you for your cooperation with the U.S. Army Corps of Engineers regulatory program. If you have any questions, contact me at **(651) 290-5469**. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

A handwritten signature in cursive script, reading "Barbara L. Walther". The signature is written in black ink and is positioned above a horizontal line that extends to the right.

Barbara L. Walther
Senior Ecologist, Regulatory Branch

**U.S. Army Corps of Engineers
Preliminary Jurisdictional Determination
Southwest Transitway**

Wetland							
Number	PLSS Description	COUNTY	TOWNSHIP	RANGE	SECTION	FORT_DESC	
1	SE1/4 SW1/4 SEC 9 T116 R22	27	116	22	9	SESW	
2	NW1/4 SE1/4 SEC 9 T116 R22	27	116	22	9	NWSE	
3	SW1/4 NE1/4 SEC 9 T116 R22	27	116	22	9	SWNE	
4	SE1/4 SE1/4 SEC 4 T116 R22	27	116	22	4	SESE	
5	NW1/4 NW1/4 SEC 3 T116 R22	27	116	22	3	NWNW	
6	NE1/4 SW1/4 SEC 34 T117 R22	27	117	22	34	NESW	
7	NW1/4 SE1/4 SEC 34 T117 R22	27	117	22	34	NWSE	
8	NE1/4 NE1/4 SEC 34 T117 R22	27	117	22	34	NENE	
9	SW1/4 SW1/4 SEC 26 T117 R22	27	117	22	26	SWSW	
10	SW1/4 SW1/4 SEC 26 T117 R22	27	117	22	26	SWSW	
11	SEC 26 T117 R22	27	117	22	26	Meandered waterbody	
12	SW1/4 NE1/4 SEC 26 T117 R22	27	117	22	26	SWNE	
13	NE1/4 NE1/4 SEC 16 T116 R22	27	116	22	16	NENE	
15	NW1/4 NE1/4 SEC 15 T116 R22	27	116	22	15	NWNE	
16	NW1/4 NE1/4 SEC 15 T116 R22	27	116	22	15	NWNE	
17	NW1/4 NW1/4 SEC 14 T116 R22	27	116	22	14	NWNW	
17a	SE1/4 SW1/4 SEC 11 T116 R22	27	116	22	11	SESW	
17a	NE1/4 NW1/4 SEC 14 T116 R22	27	116	22	14	NENW	
18	SE1/4 NW1/4 SEC 12 T116 R22	27	116	22	12	SENW	
19	NE1/4 NW1/4 SEC 12 T116 R22	27	116	22	12	NENW	
20	SE1/4 SW1/4 SEC 1 T116 R22	27	116	22	1	SESW	
21	SW1/4 NE1/4 SEC 1 T116 R22	27	116	22	1	SWNE	
23	SE1/4 NW1/4 SEC 36 T117 R22	27	117	22	36	SENW	
25	SE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	SESE	
26	SE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	SESE	
27	SE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	SESE	
28	NE1/4 SE1/4 SEC 26 T117 R22	27	117	22	26	NESE	
29	NW1/4 SW1/4 SEC 25 T117 R22	27	117	22	25	NW ₂ SW	
30	SE1/4 NE1/4 SEC 26 T117 R22	27	117	22	26	SENE	
31	NW1/4 NW1/4 SEC 25 T117 R22	27	117	22	25	NWNW	
32	NE1/4 NW1/4 SEC 25 T117 R22	27	117	22	25	NENW	
33	SW1/4 NW1/4 SEC 20 T117 R21	27	117	21	20	SWNW	
34	NW1/4 NE1/4 SEC 20 T117 R21	27	117	21	20	NWNE	
35	NW1/4 NW1/4 SEC 5 T28 R24	27	28	24	5	NWNW	
36	NW1/4 SE1/4 SEC 32 T29 R24	27	29	24	32	NWSE	
38	SW1/4 SE1/4 SEC 21 T29 R24	27	29	24	21	SWSE	
39	NW1/4 SE1/4 SEC 21 T29 R24	27	29	24	21	NWSE	
40	SEC 33 T29 R24	27	29	24	33	Meandered waterbody	



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

September 9, 2009

Ron Johnson, Tribal Council President
Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, Minnesota 55089

Re: Southwest Corridor Transit Project

Dear President Johnson:

The Federal Transit Administration (FTA), in cooperation with the Hennepin County Department of Housing, Community Works and Transit (Hennepin County), intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Southwest Corridor Transit Project. A number of alignments and modes (light rail transit and bus rapid transit) are under consideration. The Southwest Corridor Transit Project would connect downtown Minneapolis with the cities of St. Louis Park, Hopkins, Minnetonka, Edina, and Eden Prairie. The DEIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

In accordance with 23 CFR Sections 771.105 (a) and 771.133, the FTA and the Hennepin County will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process. These requirements include, but are not limited to the regulation implementing Section 7 of the Endangered Species Act (50 CFR Part 402), Executive Orders 12898 on Environmental Justice and 11990 on Wetlands, and the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

With this letter, FTA requests the Prairie Island Indian Community Council to identify any concerns regarding the potential impacts of the project, particularly with regard to any potential adverse effects to historic properties.

SW Corridor Tribal Consultation Letter
September 9, 2009
Page 2

Information on this project, including maps, is enclosed for your viewing.

If you wish to acquire additional information about the project or to consult regarding historic properties, please contact Bill Wheeler at (312) 353-2639.

Sincerely,

A handwritten signature in black ink that reads "Marisol R. Simon". The signature is written in a cursive style with a large initial "M".

Marisol R. Simon
Regional Administrator

Enclosure

cc: Katie Walker, Hennepin County

Description of Alternatives

LRT 1A

LRT 1A travels between TH 5 in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the Hennepin County Regional Railroad Authority (HCRRA) property through St. Louis Park, Hopkins, Minnetonka and Eden Prairie terminating at TH 5 and the HCRRA's property.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Rowland Road, TH 62, and TH 5.

LRT 3A

LRT 3A travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

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Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-1 (Nicollet Mall)

LRT 3C-1 (Nicollet Mall) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate between downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via Nicollet Mall to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street), the Midtown corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at 4th Street, 8th Street, 12th Street, Franklin Avenue, 28th Street, Lyndale Avenue, Hennepin Avenue (Uptown), West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-2 (11th/12th Street)

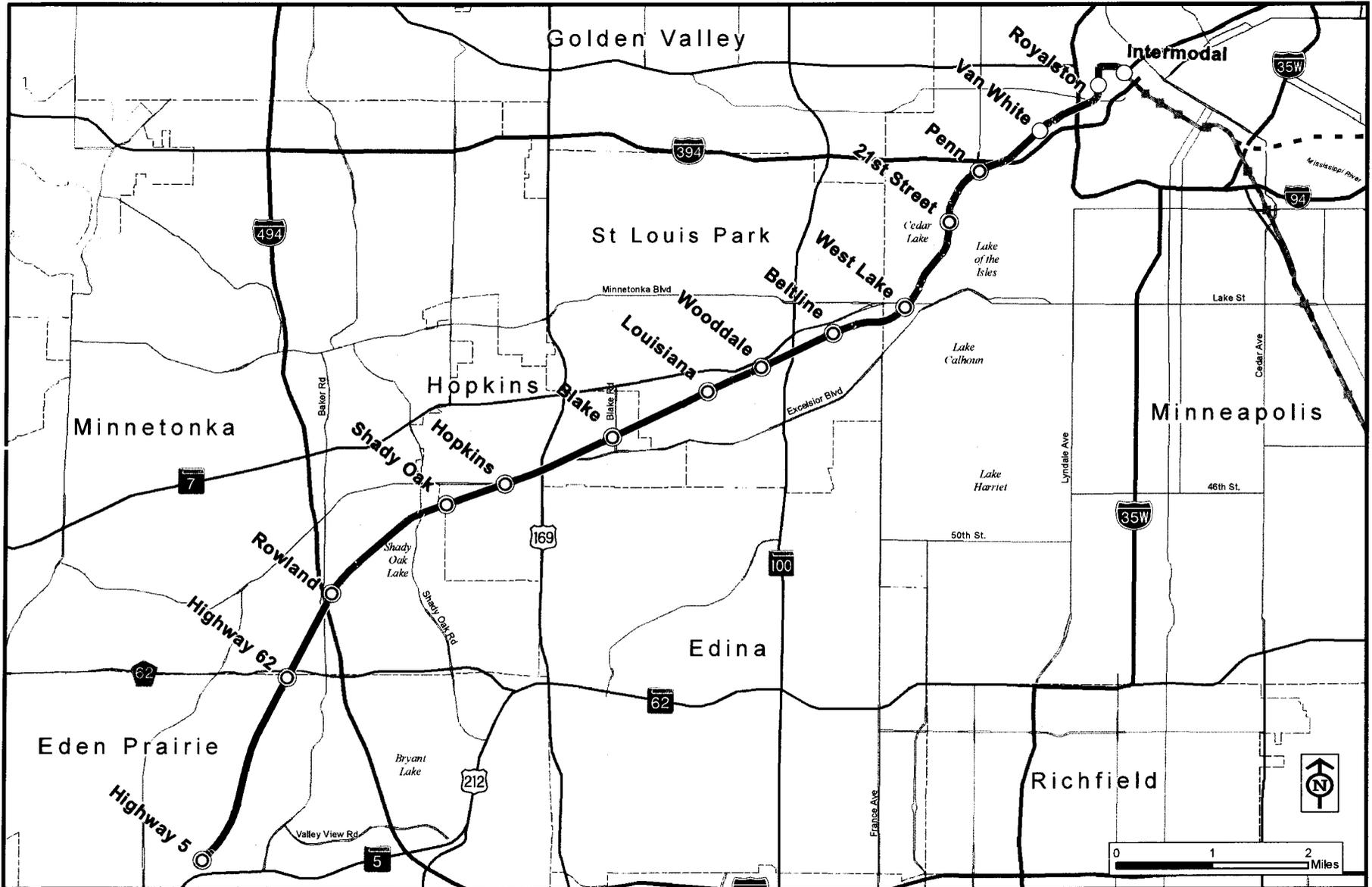
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LRT 3C-2 (11th/12th Street) would operate on the same alignment as LRT 3C-1 (Nicollet Mall) alternative between the West Lake Station in Minneapolis and Eden Prairie (see LRT 3C-1 graphic). At the Midtown Corridor in the vicinity of Nicollet Avenue, the alignment would travel either under Nicollet Avenue, Blaisdell Avenue, or 1st Avenue in a tunnel between the Midtown Corridor and Franklin Avenue. Generally, north of Franklin Avenue, it would operate on-street to the vicinity of 11th/12th Street where it would turn west onto 11th Street operating as a one-way pair between Nicollet Mall and Royalston Avenue. At Royalston, the alternative would use the same routing as the LRT 1A and LRT 3A alternatives, which interline with the Hiawatha and/or Central LRT lines on 5th Street.

Stations are proposed at Royalston Avenue, 11th Street/Hennepin Avenue, 12th Street/Hawthorne Avenue, 12th Street/Nicollet Mall, Franklin Avenue and either Blaisdell Avenue or 1st Avenue, and 28th Street and either Blaisdell Avenue or 1st Avenue. And similar to LRT 3C-1 (Nicollet Mall) West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

The LRT 3C (11th/12th Street) alternative proposes to use either a tunnel under Nicollet Avenue with optional routes on Blaisdell or 1st Avenue between the Midtown Corridor and Franklin Avenue. For the Blaisdell Avenue option, the LRT would exit the tunnel at Blaisdell and Franklin and then transition across the Plymouth Congregational Church property to enter center running operations on Nicollet Avenue. The LRT would operate in the center of Nicollet Avenue to 12th Street. For the 1st Avenue option, the LRT would exit the tunnel north of Franklin and operate center running on 1st Avenue to 16th Street where it would transition diagonally across the City of Minneapolis meter farm entering Nicollet Avenue at 15th Street for center running operations to 12th Street. At 12th Street under all options the LRT would as a one-way couplet on 11th and 12th Street rejoining as a two-way configuration on 12th Street at Glenwood, then operating on Royalston Avenue with a short tunnel under 7th Street and through-routing on the Hiawatha/Central LRT tracks on 5th Street in downtown Minneapolis.

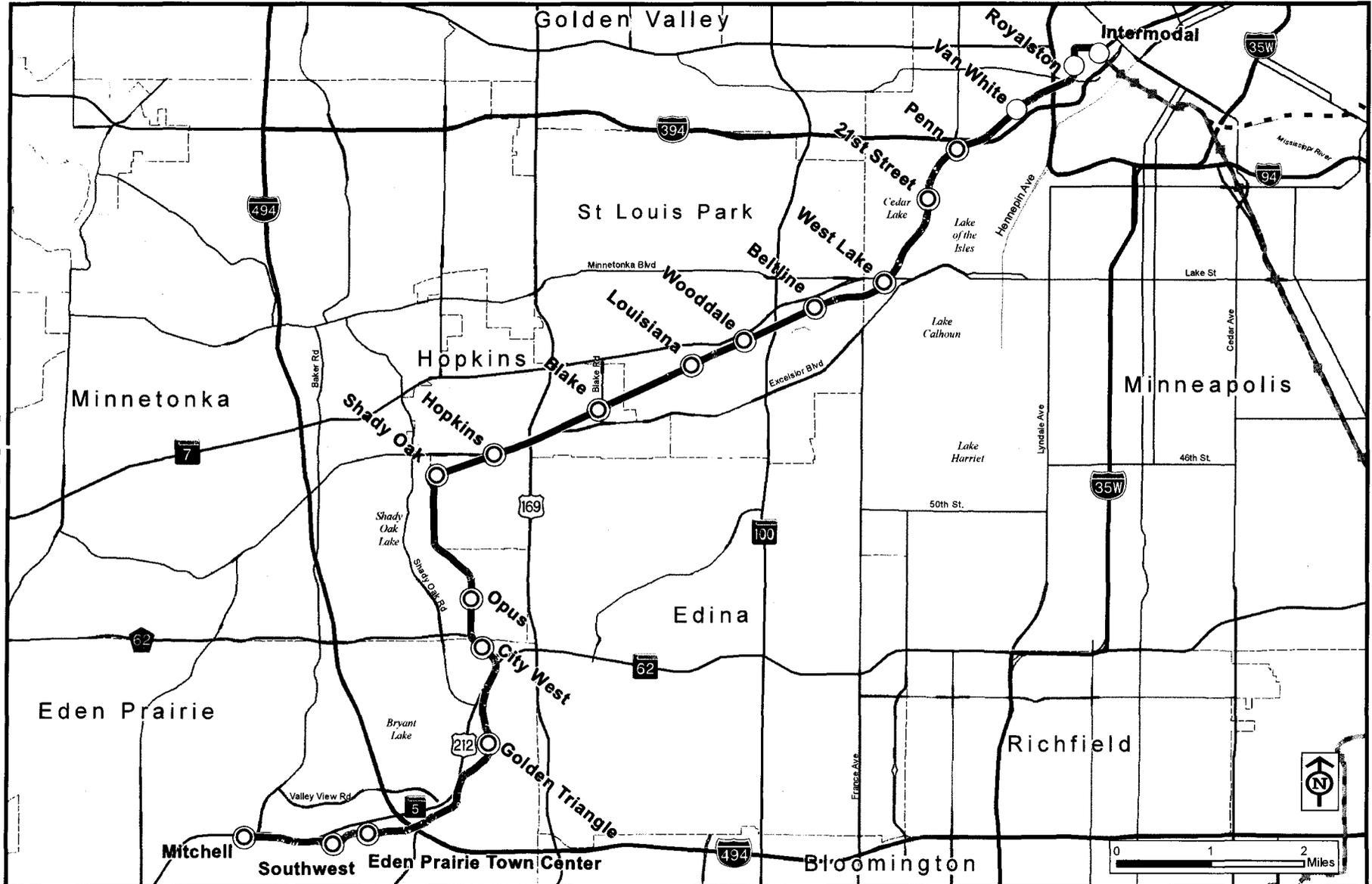
LRT 1A Alternative



Map Document: (mspr-gis-file\GIS\Proj\HennCity\87130\map_docs\mxd\ECH_MEMO_TechMemo6\Fig2_1_TWB_Alt1A_20090617.mxd) 8/23/2009 cslers

 <p>LPA Report</p>	<p>Legend</p> <ul style="list-style-type: none"> ○ Station ⊙ Park & Ride Station ⊞ Hiawatha LRT Station — LRT 1A --- Hiawatha Light Rail — Northstar Commuter Rail - - - Central Corridor Light Rail
--	--

LRT 3A Alternative



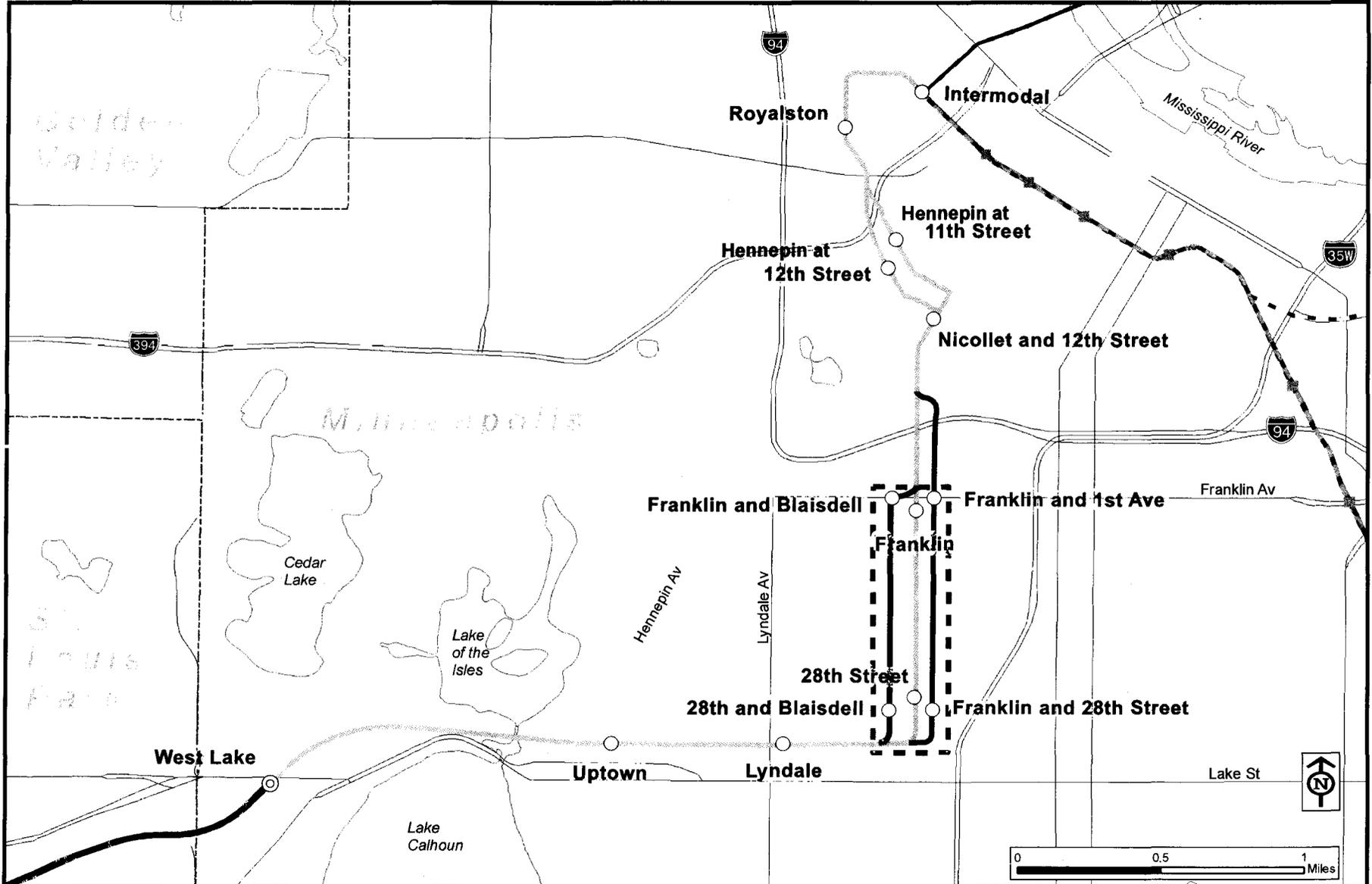
Map Document: \\mnpsee-gis\file\GIS\Proj\Hennr\City\87130\map_dces\mxd\TECH_MEMO\TechMemo9\Fig2_2_TM9_Alt3A_20090620.mxd (8/21/2009 cbers)



LPA Report

- Legend**
- Station
 - ⊙ Park & Ride Station
 - ⊛ Hiawatha LRT Station
 - LRT 3A
 - - - Hiawatha Light Rail
 - Northstar Commuter Rail
 - - - Central Corridor Light Rail

LRT 3C-2 (11th / 12th Street) Alternative



Map Document: \\mnpse-gis-file\GIS\Proj\HennCity\97130\map_docs\mxd\TECH_MEMO\TechMemo9\Fig2_4_TM9_A1B.C2_20090920.mxd 8/20/2009 cusers



LPA Report

Legend

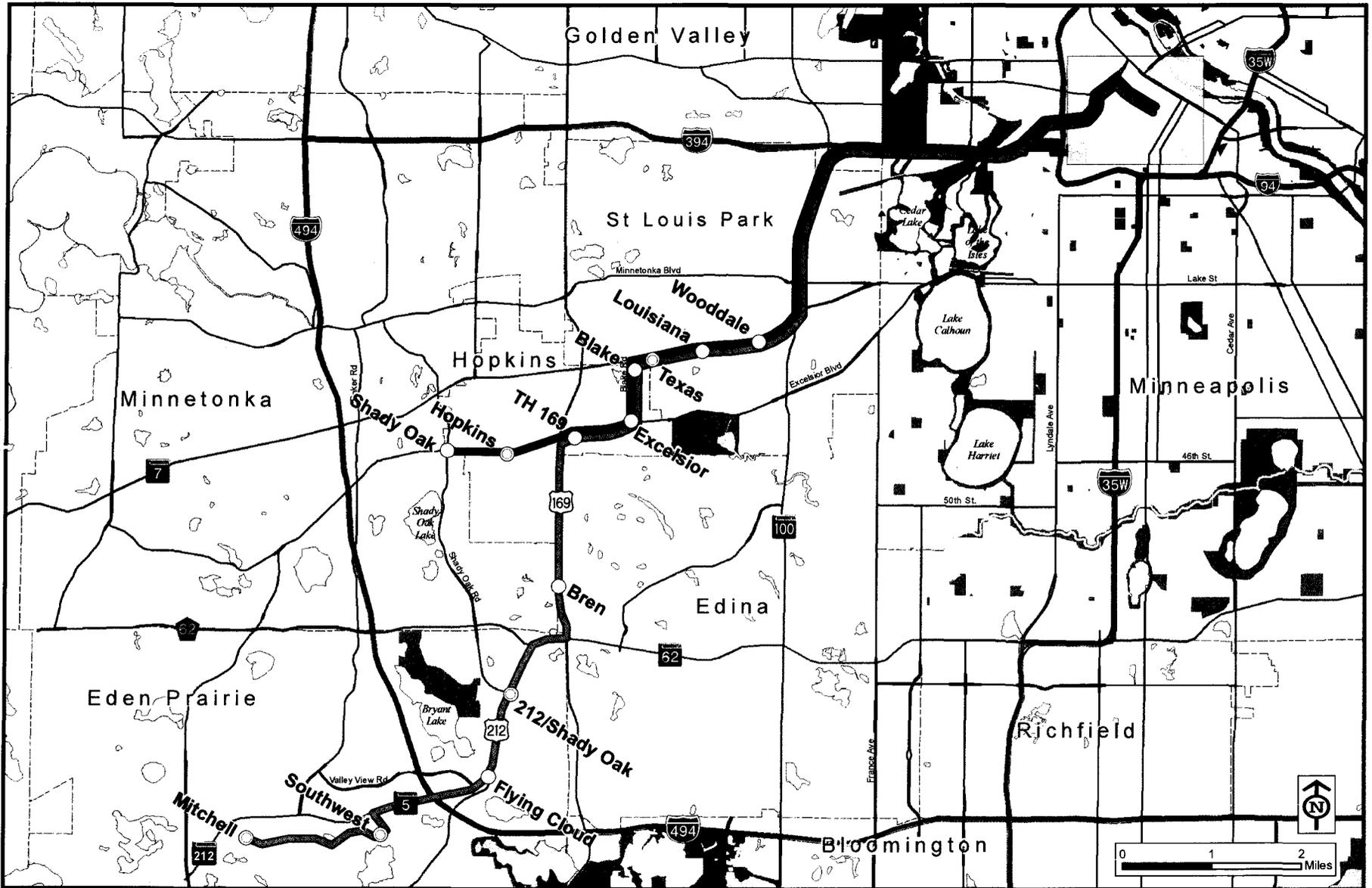
Segment C-2 Stations

- Station
- ⊙ Park and Ride Station
- ⊛ Hiawatha LRT Station

- Segment C-2 (11th/12th Street)
- Segment C-2A (Blaisdell Avenue)
- Segment C-2B (1st Avenue)
- Segment 4

- ▭ Tunnel Area
- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail

TSM/Baseline Alternative



Map Document: (\\mspe-gis-file\gsproj\HennCyl\87130\map_docs\sm\working_arn\TM 5 Maps\TSM Baseline Map.mxd)



LPA Report

Legend

- Limited Stop Route A
- Limited Stop Route B
- Downtown Minneapolis
- Proposed Stop
- Proposed Park and Ride Stop

Data Sources: Mn/DOT, LMIC, Metropolitan Council, Mn/DNR



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

September 9, 2009

Mr. Bill Rudnicki, Tribal Administrator
Shakopee Mdewakanton Sioux Community
2330 Sioux Trail NW
Prior Lake, Minnesota 55372

Re: Southwest Corridor Transit Project

Dear Administrator Rudnicki:

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With this letter, FTA requests the Shakopee Mdewakanton Sioux Community to identify any concerns regarding the potential impacts of the project, particularly with regard to any potential adverse effects to historic properties.

SW Corridor Tribal Consultation Letter
September 9, 2009
Page 2

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Marisol R. Simon
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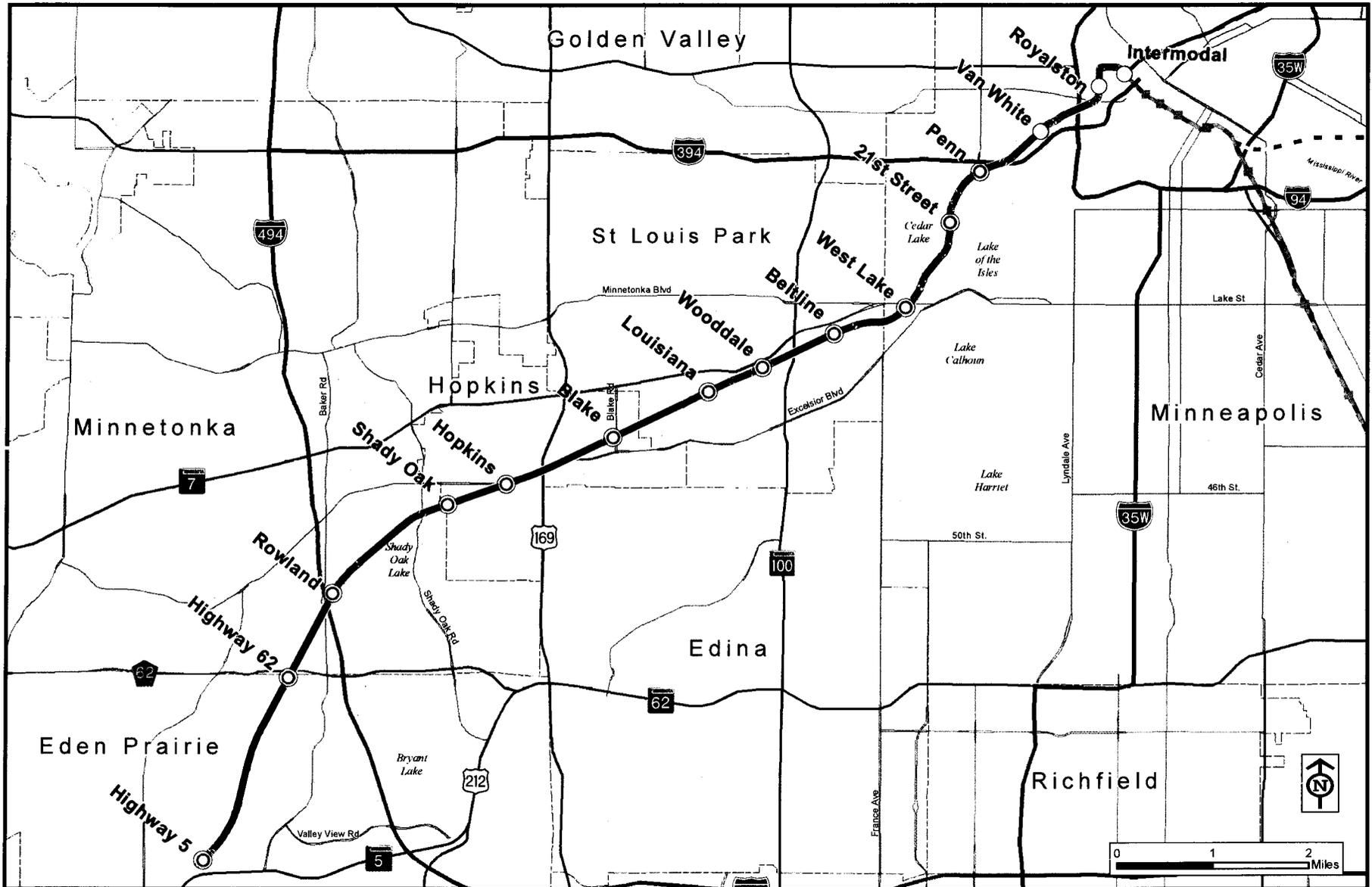
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LRT 1A Alternative

Map Document: (\\msps-gis-file\GIS\Proj\HennCty\87130\map_docs\mxd\TECH_MEMO\TechMemo0\Fig2_1_Tit16_Alt1A_20090517.mxd) 5/23/2009 cser

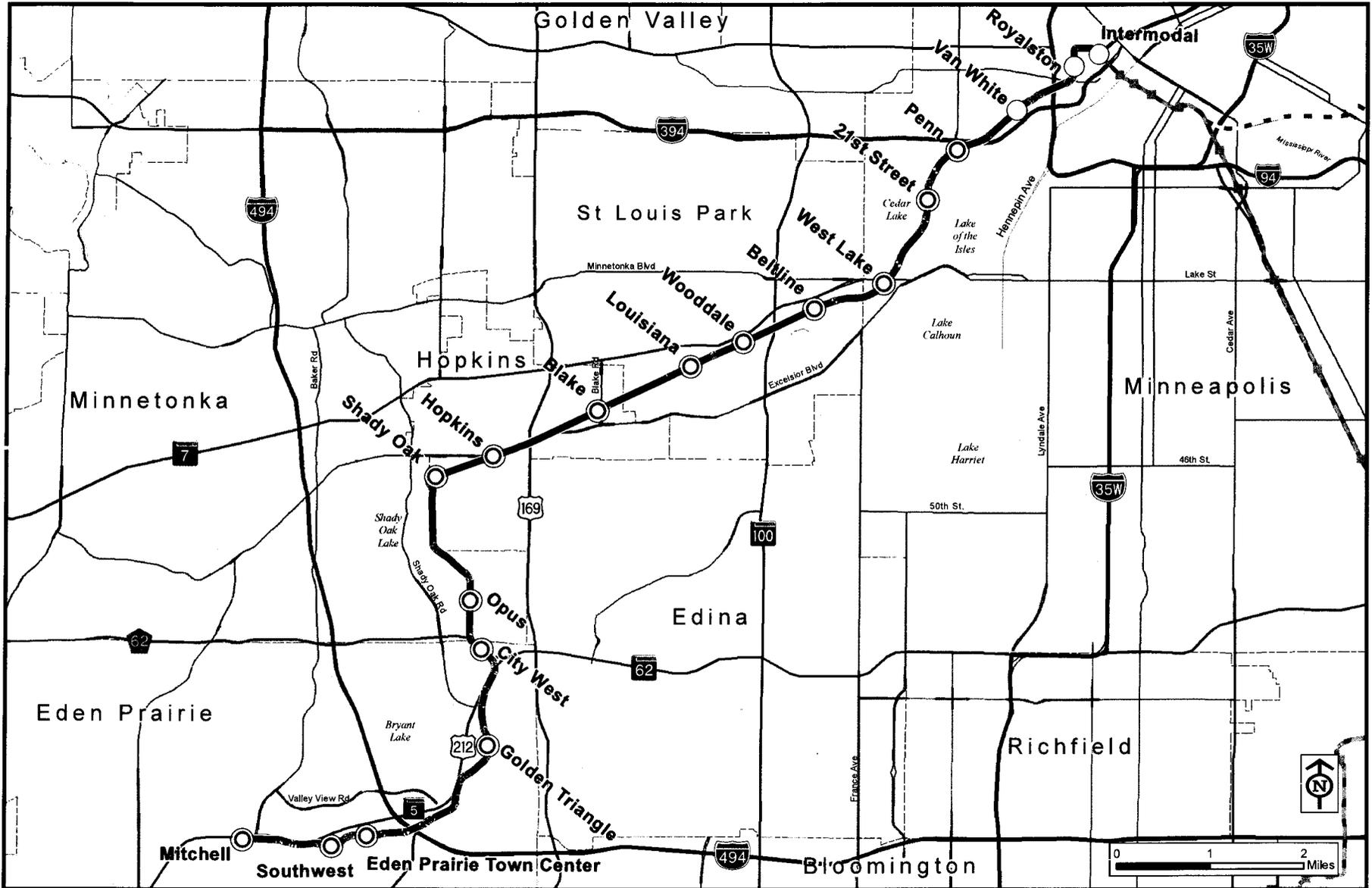


LPA Report

Legend

- Station
- ⊙ Park & Ride Station
- ⊛ Hiawatha LRT Station
- LRT 1A
- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail

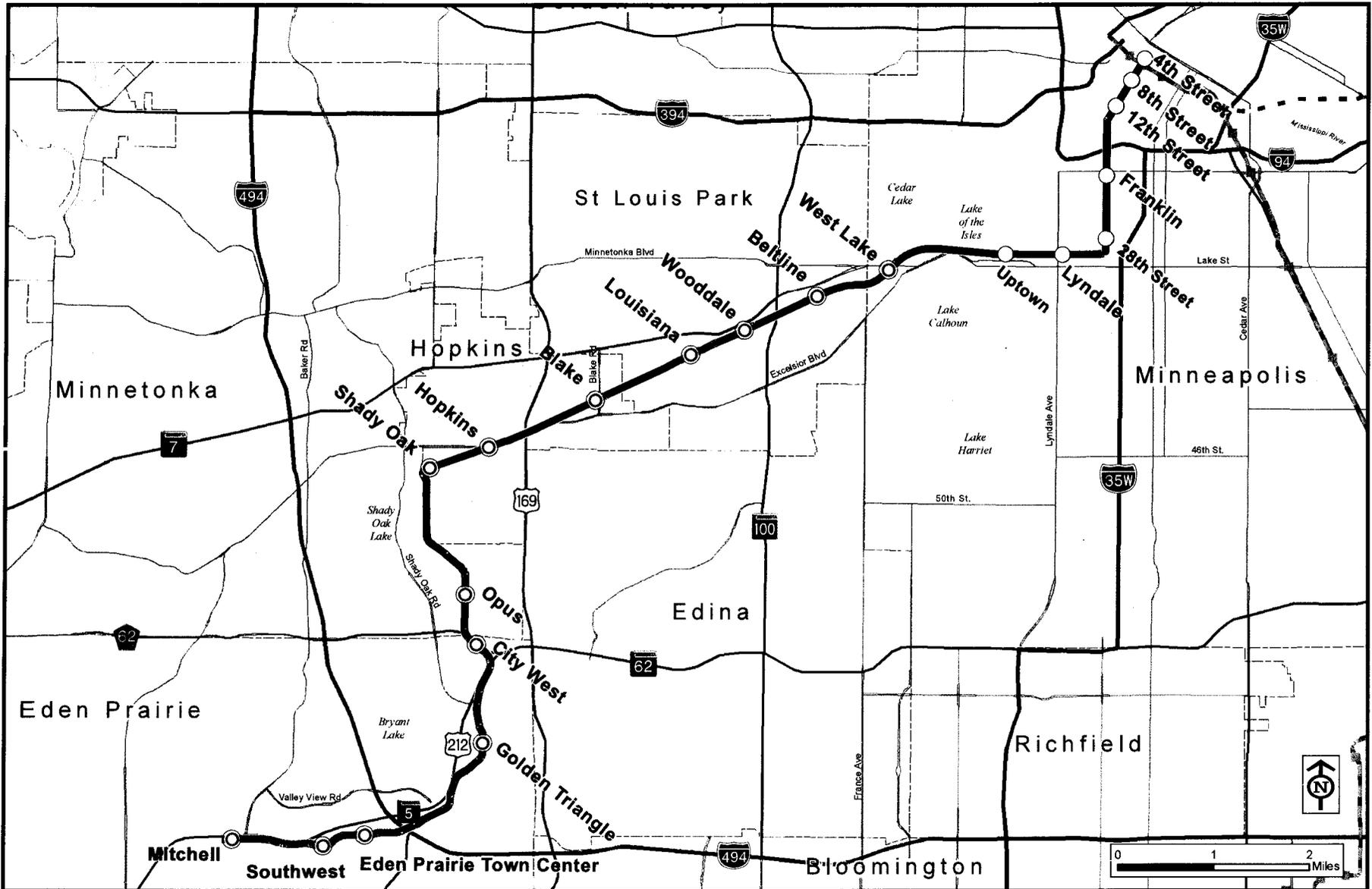
LRT 3A Alternative



Map Document: (\\inspe-gis-file\GIS\Proj\Henn Cty\871130\map_871130\map_docs\mxd\TECH_1\EMO\TechMemo9\Fig2_2_TM19_A12A_20090820.mxd) 3/21/2009 cser/s

 LPA Report	Legend	
	<ul style="list-style-type: none"> ○ Station ⊙ Park & Ride Station ⊞ Hiawatha LRT Station 	<ul style="list-style-type: none"> — LRT 3A — Hiawatha Light Rail — Northstar Commuter Rail - - Central Corridor Light Rail

LRT 3C-1 (Nicollet Mall) Alternative



Map Document: \\mapserver\gis\mapserver\img\7\30\mapserver\draw\shwa\TEC-L\NEAD\T\shwa\m09\Fig3_1\Fig_400_20090620.mxd:3/1/2009 users



LPA Report

Legend

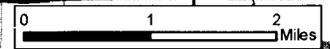
- Station
- ⊙ Park & Ride Station
- ⊙ Hiawatha LRT Station

— LRT 3C-1 (Nicollet Mall)

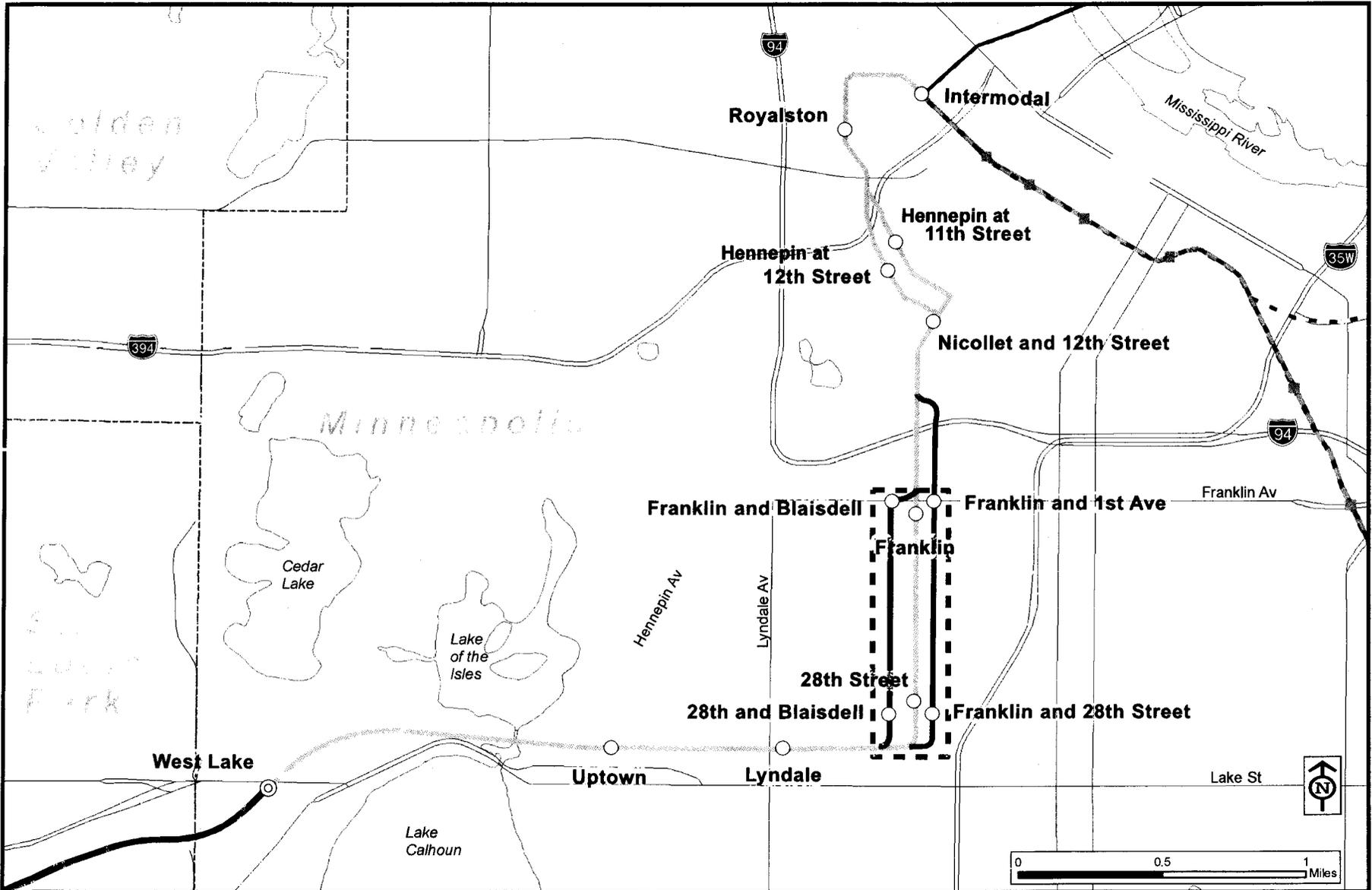
- - - Hiawatha Light Rail

— Northstar Commuter Rail

- - - Central Corridor Light Rail



LRT 3C-2 (11th / 12th Street) Alternative



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LPA Report

Legend

Segment C-2 Stations

- Station
- ⊙ Park and Ride Station
- Hiawatha LRT Station

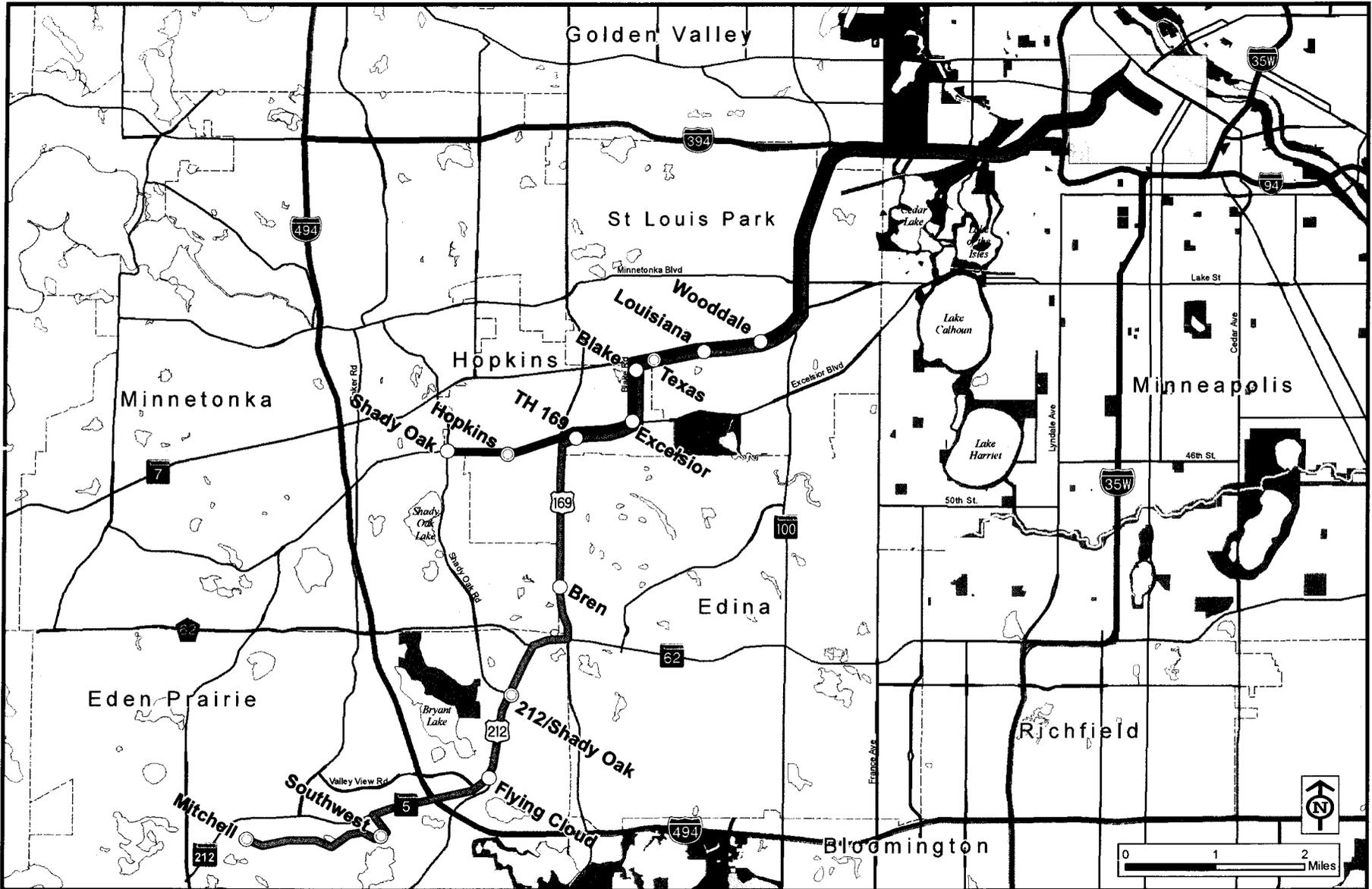
Segment C-2 (11th/12th Street)

- Segment C-2A (Blaisdell Avenue)
- Segment C-2B (1st Avenue)
- Segment 4

Tunnel Area

- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail

TSM/Baseline Alternative



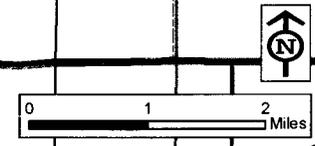
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LPA Report

Legend

- Limited Stop Route A
- Limited Stop Route B
- Downtown Minneapolis
- Proposed Stop
- Proposed Park and Ride Stop



Data Sources: Mn/DOT, LMIC, Metropolitan Council, Mn/DNR



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

September 9, 2009

Gabe Prescott, President
Lower Sioux Indian Community Council
P.O. Box 308
Reservation Highway 1
Morton, MN 56270

Re: Southwest Corridor Transit Project

Dear President Prescott:

The Federal Transit Administration (FTA), in cooperation with the Hennepin County Department of Housing, Community Works and Transit (Hennepin County), intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Southwest Corridor Transit Project. A number of alignments and modes (light rail transit and bus rapid transit) are under consideration. The Southwest Corridor Transit Project would connect downtown Minneapolis with the cities of St. Louis Park, Hopkins, Minnetonka, Edina, and Eden Prairie. The DEIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

In accordance with 23 CFR Sections 771.105 (a) and 771.133, the FTA and the Hennepin County will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process. These requirements include, but are not limited to the regulation implementing Section 7 of the Endangered Species Act (50 CFR Part 402), Executive Orders 12898 on Environmental Justice and 11990 on Wetlands, and the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

With this letter, FTA requests the Lower Sioux Indian Community Council to identify any concerns regarding the potential impacts of the project, particularly with regard to any potential adverse effects to historic properties.

SW Corridor Tribal Consultation Letter
September 9, 2009
Page 2

Information on this project, including maps, is enclosed for your viewing.

If you wish to acquire additional information about the project or to consult regarding historic properties, please contact Bill Wheeler at (312) 353-2639.

Sincerely,

A handwritten signature in black ink, appearing to read "Marisol Simon". The signature is fluid and cursive, with the first name "Marisol" written in a larger, more prominent script than the last name "Simon".

Marisol R. Simon
Regional Administrator

Enclosure

cc: Katie Walker, Hennepin County

Description of Alternatives

LRT 1A

LRT 1A travels between TH 5 in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the Hennepin County Regional Railroad Authority (HCRRA) property through St. Louis Park, Hopkins, Minnetonka and Eden Prairie terminating at TH 5 and the HCRRA's property.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Rowland Road, TH 62, and TH 5.

LRT 3A

LRT 3A travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the HCRRA property through St. Louis Park and Hopkins to a new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-1 (Nicollet Mall)

LRT 3C-1 (Nicollet Mall) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate between downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via Nicollet Mall to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street), the Midtown corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at 4th Street, 8th Street, 12th Street, Franklin Avenue, 28th Street, Lyndale Avenue, Hennepin Avenue (Uptown), West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-2 (11th/12th Street)

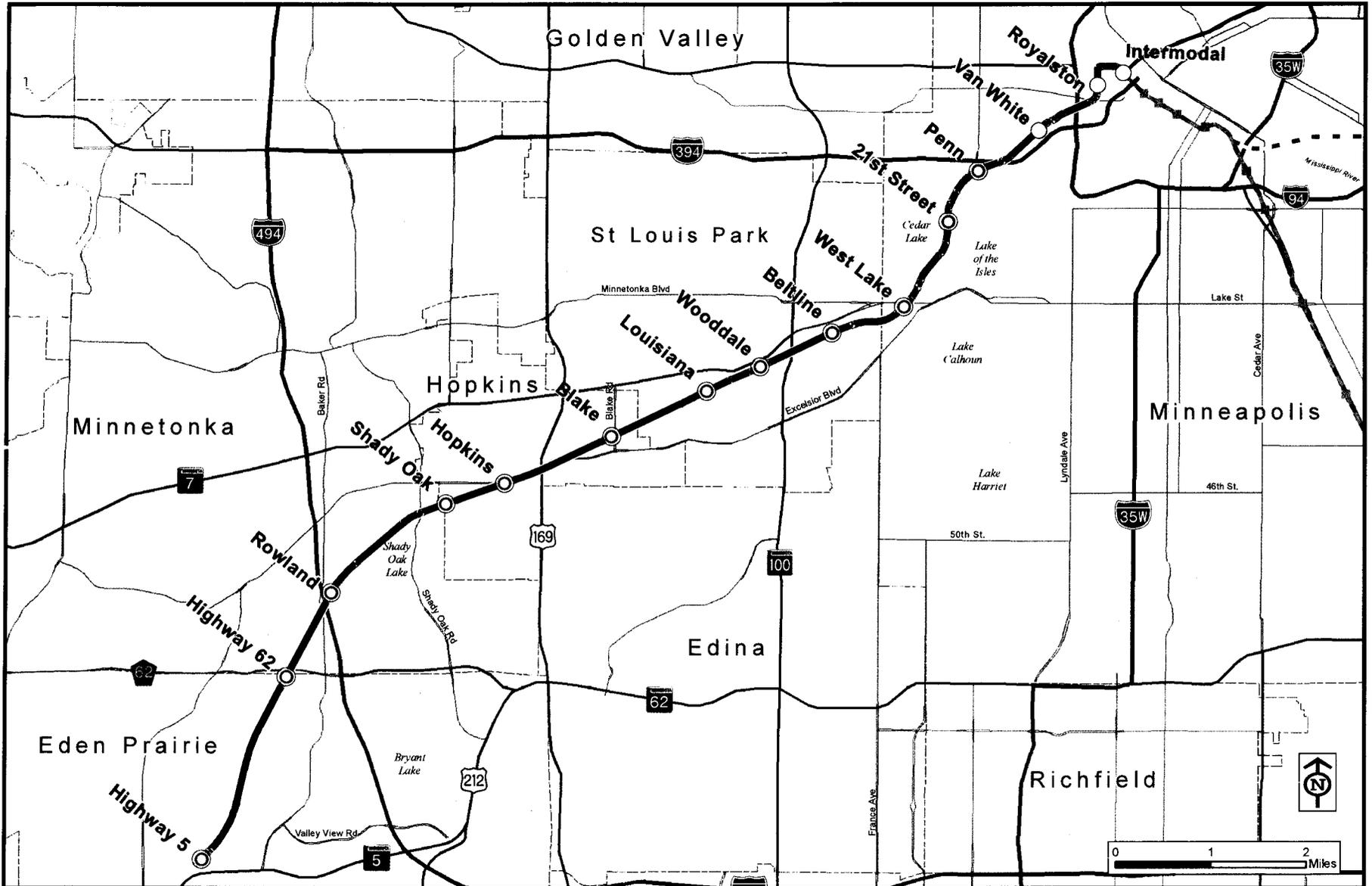
LRT 3C-2 (11th/12th Street) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

LRT 3C-2 (11th/12th Street) would operate on the same alignment as LRT 3C-1 (Nicollet Mall) alternative between the West Lake Station in Minneapolis and Eden Prairie (see LRT 3C-1 graphic). At the Midtown Corridor in the vicinity of Nicollet Avenue, the alignment would travel either under Nicollet Avenue, Blaisdell Avenue, or 1st Avenue in a tunnel between the Midtown Corridor and Franklin Avenue. Generally, north of Franklin Avenue, it would operate on-street to the vicinity of 11th/12th Street where it would turn west onto 11th Street operating as a one-way pair between Nicollet Mall and Royalston Avenue. At Royalston, the alternative would use the same routing as the LRT 1A and LRT 3A alternatives, which interline with the Hiawatha and/or Central LRT lines on 5th Street.

Stations are proposed at Royalston Avenue, 11th Street/Hennepin Avenue, 12th Street/Hawthorne Avenue, 12th Street/Nicollet Mall, Franklin Avenue and either Blaisdell Avenue or 1st Avenue, and 28th Street and either Blaisdell Avenue or 1st Avenue. And similar to LRT 3C-1 (Nicollet Mall) West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

The LRT 3C (11th/12th Street) alternative proposes to use either a tunnel under Nicollet Avenue with optional routes on Blaisdell or 1st Avenue between the Midtown Corridor and Franklin Avenue. For the Blaisdell Avenue option, the LRT would exit the tunnel at Blaisdell and Franklin and then transition across the Plymouth Congregational Church property to enter center running operations on Nicollet Avenue. The LRT would operate in the center of Nicollet Avenue to 12th Street. For the 1st Avenue option, the LRT would exit the tunnel north of Franklin and operate center running on 1st Avenue to 16th Street where it would transition diagonally across the City of Minneapolis meter farm entering Nicollet Avenue at 15th Street for center running operations to 12th Street. At 12th Street under all options the LRT would as a one-way couplet on 11th and 12th Street rejoining as a two-way configuration on 12th Street at Glenwood, then operating on Royalston Avenue with a short tunnel under 7th Street and through-routing on the Hiawatha/Central LRT tracks on 5th Street in downtown Minneapolis.

LRT 1A Alternative



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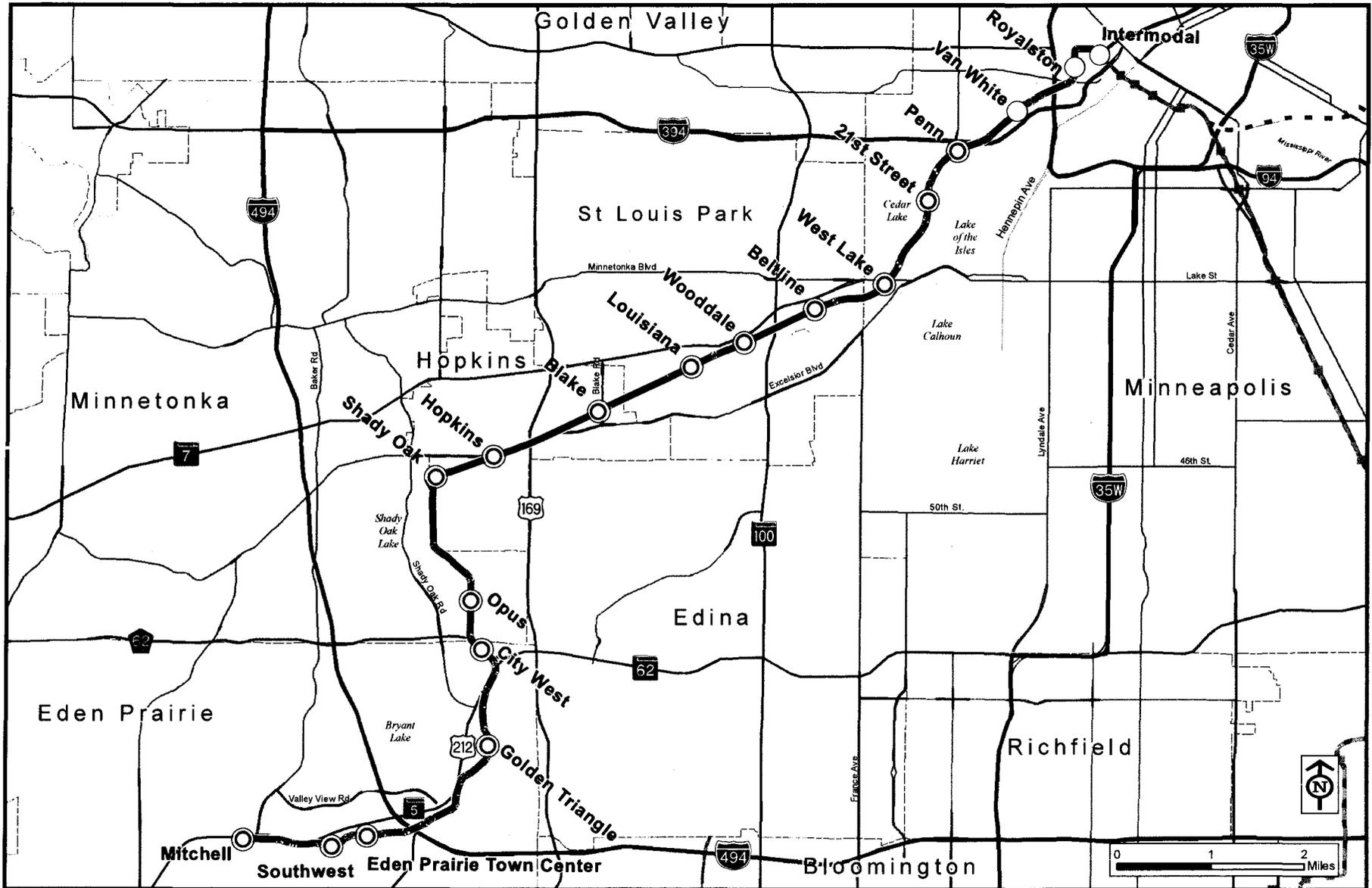


LPA Report

Legend

- Station
- ⊙ Park & Ride Station
- Hiawatha LRT Station
- LRT 1A
- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail

LRT 3A Alternative



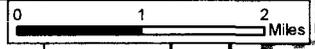
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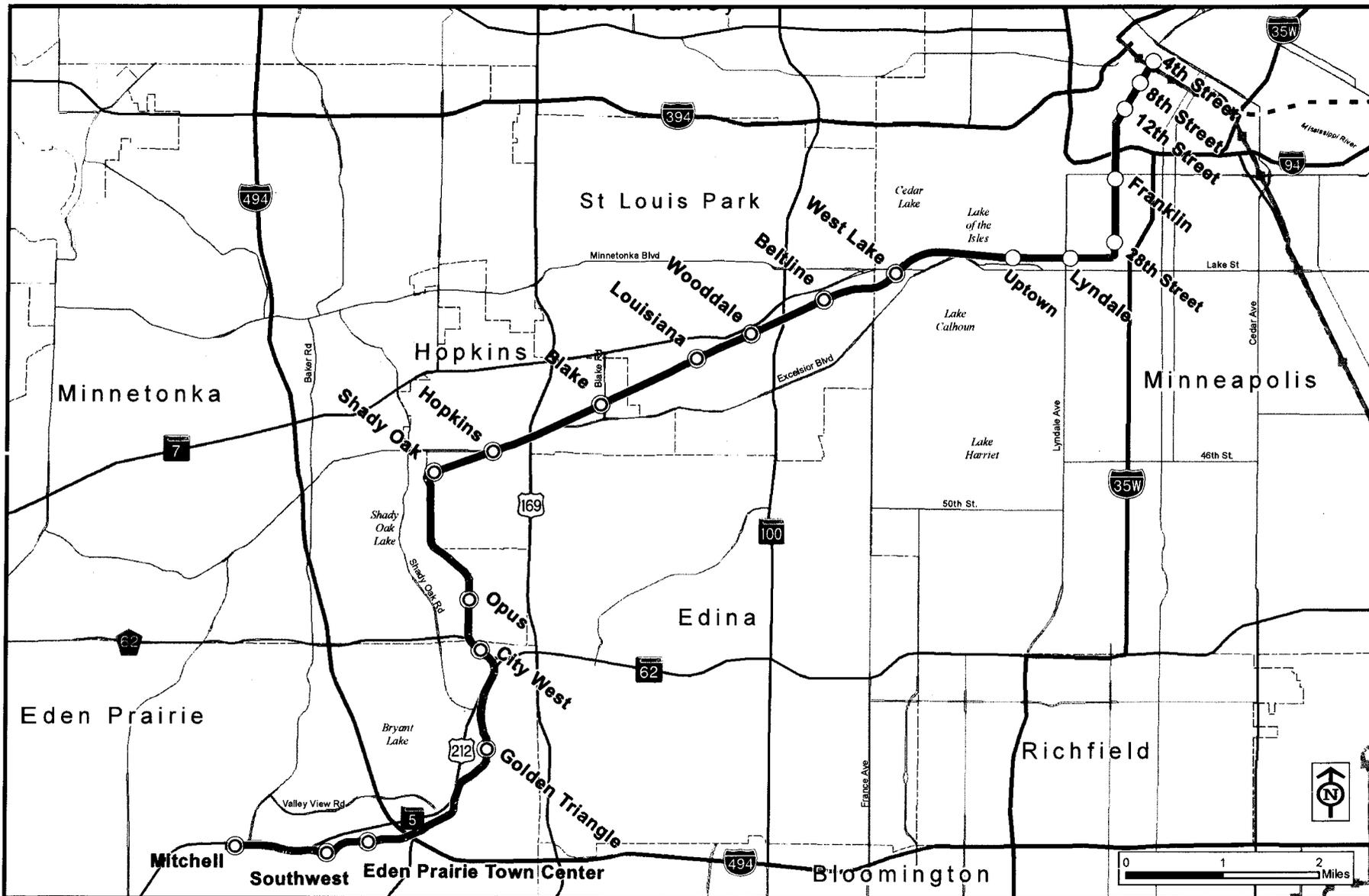
LPA Report

Legend

- Station
- ⊙ Park & Ride Station
- Hiawatha LRT Station
- LRT 3A
- Hiawatha Light Rail
- Northstar Commuter Rail
- - - Central Corridor Light Rail



LRT 3C-1 (Nicollet Mall) Alternative



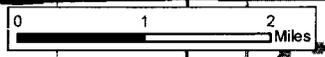
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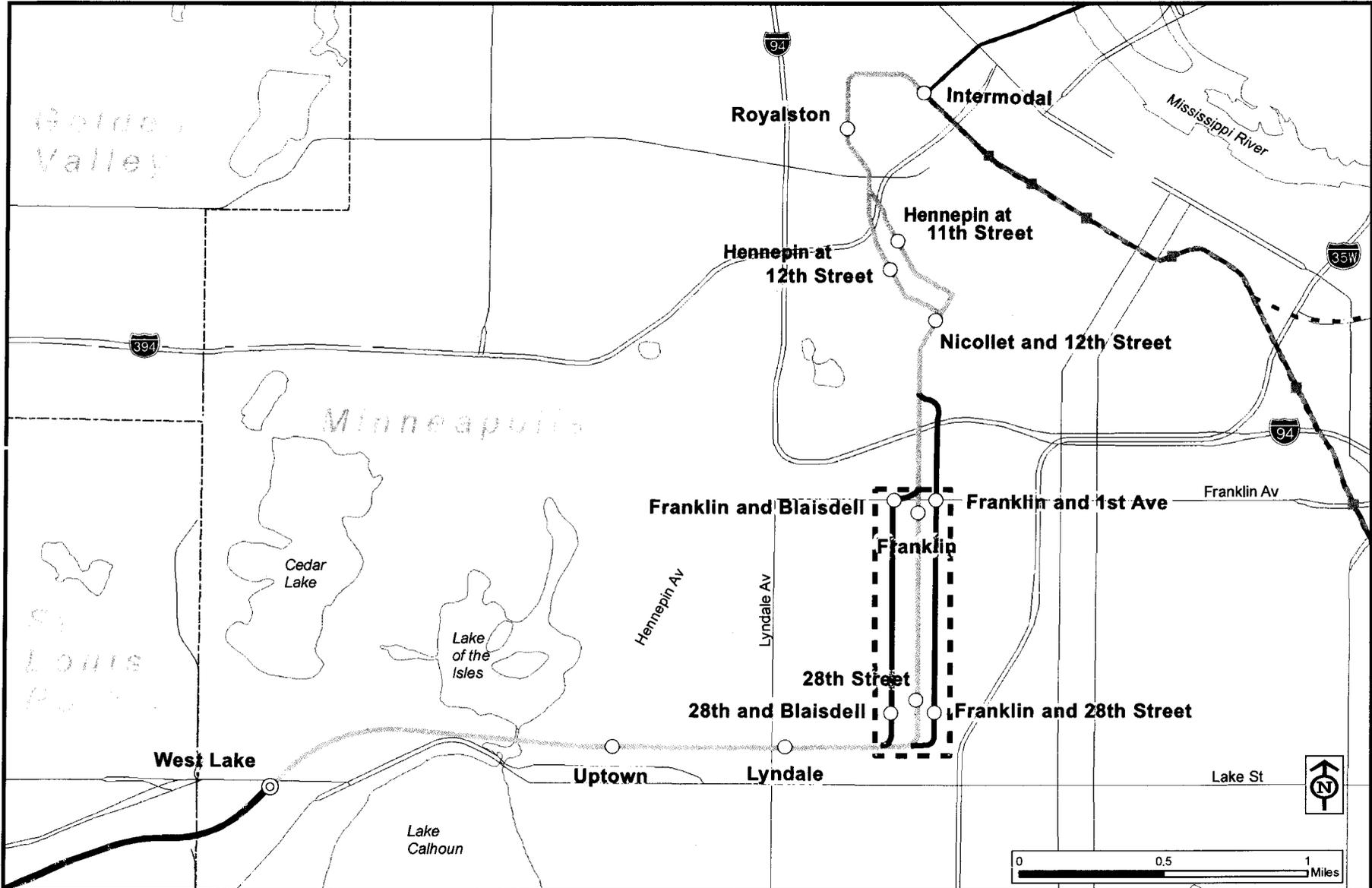
LPA Report

Legend

- Station
- ⊙ Park & Ride Station
- ⊞ Hiawatha LRT Station
- LRT 3C-1 (Nicollet Mall)
- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail



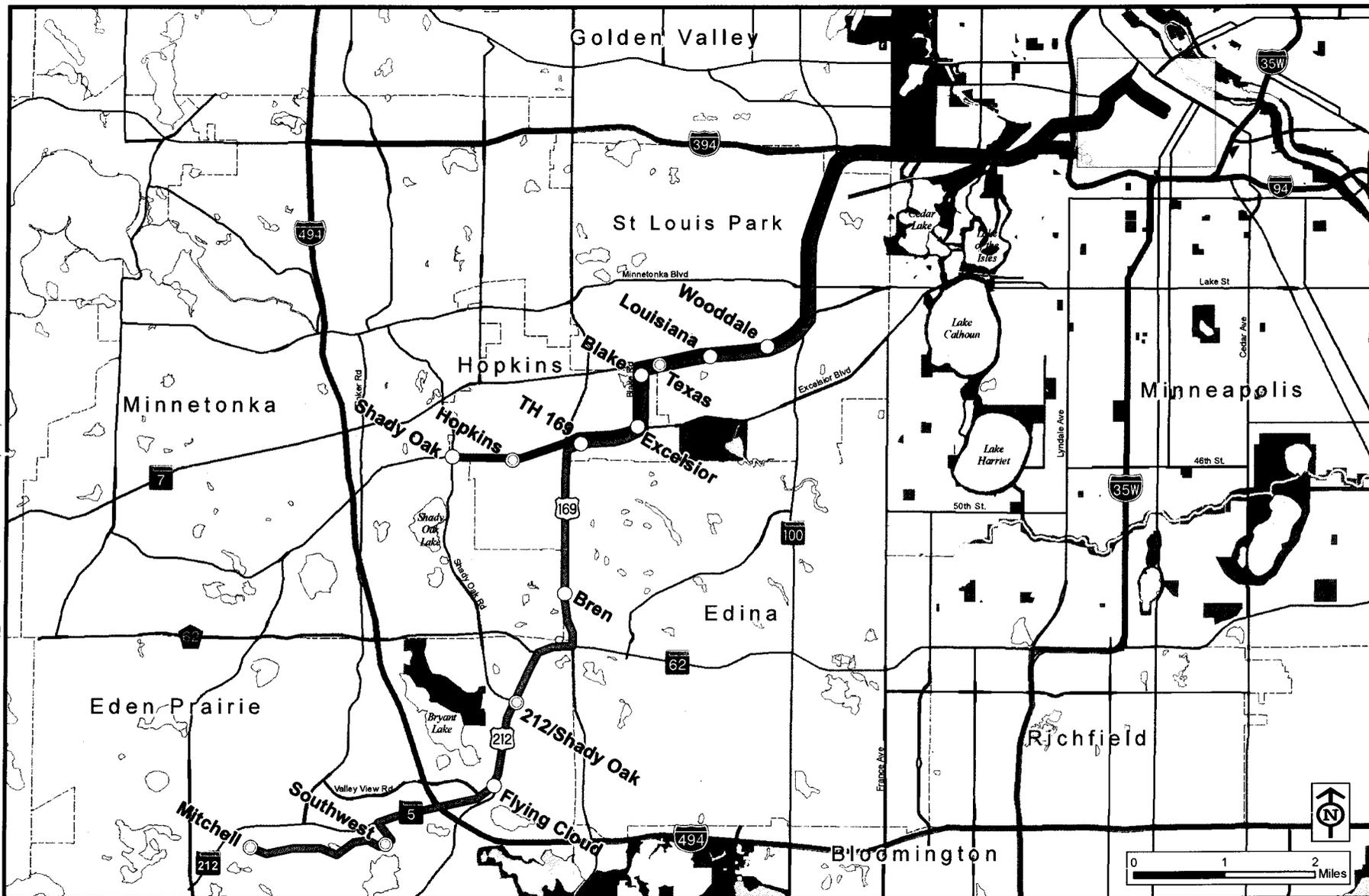
LRT 3C-2 (11th / 12th Street) Alternative



Map Document: (\\mspe-gis-file\GIS\Proj\HennCity\37130\map_d\docs\mxd\TECH_Memo\TechMemo9\Fig2_4_T1M9_A18C2_20090820.mxd) 8/20/2009 cse/s

 <p>LPA Report</p>	Legend		
	<ul style="list-style-type: none"> ○ Station ⊙ Park and Ride Station ■ Hiawatha LRT Station 	<ul style="list-style-type: none"> — Segment C-2 (11th/12th Street) — Segment C-2A (Blaisdell Avenue) — Segment C-2B (1st Avenue) — Segment 4 	<ul style="list-style-type: none"> — Tunnel Area — Hiawatha Light Rail — Northstar Commuter Rail — Central Corridor Light Rail

TSM/Baseline Alternative



Map Document: (\\mnpse-gis-file\gisproj\HennCity\187130\map_docs\mxd\working_arm\TM 5 Maps\TSM Baseline Map.mxd)



LPA Report

Legend

- Limited Stop Route A
- Limited Stop Route B
- Downtown Minneapolis
- Proposed Stop
- Proposed Park and Ride Stop

Data Sources: Mn/DOT, LMIC, Metropolitan Council, Mn/DNR



#23

5309 West 70th Street
Edina, MN 55401

September 23, 2009

Ms. Katie Walker
Transit Project Manager
Hennepin County
417 North 4th Street - Suite 320
Minneapolis, MN 55401

Dear Ms Walker:

Enclosed are Xcel Energy's comments regarding the route alternatives proposed for the Southwest Light Rail Transit line. Xcel Energy is supportive of light rail, and recognizes that any route selected will impact Xcel Energy, its facilities, and its ratepayers. However, we have serious concerns about alternative 3C.

Xcel Energy understands that three route options are being considered for the Southwest Light Rail Transit line. The routes under consideration are 1A, 3A, and 3C, with alternate concepts as identified on the Southwest Light Rail Transit web site. At this time, we recommend choosing route 1A or 3A. Route 3C would have significant impacts to our system. Generally speaking, Xcel Energy has extensive underground transmission and distribution facilities on Route 3C along Nicollet Mall. These facilities would be difficult, if not impossible, to relocate because the area is highly congested with underground utility facilities. It would also be very expensive to relocate these facilities. If Route 3C is selected, preliminary estimates to relocate distribution facilities alone on Nicollet Mall would likely exceed \$30 million. The most difficult area on Route 3C from Xcel Energy's perspective is in the downtown area on Nicollet Mall from Grant Street to Washington Avenue. The number of facilities that would be impacted on this section of Nicollet Mall exceed the number of facilities impacted and the complexities experienced on Fifth Street during the Hiawatha Light Rail Transit project.

Xcel Energy is happy to meet with light rail planners to discuss in greater detail the impacts to our system resulting from any or all of the routes currently being evaluated. Further, we would be able to share in greater detail the facilities we have in this area and potential costs to relocate such facilities.

Thank you for the opportunity to comment on the Southwest Light Rail Transit route alternatives. We look forward to working with you in the future.

Sincerely,

Patrick Cline
Director, Community Relations
Xcel Energy



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606
312-353-2789
312-886-0351 (fax)

November 6, 2009

Ms. Britta Bloomberg
Deputy State Historic Preservation Officer
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102-1903

Re: Southwest Corridor Transit Project

Dear Ms. Bloomberg:

The Hennepin County Department of Housing, Community Works and Transit (Hennepin County) and Metropolitan Council are seeking financial assistance from the Federal Transit Administration (FTA) for the Southwest Corridor Transit Project (The Project). The Project would connect downtown Minneapolis with the cities of St. Louis Park, Hopkins, Minnetonka, Edina, and Eden Prairie. A number of alignments and modes (light rail transit and bus rapid transit) are under consideration.

The proposed Project is a Federal undertaking subject to Section 106 of the National Historic Preservation Act and its implementing regulations (36 Code of Federal Regulations (CFR) Part 800). In accordance with 36 CFR Section 800.2(c)(4) of these regulations, FTA has designated Hennepin County to lead the consultation process. This role will include preparing information, analysis, and recommendations regarding the Section 106 consultation process for the Project. The delegated authority to initiate consultation does not extend to the designation of consulting parties or to making determinations of adverse effect.

Ms. Katie Walker of Hennepin County will be contacting your office to initiate the Section 106 process for the Project. If you have any question, please contact Bill Wheeler at (312) 353-2639.

Sincerely,

A handwritten signature in black ink, appearing to read "Marisol R. Simon".

Marisol R. Simon
Regional Administrator

cc: Katie Walker, Hennepin County



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

#25

November 25, 2009

AT Rusty Stafne, Chairman
Fort Peck Tribes
501 Medicine Bear Road
P.O. Box 1027
Poplar, Montana 59255

Re: Central Corridor Light Rail Transit Project

Dear Chairman Stafne:

The Federal Transit Administration (FTA), in cooperation with the Hennepin County Department of Housing, Community Works and Transit (Hennepin County), intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Southwest Corridor Transit Project. A number of alignments and modes (light rail transit and bus rapid transit) are under consideration. The Southwest Corridor Transit Project would connect downtown Minneapolis with the cities of St. Louis Park, Hopkins, Minnetonka, Edina, and Eden Prairie. The DEIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

In accordance with 23 CFR Sections 771.105 (a) and 771.133, the FTA and the Hennepin County will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process. These requirements include, but are not limited to the regulation implementing Section 7 of the Endangered Species Act (50 CFR Part 402), Executive Orders 12898 on Environmental Justice and 11990 on Wetlands, and the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

With this letter, FTA requests the Fort Peck Tribes to identify any concerns regarding the potential impacts of the project, particularly with regard to any potential adverse effects to historic properties.

SW Corridor Tribal Consultation Letter
November 25, 2009
Page 2

Information on this project, including maps, is enclosed for your viewing.

If you wish to acquire additional information about the project or to consult regarding historic properties, please contact Bill Wheeler at (312) 353-2639.

Sincerely,

A handwritten signature in black ink, appearing to read "Marisol R. Simon". The signature is written in a cursive style with a horizontal line underlining the name.

Marisol R. Simon
Regional Administrator

Enclosure

cc: Katie Walker, Hennepin County

Description of Alternatives

LRT 1A

LRT 1A travels between TH 5 in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the Hennepin County Regional Railroad Authority (HCRRA) property through St. Louis Park, Hopkins, Minnetonka and Eden Prairie terminating at TH 5 and the HCRRA's property.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Rowland Road, TH 62, and TH 5.

LRT 3A

LRT 3A travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the HCRRA property through St. Louis Park and Hopkins to a new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

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LRT 3C-1 (Nicollet Mall)

LRT 3C-1 (Nicollet Mall) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate between downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via Nicollet Mall to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street), the Midtown corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at 4th Street, 8th Street, 12th Street, Franklin Avenue, 28th Street, Lyndale Avenue, Hennepin Avenue (Uptown), West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-2 (11th/12th Street)

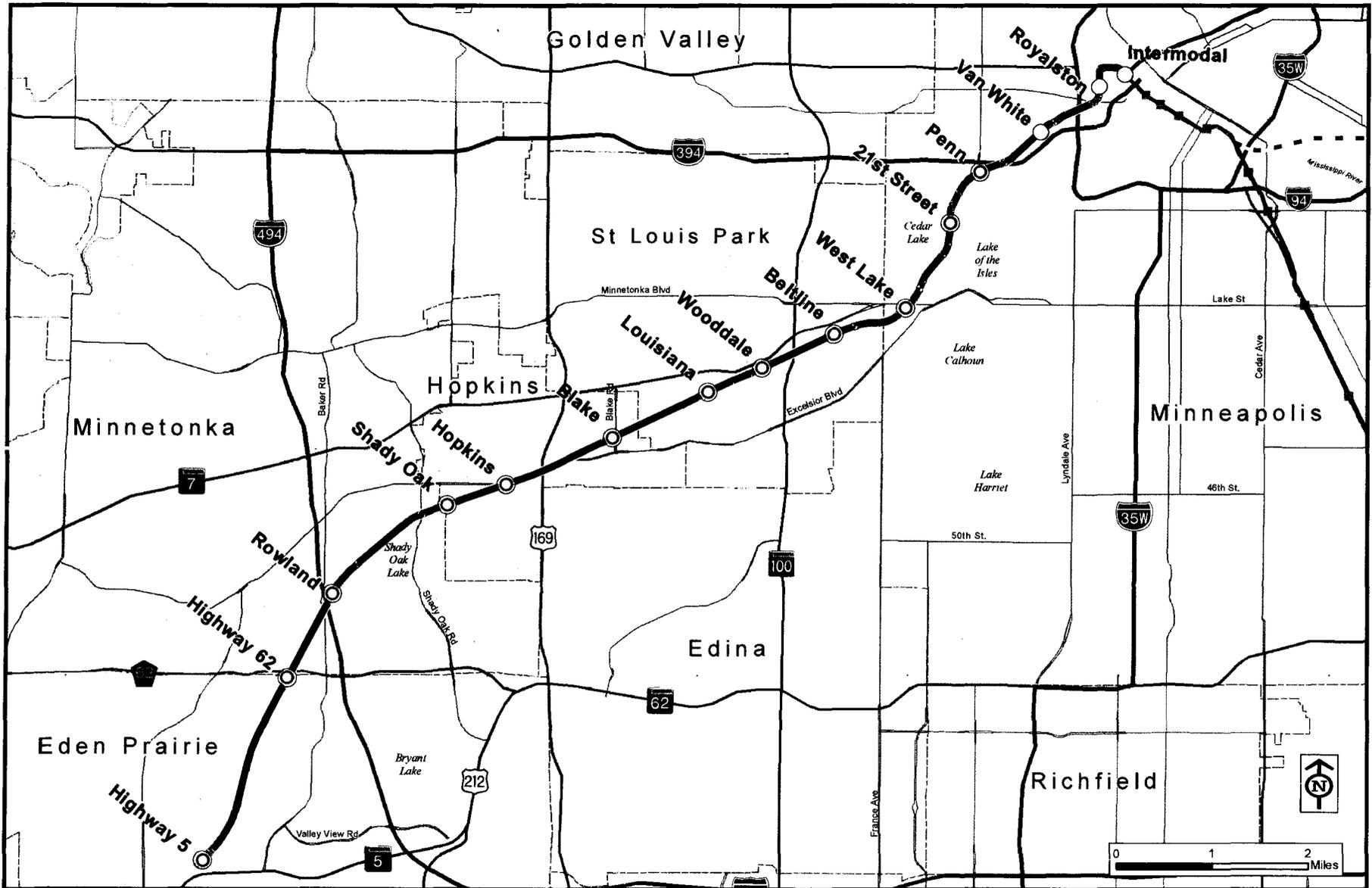
LRT 3C-2 (11th/12th Street) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

LRT 3C-2 (11th/12th Street) would operate on the same alignment as LRT 3C-1 (Nicollet Mall) alternative between the West Lake Station in Minneapolis and Eden Prairie (see LRT 3C-1 graphic). At the Midtown Corridor in the vicinity of Nicollet Avenue, the alignment would travel either under Nicollet Avenue, Blaisdell Avenue, or 1st Avenue in a tunnel between the Midtown Corridor and Franklin Avenue. Generally, north of Franklin Avenue, it would operate on-street to the vicinity of 11th/12th Street where it would turn west onto 11th Street operating as a one-way pair between Nicollet Mall and Royalston Avenue. At Royalston, the alternative would use the same routing as the LRT 1A and LRT 3A alternatives, which interline with the Hiawatha and/or Central LRT lines on 5th Street.

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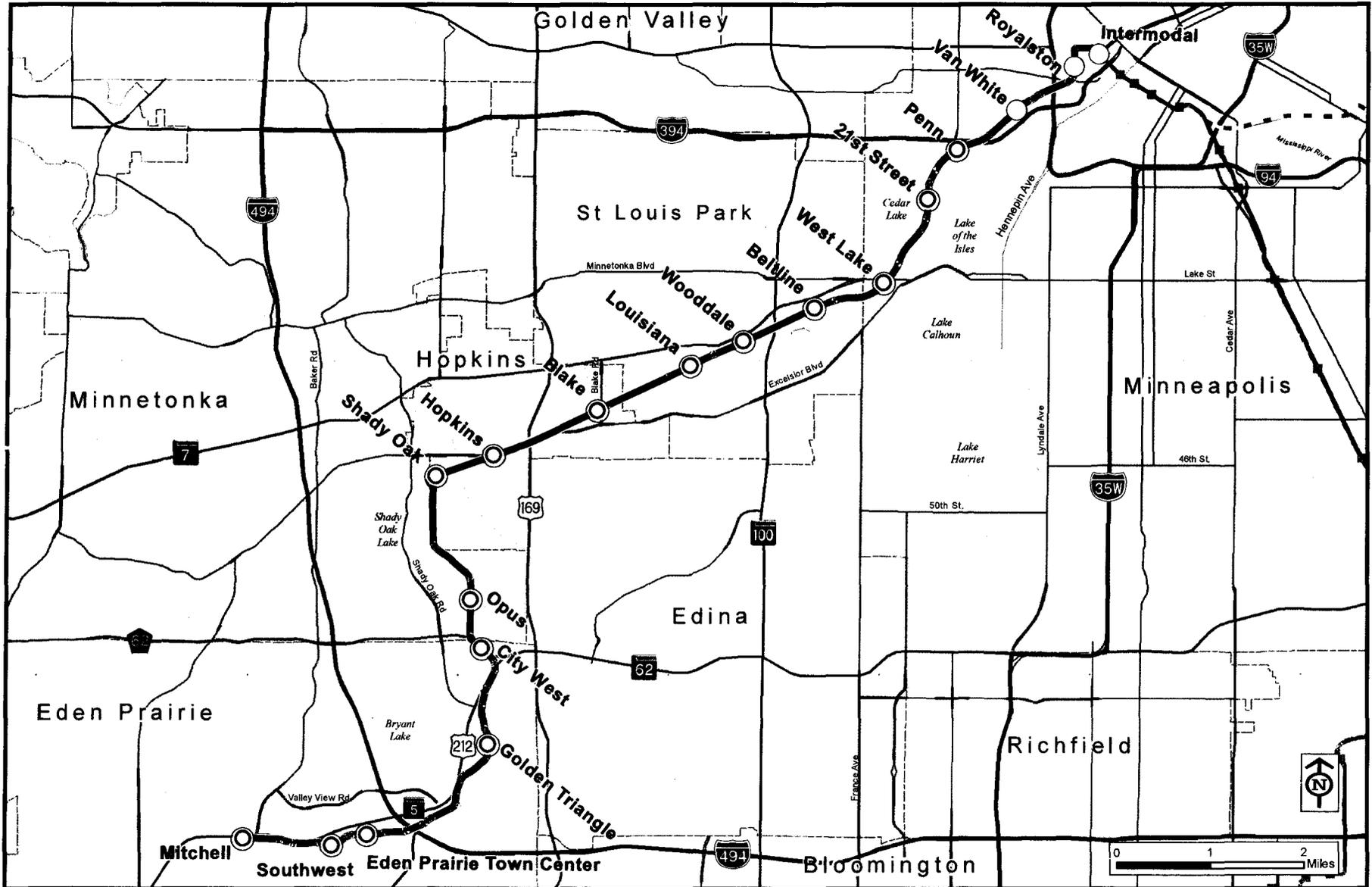
LRT 1A Alternative



Map Document: (\\mspe-gis-file\GIS\Proj\HennCity\87130\map_20090617_mxd\1_TMB_A\1A_20090617_mxd\6_23\2009_csers

 <h2>LPA Report</h2>	Legend	
	<ul style="list-style-type: none"> ○ Station ⊙ Park & Ride Station ■ Hiawatha LRT Station 	<ul style="list-style-type: none"> — LRT 1A --- Hiawatha Light Rail — Northstar Commuter Rail - - - Central Corridor Light Rail

LRT 3A Alternative

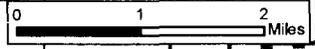


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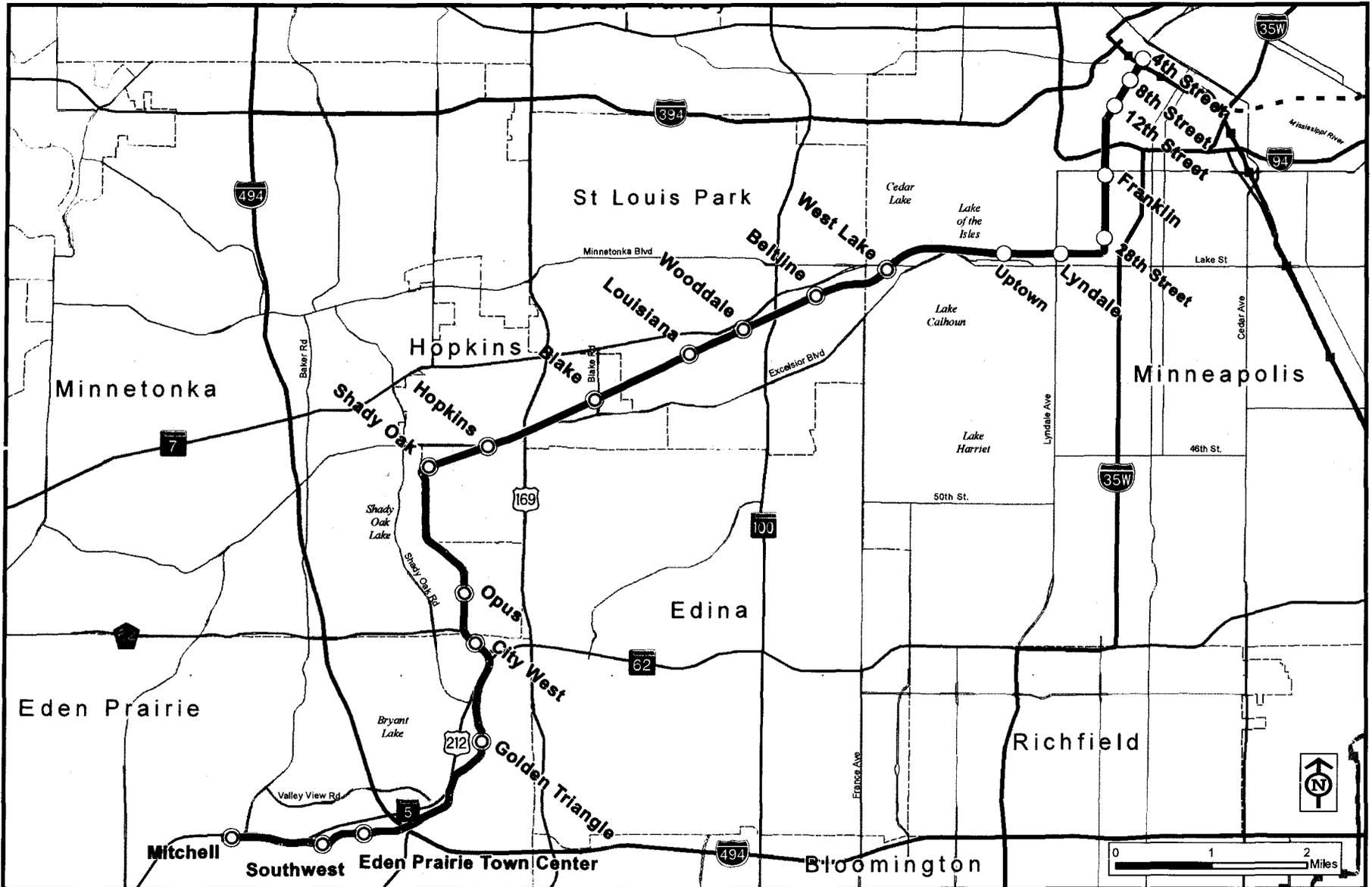


LPA Report

- Legend**
- Station
 - ⊙ Park & Ride Station
 - Hiawatha LRT Station
 - LRT 3A
 - Hiawatha Light Rail
 - Northstar Commuter Rail
 - - Central Corridor Light Rail



LRT 3C-1 (Nicollet Mall) Alternative



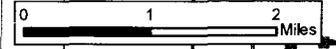
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LPA Report

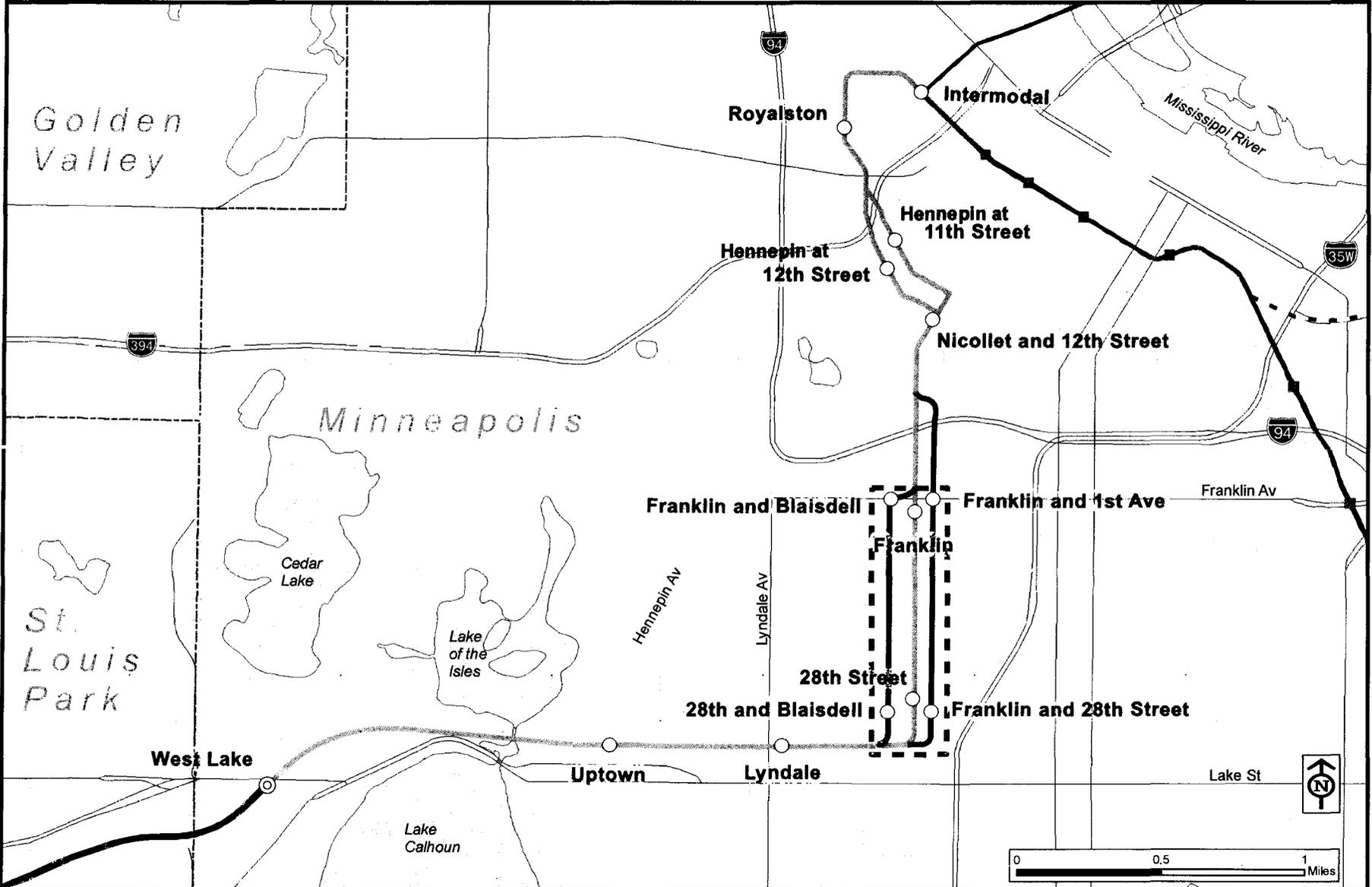
Legend

- Station
- ⊙ Park & Ride Station
- ⊠ Hiawatha LRT Station
- LRT 3C-1 (Nicollet Mall)
- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail



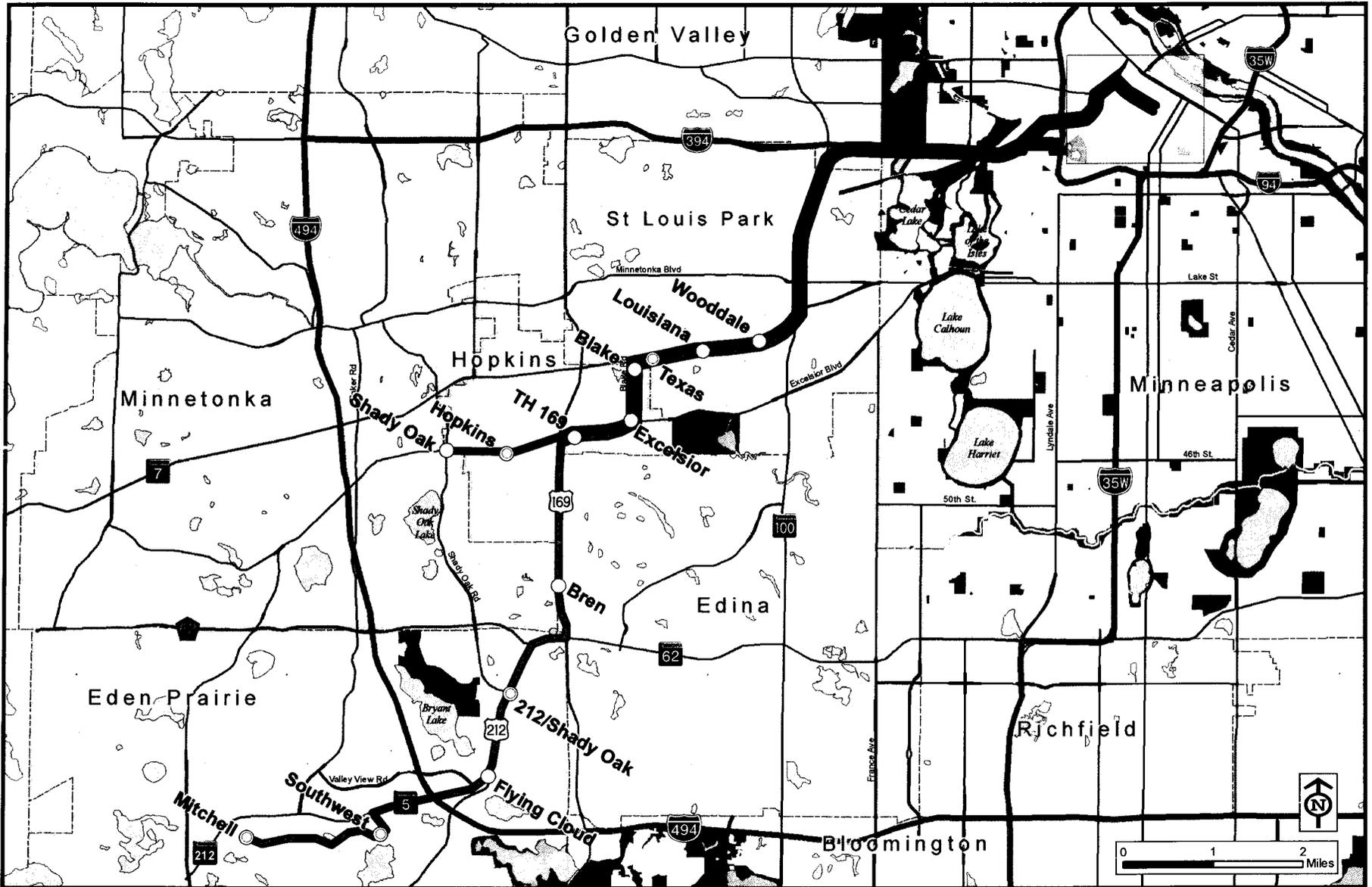
LRT 3C-2 (11th / 12th Street) Alternative

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<p>SOUTHWEST transit</p>	<p>Legend</p>		
	<p>○ Segment C-2 Stations</p> <p>⊙ Park and Ride Station</p> <p>■ Hiawatha LRT Station</p>	<p>--- Segment C-2 (11th/12th Street)</p> <p>— Segment C-2A (Blaisdell Avenue)</p> <p>— Segment C-2B (1st Avenue)</p> <p>— Segment 4</p>	<p>--- Tunnel Area</p> <p>— Hiawatha Light Rail</p> <p>— Northstar Commuter Rail</p> <p>- - Central Corridor Light Rail</p>
<p>LPA Report</p>		<p>0 0.5 1 Miles</p>	

TSM/Baseline Alternative



Map Document: (unspec-gis-file(gisapp)\HennCity\87130\map_docs\mxd\working_aml\TM 5 Maps\TSM Baseline Map.mxd)



LPA Report

Legend

- Limited Stop Route A
- Limited Stop Route B
- Downtown Minneapolis
- Proposed Stop
- Proposed Park and Ride Stop

Data Sources: Mn/DOT, LMIC, Metropolitan Council, Mn/DNR



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

November 25, 2009

Roger Trudell, Chairman
Santee Sioux Nation
108 Spirit Lake Avenue West
Niobrara, Nebraska 68760-7219

Re: Central Corridor Light Rail Transit Project

Dear Chairman Trudell:

The Federal Transit Administration (FTA), in cooperation with the Hennepin County Department of Housing, Community Works and Transit (Hennepin County), intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Southwest Corridor Transit Project. A number of alignments and modes (light rail transit and bus rapid transit) are under consideration. The Southwest Corridor Transit Project would connect downtown Minneapolis with the cities of St. Louis Park, Hopkins, Minnetonka, Edina, and Eden Prairie. The DEIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

In accordance with 23 CFR Sections 771.105 (a) and 771.133, the FTA and the Hennepin County will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process. These requirements include, but are not limited to the regulation implementing Section 7 of the Endangered Species Act (50 CFR Part 402), Executive Orders 12898 on Environmental Justice and 11990 on Wetlands, and the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

With this letter, FTA requests the Santee Sioux Nation to identify any concerns regarding the potential impacts of the project, particularly with regard to any potential adverse effects to historic properties.

SW Corridor Tribal Consultation Letter
November 25, 2009
Page 2

Information on this project, including maps, is enclosed for your viewing.

If you wish to acquire additional information about the project or to consult regarding historic properties, please contact Bill Wheeler at (312) 353-2639.

Sincerely,

A handwritten signature in black ink, appearing to read "Marisol R. Simon". The signature is fluid and cursive, with the first name being the most prominent.

Marisol R. Simon
Regional Administrator

Enclosure

cc: Katie Walker, Hennepin County

Description of Alternatives

LRT 1A

LRT 1A travels between TH 5 in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the Hennepin County Regional Railroad Authority (HCRRA) property through St. Louis Park, Hopkins, Minnetonka and Eden Prairie terminating at TH 5 and the HCRRA's property.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Rowland Road, TH 62, and TH 5.

LRT 3A

LRT 3A travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the HCRRA property through St. Louis Park and Hopkins to a new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-1 (Nicollet Mall)

LRT 3C-1 (Nicollet Mall) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate between downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via Nicollet Mall to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street), the Midtown corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at 4th Street, 8th Street, 12th Street, Franklin Avenue, 28th Street, Lyndale Avenue, Hennepin Avenue (Uptown), West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-2 (11th/12th Street)

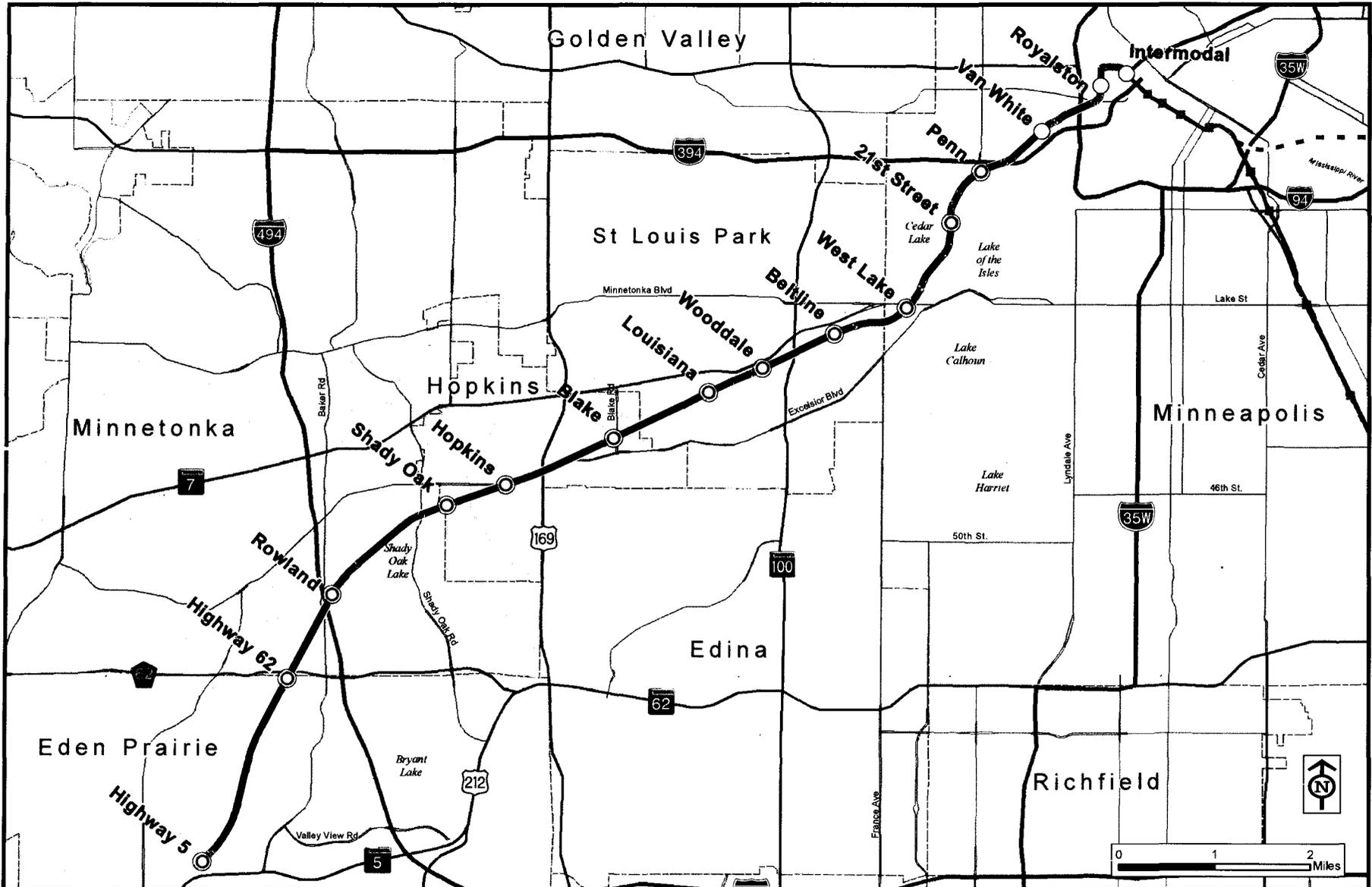
LRT 3C-2 (11th/12th Street) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

LRT 3C-2 (11th/12th Street) would operate on the same alignment as LRT 3C-1 (Nicollet Mall) alternative between the West Lake Station in Minneapolis and Eden Prairie (see LRT 3C-1 graphic). At the Midtown Corridor in the vicinity of Nicollet Avenue, the alignment would travel either under Nicollet Avenue, Blaisdell Avenue, or 1st Avenue in a tunnel between the Midtown Corridor and Franklin Avenue. Generally, north of Franklin Avenue, it would operate on-street to the vicinity of 11th/12th Street where it would turn west onto 11th Street operating as a one-way pair between Nicollet Mall and Royalston Avenue. At Royalston, the alternative would use the same routing as the LRT 1A and LRT 3A alternatives, which interline with the Hiawatha and/or Central LRT lines on 5th Street.

Stations are proposed at Royalston Avenue, 11th Street/Hennepin Avenue, 12th Street/Hawthorne Avenue, 12th Street/Nicollet Mall, Franklin Avenue and either Blaisdell Avenue or 1st Avenue, and 28th Street and either Blaisdell Avenue or 1st Avenue. And similar to LRT 3C-1 (Nicollet Mall) West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

The LRT 3C (11th/12th Street) alternative proposes to use either a tunnel under Nicollet Avenue with optional routes on Blaisdell or 1st Avenue between the Midtown Corridor and Franklin Avenue. For the Blaisdell Avenue option, the LRT would exit the tunnel at Blaisdell and Franklin and then transition across the Plymouth Congregational Church property to enter center running operations on Nicollet Avenue. The LRT would operate in the center of Nicollet Avenue to 12th Street. For the 1st Avenue option, the LRT would exit the tunnel north of Franklin and operate center running on 1st Avenue to 16th Street where it would transition diagonally across the City of Minneapolis meter farm entering Nicollet Avenue at 15th Street for center running operations to 12th Street. At 12th Street under all options the LRT would as a one-way couplet on 11th and 12th Street rejoining as a two-way configuration on 12th Street at Glenwood, then operating on Royalston Avenue with a short tunnel under 7th Street and through-routing on the Hiawatha/Central LRT tracks on 5th Street in downtown Minneapolis.

LRT 1A Alternative



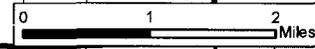
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LPA Report

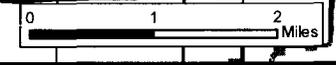
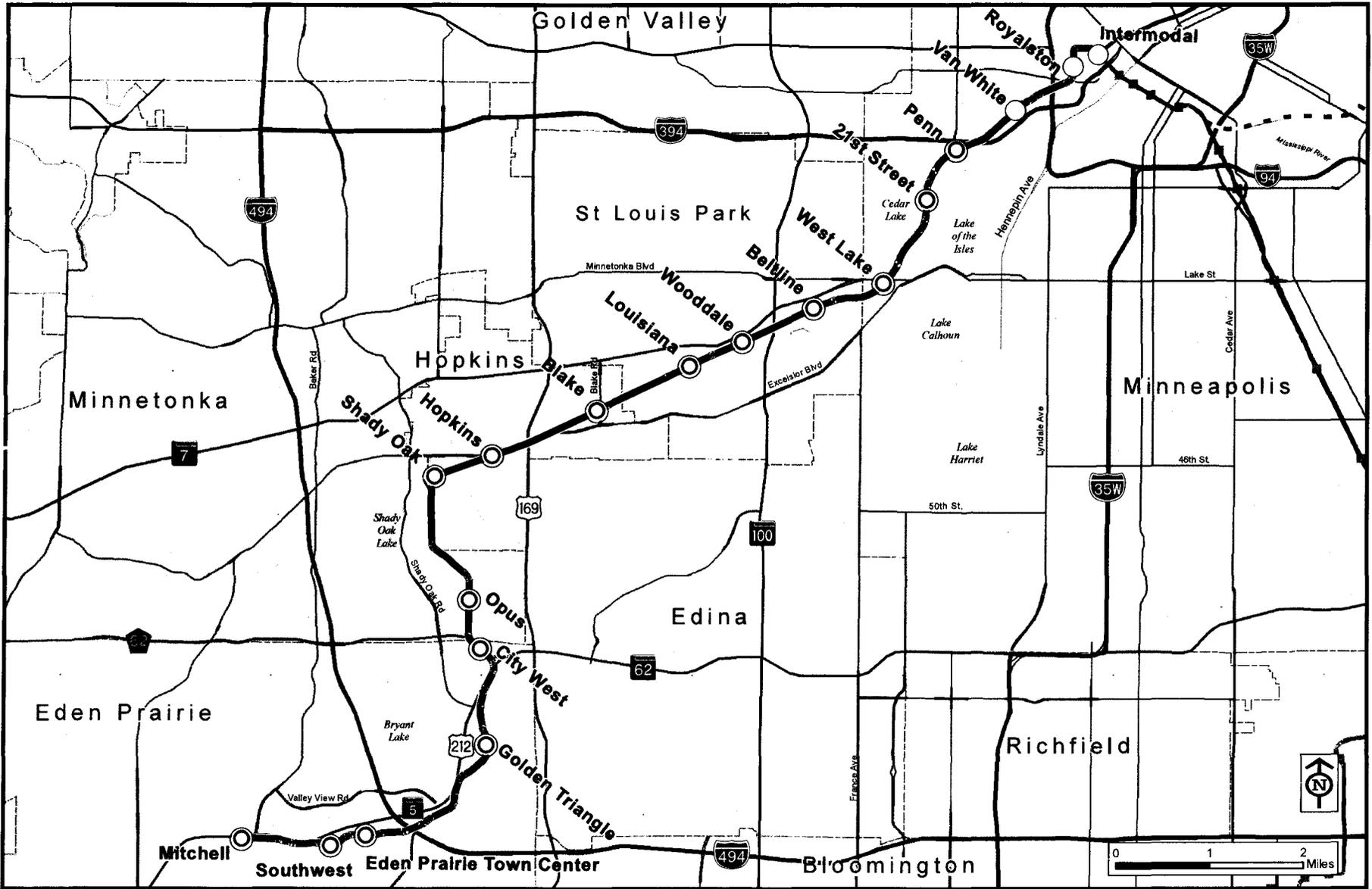
Legend

- Station
- ⊙ Park & Ride Station
- Hiawatha LRT Station
- LRT 1A
- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail



LRT 3A Alternative

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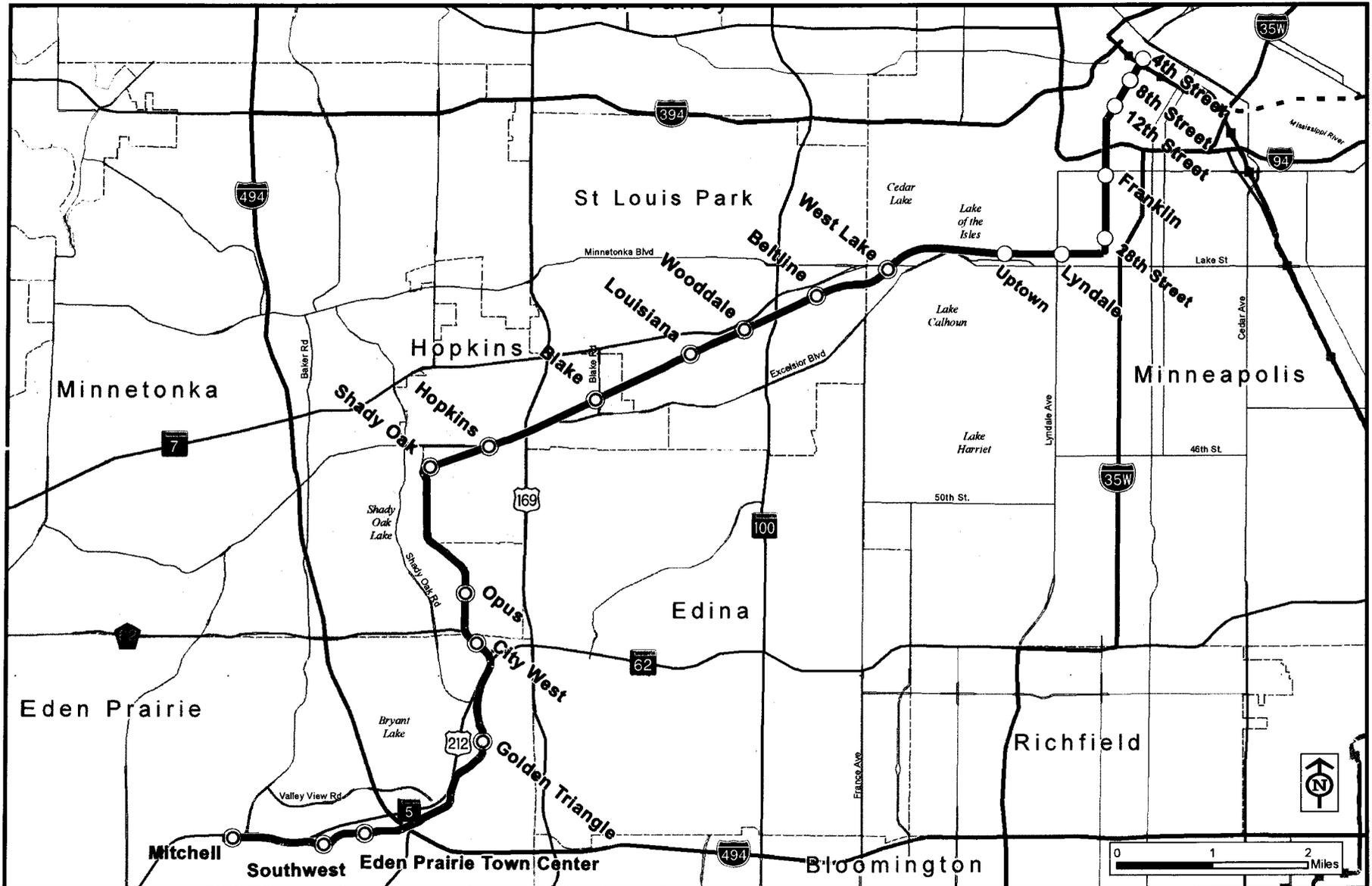
SOUTHWEST
transit

LPA Report

Legend

- Station
- ⊙ Park & Ride Station
- Hiawatha LRT Station
- LRT 3A
- Hiawatha Light Rail
- Northstar Commuter Rail
- - - Central Corridor Light Rail

LRT 3C-1 (Nicollet Mall) Alternative



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LPA Report

Legend

- Station
- ⊙ Park & Ride Station
- Hiawatha LRT Station

— LRT 3C-1 (Nicollet Mall)

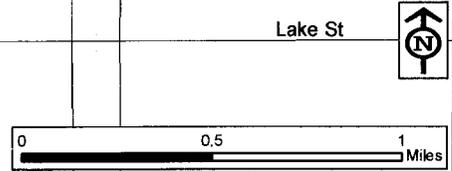
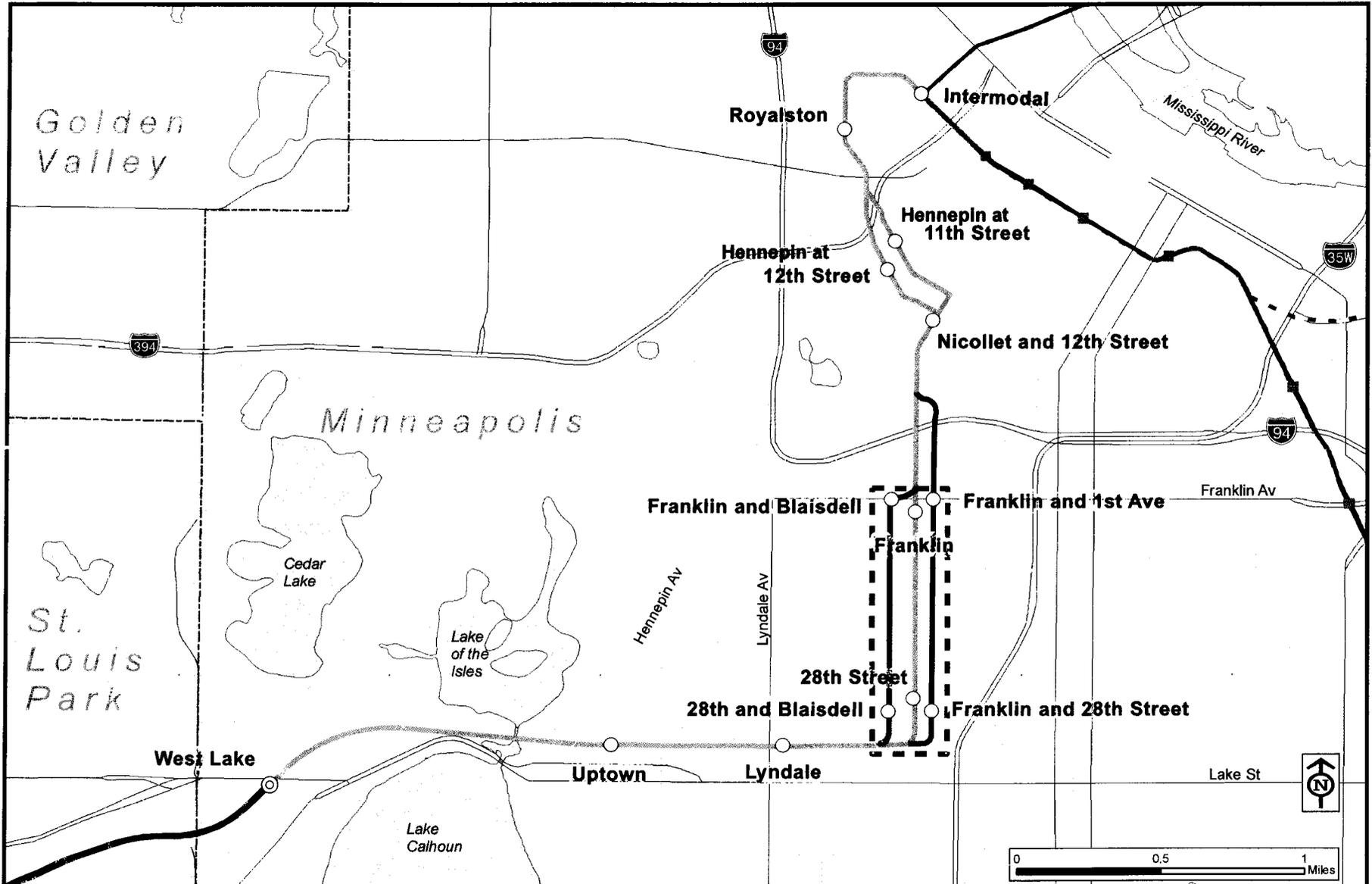
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— Northstar Commuter Rail

- - Central Corridor Light Rail

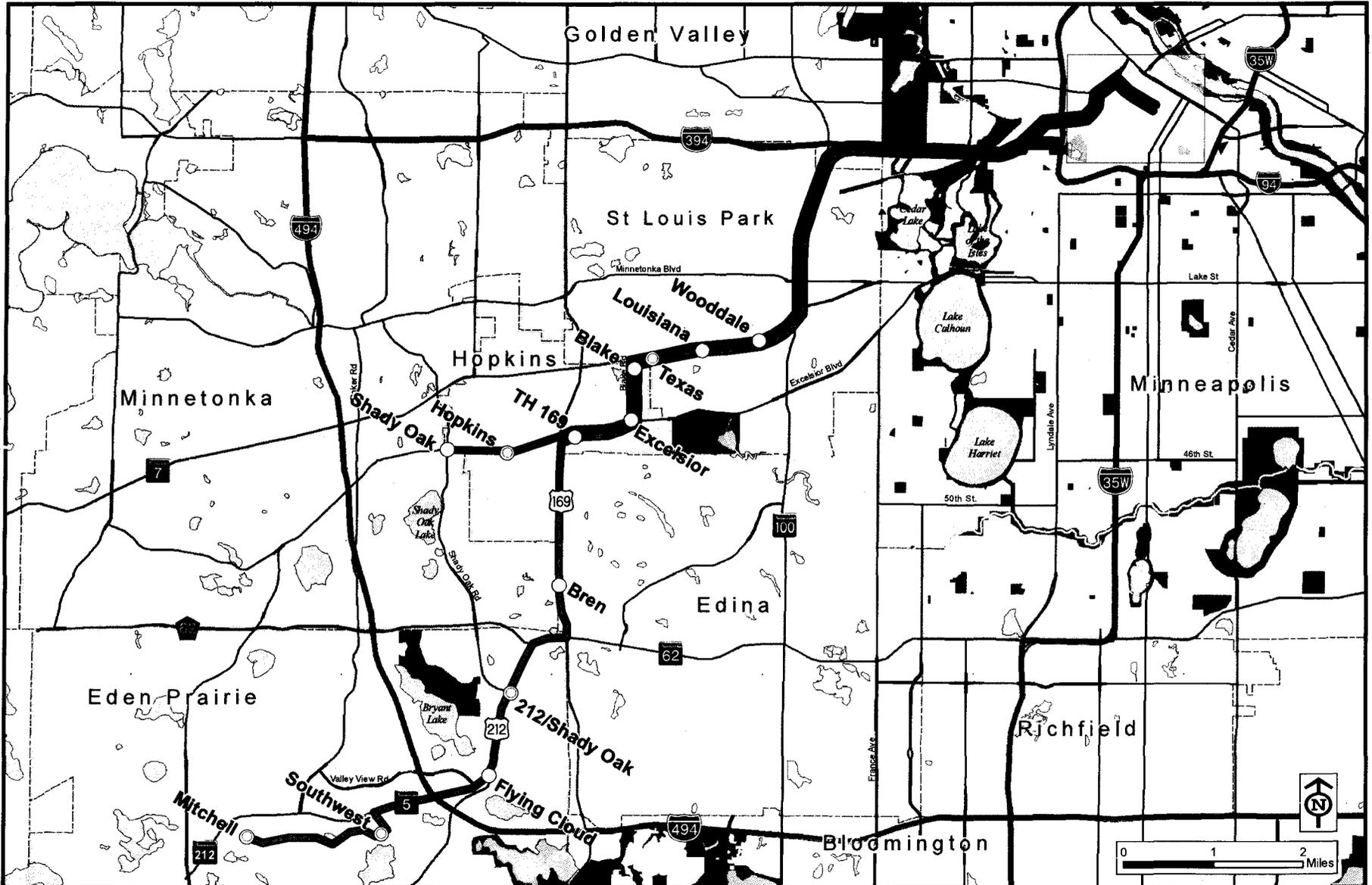
LRT 3C-2 (11th / 12th Street) Alternative

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<p>SOUTHWEST transitway</p> <p>LPA Report</p>	Legend		
	<ul style="list-style-type: none"> ○ Station ⊙ Park and Ride Station ■ Hiawatha LRT Station 	<ul style="list-style-type: none"> — Segment C-2 (11th/12th Street) — Segment C-2A (Blaisdell Avenue) — Segment C-2B (1st Avenue) — Segment 4 	<ul style="list-style-type: none"> ▭ Tunnel Area — Hiawatha Light Rail — Northstar Commuter Rail - - Central Corridor Light Rail

TSM/Baseline Alternative



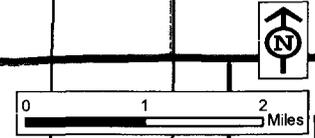
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LPA Report

Legend

- Limited Stop Route A
- Limited Stop Route B
- Downtown Minneapolis
- Proposed Stop
- P Proposed Park and Ride Stop



Data Sources: Mn/DOT, LMIC, Metropolitan Council, Mn/DNR



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
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Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

#27

November 25, 2009

Dianne Desrosiers
Tribal Historic Preservation Office
Sisseton-Wahpeton Oyate
P.O. Box 907
Sisseton, South Dakota 57262

Re: Central Corridor Light Rail Transit Project

Dear Ms. Desrosiers:

The Federal Transit Administration (FTA), in cooperation with the Hennepin County Department of Housing, Community Works and Transit (Hennepin County), intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Southwest Corridor Transit Project. A number of alignments and modes (light rail transit and bus rapid transit) are under consideration. The Southwest Corridor Transit Project would connect downtown Minneapolis with the cities of St. Louis Park, Hopkins, Minnetonka, Edina, and Eden Prairie. The DEIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

In accordance with 23 CFR Sections 771.105 (a) and 771.133, the FTA and the Hennepin County will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process. These requirements include, but are not limited to the regulation implementing Section 7 of the Endangered Species Act (50 CFR Part 402), Executive Orders 12898 on Environmental Justice and 11990 on Wetlands, and the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

With this letter, FTA requests the Sisseton-Wahpeton Oyate to identify any concerns regarding the potential impacts of the project, particularly with regard to any potential adverse effects to historic properties.

SW Corridor Tribal Consultation Letter
November 25, 2009
Page 2

Information on this project, including maps, is enclosed for your viewing.

If you wish to acquire additional information about the project or to consult regarding historic properties, please contact Bill Wheeler at (312) 353-2639.

Sincerely,

A handwritten signature in black ink, appearing to read "Marisol R. Simon". The signature is written in a cursive style with a large initial "M".

Marisol R. Simon
Regional Administrator

Enclosure

cc: Katie Walker, Hennepin County

Description of Alternatives

LRT 1A

LRT 1A travels between TH 5 in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the Hennepin County Regional Railroad Authority (HCRRA) property through St. Louis Park, Hopkins, Minnetonka and Eden Prairie terminating at TH 5 and the HCRRA's property.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Rowland Road, TH 62, and TH 5.

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This alternative would operate between downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via Nicollet Mall to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street), the Midtown corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at 4th Street, 8th Street, 12th Street, Franklin Avenue, 28th Street, Lyndale Avenue, Hennepin Avenue (Uptown), West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-2 (11th/12th Street)

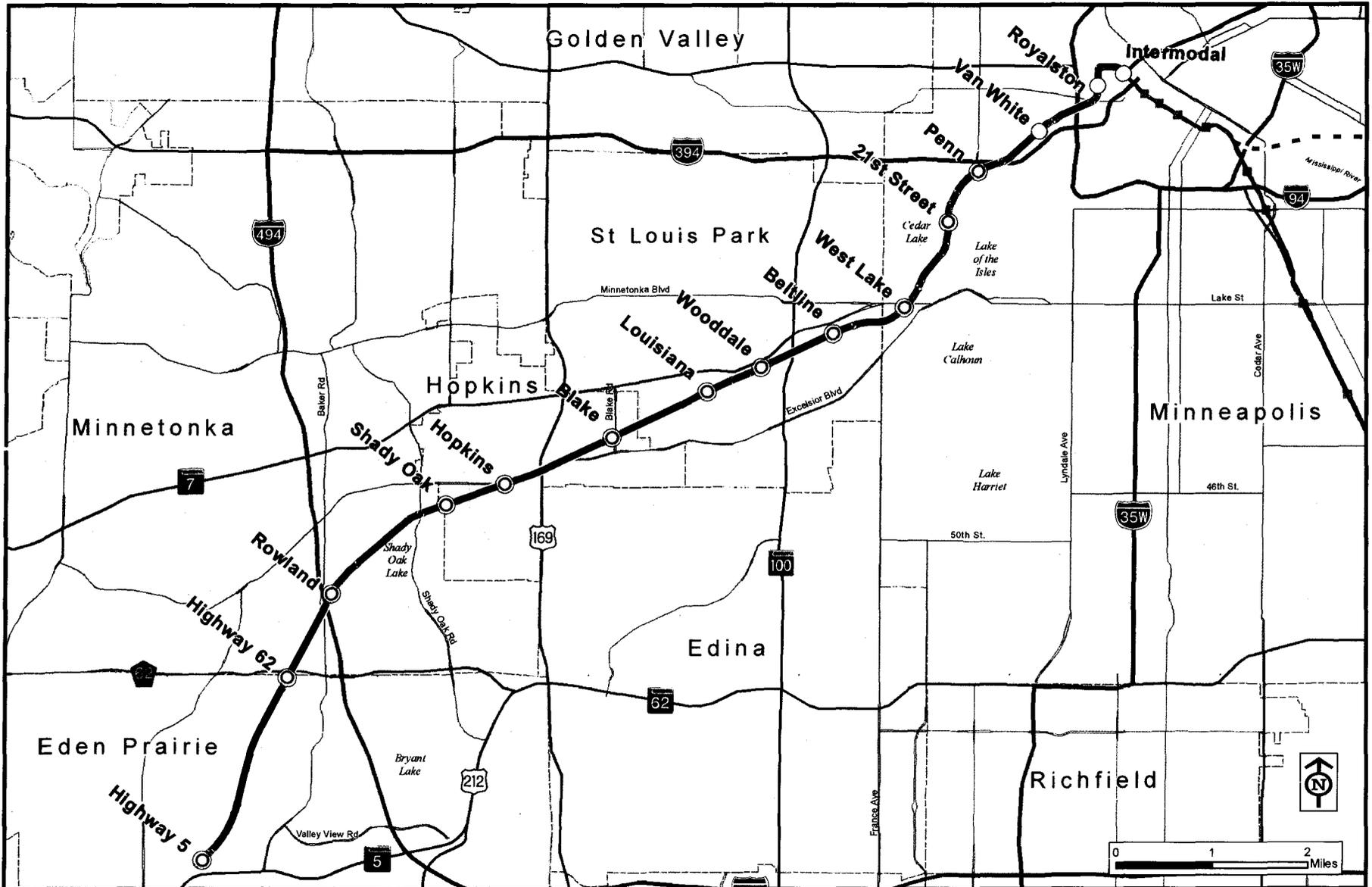
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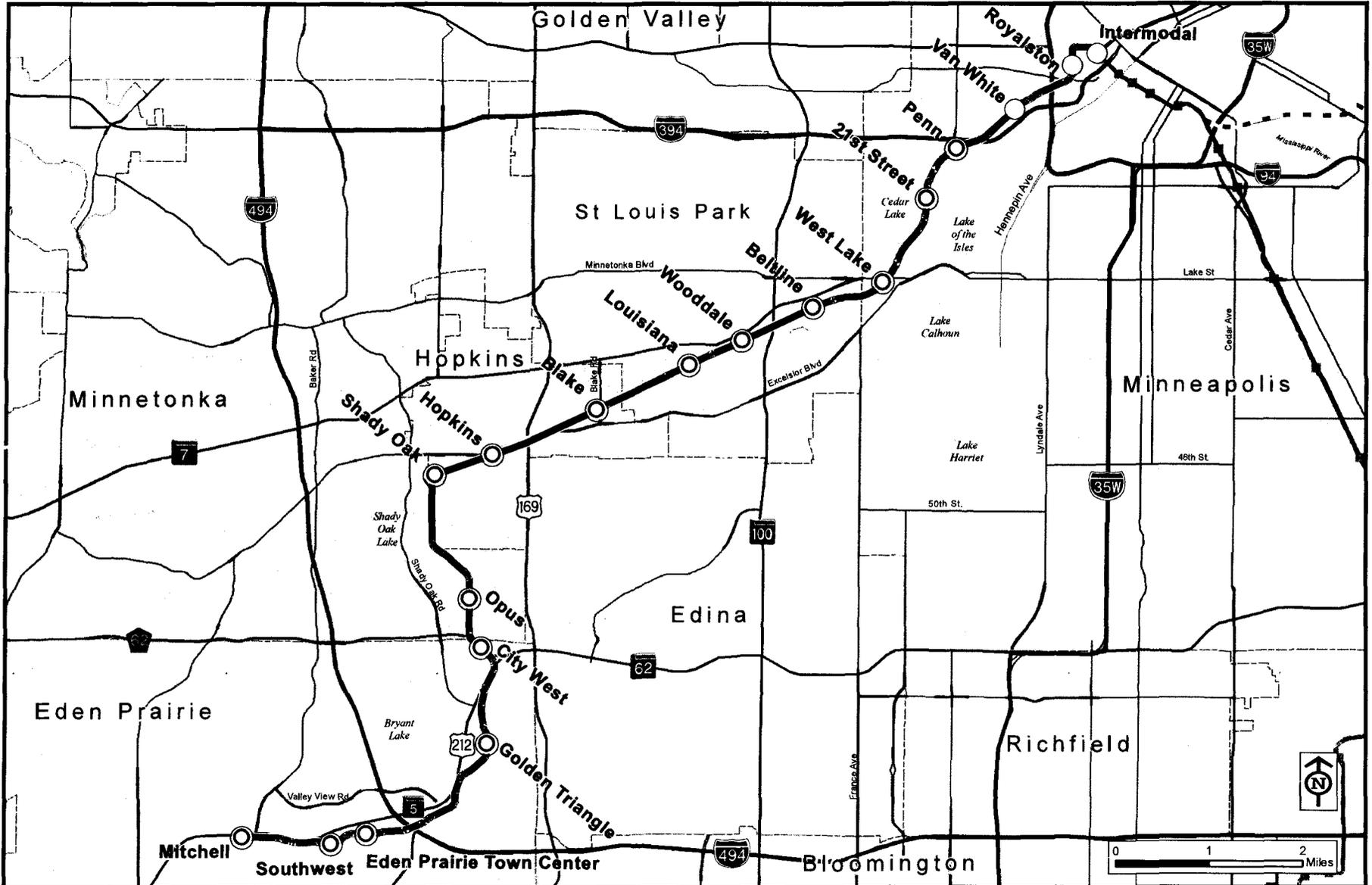
LRT 1A Alternative



Map Document: (\\mspe-gis\file\GIS\Proj\HennCly\87130\map_docs\mxd\TECH_MEMO\TechMemo6\Fig2-1_TM6_Alt1A_20090617.mxd) 6/23/2009 csers

 <p>LPA Report</p>	<p>Legend</p> <ul style="list-style-type: none"> ○ Station ⊙ Park & Ride Station ■ Hiawatha LRT Station — LRT 1A — Hiawatha Light Rail — Northstar Commuter Rail - - Central Corridor Light Rail
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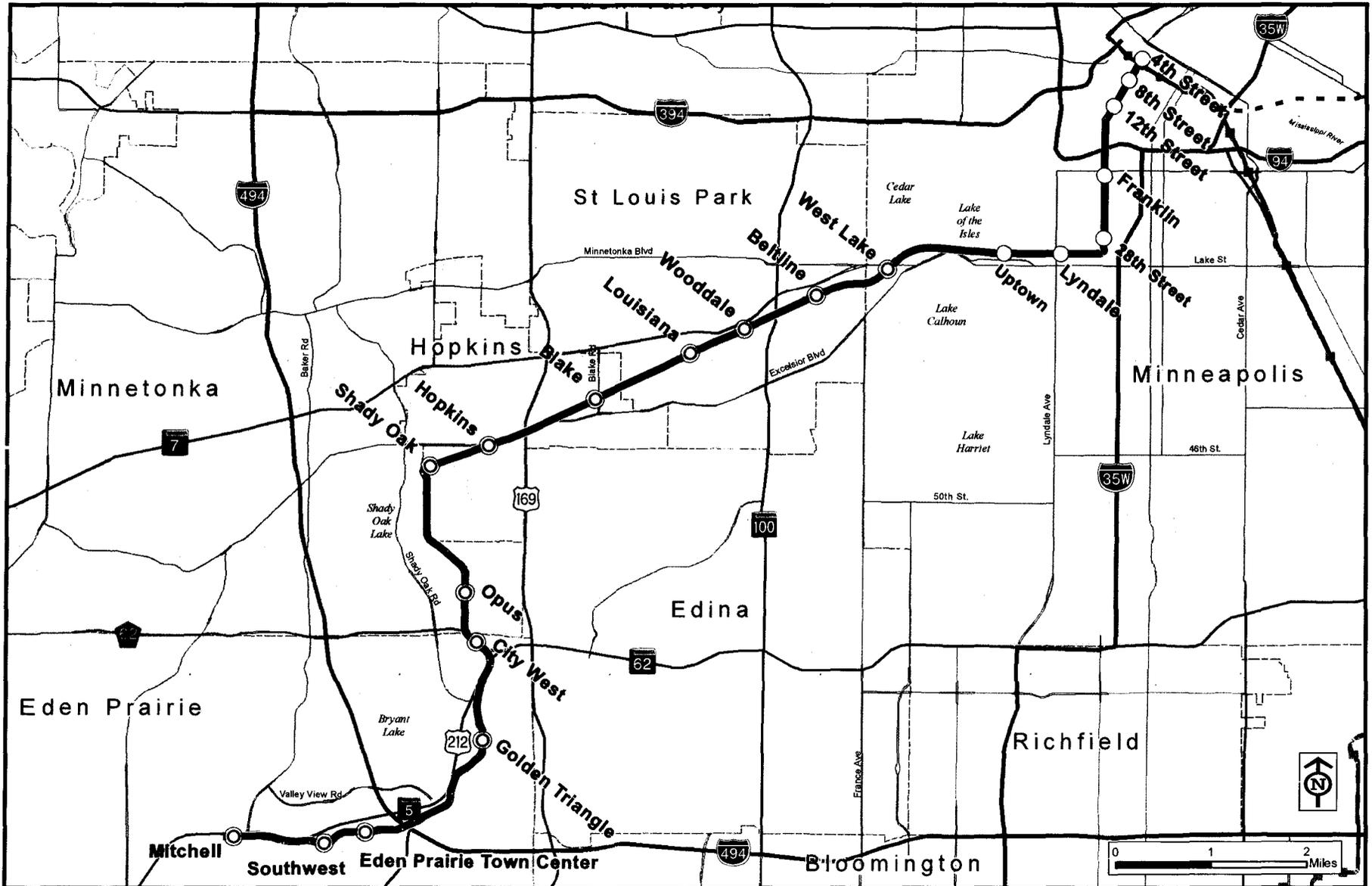
LRT 3A Alternative



Map Document: (\\mspe-gis-file\GISProj\HennCity\87130\map_docs\mxd\TECH_MEMO\TechMemo9\Fig2-2_TM9_Alt3A_20090820.mxd) 8/21/2009 csers

 <p>LPA Report</p>	<p>Legend</p> <ul style="list-style-type: none"> ○ Station ⊙ Park & Ride Station ■ Hiawatha LRT Station — LRT 3A — Hiawatha Light Rail — Northstar Commuter Rail - - Central Corridor Light Rail
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LRT 3C-1 (Nicollet Mall) Alternative



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LPA Report

Legend

- Station
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- Hiawatha LRT Station

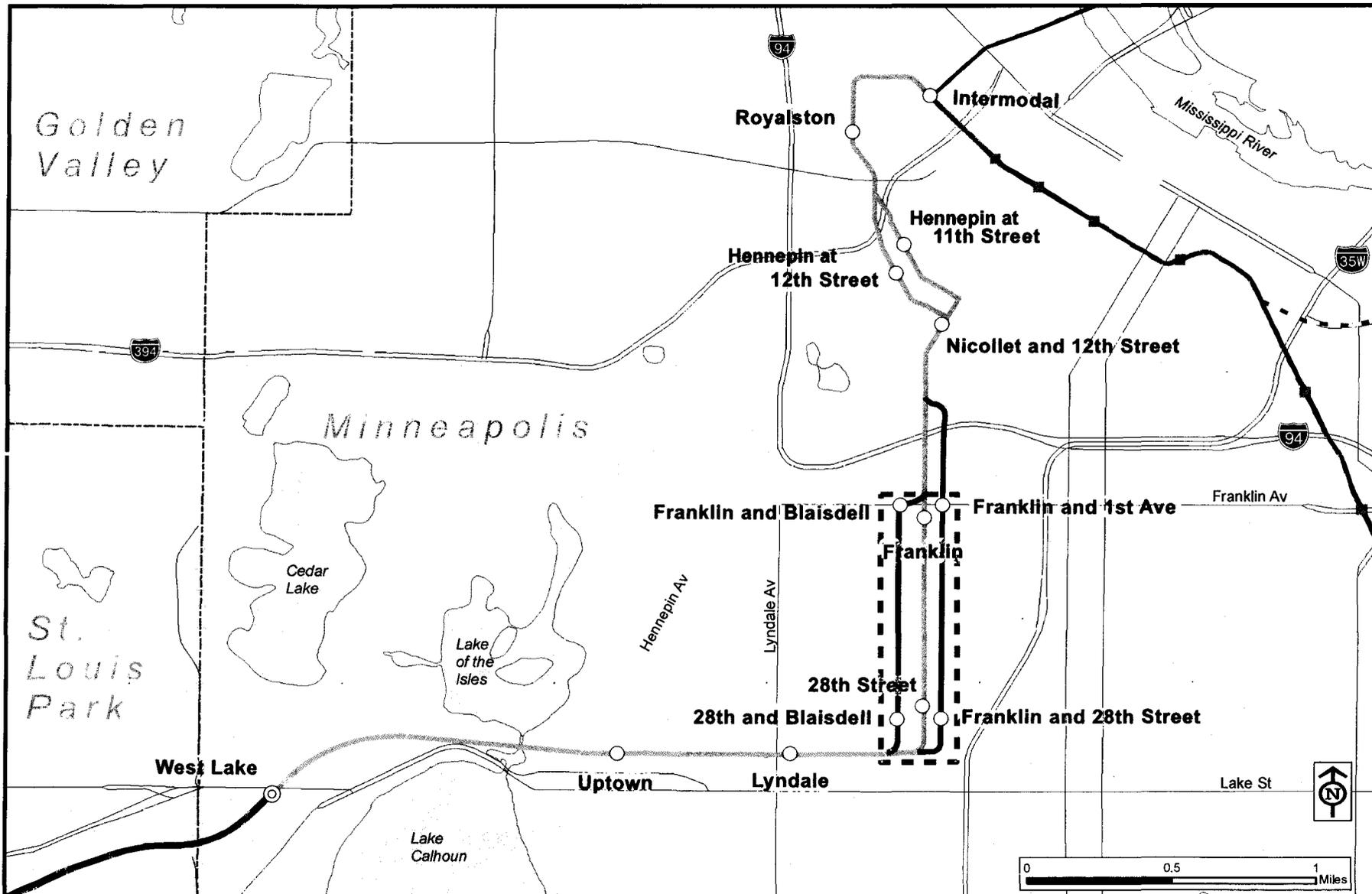
— LRT 3C-1 (Nicollet Mall)

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— Northstar Commuter Rail

- - - Central Corridor Light Rail

LRT 3C-2 (11th / 12th Street) Alternative

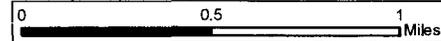


Map Document: (\\mspe-gis-file\GIS\Projects\Hennepin\MapDocs\mxd\TECH_MEMO\TechMemo\Fig2-4_TM9_AltC2_20050820.mxd) 8/20/2009 csers

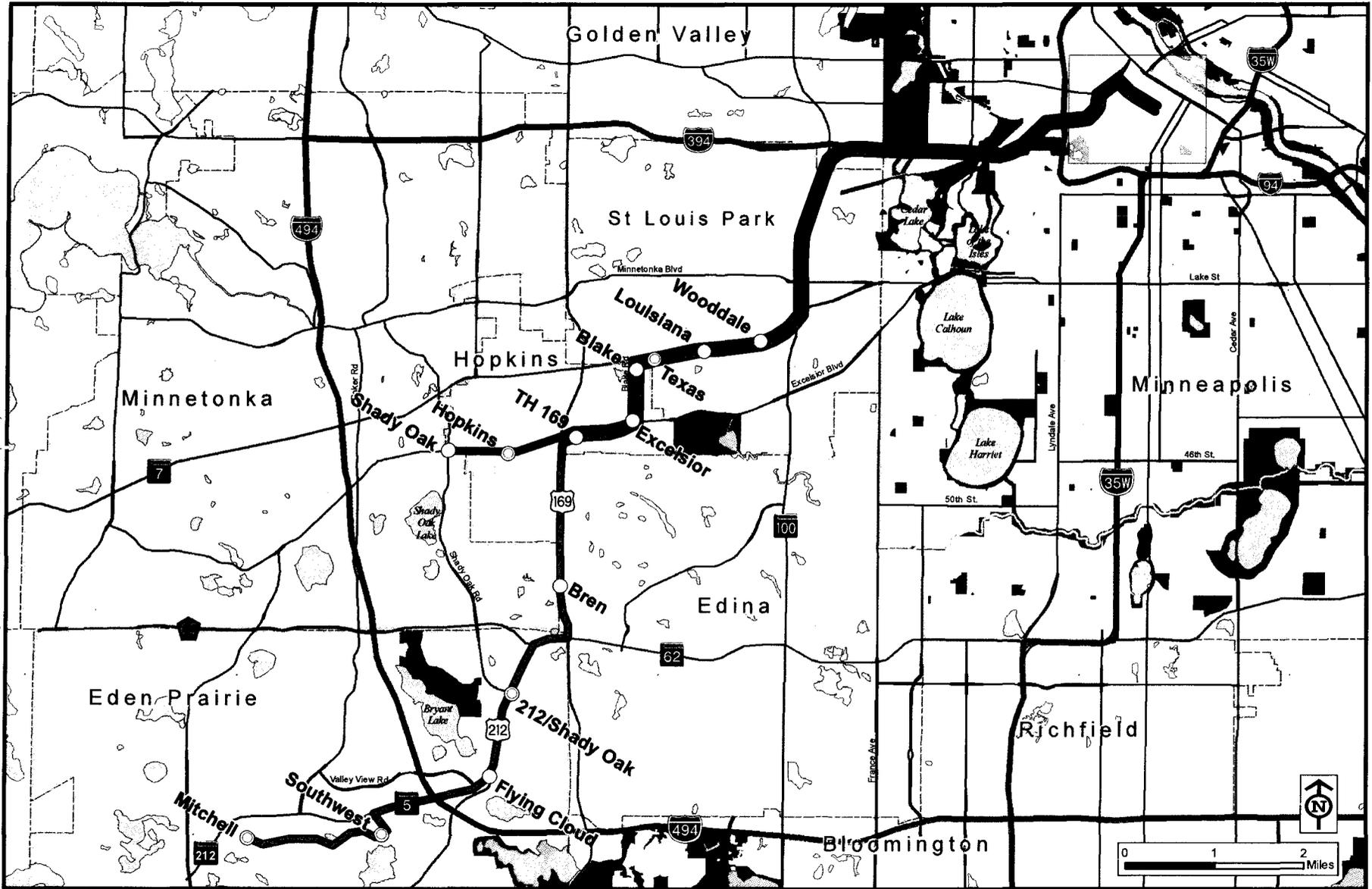


LPA Report

Legend		
○ Station	--- Segment C-2 (11th/12th Street)	▭ Tunnel Area
⊙ Park and Ride Station	— Segment C-2A (Blaisdell Avenue)	— Hiawatha Light Rail
■ Hiawatha LRT Station	— Segment C-2B (1st Avenue)	— Northstar Commuter Rail
	— Segment 4	- - Central Corridor Light Rail



TSM/Baseline Alternative



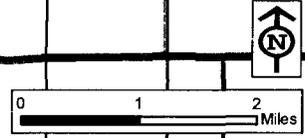
Map Document: (\\mspe-gis-file\gispro)\Hennr\City\87130\map_docs\mxd\working_arm\TM 5 Maps\TSM Baseline Map.mxd



LPA Report

Legend

- Limited Stop Route A
- Limited Stop Route B
- Downtown Minneapolis
- Proposed Stop
- Proposed Park and Ride Stop



Data Sources: Mn/DOT, LMIC, Metropolitan Council, Mn/DNR



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606
312-353-2789
312-886-0351 (fax)

December 17, 2009

Ms. Britta Bloomberg
Deputy State Historic Preservation Officer
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102-1903

Re: Southwest Corridor Transit Project Update

Dear Ms. Bloomberg:

This correspondence serves as an update to the letter dated November 6, 2009 which designated the Hennepin County Department of Housing, Community Works and Transit (Hennepin County) as the lead agency for the Section 106 consultation process for the Southwest Corridor Transit Project (The Project).

The Federal Transit Administration (FTA) designates the Minnesota Department of Transportation's Cultural Resources Unit (MnDOT) to lead the consultation process. This role will include preparing information, analysis, and recommendations regarding the Section 106 consultation process for the Project. The delegated authority to initiate consultation does not extend to the designation of consulting parties or to making determinations of adverse effect.

Mr. Dennis Gimmestad of MnDOT will be contacting your office to continue with the consultation of the Section 106 process for the Project. If you have any question, please contact Bill Wheeler at (312) 353-2639.

Sincerely,

A handwritten signature in cursive script that reads "Marisol R. Simon".

Marisol R. Simon
Regional Administrator



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

February 16, 2010

Kevin Jensvold
Chairman
Upper Sioux Indian Community
PO Box 147
Granite Falls, MN 56241

Re: Southwest Corridor Transit Project

Dear Mr. Jensvold:

The Federal Transit Administration (FTA), in cooperation with the Hennepin County Department of Housing, Community Works and Transit (Hennepin County), intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Southwest Corridor Transit Project. A number of alignments and modes (light rail transit and bus rapid transit) are under consideration. The Southwest Corridor Transit Project would connect downtown Minneapolis with the cities of St. Louis Park, Hopkins, Minnetonka, Edina, and Eden Prairie. The DEIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

In accordance with 23 CFR Sections 771.105 (a) and 771.133, the FTA and the Hennepin County will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process. These requirements include, but are not limited to the regulation implementing Section 7 of the Endangered Species Act (50 CFR Part 402), Executive Orders 12898 on Environmental Justice and 11990 on Wetlands, and the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

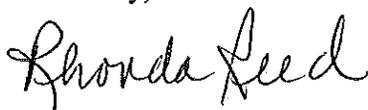
With this letter, FTA requests the Upper Sioux Indian Community to identify any concerns regarding the potential impacts of the project, particularly with regard to any potential adverse effects to historic properties.

SW Corridor Tribal Consultation Letter
February 16, 2010
Page 2

Information on this project, including maps, is enclosed for your viewing.

If you wish to acquire additional information about the project or to consult regarding historic properties, please contact Bill Wheeler at (312) 353-2639.

Sincerely,



for Marisol R. Simon
Regional Administrator

Enclosure

cc: Katie Walker, Hennepin County

Description of Alternatives

LRT 1A

LRT 1A travels between TH 5 in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the Hennepin County Regional Railroad Authority (HCRRA) property through St. Louis Park, Hopkins, Minnetonka and Eden Prairie terminating at TH 5 and the HCRRA's property.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Rowland Road, TH 62, and TH 5.

LRT 3A

LRT 3A travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate from downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via an extension of the Hiawatha LRT tracks on 5th Street, past the downtown Minneapolis Intermodal Station to Royalston Avenue, to the Kenilworth Corridor through Minneapolis and the HCRRA property through St. Louis Park and Hopkins to a new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at Royalston Avenue, Van White Boulevard, Penn Avenue, 21st Street, West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-1 (Nicollet Mall)

LRT 3C-1 (Nicollet Mall) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative would operate between downtown Minneapolis to Eden Prairie (Mitchell Road/TH 5) via Nicollet Mall to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street), the Midtown corridor through Minneapolis, the HCRRA property in St. Louis Park and Hopkins, to new right-of-way through the Opus/Golden Triangle areas, along Technology Drive and TH5 terminating at Mitchell Road.

Stations are proposed at 4th Street, 8th Street, 12th Street, Franklin Avenue, 28th Street, Lyndale Avenue, Hennepin Avenue (Uptown), West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

LRT 3C-2 (11th/12th Street)

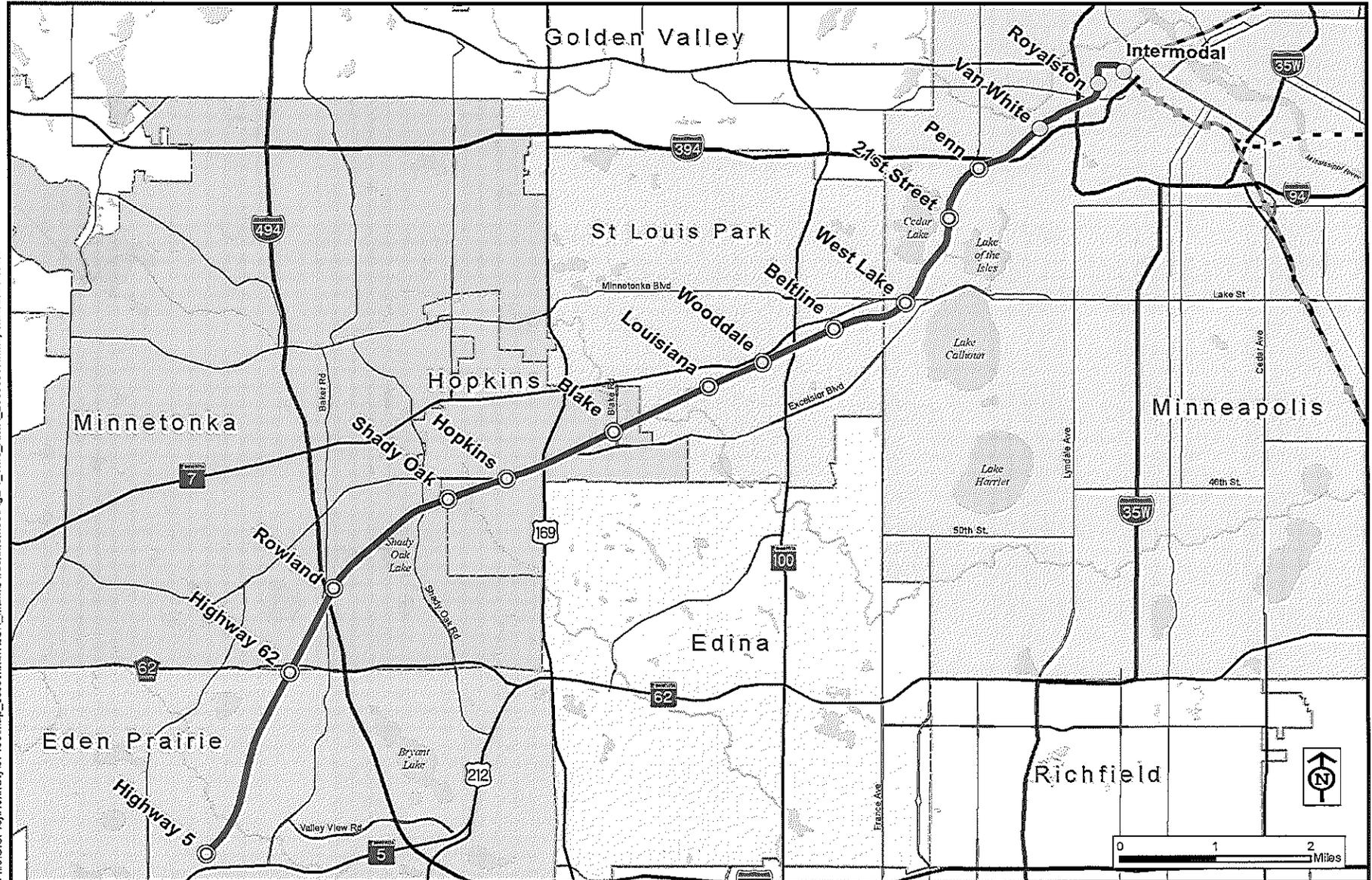
LRT 3C-2 (11th/12th Street) travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

LRT 3C-2 (11th/12th Street) would operate on the same alignment as LRT 3C-1 (Nicollet Mall) alternative between the West Lake Station in Minneapolis and Eden Prairie (see LRT 3C-1 graphic). At the Midtown Corridor in the vicinity of Nicollet Avenue, the alignment would travel either under Nicollet Avenue, Blaisdell Avenue, or 1st Avenue in a tunnel between the Midtown Corridor and Franklin Avenue. Generally, north of Franklin Avenue, it would operate on-street to the vicinity of 11th/12th Street where it would turn west onto 11th Street operating as a one-way pair between Nicollet Mall and Royalston Avenue. At Royalston, the alternative would use the same routing as the LRT 1A and LRT 3A alternatives, which interline with the Hiawatha and/or Central LRT lines on 5th Street.

Stations are proposed at Royalston Avenue, 11th Street/Hennepin Avenue, 12th Street/Hawthorne Avenue, 12th Street/Nicollet Mall, Franklin Avenue and either Blaisdell Avenue or 1st Avenue, and 28th Street and either Blaisdell Avenue or 1st Avenue. And similar to LRT 3C-1 (Nicollet Mall) West Lake Street, Beltline Boulevard, Wooddale Avenue, Louisiana Avenue, Blake Road, downtown Hopkins, Shady Oak Road, Opus, City West, Golden Triangle, Eden Prairie Town Center, Southwest Station, and Mitchell Road.

The LRT 3C (11th/12th Street) alternative proposes to use either a tunnel under Nicollet Avenue with optional routes on Blaisdell or 1st Avenue between the Midtown Corridor and Franklin Avenue. For the Blaisdell Avenue option, the LRT would exit the tunnel at Blaisdell and Franklin and then transition across the Plymouth Congregational Church property to enter center running operations on Nicollet Avenue. The LRT would operate in the center of Nicollet Avenue to 12th Street. For the 1st Avenue option, the LRT would exit the tunnel north of Franklin and operate center running on 1st Avenue to 16th Street where it would transition diagonally across the City of Minneapolis meter farm entering Nicollet Avenue at 15th Street for center running operations to 12th Street. At 12th Street under all options the LRT would as a one-way couplet on 11th and 12th Street rejoining as a two-way configuration on 12th Street at Glenwood, then operating on Royalston Avenue with a short tunnel under 7th Street and through-routing on the Hiawatha/Central LRT tracks on 5th Street in downtown Minneapolis.

LRT 1A Alternative



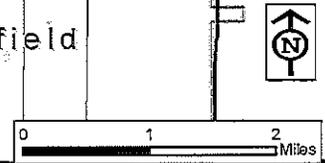
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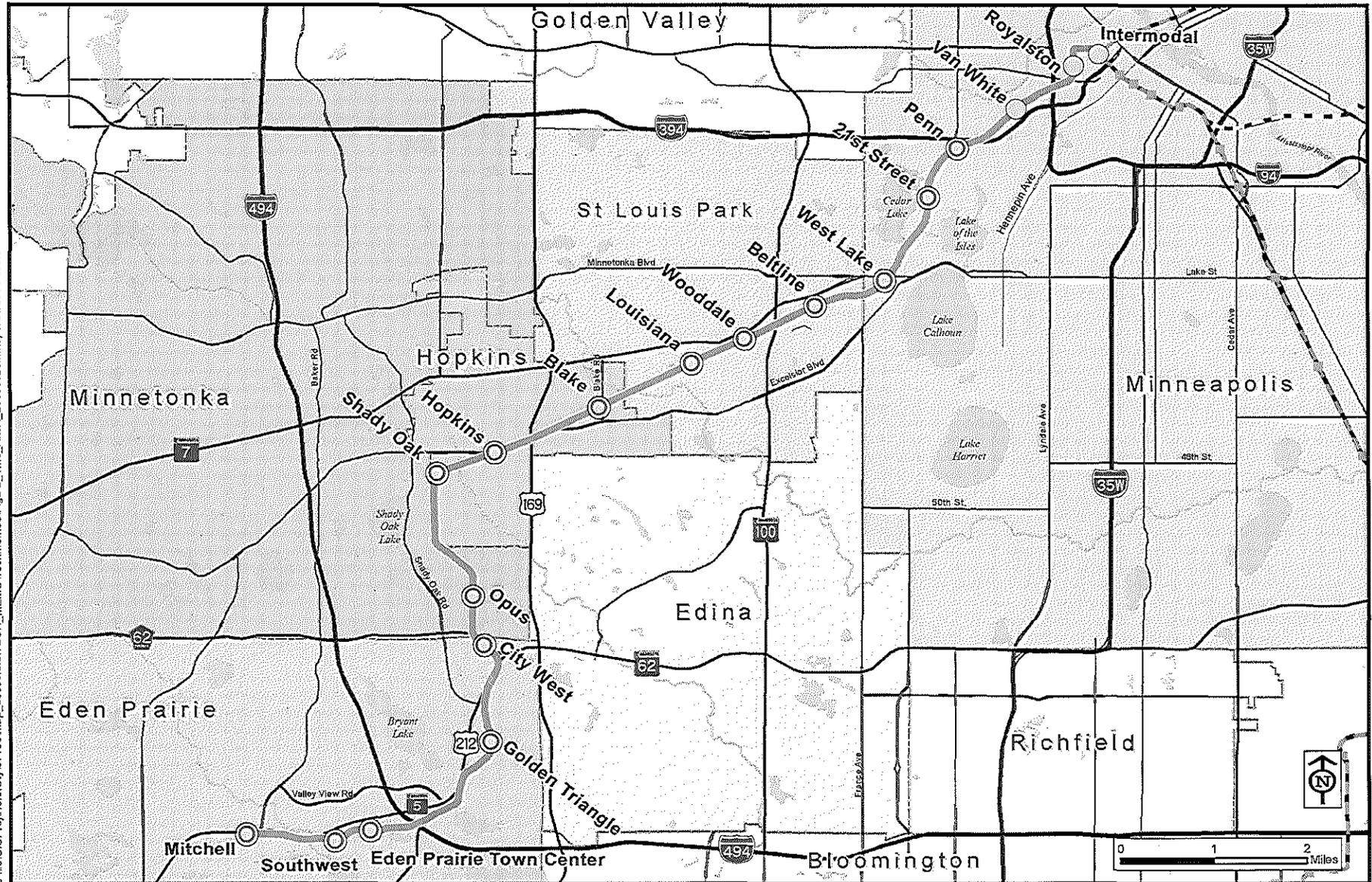
LPA Report

Legend

- Station
- ⊙ Park & Ride Station
- Hiawatha LRT Station
- LRT 1A
- Hiawatha Light Rail
- Northstar Commuter Rail
- - Central Corridor Light Rail



LRT 3A Alternative

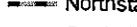


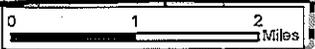
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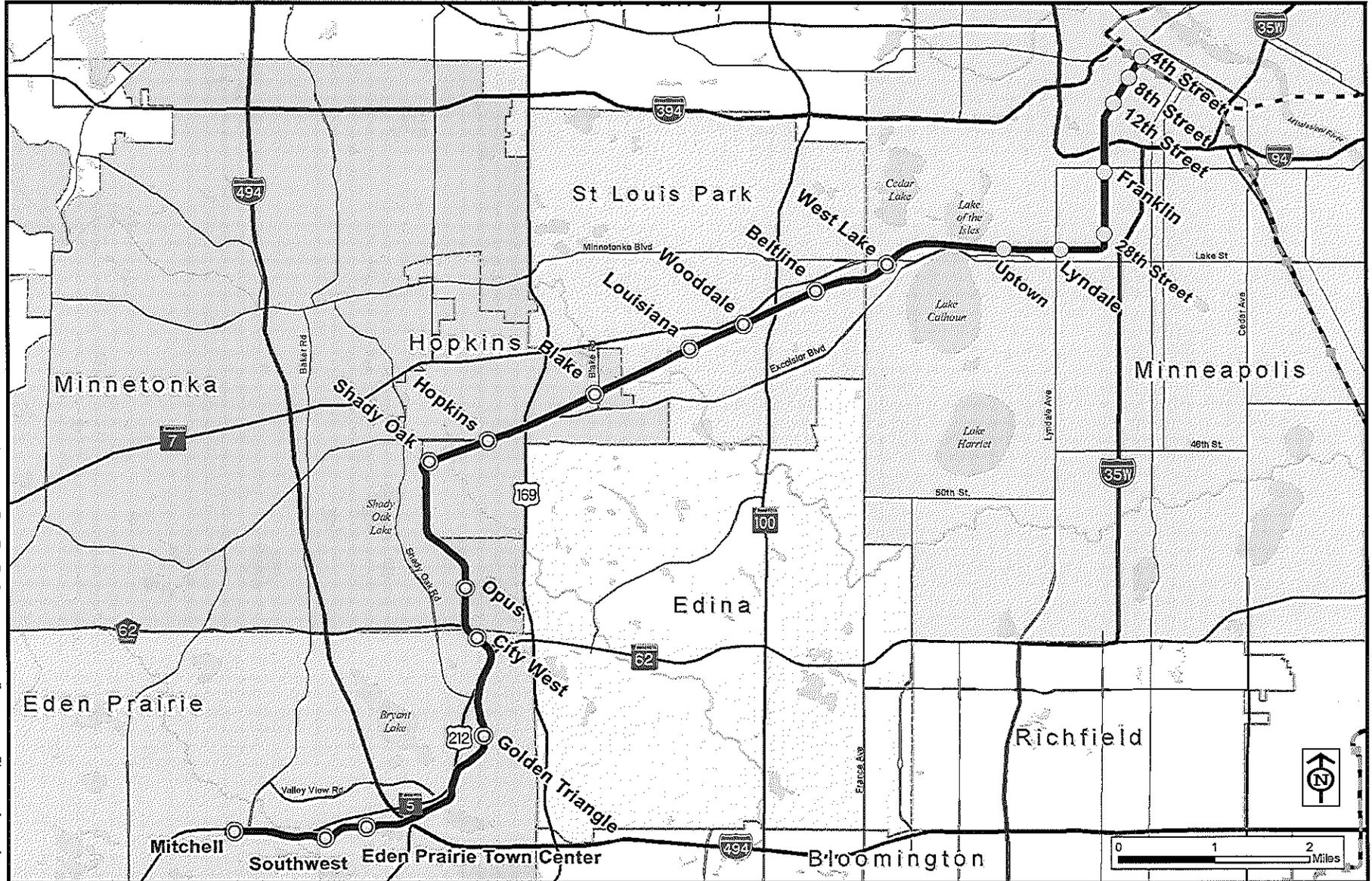
LPA Report

Legend

-  Station
-  Park & Ride Station
-  Hiawatha LRT Station
-  LRT 3A
-  Hiawatha Light Rail
-  Northstar Commuter Rail
-  Central Corridor Light Rail



LRT 3C-1 (Nicollet Mall) Alternative



Map Document (v:\nsipa-gs-f\GIS\Proj\item\City\87130\map_doss\mva\TECH_L\EN\O\Tech\mem9\Fig-3_T19_A15C_20090820.mxd) 8/21/2009 cseers

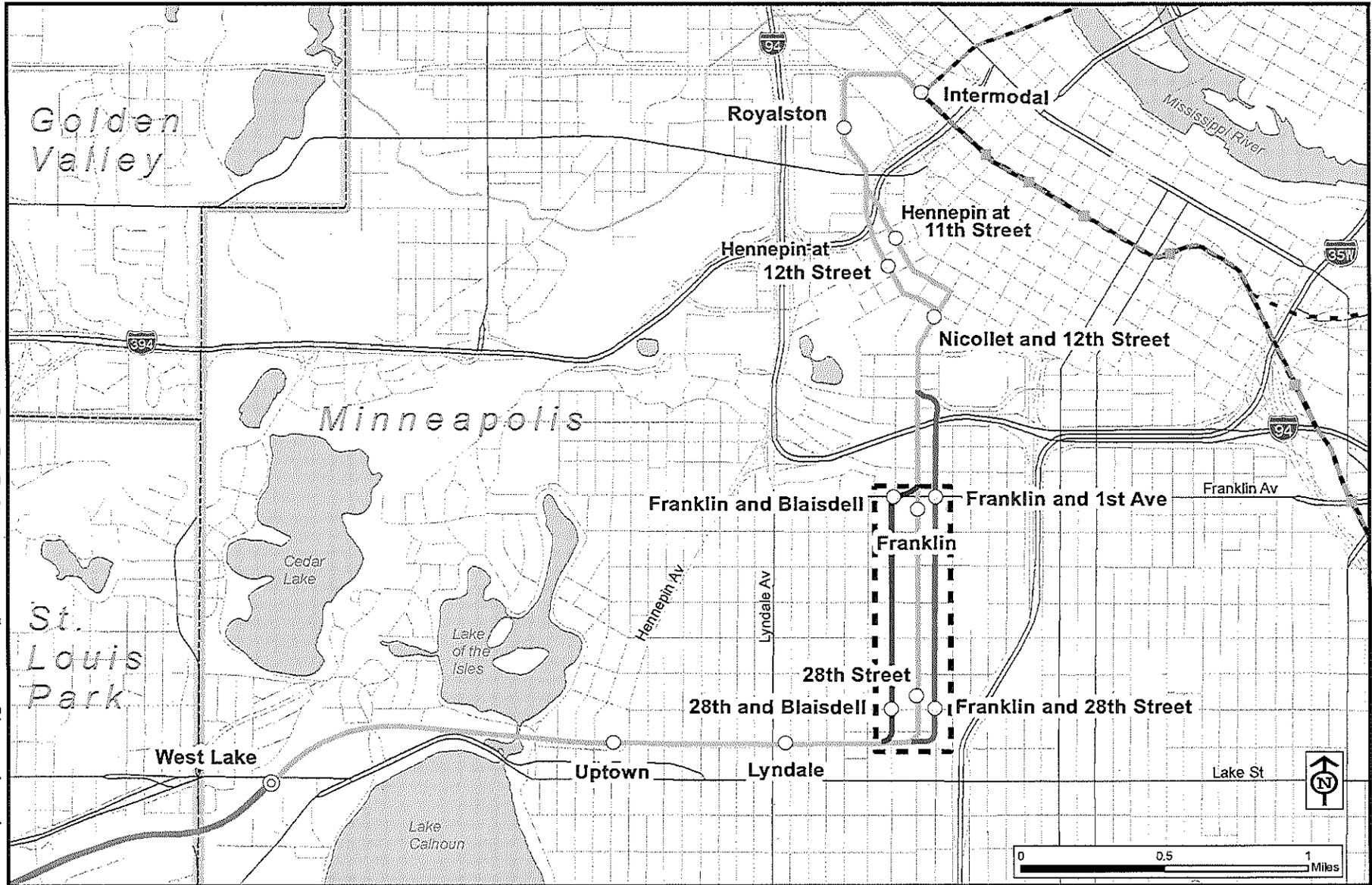


LPA Report

Legend

-  Station
-  Park & Ride Station
-  Hiawatha LRT Station
-  LRT 3C-1 (Nicollet Mall)
-  Hiawatha Light Rail
-  Northstar Commuter Rail
-  Central Corridor Light Rail

LRT 3C-2 (11th / 12th Street) Alternative

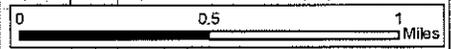


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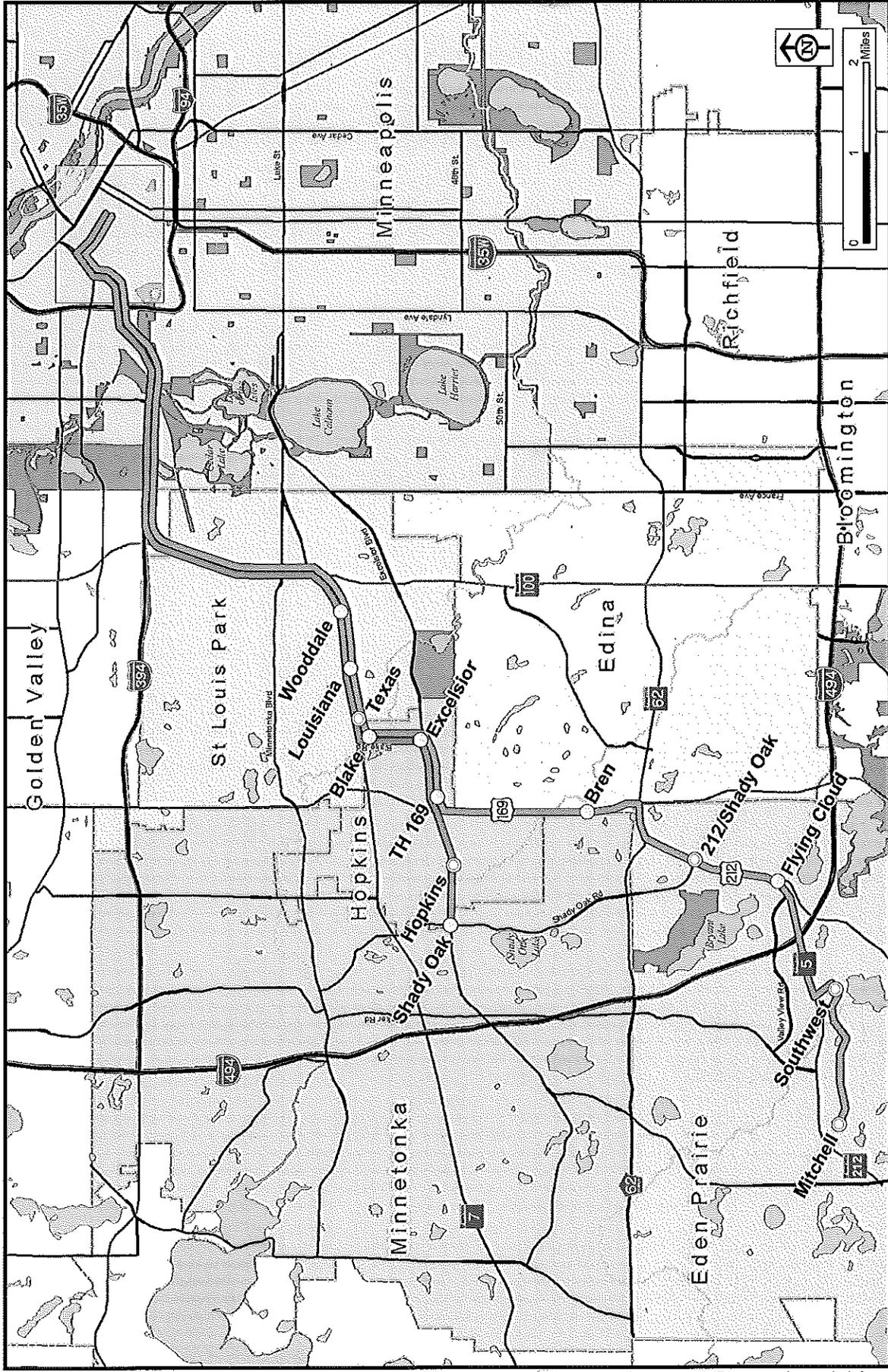


LPA Report

Legend		
○ Station	— Segment C-2 (11th/12th Street)	▭ Tunnel Area
⊙ Park and Ride Station	— Segment C-2A (Blaisdell Avenue)	— Hiawatha Light Rail
■ Hiawatha LRT Station	— Segment C-2B (1st Avenue)	— Northstar Commuter Rail
	— Segment 4	- - Central Corridor Light Rail



TSM/Baseline Alternative





LPA Report

Legend

-  Limited Stop Route A
-  Limited Stop Route B
-  Proposed Stop
-  Proposed Park and Ride Stop
-  Downtown Minneapolis

Data Sources: Mn/DOT, LMIC, Metropolitan Council, Mn/DNR



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
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Ohio, Wisconsin

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312-886-0351 (fax)

The Honorable Susan Haigh
Chairman
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

September 2, 2011

Re: Preliminary Engineering Approval for the Minneapolis Southwest Corridor Light Rail Project

Dear Ms. Haigh:

The Federal Transit Administration (FTA) is pleased to inform you that the Metropolitan Council's (MC) Southwest Corridor light rail transit (LRT) project located in the City of Minneapolis and Hennepin County has been approved into the preliminary engineering (PE) phase of project development of the New Starts program. This approval for the initiation of PE is a requirement of Federal transit law governing the New Starts program [40 U.S.C. Section 5309(e)(6)].

This PE approval is for an approximately 15.8-mile double track light rail line extending from the current Target Field station on the eastern end of the route in downtown Minneapolis through several suburban municipalities, including Minnetonka, Hopkins, St. Louis Park and terminating in Eden Prairie at Mitchell Road/Trunk Highway 5 on the western end of the route. The project includes construction of 17 new at-grade stations, 15 park-and-ride facilities with 3,500 total spaces, 26 light rail vehicles and a new rail maintenance facility. The project will operate in a dedicated surface transitway in the median of existing streets, with approximately 1.47 miles of elevated guideway via a flyover bridge over active Burlington Northern Santa Fe Railway freight tracks at Lyndale Junction in Minneapolis and 0.2 miles of tunnel where the LRT line will operate under existing streets near Target Field. The project will link to the existing Hiawatha LRT and the Northstar commuter rail lines and the Central Corridor LRT line, currently under construction, at Target Field and will share tracks with the Central Corridor on 5th Street in downtown Minneapolis, thus providing a one-seat ride from Eden Prairie to Union Depot in downtown St. Paul. The estimated capital cost of the project in year-of-expenditure dollars is \$1,250.48 million. MC is seeking \$625.24 million (50 percent) in Section 5309 New Starts funds. The Southwest LRT line is expected to carry 29,700 average weekday riders in 2030.

With this approval, MC has pre-award authority to incur costs for PE activities prior to grant approval while retaining eligibility for future FTA grant assistance for the incurred costs. This pre-award authority does not constitute an FTA commitment that future Federal funds will be approved for the project. As with all pre-award authority, all Federal requirements must be met prior to incurring costs in order to retain eligibility of the costs for future FTA grant assistance. FTA's approval to initiate PE is not a commitment to approve or fund any final design or construction activities. Such a decision must await the outcome of the analyses to be performed during PE, including completion of the environmental review process.

FTA is required by law to evaluate a proposed project against a number of New Starts criteria and ensure that prospective grant recipients demonstrate the technical, legal and financial capability to implement the project. Based on an evaluation of the Southwest LRT project against these criteria, FTA has assigned the project an overall rating of “*Medium.*”

FTA and its Project Management Oversight Contractor (PMOC) conducted a detailed review of the scope, schedule, cost and project risks of the Southwest LRT and the technical capacity and capability of MC to implement the project. FTA has determined that the project meets the requirements for entry into PE and that the MC possesses the technical capacity and capability to implement the project. Some of the key items that MC must address during PE include:

Project Scope

- Solidify the scope for an Operating and Maintenance Facility (OMF). It is unclear if a heavy OMF or a light OMF will be needed. MC must make a decision as early in PE as possible so the corresponding impacts can be properly evaluated during the environmental review process.
- In consultation with the Federal Railroad Administration (FRA), determine the design requirements for adequate safety features for street-grade crossings between the Southwest LRT line and existing freight rail tracks. During PE, MC must address any design standards that FRA requires such as crash walls or grade separations between the Southwest LRT and freight traffic prior to seeking entry into Final Design.
- Analyze the impacts of relocating the Twin Cities & Western freight line, which currently operates on a segment of the planned Southwest LRT route, in the project’s Environmental Impact Statement (EIS). Because the freight relocation is necessary for MC to be able to implement the Southwest LRT project as planned, the cost and scope of the freight line relocation must be included in the Southwest LRT project scope and budget, regardless of the funding sources that may be identified to pay for the work. This must be completed prior to seeking entry into Final Design.
- Analyze the reconfiguration of the Canadian Pacific Railroad’s freight tracks where they will be elevated over the Southwest LRT line and include the analysis in the Southwest LRT project’s EIS and cost and scope. The planned flyover, as currently designed by MC, shows sharp curvature, steep grades, and insufficient clearances. This must be completed prior to seeking entry into Final Design.
- Analyze the infrastructure needs, implementation schedule, and planned operations of the Interchange project as it may impact the design, cost, and operations of the Southwest LRT project. The evaluation must be completed prior to seeking entry into Final Design.

Project Schedule

- Based on the results of FTA’s pre-PE risk assessment, the schedule for the project is overly aggressive. MC currently projects a Revenue Service Date (RSD) of April 2017. FTA recommends a RSD no earlier than the first quarter of 2018. MC should work with FTA during PE to arrive at an agreed upon schedule.

- During PE, MC should develop a comprehensive third party coordination plan to address all stakeholder issues, particularly right-of-way acquisition plans, memoranda of agreement (if appropriate), and all requisite permits.

Project Cost

- MC should implement design-to-budget controls and procedures that would require the design team to continually monitor the affect of design development and evolution on the overall project cost, in conjunction with cost estimating activities.

Technical Capacity

- During PE, MC should revise the Project Management Plan (PMP) to specify that staff from the Central Corridor LRT project will also be used for the Southwest LRT project. The MC needs to ensure that adequate staff with the requisite technical expertise will be available to manage the Southwest LRT project's implementation.

Project Funding

The payout of FTA Section 5309 New Starts funds in MC's financial plan exceeds \$100 million per year from 2015 through 2017. Given the current uncertainty surrounding a timeframe for surface transportation reauthorization, the significantly reduced Fiscal Year (FY) 2011 budget for the New Starts program, and the current conversations in Congress surrounding development of the FY 2012 budget, MC should assume no more than \$100 million per year in annual New Starts funding. Given the considerable number of large, high cost projects currently in the New Starts pipeline, it is not possible for the program to provide significantly higher amounts than this on an annual basis to any one project should the program funding level remain at its FY 2011 level of \$1.6 billion. In the event the New Starts program's funding level increases prior to execution of a Full Funding Grant Agreement for the project, FTA will reconsider adjustments to the annual New Starts funding assumptions and coordinate with MC appropriately.

Civil Rights Compliance

Pursuant to the Civil Rights Act of 1964 and its implementing regulations, including FTA Circular 4702.1 (Title VI Program Guidelines for FTA Recipients, Part II, Section 114), FTA approved MC's Title VI program on March 17, 2011. MC must submit a Title VI program update at least 30 calendar days before the current Title VI approval expires on March 17, 2014.

MC has an approved Disadvantaged Business Enterprise goal (DBE). An updated DBE three-year goal is due to FTA on August 1, 2014. MC's most recent Equal Employment Opportunity Plan expires on November 11, 2013.

As project development continues, MC is reminded to ensure that the vehicles, stations and facilities are designed and engineered to ensure compliance with current standards for accessibility under U.S. Department of Transportation regulations implementing the transportation provisions of the Americans with Disabilities Act of 1990 (ADA). MC is advised to independently verify manufacturers' claims of ADA compliance, and to consult with FTA's Office of Civil Rights concerning ADA requirements as project development progresses. The Office of Civil Rights will provide MC a separate letter further detailing ADA compliance issues in the near future.

MC must work with FTA during PE to address the concerns identified above, along with any others that are identified as project development progresses. As PE proceeds, FTA will provide more detail to MC regarding other deliverables that should be completed prior to requesting approval to enter Final Design.

FTA looks forward to working closely with MC during the development of the Southwest light rail project. If you have any questions regarding this letter, please contact Cyrell McLemore of my office at (312) 886-1625.

Sincerely,



Marisol R. Simón



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

August 22, 2012

Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC. 20423

Re: Invitation to Become a Cooperating Agency for the Southwest Light Rail Transit in
Minneapolis, Minnesota

Dear Ms. Rutson:

For the purpose of complying with the National Environmental Policy Act (NEPA), the Federal Transit Administration (FTA), Metropolitan Council (METC) and the Hennepin County Regional Rail Authority (HCRRA) are preparing a draft Environmental Impact Statement (EIS) for the Southwest Light Rail Transit project, providing transit connections between downtown Minneapolis and activity centers in Hennepin County, including the cities of St. Louis Park, Hopkins, Edina, Minnetonka and Eden Prairie. Five Light Rail Transit (LRT) alternatives and one Bus Rapid Transit (BRT) alternative are being considered for analysis in the draft EIS. The Southwest LRT would add transportation system capacity in order to respond to growing travel demand and increasing traffic congestion in the project corridor, as well as provide an attractive, competitive transit option that would serve transit-dependent populations. This line would also be an expansion of the Minneapolis region's transit system which includes the Hiawatha Light Rail Transit (LRT) and Northstar commuter rail line, as well as the planned Central Corridor LRT line.

The Surface Transportation Board (STB) has jurisdiction and expertise with respect to the freight rail operations that will be affected by the Southwest LRT; therefore, we are inviting STB to be a cooperating agency with FTA in the review of the draft EIS and other NEPA documents for this project. This is in accordance with the Council on Environmental Quality's regulations for implementing the procedural provisions of NEPA (40 CFR 1501.6).

Pursuant to Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (23 USC §139), cooperating agencies are responsible to identify, as early as practicable, any issue of concern regarding the potential environmental or socioeconomic impacts of a project that could substantially delay or prevent an agency from granting a permit or other approval that is needed for a project. We suggest that your agency become involved in the development of this project in the following ways, as they relate to your area of expertise:

- 1) Provide timely review and written comment on the draft EIS and other project documents, to reflect your agency's views and concerns on the adequacy of the documents, proposed purpose and need, alternatives considered, anticipated impacts, and mitigation measures.
- 2) Participate in coordination meetings, conference calls, and joint field reviews, as appropriate.

To either accept or decline this invitation, please respond to FTA in writing prior to August 31, 2012. If your agency chooses to accept our invitation to become a cooperating agency, your participation will be highly valued throughout project development. If you choose to decline the invitation, your response should state your reasons for declining.

If you have any questions or would like to discuss the project in more detail, please contact Maya Sarna at 202-366-5811.

Thank you for your cooperation and interest in this project.

Sincerely,



Marisol Simon
Regional Administrator

cc: Maya Sarna, FTA
William Wheeler, FTA
Cyrell McLemore, FTA
Cecelia Comito, FTA
Katie Walker, HCRRA
Nani Jacobson, Metropolitan Council
Janet Kennison, HDR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

Marisol Simon, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

August 28, 2012

RE: Southwest Light Rail Transit Project in Minneapolis, Minn.

Dear Ms. Simon:

Thank you for your August 22, 2012 letter inviting the Surface Transportation Board to participate as a cooperating agency in the preparation of an Environmental Impact Statement (EIS) for the proposed Southwest Light Rail Transit project in Minneapolis, Minnesota. As you know, the Board has jurisdiction over rail restructuring transactions, and this responsibility includes mergers and acquisitions, line sales, line constructions, and line abandonments. The Board's Office of Environmental Analysis (OEA) is responsible for conducting the environmental review process to ensure compliance with the National Environmental Policy Act and related environmental laws as part of the Board's licensing process.

Based on available information, it appears that the proposed Southwest Light Rail Transit project would provide light rail transit connections between downtown Minneapolis and activity centers in Hennepin County, via existing freight rail lines. Because the proposed project may be subject to the Board's licensing authority under 49 U.S.C. 10901, we are writing to accept your invitation to participate in the current environmental review process as a cooperating agency. Accordingly, OEA will review the Draft EIS during the public comment period and submit comments if warranted.

We look forward to working with you. If you have any questions, please contact Christa Stoebner at (202) 245-0299 or christa.stoebner@stb.dot.gov.

Sincerely,

Phillis Johnson-Ball
Acting Director
Office of Environmental Analysis



REPLY TO
ATTENTION

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

#33

DEC 26 2012

DEC 20 2012

Operations
Regulatory (2009-01283-MMJ)

Ms. Katie Walker, Hennepin County
Housing, Community Works and Transit
ATTN: Southwest Transitway
701 Fourth Avenue South, Suite 400
Minneapolis, Minnesota 55415

Dear Ms. Walker:

We have reviewed the *Southwest Transitway Draft Environmental Impact Statement (DEIS)* dated October 2012, and prepared by the United States Department of Transportation, Federal Transit Administration, as well as the Hennepin County Regional Rail Authority and the Metropolitan Council. This letter contains comments on this DEIS for your consideration. The Southwest Transitway project area includes a 15-mile corridor through Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis (the Corridor), in Hennepin County, Minnesota.

If the Southwest Transitway project involves a discharge of dredged or fill material into waters of the United States (WOUS), a Clean Water Act Section 404 (CWA Section 404) permit would be required. CWA Section 301(a) prohibits discharges of dredged or fill material into WOUS, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

Corps evaluation of a Section 404 permit application involves multiple analyses, including (1) evaluating the impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230). If a CWA Section 404 permit is required, our review of impacts to aquatic resources would include direct impacts to WOUS and also those WOUS and non-jurisdictional aquatic resources indirectly and cumulatively impacted by the proposed work in WOUS.

The purpose and need statement and the range of alternatives evaluated in the DEIS were developed through a series of interagency meetings conducted prior to publication of the document. For our permit review, the Corps is responsible for defining the overall project purpose. We use the overall project purpose to evaluate practicable alternatives under the Guidelines. The overall project purpose must be specific enough to define the applicant's needs, but not so restrictive as to preclude all discussion of alternatives.

In Chapter 1 (Page 1-8) of the DEIS, "Purpose and Need," the project purpose is defined as: "to provide a high-capacity transit connection improving mobility, accessibility, and system linkages to

major population and employment centers including Downtown Minneapolis, Chain of Lakes and Recreation Area, Excelsior and Grand, Downtown Hopkins, golden Triangle Business District, Opus Business Park, and Eden Prairie Center.” The goals of the Southwest Transitway project are summarized as follows: to improve mobility, provide a cost-effective and efficient travel option, preserve the environment, protect the quality of life, and support economic development.

The Corps suggests a broader overall project purpose, which would be more appropriate for our CWA Section 404 review, “to provide high-capacity transit service in the Southwest Transitway study area.” This overall project purpose would work well to direct the range of reasonable alternatives to be considered in the 404 permit application review process. Also, our suggested overall project purpose coincides with the transit alternatives that were considered and advanced for further study in the 2007 Southwest Transitway Alternatives Analysis (AA), as described in Chapter 2 of the DEIS, “Alternatives Considered.” Therefore, the Corps concurs with the array of alternatives considered for this project as well as the alternatives that were carried forward in the DEIS, described below.

The AA evaluated ten potential build alternatives, which included eight Light Rail Transit (LRT) alternatives and two bus rapid transit alternatives. The AA also evaluated a conventional bus alternative, referred to as the Enhanced Bus Alternative, and a no-build alternative. After a thorough analysis of these alternatives, and the inclusion of additional alternatives identified during the NEPA/MEPA scoping process, five LRT alternatives, LRT 1A, LRT 3A, LRT 3A-1 (co-location), LRT 3C-1 and LRT 3C-2, were carried forward for consideration as the Locally Preferred Alternative (LPA). The no-build and the enhanced bus alternative were also carried forward into the final LPA analysis. After additional evaluation of the remaining alternatives, the DEIS recommends alternative LRT 3A as the LPA for the Southwest Transitway project.

To comply with the Guidelines, the alternatives analysis must consider ways to avoid and minimize impacts to WOUS so that the least environmentally-damaging practicable alternative (LEDPA) can be identified. The Guidelines specifically require that “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences” (40 CFR § 230.10(a)). Per the Guidelines, a practicable alternative is defined as available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps decision whether a less damaging practicable alternative is available.

As proposed, the chosen LPA, alternative LRT 3A, would not qualify as the LEDPA as defined in the Guidelines. As shown on Table 4.2-2, Impact by Alternative (Page 4-34), the construction of alternative LRT 3A (the LPA) would discharge fill material over approximately 2.9 acres of wetland, whereas alternative LRT 3A-1 (co-location alternative) would discharge fill material over approximately 0.9 acre of wetland. For CWA Section 404 purposes, the LEDPA is the alternative that meets the project purpose and is available to the applicant that has the least amount of impact to aquatic resources, which as proposed would be alternative LRT 3A-1 (co-location). The burden of proof to demonstrate compliance with the 404(b)(1) Guidelines rests with the applicant; where insufficient information is provided to determine compliance, the Guidelines require that no permit be issued. If you plan to move

forward with alternative LRT 3A as the LPA you will need to submit additional information to support your decision to eliminate alternative LRT 3A-1 from consideration.

The wetland impact figures in Table 4.2-2 are approximations extracted from the Minnesota Department of Natural Resources Land Cover Classification System and the United States Fish and Wildlife Service National Wetland Inventory datasets. Local municipalities and watershed districts located within the Southwest Transitway project area also have wetland inventory datasets that could be used to better quantify the potential wetland impacts within the construction limits of the Corridor. We recommend that these local datasets be used to update the wetland impact figures provided in the Final Environmental Impact Statement (FEIS) for the Southwest Transitway Project. Also, Section 4.2.2.2 states that a wetland delineation will be completed during final design of the project. We recommend that a wetland delineation be completed, field verified, and approved before the project moves into final design. The delineation should be completed according to the Corps of Engineers Delineation Manual and the Midwest Supplement, and needs to be approved by the Corps as well as the Local Government Units that administer the Minnesota Wetland Conservation Act within the Corridor. The delineation should identify all wetland, stream, and drainage features located within construction limits of the Corridor. The delineation should be completed and approved prior to final design so that the design can incorporate measures that avoid and minimize impacts to WOUS within the Corridor.

Compensatory wetland mitigation would only be considered after we determined that wetland impacts have been avoided and minimized to the maximum practicable extent. All unavoidable wetland loss associated with the Southwest Transitway Project would require replacement according to the Mitigation Rule (33 CFR 332) and the St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota (District Policy). In accordance with the Mitigation Rule and our District Policy, we prefer that all unavoidable wetland impacts associated with the Southwest Transitway Project be compensated for through the purchase of wetland bank credits within the appropriate Bank Service Area (BSA). The Southwest Transitway Corridor is located within three separate BSAs, including BSA 7 (Upper Mississippi River Basin), BSA 9 (Minnesota River Basin), and BSA 11 (Twin Cities Metro).

Thank you for the opportunity to comment on the DEIS. We look forward to reviewing the FEIS, the wetland delineation, and if necessary, the CWA Section 404 permit application for this project. For further information, please contact Melissa Jenny, the Corps project manager for Hennepin County, at 651-290-5363 or Melissa.m.jenny@usace.army.mil.

Sincerely,



for Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:
Maya Sarna and Bill Wheeler, FTA
Nani Jacobson, Metro Transit
Lynda Peterson, BWSR
WCA LGU's within the Corridor

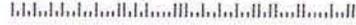
DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

OFFICIAL BUSINESS



Ms. Katie Walker, Hennepin County
Housing, Community Works and Transit
ATTN: Southwest Transitway
701 Fourth Avenue South, Suite 400
Minneapolis, Minnesota 55415

55415184300





U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

July 23, 2012

Tony Sullins, Field Supervisor
U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 East 80th Street
Bloomington, MN 55425

RE: Request for Concurrence - No Effect Determination – Higgins eye pearlymussel
Southwest Transitway Project, Hennepin County, Minnesota

Dear Mr. Sullins:

The Federal Transit Administration (FTA) is requesting concurrence from the U.S. Fish and Wildlife Service (Service) that the above referenced action will have no effect on federally-listed species.

Project Description

Hennepin County and the Metropolitan Council are proposing to construct a light rail transit (LRT) facility connecting the southwestern suburbs of the Twin Cities metropolitan area to downtown Minneapolis. Five build alternatives are being considered in the Draft Environmental Impact Statement. These alternatives are presented in the attached figure. None of these alternatives would cross or touch the Mississippi River. The project components would include:

- Between 14 and 16 miles of trackway and overhead catenary power (depending on the alternative selected)
- Up to 21 light rail stations
- Up to 15 park and ride lots
- Approximately 17 traction power substations
- An operations and maintenance facility

All project components would be located within Hennepin County. The end of the line for four of the alternatives would be the Target Field Station located between 5th Avenue North and I-394 on North 5th Street and approximately 0.6 of a mile from the Mississippi River. The end of line for the fifth alternative would be at the intersection of Washington Avenue and Nicollet Mall approximately 0.3 of a mile from the river. (See attached detailed graphic for line locations.)

The closest construction staging area would be located in the vicinity of 6th Avenue North and North 4th Street approximately 0.5 of a mile from the Mississippi. (See attached detailed graphic for construction staging location.) The project elements and construction limits do not cross the Mississippi River; therefore no direct impacts to the river are anticipated. The only potential

impacts that appear possible at this time would be uncontrolled runoff from within the project construction limits reaching the Mississippi River. Should this occur, limited temporary incremental degradation of river water quality could occur. However, this is unlikely due to the distance of the project construction limits from the river and the fact that best management practices (BMPs) would be employed during construction to eliminate uncontrolled runoff.

Listed Species within the Project Area

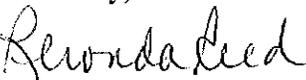
According to the "County Distribution of Minnesota's Federally-Listed Threatened, Endangered, Proposed and Candidate Species" list provided by the Service, the only federally-listed species within Hennepin County is the Higgins eye pearlymussel (*Lampsilis higginsii*), a federally-listed endangered species. This species occurs within the Mississippi River, which is outside the limits of the proposed LRT project.

Determination

Based on the fact that the Higgins eye pearlymussel does not occur within the project limits and that the project will not impact Higgins eye pearlymussel habitat, the FTA has determined that the proposed action will have no effect on federally-listed species. We are requesting concurrence that consultation with your office under Section 7 of the Endangered Species Act of 1973, as amended, is complete.

If you require additional information, please contact Maya Sama, AICP, Environmental Protection Specialist at (202) 366-5811.

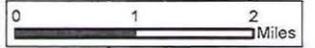
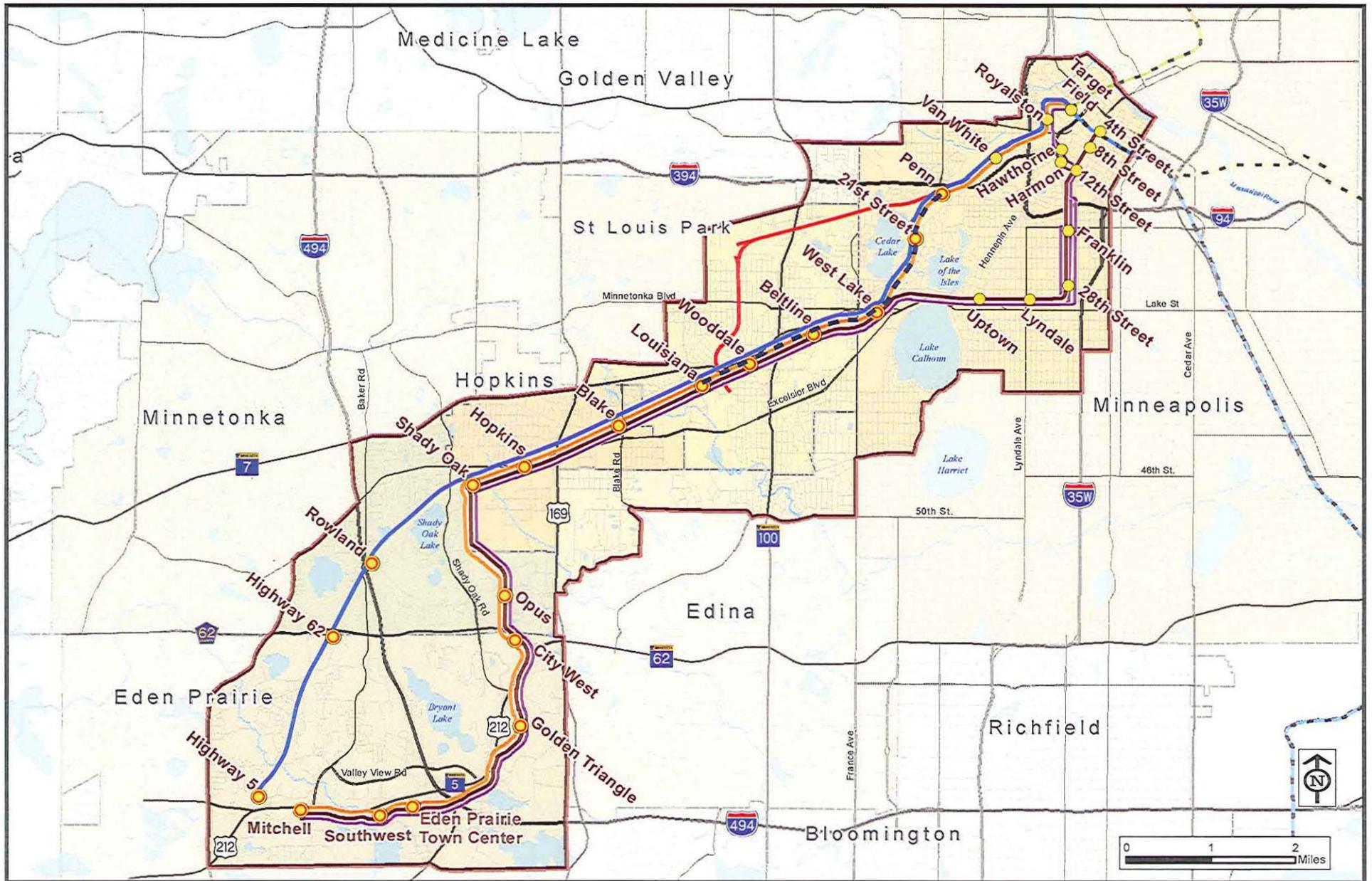
Sincerely,


for Marisol R. Simón
Regional Administrator

cc:
USFWS – Nick Rowse
Hennepin County – Katie Walker
Metropolitan Council – Nani Jacobson
HDR – Janet Kennison, Scott Reed
file

Southwest Transitway Study Area

\\mspe-gis-file\GIS\Proj\HennCity\177566\map_docs\DEISEX_SUMM\FigureES-0000_A\A\I\is_20120628.mxd 6/28/2012



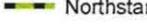
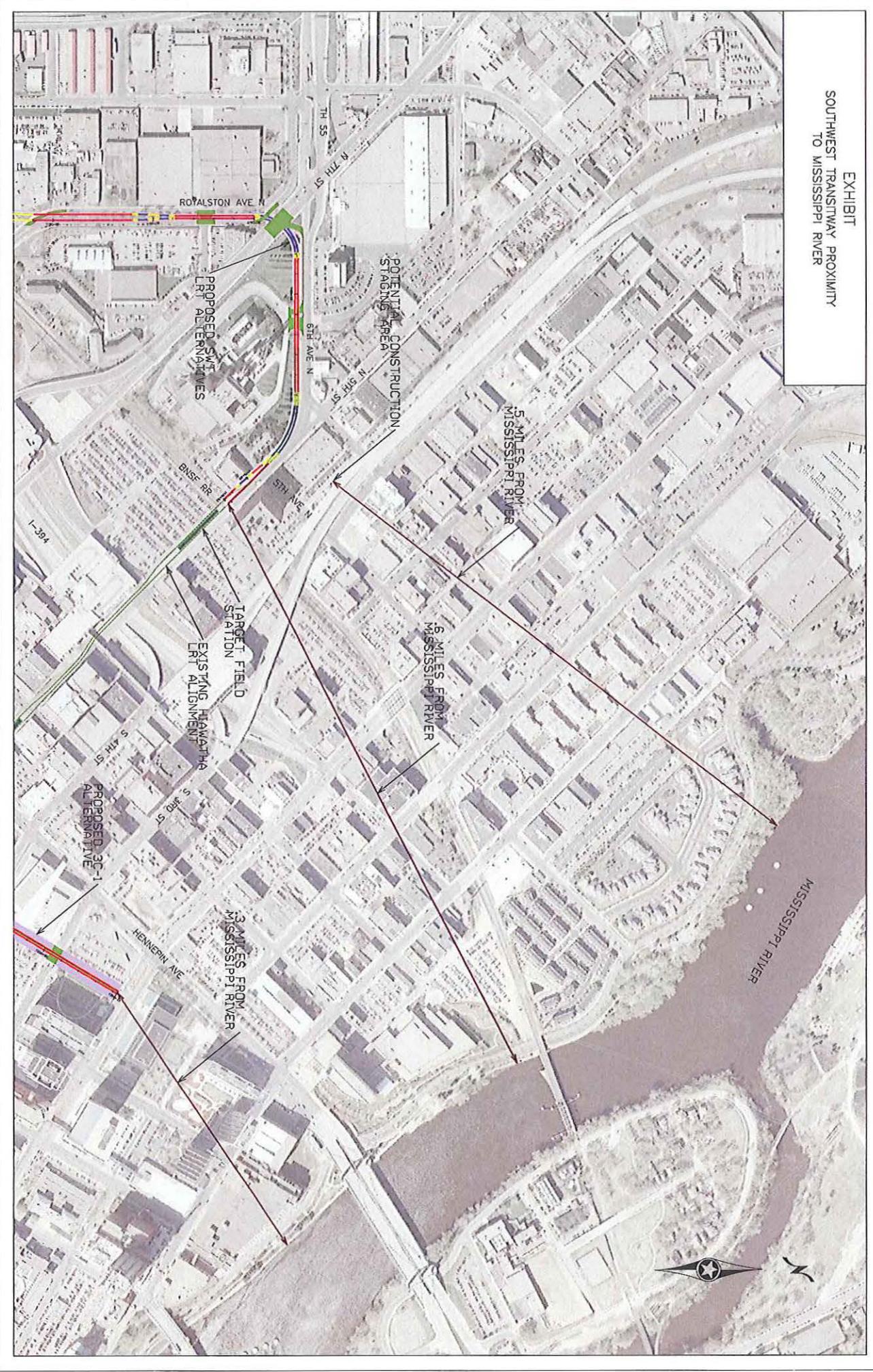
 <h2>Draft Environmental Impact Statement</h2>	 Study Area	 LRT 1A	 Hiawatha Light Rail	 Municipal Boundaries
	 Station	 LRT 3A	 Northstar Commuter Rail	
	 Park & Ride Station	 Colocation area with 3A-1	 Central Corridor Light Rail	
	 Freight Rail Relocation	 LRT 3C-1 (Nicollet Mall)	 LRT 3C-2 (11th/12th Street)	

EXHIBIT
SOUTHWEST TRANSITWAY PROXIMITY
TO MISSISSIPPI RIVER



ROYALSTON AVE N

PROPOSED SWT
LRT ALTERNATIVES

POTENTIAL CONSTRUCTION
STAGING AREA

5 MILES FROM
MISSISSIPPI RIVER

6 MILES FROM
MISSISSIPPI RIVER

3 MILES FROM
MISSISSIPPI RIVER

PROPOSED 3C-1
ALTERNATIVE

MISSISSIPPI RIVER

HENNEPIN AVE

TARGET FIELD
STATION
EXISTING HEAVY RAIL
ALIGNMENT

BNSF RR

7TH ST

6TH AVE N

5TH AVE N

I-394

S 7TH ST

S 6TH ST

S 5TH ST



From: Andrew.Horton@fws.gov [<mailto:Andrew.Horton@fws.gov>]
Sent: Tuesday, August 21, 2012 4:01 PM
To: Simon, Marisol (FTA)
Cc: Maya.Sarna@fta.dot.gov
Subject: Southwest Transitway Project

Ms. Simon,

I have reviewed the Southwest Transitway Study Area and our records indicate there are no federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated. This concludes section 7 consultation for proposed construction at the above location. Thank you for your cooperation in meeting our joint responsibilities under section 7 of the Endangered Species Act. If you have any further endangered species questions, please contact me at (612) 725-3548 x2208

Andrew Horton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Twin Cities ES Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(612) 725-3548 ext. 2208



State Historic Preservation Office

February 14, 2013

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Phase I Archaeology Report for Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for providing the Phase I Archaeology Report dated December 2012, prepared for the above-referenced project by SWCA Environmental Consultants, to cover the locally preferred route alternative. We previously reviewed two Phase IA reports, in 2010 and 2012. Those investigations formed the basis of the Phase I archaeological survey presented in the December 2012 report.

It is difficult to review this report, because the maps and photographs are not included. They are listed in the Table of Contents as Appendices A-E, but they are not in the report we received. Instead, there is a page at the back that says: "Appendices A through E – Due to the sensitive nature of the information provided in the appendices, these maps will not be provided except by request to the Metropolitan Council." We need to have these materials to complete our review.

On the basis of the text, it appears that the Phase I archaeological survey was thorough. Forty areas identified in the Phase IA investigations were surveyed. Four other areas were found to be outside the APE, or too disturbed to warrant survey. A total of eight archaeological sites were identified, and recommended by the consultant for Phase II evaluation. Mn/DOT is currently planning Phase II studies for seven of these sites. **We agree that this is appropriate.**

The report states that a Phase II evaluation will not be performed on one of the sites identified in area 3:k (21HE0410), because it is located at the edge of the APE, and will thus not be affected by the project. We will need to see the maps, photographs, and construction drawings to determine whether we agree. If a Phase II evaluation will not be conducted at this site, protective fencing or other measures should be depicted in the construction plans. If protective fencing will not be provided, the site should be evaluated or the APE revised.

We look forward to receiving the missing information and site documentation. Meanwhile, please call David Mather at 651-259-3454 if you have any further questions on this review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Ann Heidemann'.

Mary Ann Heidemann, Manager
Government Programs and Compliance

**State Historic Preservation Office**

March 12, 2013

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Phase I Archaeology Report for the Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080

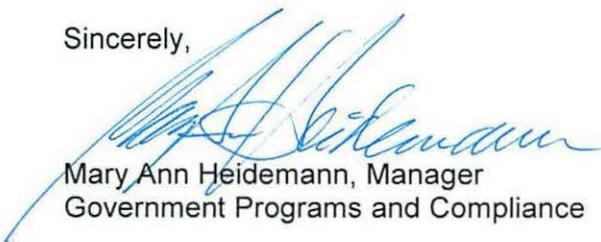
Dear Mr. Gimmestad:

Thank you for providing the missing maps and appendices prepared for the above-referenced project by SWCA Environmental Consultants, to cover the locally preferred route alternative. We previously reviewed two Phase IA reports, in 2010 and 2012. Those investigations formed the basis of the Phase I archaeological survey presented in the December 2012 report.

Based on the supplemental information provided, we now can understand and agree with the report, which states that a Phase II evaluation will not be performed on one of the sites identified in area 3:k (21HE0410), because it is located at the edge of the APE, and will thus not be affected by the project. In fact, we now see that the sites of concern are located on the opposite side of TH 62, and therefore will not be affected. We agree that protective fencing will not be required, based on site location.

Please call David Mather at 651-259-3454 if you have any further questions on this review.

Sincerely,



Mary Ann Heidemann, Manager
Government Programs and Compliance



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

June 14, 2013

Ms. Tamara Cameron, Chief, Regulatory Branch
Department of the Army
St. Paul District, Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101



Re: Invitation to Become a Cooperating Agency for the Southwest Light Rail Transit Project in Minneapolis, Minnesota

Dear Ms. Cameron:

For the purposes of complying with the National Environmental Policy Act (NEPA), the Federal Transit Administration (FTA) and the Metropolitan Council (Council) are preparing a Supplemental Draft Environmental Impact Statement (SDEIS) and Final Environmental Impact Statement (FEIS) for the proposed Southwest Light Rail Transit (SWLRT) Project. The SWLRT SDEIS will follow the October, 2012 Draft Environmental Impact Statement (DEIS), completed by FTA in partnership with Hennepin County Regional Railroad Authority (HCRRRA) and the Council. HCRRRA served as the local lead governmental agency during the Alternatives Analysis and DEIS phases, until transitioning the project to the Council upon the close of the public comment period for the DEIS on December 31, 2012. The U.S. Army Corps of Engineers (USACE) had previously prepared a Preliminary Jurisdictional Determination in July, 2009 for the DEIS, at the request of HCRRRA. The USACE also submitted comments on the DEIS in December, 2012. Pursuant to those comments regarding the likely need for a Clean Water Act Section 404 permit, SWLRT was selected as a "Nationally or Regionally Significant Project" as part of the Federal Infrastructure Projects Permitting Dashboard. A copy of the Dashboard is attached.

The USACE has jurisdiction and expertise with respect to the discharge or fill material into Waters of the United States (WOUS). With this letter, and subsequent to our initial request for the USACE to become a cooperating agency sent September 25, 2008, we are formally requesting the USACE to participate in the SWLRT Project as a Cooperating Agency in preparation of the SDEIS and FEIS, in compliance with sections of the CEQ Regulations addressing cooperating agencies status (40 CFR 1501.6 and 40 CFR 1508.5).

The SWLRT Project will operate from downtown Minneapolis through the southwestern suburban cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to the city of Edina (map attached). The proposed alignment will be primarily at-grade and will include 17 new stations and approximately 15.8-miles of double track. The line will

Re: Invitation to Become a Cooperating Agency for the Southwest Light Rail Transit Project in Minneapolis, Minnesota

connect major activity centers in the region including downtown Minneapolis, Methodist Hospital in St. Louis Park, the Opus/Golden Triangle employment area in Minnetonka and Eden Prairie, and , the Eden Prairie Center Mall. Ridership in 2030 is projected at 29,660 weekday passengers. The project will interline with the Green Line (Central Corridor LRT), which will provide a one-seat ride to destinations such as the University of Minnesota, the State Capitol, and downtown St. Paul. The proposed SWLRT will be part of an integrated system of transitways, including connections to the METRO Blue Line, the Northstar Commuter Rail line, a variety of major bus routes along the alignment, and proposed future transitway and rail lines. The FTA is the lead federal agency and the Council is the project sponsor and grantee of Federal funds.

By becoming a Cooperating and Participating Agency, we invite the USACE to become more directly involved in the development of SWLRT Project in the following ways:

1. Continue to provide timely review and written comments, as the SDEIS and other documents are developed;
2. Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
3. Pursuant to 40 CFR 1506.3, the USACE may adopt without re-circulating the SWLRT SDEIS or FEIS when the USACE concludes that its comments and suggestions have been satisfied.

The Council's manager for the SDEIS and FEIS, Ms. Nani Jacobson, has been in contact with your agency's local representative, Ms. Melissa Jenny, over the last few months. We believe the best interests of both the SWLRT Project and the USACE are served by your agency's active participation as a Cooperating Agency.

Please respond to FTA in writing an acceptance or denial of the invitation prior to July 19, 2013. If you elect not to become a Cooperating Agency, you must decline this invitation in writing, indicating your agencies reason for declining, specifically that the USACE has no jurisdiction or authority with respect to this project, has no expertise or information relevant to the project, and does not intend to submit comments on the project. The acceptance or declination of this invitation may be sent electronically to William Wheeler, Community Planner, at William.Wheeler@dot.gov; please include the title of the official responding. Please contact Mr. Wheeler at 312-353-2639 if you have any questions or would like to discuss the project in more detail.

Thank you for your cooperation and interest in this project.

Sincerely,


for Marisol Simon
Regional Administrator

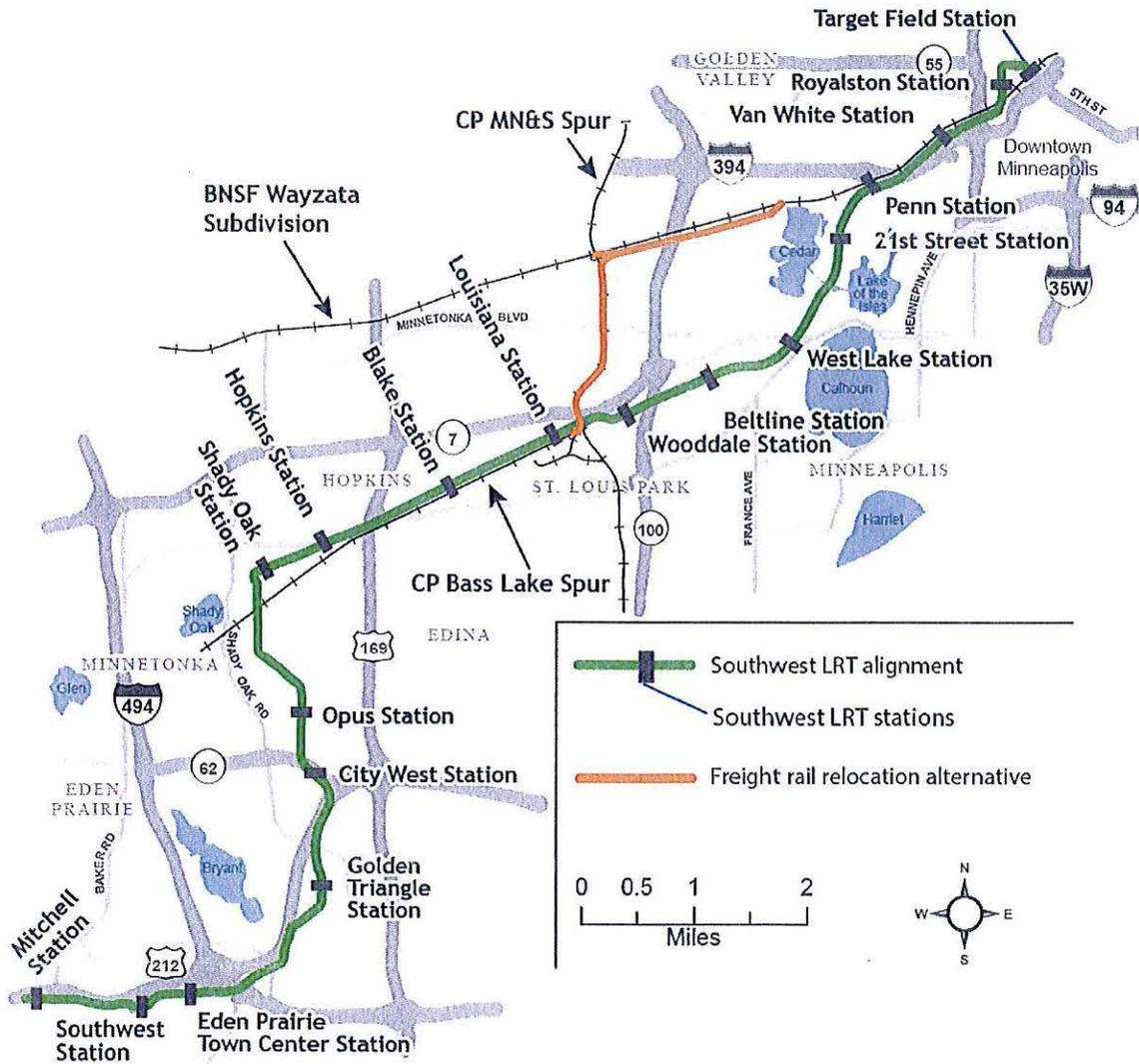
Cc:Melissa Jenny, St. Paul District, Corps of Engineers

Re: Invitation to Become a Cooperating Agency for the Southwest Light Rail Transit Project in
Minneapolis, Minnesota

Maya Sarna, FTA HQ
Bill Wheeler, FTA, Region V
Nani Jacobson, Metropolitan Council

Attachments:
SWLRT Project Map
Federal Infrastructure Projects Permitting Dashboard

Southwest LRT Project Map (DEIS Alternative LRT3A)



**Federal Infrastructure Projects
Permitting Dashboard**
Beta

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Home » Southwest Light Rail Transit Line

SOUTHWEST LIGHT RAIL TRANSIT LINE (NATIONALLY OR REGIONALLY SIGNIFICANT PROJECTS)

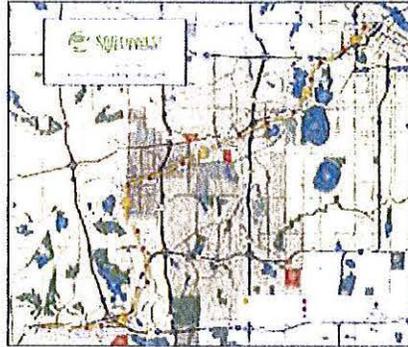
Coordinating Agency
Department of Transportation

Accountable POC
Bill Wheeler

Project Status
In Progress

Download
 XML
  Excel

Project Website
<http://www.southwesttransitway.org/>



Description

The Southwest Light Rail Transitway (LRT) Project will greatly improve access to major employment centers and all area attractions for residents and commuters in greater Minneapolis by building new light rail service running between Read More

Reviews, Approvals and Permits

Click on the  icon to view more information

Title	Responsible Agency	Responsible Agency POC Name	Target Completion Date	Status
Notice of Availability - FEIS	Department of Transportation	Maya Sarna	10/15/2014	Planned
Section 4(f) Determination	Department of Transportation	Maya Sarna	07/01/2014	Planned
Section 404 Permit	Department of Defense	Tamara Cameron	07/01/2014	Planned
Section 9 of the Rivers and Harbors Act Permit	Department of Homeland Security	Eric Washburn	07/01/2014	Planned
Section 106 Process	Department of Transportation	Maya Sarna	09/30/2014	Planned
Section 10 of the Rivers and Harbors Act	Department of Defense	Tamara Cameron	07/01/2014	Planned
Public Comment Period on DEIS	Department of Transportation	Maya Sarna	12/31/2012	Complete
SURFACE TRANSPORTATION BOARD APPROVAL	Department of Transportation	Christa Stoebner	11/10/2014	Planned
Availability of the FEIS	Department of Transportation	Maya Sarna	11/17/2014	Planned
Input on DEIS & FEIS content from Participating Agencies	Department of Transportation	Colleen Vaughn, Emeka Ezekwemba	11/14/2014	Planned
Publish Record of Decision	Department of Transportation	Maya Sarna	11/15/2014	Planned

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DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

#39

JUL 18 2013

REPLY TO
ATTENTION OF

Operations
Regulatory (MVP-2009-01283-MMJ)

Ms. Marisol Simon
U.S. Department of Transportation
Federal Transit Administration, Region V
200 West Adams Street, Suite 320
Chicago, Illinois 60606-5253

Dear Ms. Simon,

We recently received your invitation to become a cooperating agency in the preparation of the Supplemental Draft Environmental Impact Statement (SDEIS) and Final Environmental Impact Statement (FEIS) for the Southwest Light Rail Transit (SWLRT) Project, located in Hennepin County, Minnesota. As you mentioned in your letter, the Corps of Engineers does have jurisdiction and expertise with respect to wetlands and waters of the U.S. in proximity to the SWLRT project corridor. Therefore, in accordance with the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), we accept your invitation to become a cooperating agency, and look forward to participating in the review of the SDEIS, the FEIS and other NEPA documents completed for this project.

We commented on the SWLRT Draft Environmental Impact Statement (DEIS) in December 2012. In our letter we concurred with the SWLRT Project Purpose & Need, as well as the Array of Alternatives & Alternatives Carried Forward for Further Analysis, points 1 & 2 as described in the NEPA/Clean Water Act (CWA) Section 404 merger process. We were unable to concur with point 3 of the merger process, Identification of the Selected Alternative, because the SWLRT Locally Preferred Alternative (LPA) as described in the DEIS is not the Least Environmentally Damaging Practicable Alternative (LEDPA), as defined in the 404(b)(1) Guidelines (Guidelines).

We understand that the SWLRT SDEIS will be analyzing additional route and Operations and Maintenance Facility (OMF) alternatives that were not discussed in the DEIS. Therefore, we will be revisiting point 2 of the merger process to determine if the range of alternatives evaluated in the SDEIS, and potentially carried forward into the FEIS, would satisfy CWA Section 404 regulatory requirements.

We are also committed to continuing coordination with you and the local SWLRT project team on concurrence point 3 of the NEPA/CWA Section 404 merger process, through technical review of the SDEIS, and through evaluation of impact avoidance measures.

Again, we appreciate and accept your invitation to become a cooperating agency in preparation of the SDEIS and FEIS for the SWLRT Project. If you have any questions, contact Melissa Jenny at (651) 290-5363. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Copies furnished:

Maya Sarna, FTA HQ
Bill Wheeler, FTA, Region V
Nani Jacobson, Metropolitan Council

**Regional Railroad Authority Board Action
Request
13-HCRRRA-0059**



www.hennepin.us

Item Description:

HCRRA's future conveyance of property interests for the Southwest Light Rail Transit project

Resolution:

WHEREAS, plans under consideration for the Southwest Light Rail Transit project would require conveyance of certain property interests from the Hennepin County Regional Railroad Authority (HCRRA) to the Metropolitan Council, an entity of the State of Minnesota; and

WHEREAS, HCRRA's primary purpose in acquiring the property was to create and preserve a corridor for light rail use; and

WHEREAS, as an accommodation to, and at the request of, the State of Minnesota, HCRRA has permitted temporary use of the corridor for freight rail, at significant cost to HCRRA; and

WHEREAS, upon the construction of the light rail project HCRRA's primary purposes for the land acquisition will have been fulfilled; and

WHEREAS, the light rail project should not impose ongoing unwanted ownership or other obligations, liabilities or risks on HCRRA; and

WHEREAS, Minnesota statutes provide that a county regional railroad authority may not contribute more than ten percent of the capital costs of a light rail transit project and that a county regional railroad authority may not contribute any funds to pay the operating and maintenance costs for a light rail transit project; NOW, THEREFORE,

BE IT RESOLVED, that HCRRA's conveyance of property interests for the light rail project must assure that HCRRA is relieved of all obligations, liabilities or risks for freight rail or light rail in the corridor.

Regional Railroad Authority Board Action Request (continued)



Requesting Department	Regional Railroad Authority
Recommendation from Deputy Exec Director	
Recommendation from Executive Director	

Background

Approvals

Department Head	Doan, John	Date	10/7/2013
Deputy/Assistant Administrator		Date	
Director		Date	



Mike Opat, District 1
 Linda Higgins, District 2
 Gail Dorfman, Vice-Chair, District 3
 Peter McLaughlin, Chair, District 4
 Randy Johnson, District 5
 Jan Callison, District 6
 Jeff Johnson, District 7

BOARD MINUTES

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY

Tuesday, October 8, 2013
 1:30 PM

The Board of Commissioners of the Hennepin County Regional Railroad Authority met in the Hennepin County Government Center on Tuesday, October 8, 2013. The meeting was called to order at 2:12 PM by Commissioner McLaughlin, Chair. All Commissioners were present except Commissioner Opat, and Commissioner Randy Johnson who were absent.

1 Approval of Agenda

Commissioner Callison moved to approve, seconded by Commissioner Jeff Johnson and approved unanimously - 5 YEAS 2 ABSENT (Mike Opat, Randy Johnson) - APPROVED

2 Minutes from Previous Meeting

A) September 24, 2013

Commissioner Higgins moved to approve, seconded by Commissioner Jeff Johnson and approved unanimously - 5 YEAS 2 ABSENT (Mike Opat, Randy Johnson) - APPROVED

3 Referral of Correspondence

A) 13-HCRRRA-N0002
Professional and Personal Service Agreements of \$50,000 or less and Receivable Contracts of \$50,000 or less which were approved by the Executive Director of the HCRRRA during the period 6/1/13-9/30/13

Commissioner Callison moved to refer as recommended, seconded by Commissioner Dorfman and approved unanimously - 5 YEAS 2 ABSENT (Mike Opat, Randy Johnson) - REFER AS RECOMMENDED

4 Claims Register

A) 13-HCRRRA-0053
Claims Register for the period ending September 23, 2013

Resolution No. 13-HCRRRA-0053

The following Resolution was moved by Commissioner Higgins, seconded by Commissioner Callison

BE IT RESOLVED, that the Claims Register for the period ending September 23, 2013 be approved/ratified.

RESOLUTION ADOPTED ON 10/8/13

5 New Business

- A) **13-HCRRRA-0054**
Capital Grant Agmt A131544 with Counties Transit Improvement Board for the Bottineau Light Rail Transit project, 9/1/13-12/31/14, rcv \$2,400,000 and NTE local match of \$1,600,000

Resolution No. 13-HCRRRA-0054

The following Resolution was moved by Commissioner Higgins, seconded by Commissioner Dorfman and approved - 4 YEAS 1 NAY (Jeff Johnson) 2 ABSENT (Mike Opat, Randy Johnson) - APPROVED

BE IT RESOLVED, that Agreement A131544 with the Counties Transit Improvement Board (CTIB) accepting \$2,400,000, for the period September 1, 2013 through December 31, 2014 for the purposes of conducting project development for the Bottineau Light Rail Transit project, be approved; that assignment of that agreement and those funds to the Metropolitan Council be authorized; and that the Chair of the Board be authorized to sign the agreement and necessary assignment documents on behalf of the authority; and

BE IT FURTHER RESOLVED, that Hennepin County Regional Railroad Authority (HCRRRA) provide a local match for Agreement A131544 as required by CTIB in a total not to exceed amount of \$1,600,000; and

BE IT FURTHER RESOLVED, that the Controller be authorized to disburse funds in accordance with the above as directed.

RESOLUTION ADOPTED ON 10/8/13

- B) **13-HCRRRA-0055**
Negotiate Agmt A131651 with the Metropolitan Council for Pre-Project Development activities for the Bottineau LRT project, 10/15/13-3/31/16, NTE \$150,000

Resolution No. 13-HCRRRA-0055

The following Resolution was moved by Commissioner Higgins and seconded by Commissioner Dorfman. Debra Brisk, Assistant County Administrator offered a friendly amendment. Commissioner McLaughlin moved the friendly amendment, changing the end date of the agreement to March 31, 2014, seconded by Commissioner Higgins and approved.

BE IT RESOLVED, that the Executive Director be authorized to negotiate Agreement A131651 with the Metropolitan Council for Pre-Project Development activities for the Bottineau Light Rail Transit (LRT) project, for the period October 15, 2013 through March 31, 2016, in an amount not to exceed \$150,000 for pre-project development activities; that following review and approval by the County Attorney's Office, the Chair be authorized to sign the agreement on behalf of the authority; and that the Controller be authorized to disburse funds as directed.

Resolution was revised as follows:

13-HCRRRA-0055R1
Negotiate Agmt A131651 with the Metropolitan Council for Pre-Project Development activities for the Bottineau LRT project, 10/15/13-3/31/14, NTE \$150,000

Resolution No. 13-HCRRRA-0055R1

The following Resolution was moved by Commissioner Higgins, seconded by Commissioner Dorfman and approved - 4 YEAS 1 NAY (Jeff Johnson) 2 ABSENT (Mike Opat, Randy Johnson)

BE IT RESOLVED, that the Executive Director be authorized to negotiate Agreement A131651 with the Metropolitan Council for Pre-Project Development activities for the Bottineau Light Rail Transit (LRT) project, for the period October 15, 2013 through March 31, 2014, in an amount not to exceed \$150,000 for pre-project development activities; that following review and approval by the County Attorney's Office, the Chair be authorized to sign the agreement on behalf of the authority; and that the Controller be authorized to disburse funds as directed.

RESOLUTION ADOPTED ON 10/8/13

- C) **13-HCRRRA-0056**
Amd 2 to Lease Agmt 73-37413 with Hennepin County for rental of HCRRRA property in Spring Park; extending the contract period to 10/31/18 (rcv \$1.00 per yr)

Resolution No. 13-HCRRRA-0056

The following Resolution was moved by Commissioner Callison, seconded by Commissioner Jeff Johnson

BE IT RESOLVED, that Second Amendment to Lease Agreement 73-37413 with Hennepin County for rental of Hennepin County Regional Railroad Authority property located west of CSAH 51 (Sunset Drive) in the City of Spring Park, extending the term from November 1, 2013 to October 31, 2018, in the receivable amount of \$1.00 per year, be approved; and that the Chair of the Board be authorized to sign the agreement on behalf of the authority.

RESOLUTION ADOPTED ON 10/8/13

- D) **13-HCRRRA-0057**
Negotiate relocation of Three Rivers Park District trail and reconfiguration of Lease Agmt 73-34106 with the City of Excelsior and Lease Agmt 73-34103 with Seifert Companies LLC west of Water Street in Excelsior

Resolution No. 13-HCRRRA-0057

The following Resolution was moved by Commissioner Callison, seconded by Commissioner Jeff Johnson

BE IT RESOLVED, that the Executive Director be authorized to negotiate the relocation of the Lake Minnetonka Light Rail Transit Trail with Three Rivers Park District, and the reconfiguration of Lease Agreement 73-34106 with the City of Excelsior and Lease Agreement 73-34103 with Seifert Companies LLC for that part Hennepin County Regional Railroad Authority property located west of Water Street in the City of Excelsior; adjusting rental rates according to the new leased areas to accommodate the improved trail route, and that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the agreements on behalf of the authority.

RESOLUTION ADOPTED ON 10/8/13

- E) **13-HCRRRA-0058R1**
Notice of a joint hearing with Metropolitan Council as required by state law on the physical design component of the Southwest LRT preliminary design plans

Resolution No. 13-HCRRRA-0058R1

The following Resolution was moved by Commissioner Dorfman, seconded by Commissioner

Callison

BE IT RESOLVED, that the Hennepin County Regional Rail Authority (HCRRA) will hold a joint hearing with Metropolitan Council as required by state law on the physical design component of the Southwest LRT preliminary design plans; and

BE IT FURTHER RESOLVED, that the joint hearing is scheduled for 5:30 p.m. on Tuesday, November 19, 2013 at the County Boardroom on the 24th floor of the Hennepin County Government Center, 300 South Sixth Street, Minneapolis, MN 55487 to be preceded at 4:30 p.m. by an open house on the Public Service Level of the Hennepin County Government Center; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to work with the Metropolitan Council to take all other actions as are necessary to hold the hearing as provided in state law and to establish and carry out the open house, and is directed to timely provide such further notice as may be necessary in the event of a change in time, date or place.

RESOLUTION ADOPTED ON 10/8/13

- F) **13-HCRRA-0059**
HCRRA's future conveyance of property interests for the Southwest Light Rail Transit project

Resolution No. 13-HCRRA-0059

The following Resolution was moved by Commissioner Callison, seconded by Commissioner Dorfman

WHEREAS, plans under consideration for the Southwest Light Rail Transit project would require conveyance of certain property interests from the Hennepin County Regional Railroad Authority (HCRRA) to the Metropolitan Council, an entity of the State of Minnesota; and

WHEREAS, HCRRA's primary purpose in acquiring the property was to create and preserve a corridor for light rail use; and

WHEREAS, as an accommodation to, and at the request of, the State of Minnesota, HCRRA has permitted temporary use of the corridor for freight rail, at significant cost to HCRRA; and

WHEREAS, upon the construction of the light rail project HCRRA's primary purposes for the land acquisition will have been fulfilled; and

WHEREAS, the light rail project should not impose ongoing unwanted ownership or other obligations, liabilities or risks on HCRRA; and

WHEREAS, Minnesota statutes provide that a county regional railroad authority may not contribute more than ten percent of the capital costs of a light rail transit project and that a county regional railroad authority may not contribute any funds to pay the operating and maintenance costs for a light rail transit project; NOW, THEREFORE,

BE IT RESOLVED, that HCRRA's conveyance of property interests for the light rail project must assure that HCRRA is relieved of all obligations, liabilities or risks for freight rail or light rail in the corridor.

RESOLUTION ADOPTED ON 10/8/13

Commissioner Jeff Johnson moved to adjourn, seconded by Commissioner Callison. The Hennepin County Regional Railroad Authority adjourned at 2:34 PM. The next meeting of the Regional Railroad Authority will be Tuesday, November 5, 2013.

Yolanda C Clark
Deputy Clerk to the Board of Commissioners

Contracting opportunities can be found on the Hennepin County website: www.hennepin.us



Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: lisa.joyal@state.mn.us

#41

January 31, 2014

Correspondence # ERDB 20090682-0003

Ms. Nani Jacobson
Metropolitan Council, Southwest Light Rail Transit
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Natural Heritage Review of the proposed Southwest Light Rail Transit;
Hennepin County

Dear Ms. Jacobson,

As requested, the Minnesota Natural Heritage Information System (NHIS) has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, the following **rare species may be adversely affected** by the proposed project:

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported from the vicinity of the proposed project and may be encountered on site. If Blanding's turtles are found on the site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm's way, otherwise they should be left undisturbed.

For your information, I have attached a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** If greater protection for turtles is desired, the second list of additional recommendations can also be implemented. In addition, if erosion control blankets will be used, we recommend that they be limited to 'bio-netting' or 'natural-netting' types as the plastic mesh netting can be dangerous to reptiles (please see enclosed fact sheet). The attached flyer should be given to all contractors working in the area.

- Please include a copy of this letter in any DNR license or permit application.

** Please note, there was not a difference in effects to rare species between the "Locally Preferred Alternative Alignment" and "Freight Rail Relocation Alignment" project locations.

The Natural Heritage Information System, a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

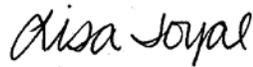
For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and project description provided on the NHIS Data Request Form. Please contact me if project details change or if an updated review is needed.

Please note that location of the Canada lynx (*Lynx canadensis*), federally-listed as threatened, is not currently tracked in the NHIS. As such, the Natural Heritage Review does not address this species.

Furthermore, the Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. Additional rare features for which we have no data may be present in the project area, or there may be other natural resource concerns associated with the proposed project. For these concerns, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,

A handwritten signature in black ink that reads "Lisa Joyal". The signature is written in a cursive, flowing style.

Lisa Joyal
Endangered Species Review Coordinator

enc. Blanding's Turtle Fact Sheet and Flyer
Erosion Control and Mesh Netting

Endangered, Threatened, and Special Concern Species of Minnesota

Blanding's Turtle
(Emydoidea blandingii)

Minnesota Status: Threatened
Federal Status: none

State Rank¹: S2
Global Rank¹: G4

HABITAT USE

Blanding's turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding's turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding's turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding's turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding's turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

LIFE HISTORY

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding's turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

IMPACTS / THREATS / CAUSES OF DECLINE

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
- loss of upland habitat through development or conversion to agriculture
- human disturbance, including collection for the pet trade* and road kills during seasonal movements
- increase in predator populations (skunks, raccoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.

RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding's turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding's turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding's turtles during construction or other work within Blanding's turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding's turtles populations; this list should be used *in addition to the first list* in areas which are known to be of state-wide importance to Blanding's turtles (contact the DNR's Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding's turtles is desired.

List 1. Recommendations for all areas inhabited by Blanding's turtles.	List 2. Additional recommendations for areas known to be of state-wide importance to Blanding's turtles.
GENERAL	
A flyer with an illustration of a Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.	Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding's turtles to increase public awareness and reduce road kills.
Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.	Workers in the area should be aware that Blanding's turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.
If a Blanding's turtle nests in your yard, do not disturb the nest.	If you would like to provide more protection for a Blanding's turtle nest on your property, see "Protecting Blanding's Turtle Nests" on page 3 of this fact sheet.
Silt fencing should be set up to keep turtles out of construction areas. It is <u>critical</u> that silt fencing be removed after the area has been revegetated.	Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).
WETLANDS	
Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).	Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding's turtles are more easily disturbed than other turtle species).
Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.	Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50' wide. This area should be left unmowed and in a natural condition.
ROADS	
Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).	Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.
Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding's turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).	Roads should be ditched, not curbed or below grade.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).	Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.
Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1 st and before June 1 st).	Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

Protecting Blanding's Turtle Nests: Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is *very important* that the fencing be **removed before August 1st** so the young turtles can escape from the nest when they hatch!

REFERENCES

- ¹Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). <http://www.natureserve.org/ranking.htm> (15 April 2001).
- Coffin, B., and L. Pfannmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

REFERENCES (cont.)

- Moriarty, J. J., and M. Linck. 1994. Suggested guidelines for projects occurring in Blanding's turtle habitat. Unpublished report to the Minnesota DNR. 8 pp.
- Oldfield, B., and J. J. Moriarty. 1994. Amphibians and Reptiles Native to Minnesota. University of Minnesota Press, Minneapolis, 237 pp.
- Sajwaj, T. D., and J. W. Lang. 2000. Thermal ecology of Blanding's turtle in central Minnesota. *Chelonian Conservation and Biology* 3(4):626-636.

CAUTION



BLANDING'S TURTLES MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2653); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-206-2820); or St. Paul (651-259-5772).

DESCRIPTION: The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

**BLANDING'S TURTLES DO NOT MAKE GOOD PETS
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY**

SUMMARY OF RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS TO BLANDING'S TURTLE POPULATIONS

(see Blanding's Turtle Fact Sheet for full recommendations)

- This flyer should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.
- Turtles that are in imminent danger should be moved, by hand, out of harm's way. Turtles that are not in imminent danger should be left undisturbed to continue their travel among wetlands and/or nest sites.
- If a Blanding's turtle nests in your yard, do not disturb the nest and do not allow pets near the nest.
- Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.
- Small, vegetated temporary wetlands should not be dredged, deepened, or filled.
- All wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.
- Roads should be kept to minimum standards on widths and lanes.
- Roads should be ditched, not curbed or below grade. If curbs must be used, 4" high curbs at a 3:1 slope are preferred.
- Culverts under roads crossing wetland areas, between wetland areas, or between wetland and nesting areas should be at least 36 in. diameter and flat-bottomed or elliptical.
- Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.
- Utility access and maintenance roads should be kept to a minimum.
- Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.
- Terrain should be left with as much natural contour as possible.
- Graded areas should be revegetated with native grasses and forbs.
- Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1st and before June 1st).

Wildlife Friendly Erosion Control

Wildlife entanglement in, and death from, plastic netting and other man-made plastic materials has been documented in birds (Johnson, 1990; Fuller-Perrine and Tobin, 1993), fish (Johnson, 1990), mammals (Derraik, 2002), and reptiles (Barton and Kinkead, 2005; Kapfer and Paloski, 2011). Yet the use of these materials continues in many cases, without consideration for wildlife impacts. Plastic netting is frequently used for erosion control during construction and landscape projects and can negatively impact terrestrial and aquatic wildlife populations as well as snag in maintenance machinery resulting in costly repairs and delays. However, wildlife friendly erosion control materials do exist, and are sold by several large erosion control material companies. Below are a few key considerations before starting a project.

Know Your Options

- Remember to consult with local natural resource authorities (DNR, USFWS, etc.) before starting a project. They can help you identify sensitive areas and rare species.
- When erosion control is necessary, select products with biodegradable netting (natural fiber, biodegradable polyesters, etc.).
- DO NOT use products that require UV-light to biodegrade (also called, "photodegradable"). These do not biodegrade properly when shaded by vegetation.
- Use netting with rectangular shaped mesh (not square mesh).
- Use netting with flexible (non-welded) mesh.



Woven 100% natural fiber erosion control materials being utilized along a central Minnesota stream. ©MN DNR, Nick Proulx

Know the Landscape

- It is especially important to use wildlife friendly erosion control around:
 - Areas with threatened or endangered species.
 - Wetlands, rivers, lakes, and other watercourses.
 - Habitat transition zones (prairie – woodland edges, rocky outcrop – woodland edges, steep rocky slopes, etc.).
 - Areas with threatened or endangered species.
- Use erosion mesh wisely, not all areas with disturbed ground necessitate its use. Do not use plastic mesh unless it is specifically required. Other erosion control options exist (open weave textile (OWT), rolled erosion control products (RECPs) with woven natural fiber netting).



Fish trapped and killed by welded-plastic square erosion control mesh improperly placed along a small central Minnesota stream. Photo courtesy of Ben Lowe.

Protect Wildlife

- Avoid photodegradable erosion control materials where possible.
- Use only biodegradable materials (typically made from natural fibers), preferably those that will biodegrade under a variety of conditions.
- Wildlife friendly erosion control material costs are often similar to conventional plastic netting.



Plains Gartersnake trapped and killed by welded-plastic square erosion control mesh placed along a newly installed cement culvert in southern Minnesota. ©MN DNR, Carol Hall



A small vole that was strangled and killed by plastic erosion control material with welded and square mesh. Photo taken in southern Minnesota and provided courtesy of Tom Jessen.



Literature Referenced

Barton, C. and K. Kinkead. 2005. Do erosion control and snakes mesh? *Soil and Water Conservation Society* 60:33A-35A.

Derraik, J.G.B. 2002. The pollution of the marine environment by plastic debris: a review. *Marine Pollution Bulletin* 44:842-852.

Fuller-Perrine, L.D., and M.E. Tobin. 1993. A method for applying and removing bird-exclusion netting in commercial vineyards. *Wildlife Society Bulletin* 21:47-51.

Johnson, S.W. 1990. Distribution, abundance, and source of entanglement debris and other plastics on Alaskan beaches, 1982-1988. *Proceedings of the Second International Conference on Marine Debris* 331-348.

Kapfer, J. M., and R. A. Paloski. 2011. On the threat to snakes of mesh deployed for erosion control and wildlife exclusion. *Herpetological Conservation and Biology* 6:1-9.



Using the Power of History to Transform Lives
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STATE HISTORIC PRESERVATION OFFICE

April 2, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & Downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080 (Phase I/II Architecture History Investigations)

Dear Mr. Gimmestad,

Thank you for continuing consultation on above-referenced project. It is being reviewed under Section 106 of the National Historic Preservation Act (36CFR800) and provisions of the Minnesota Historic Sites Act.

We have completed our review of the survey report entitled *Phase I/Phase II Architecture History Investigation for the Proposed Southwest Light Rail Transit Project, Hennepin County, Volume 5, Supplemental Report Number Two, Additional Areas/Properties in the Following Survey Zones: St. Louis Park Survey Zone, Minneapolis West Residential Survey Zone* (February 2014) which was submitted to our office on 25 February 2014.

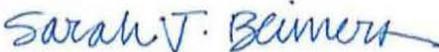
We concur with your agency's determination that the following properties are eligible for listing in the National Register of Historic Places (NRHP):

- **Mahalia and Zachariah Saveland House** (HE-MPC-6766), 2405 West 22nd Street, Minneapolis - eligible under criterion C (architecture);
- **Frank W. and Julia C. Shaw House** (HE-MPC-6603), 2036 Queen Avenue South, Minneapolis - eligible under criterion C (architecture);
- **Kenwood Parkway Residential Historic District** (HE-MPC-18059), 1805 – 2206 Kenwood Parkway, Minneapolis – the residential historic district is eligible under criterion A (community planning and development). For clarification to what is stated in the report regarding the residential district's eligibility under criterion C, this parkway section is part of the contributing Kenwood Parkway Sub-segment of the Grand Rounds, a property previously determined eligible for listing in the NRHP under both criteria A and C.

We also concur with the determination that both the Nora C. and William Klein House (HE-MPC-6761) and the B'nai Abraham Synagogue (HE-SLC-566) are **not eligible** for listing in the NRHP.

Again, we thank you for your agency's commitment to completing high-quality identification and evaluation survey reports for the proposed light rail project. Feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org if you have any questions or concerns regarding our review.

Sincerely,



Sarah J. Beimers
Manager, Government Programs and Compliance

cc: Hilary Dvorak, Minneapolis Heritage Preservation Commission
Heather Goodson, Mead and Hunt



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STATE HISTORIC PRESERVATION OFFICE

April 2, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & Downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080 (Phase II Archaeological Survey)

Dear Mr. Gimmestad,

Thank you for continuing consultation on above-referenced project. It is being reviewed under Section 106 of the National Historic Preservation Act (36CFR800) and provisions of the Minnesota Historic Sites Act.

We have completed our review of the survey report entitled *Phase II Archaeological Survey for the Southwest Light Rail Transit Project* (February 2014) which was submitted to our office on 27 February 2014.

We concur with your agency's determination that the following properties are **not eligible** for listing in the National Register of Historic Places (NRHP):

- Brookview Terrace (21HE0413), St. Louis Park
- Upton Avenue Ridge (21HE0412), Minneapolis
- M&StL Cedar Lake Yards (21HE0408), Minneapolis
- Kenwood Station (21HE0414), Minneapolis

We also concur with the determination that the following properties are **eligible** for listing in the NRHP:

- St. Paul & Pacific Rail Bed (21HE0435), St. Louis Park, eligible under criteria C and D
- Cedar Lake Ice Company (21HE0409), Minneapolis, eligible under criterion D

Regarding the sites identified as **Royalston North (21HE0436)** and **Royalston South (21HE0437)** in Minneapolis, your agency has indicated that additional field survey is necessary in order to determine NRHP eligibility and that this additional survey would potentially be combined with Phase III treatment. While we do agree that additional Phase II evaluation work may be warranted for these sites, we believe that the current information is sufficient to demonstrate that the two Royalston sites are **eligible** for

listing in the NRHP under criterion D. If future investigation does take place in the existing Royalston Road street bed and intact archaeological deposits are found, then they may contribute to the significance of these two sites. However, it is our feeling that if additional intact deposits are not found, the two sites would still be eligible.

Again, we thank you for your agency's commitment to completing high-quality identification and evaluation survey reports for the proposed light rail project. In particular, this Phase II archaeological survey and evaluation is an excellent report and provides a significant contribution to the archaeology of the Minneapolis and St. Louis Park metropolitan area.

Feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org if you have any questions or concerns regarding our review.

Sincerely,



Sarah J. Beimers
Manager, Government Programs and Compliance



**Minneapolis
Park & Recreation Board**

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Pamela French



May 16, 2014

Dennis Gimmestad
MNDOT Cultural Resources Unit
Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
Saint Paul, MN 55155

RE: Southwest Light Rail Transit Project, Minneapolis Park and Recreation Board Comments on April 18, 2014 Consultant Materials

Dear Mr. Gimmestad:

Thank you for the opportunity to review the Section 106 materials provided to Sarah Beimers of the Minnesota State Historic Preservation Office and to participate in the April 30, 2014 consultant meeting for the Southwest Light Rail Transit (SWLRT) Project. Minneapolis Park and Recreation Board (MPRB) staff provide the following comments on the materials:

Table of Potential Effects on Historic Properties (4/15/14)

- 1) *No 8, Grand Rounds/Lake Calhoun (eligible) HE-MPC-01811:* No adverse effect is indicated for this portion of the Grand Rounds Historic District based on preliminary engineering and station area plans. This property is close to the station area in an area of the city that has poor vehicle, pedestrian and bicycle circulation. The MPRB is concerned that this property will be adversely impacted by changes to traffic and parking patterns that result from the SWLRT project in this area. We request continued consultation on this property throughout the final design and development of the SWLRT, similar No 21, Grand Rounds/Kenwood Parkway (eligible) HE-MPC-01796 in the table.
- 2) *No 9, Grand Rounds/Cedar Lake Parkway (eligible) HE-MPC-01833:* The MPRB is concerned about the long-term noise and visual intrusion at this intersection and its impacts on adjacent park land. We understand this it is currently a quiet zone. We also understand that this status is unique and are concerned that this designation may not carry over into the SWLRT project. The MPRB is welcomes the opportunity to continue the consultation on this intersection.
- 3) *No 13, Grand Rounds/Kenilworth Lagoon/Channel (eligible) HE-MPC-1822:* The MPRB agrees with the need for continued consultation on the impacts to the Kenilworth Channel and Lagoon. The size and scale of the proposed bridge structures are not consistent with the design intent and historic cultural landscape of the channel. The MPRB would

like to include the introduction of massive portals on each side of the channel to this review, as well as the noise and vibration impacts that will result from the SWLRT moving in and out of the shallow tunnels and crossing the channel. The MPRB is concerned that it will not be possible to mitigate the impacts of bridge structures and portals that co-locate freight, light rail and trail over the channel. To assist with defining the design intent and historic landscape character of the Kenilworth Channel and Lagoon, the MPRB provides the following information:

The creation of the Kenilworth Lagoon was driven by rising interest in “water sports of all kinds on the lakes and streams,” according to Theodore Wirth, writing in his 1944 history of the park system. As early as 1906, Wirth’s first year as superintendent, one of his main goals was to connect Isles, Calhoun, Cedar, and Brownie together, an idea called the “Venice of America”—with specific reference to the “beautiful drives and bridges”—in the 1908 Board President’s Report.

Excavation of the Kenilworth Lagoon as far as the Minneapolis and St. Louis Railroad was completed in 1911 and extended to Cedar Lake by 1913. In his 1914 Superintendent’s Report, Wirth notes the adoption of the name “Kenilworth Lagoon” for the entire water connection between Isles and Cedar, and describes its original design:

“During the winter season the grounds along the south shore of the lagoon, between Bridge No. 4 [Lake of the Isles Parkway over the Kenilworth Lagoon] and the railroad, were graded, and in the spring seeded and planted, and they have become very attractive in their new garb of lawn and shrubbery. During the fall months the north side of the main lagoon and the banks of the waterway between the railroad bridge and Cedar Lake have also been graded, dressed with loam, planted, and seeded. Walks along both shores have been established leading from Lake of the Isles Boulevard to Cedar Lake Avenue, or what is now called ‘Burnham Avenue.’ Pipe rails were erected along the walks where they come close to the narrow channel under the railroad bridge.

This work was completed less than a year after similar planting and grading was done around Lake of the Isles and along the channel between Isles and Calhoun. Wirth viewed the dredging and interconnection of the four lakes as a single grand project with similar design parameters. In 1907 he envisioned that the Isles-Calhoun connection would have a “natural picturesque appearance.” This design style would have been applied to the entire chain of lakes.

The interconnection of the lakes required six bridges, which were enumerated in the 1909 Annual Report. A competition was held to design them, and designs were selected and built over the Lake Calhoun inlet (bridge #1), Lake of the Isles outlet to Calhoun (bridge #3), and the Kenilworth Lagoon at Lake of the Isles (bridge #4). The railroad bridge over the Isles-Calhoun channel (bridge #2) was built by the railroad. These four bridges were completed in 1911. A design was purchased for the Burnham Road (then

“Cedar Lake Avenue”) bridge (bridge #6) but it was never built. Bridge #5, the railroad bridge over the Kenilworth Lagoon at the present day location of the proposed Southwest LRT crossing, was completed in 1913 and considered temporary.

Though in 1909 Wirth agreed to focus efforts and money on the more prominent Bridges 1, 3, and 4, by 1913 he “[hopes that the railroad company will replace [the temporary timber structure] in due time with a better and safer structure.” In 1916, two years after completion of the Kenilworth Lagoon with its plantings and trails, the railroad bridge continued to bother Wirth: “I wish to renew my suggestion that the city be requested to build a suitable permanent bridge across the channel on Cedar Lake Avenue (Burnham Road), and that the Minneapolis and St. Louis Railway Company replace the unsightly wooden bridge with a permanent, neat looking concrete structure.”

The Kenilworth Lagoon was originally envisioned as a recreational water and pedestrian connection in the picturesque style that predominated throughout the Isles/Calhoun area. All the bridges in the area—including the railroad bridges—were considered key features of that recreational connection. In the 1914 Annual Report, Wirth sets forth his grand vision specifically for the Kenilworth Lagoon:

“After permanent ornamental bridges have been established to replace the present unsightly wooden structures [of the Burnham Road and Minneapolis and St. Paul Railroad bridges], this waterway between the two lakes will be one of the most attractive features of the entire park system, viewed alike from land or water.”

- 4) *No 14 – 18, Grand Rounds*: The MPRB agrees with the need for continued consultation on the visual impacts of the bridge structures over the Kenilworth Channel from surrounding properties. The MPRB is concerned that the visual impact of the bridges over the Kenilworth Channel from Burnham Road Bridge are not evaluated in the consultation materials. The MPRB recommends that this be included in the consultation.

Again, thank you for the opportunity to review these materials and to participate in future consultation for the Section 106 review of the Southwest Light Trail Transit Project.

Sincerely,



Bruce L. Chamberlain, ASLA
Assistant Superintendent for Planning

cc: Sarah Beimers, Minnesota State Historic Preservation Office

From: [Byers, Jack P.](#)
To: [Gimmestad, Dennis \(DOT\)](#)
Cc: sarah.beimers@mnhs.org; [Jacobson, Nani \(Nani.Jacobson@metrotransit.org\)](mailto:Jacobson.Nani@metrotransit.org); [Hager, Jenifer A](#); [Schaffer, Brian C.](#)
Subject: Southwest LRT 106 Consultation - Your request for comments from Minneapolis by May 18th
Date: Friday, May 16, 2014 11:02:32 AM

Dennis,

Thank you for convening all of the consulting parties on the Southwest Transitway Section 106 process on April 30th. We appreciate your presentation of the updated Potential Effects table and we appreciate the research and chronology that the 106 Group presented during that meeting. Both were illuminating and very helpful. Thank you for your hard work on this project.

As you are aware, the City of Minneapolis and the other municipalities along the proposed corridor are currently engaged the Municipal Consent process; one that includes a specific set of proposals from SPO. City of Minneapolis staff are reviewing the SPO package and preparing our comments for subsequent review and consideration by our City Council. City staff are certainly keeping matters related to historic resources in mind as we conduct our Municipal Consent review. However, given that the Municipal Consent process is formally underway, it would be premature for us to comment specifically on 106 matters separately and before our City Council's review and decision on Municipal Consent is completed.

Thank you for understanding. Please feel free to contact me if you have any questions or require further clarification.

Regards,
Jack Byers

Jack Byers, AICP

Long Range Planning Manager

City of Minneapolis – Community Planning and Economic Development

105 Fifth Avenue South – 200
Minneapolis, MN 55401-2534

Office: 612-673-2634

jack.byers@minneapolismn.gov

www.minneapolismn.gov/cped





STATE HISTORIC PRESERVATION OFFICE

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May 21, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for continuing consultation on the above project. It is being reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of the consultation package you submitted to our office on 18 April 2014. This submittal included:

- Consultation letter dated 18 April 2014
- Table of Potential Effects on Historic Properties
- Photo Log of Historic Properties
- Historic Properties Maps 1-6
- Attachment A: Additional Project Information in the Vicinity of Hopkins M&StL Depot
- Attachment B: Additional Project Information in the Vicinity of Cedar Lake Parkway/Grand Rounds Historic District
- Preliminary Track Drawings: East Segments 1-4

In addition to reviewing these materials, we participated in the Section 106 Consulting Parties meeting held at the Southwest Project Office on 30 April 2014. Thank you for convening all of the consulting parties for this meeting, it was very beneficial. Our comments and recommendations are outlined below.

Archaeological Phase II Evaluation

We concur with your determination that archaeological sites 21HE0436 and 21HE0437 are eligible for listing in the National Register of Historic Places (NRHP) under Criterion D. It is our understanding that your agency will complete additional Phase II investigations at these sites in order to determine site boundaries which will assist in the resolution of potential adverse effects to these sites. We agree with this approach.

Area of Potential Effects Revisions

We have taken into account the various adjustments to the project's area of potential effect (APE) which you have summarized in your letter and are illustrated on the Historic Properties Maps. As you have indicated, one of the most significant adjustments to the project APE is in the location of the new light rail bridge crossings over the Kenilworth Lagoon/Channel. We appreciate the fact that, due to the change in scope for this segment of the project, the APE has been expanded in order to comprehensively apply the criteria of adverse effect to significant characteristics of the historic Grand Rounds. We look forward to continuing consultation regarding potential effects to historic properties in these additional areas.

Preliminary Project Effects Assessments

You have indicated that the assessments of potential effects on historic properties have been determined based upon preliminary project engineering plans and that final adverse effect determinations will be made by the Federal Transit Administration. In general, we agree with many of the assessments that have been completed thus far and it is our opinion that these assessments will provide a basis for provisions to be included in a Section 106 agreement document, perhaps in the form of a programmatic agreement, for the Southwest Light Rail Transit Project. Our comments and recommendations on your April 18th correspondence are outlined below:

- Based on our review of the current preliminary engineering and station area plans, we concur with your determination that the project will not adversely affect the following nine (9) properties: Hopkins City Hall (Hopkins), Hoffman Callan Building (St. Louis Park), Minikahda Club (Minneapolis), Grand Rounds-Lake Calhoun Segment (Minneapolis), Mac Martin House (Minneapolis), Dunwoody Institute (Minneapolis), Minneapolis St. Paul & Manitoba Railroad Historic District (Minneapolis), Osseo Branch/Minneapolis St. Paul & Manitoba Railroad Historic District (Minneapolis), and the Minneapolis Warehouse District (Minneapolis). We agree that no further consultation is required for these properties unless subsequent project plan development results in effects to these historic properties.
- Please Note: Based upon discussions at the April 30th consulting parties meeting, we do not concur with the "no adverse effect" finding for the CM&StP Saint Louis Park Depot (Saint Louis Park), due to the fact that project plans have changed in the vicinity of this historic property which may necessitate additional effect assessment and/or design changes. We look forward to continuing consultation at this location.
- We agree with your agency's determination that avoidance of adverse effects for the following four (4) properties may be possible through appropriate design modifications and/or protection measures during construction: M&StL Hopkins Depot (Hopkins), Peavey-Haglin Experimental Concrete Grain Elevator (Saint Louis Park), Grand Rounds-Cedar Lake Parkway Segment (Minneapolis), and Archaeological Site 21HE0409. We will continue to consult with your agency as project plans are further developed.
- In regards to the proposed location of the two (2) new Lake of the Isles-Cedar Lake Channel Bridges, you have indicated that we will continue to consult with your agency on ways to minimize or avoid adverse effects to the six (6) historic properties identified within the APE for these bridges. These historic properties include: the Kenilworth Lagoon/Channel, Cedar Lake, Lake of the Isles, Lake of the Isles Parkway, and Park Board Bridge No. 4 which are contributing elements to the Grand Rounds, as well as the Lake of the Isles Residential Historic District. We agree that avoidance or minimization of adverse effects is the most desirable outcome, but we

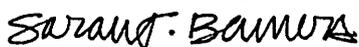
also recommend that continued consideration be given to potential mitigation of any adverse effects resulting from this segment of the project's construction.

- We agree with your recommendation for continued consultation regarding avoidance or minimization of potential adverse effects which may result from construction of the Penn LRT Station. It is our opinion that your agency should continue to consider potential mitigation of adverse effects at this station location as well. We agree that further consideration of effects resulting from the design and development of access routes between the Penn LRT Station and Kenwood Parkway will need to be assessed. The four (4) historic properties located within the Penn LRT Station APE include: the Kenwood Parkway Historic District, and three contributing elements to the Grand Rounds which include Kenwood Parkway, Kenwood Park, and Kenwood Water Tower. You have also indicated that additional assessment of potential auditory effects will be completed for the northern section of the Kenwood Parkway Historic District.
- We will continue to consult with your agency and consulting parties in the City of Hopkins regarding continued assessment of potential effects to the Hopkins Commercial Historic District resulting from the Downtown Hopkins LRT Station area development. We agree that a provision for listing the historic district in the National Register of Historic Places is an acceptable strategy for avoiding adverse effects and look forward to continuing consultation with your agency and the City of Hopkins.
- We agree with your determination that archaeological sites 21HE0436 and 21HE0437 will be directly affected by construction of the Royalston LRT Station and that avoidance of adverse effects has been considered and deemed infeasible. Therefore, we need to further consult regarding minimizing or mitigating for the adverse effect. Perhaps through the additional archaeological survey which is to be completed in the near future. The boundaries of these sites will be clarified which may allow for avoidance of direct impacts and continued preservation of site elements. We agree that a logical mitigation strategy for destruction of these sites will be a provision in a future agreement document for Phase III Data Recovery. We also recommend continued consultation with our office and consulting parties from the City of Minneapolis to develop additional relevant mitigation strategies.
- We agree with your determination that impacts to the following four (4) non-contributing elements, either directly or indirectly, will not adversely affect the Grand Rounds: the two (2) Railroad Bridges over Kenilworth Lagoon, the Burnham Road Bridge, and The Parade.

Again, thank you for your agency's efforts in bringing all of the Section 106 consulting parties together on April 30th to discuss the preliminary effects assessments, the proposed light rail route from Hopkins to Minneapolis, as well as providing a project update regarding the proposed Lake of the Isles-Cedar Lake Channel Bridges. We are aware of the fact that your agency will be in receipt of comment letters from the various consulting parties regarding the preliminary effects assessments and we look forward to continuing consultation as all comments and recommendations are taken into account.

If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,



Sarah Beimers, Manager
Government Programs & Compliance



STATE HISTORIC PRESERVATION OFFICE

June 5, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for continuing consultation on the above project. It is being reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of your correspondence dated 2 April 2014 in which you provide clarification regarding the historic property boundaries for segments of the Grand Rounds and the M&StL RR Depot, properties previously determined eligible for listing in the National Register of Historic Places and located within the area of potential effects (APE) for the Southwest Light Rail Transit Project. Our comments are summarized below:

- **Grand Rounds-Kenilworth Lagoon/Channel (HE-MPC-1822)** – we concur with your determination of the historic property boundary as described in your correspondence and illustrated on the map dated 02/13/14;
- **Grand Rounds-Cedar Lake Parkway (HE-MPC-1833)** – we concur with your determination of the historic property boundary as described in your correspondence and illustrated on the map dated 02/13/14;
- **M&StL RR Hopkins Depot (HE-HOC-0014)** – we concur with your determination of the historic property boundary as described in your correspondence and illustrated on the map dated 02/13/14.

We look forward to continuing consultation on this important project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,

A handwritten signature in black ink that reads 'Sarah Beimers'.

Sarah Beimers, Manager
Government Programs & Compliance



STATE HISTORIC PRESERVATION OFFICE

June 5, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for continuing consultation on the above project. It is being reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of additional transit project materials received in our office on 8 May 2014 which included:

- Correspondence letter dated 8 May 2014
- Report entitled *Phase I/Phase II Architectural History Investigation, Southwest LRT Project, Hennepin County, Minnesota: Volume Six, Supplemental Report Number Three (SDEIS)* (CH2M HILL, April 2014)
- Report entitled *Phase 1a Archaeological Investigation: Southwest Light Rail Transit, Hennepin County, Minnesota: SDEIS Areas Eden Prairie Segment, Hopkins Operations and Maintenance Facility, St. Louis Park/Minneapolis Segment* (CH2M HILL, March 2014)

You have indicated that these additional cultural resources studies have been completed as a result of scope adjustments which have been made to the proposed light rail transit project and that a Supplemental Draft Environmental Impact Statement (SDEIS) is currently being finalized.

Based upon information provided to us at this time, we concur with your determination that, in the SDEIS project areas surveyed for architecture/history resources, no additional properties listed or eligible for listing in the National Register of Historic Places (NRHP) were identified. Also, we concur with the determination that Phase 1 archaeological surveys should be completed for Areas A, B, and C identified in the Phase 1a archaeological report and that outside these three (3) areas targeted for survey, there are no additional NRHP listed or eligible properties identified.

We look forward to continuing consultation on this important project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,

A handwritten signature in black ink that reads 'Sarah Beimers'.

Sarah Beimers, Manager
Government Programs & Compliance



STATE HISTORIC PRESERVATION OFFICE

July 3, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & Downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for your letter of 2 June 2014 that provided clarification on additional Phase II investigations in the vicinity of archaeological sites 21HE0436 and 21HE0437 and clarification on the properties that will require further consultation on design and/or protective measures to avoid adverse effects as project planning moves forward.

We look forward to continuing consultation on this project. Please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org if you have any questions or concerns regarding our review.

Sincerely,

A handwritten signature in black ink that reads 'Sarah J. Beimers'.

Sarah J. Beimers, Manager
Government Programs and Compliance

cc: Greg Mathis, MnDOT CRU



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312-886-0351 (fax)

July 9, 2014

Victoria Rutson
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423

Re: Rescinding Cooperating Agency Status for the Southwest Light Rail Transit (SWLRT) Project and Invitation to Become a Participating Agency for the SWLRT Project

Dear Ms. Rutson:

Federal Transit Administration (FTA), in cooperation with the Metropolitan Council, is developing a public transit project that will benefit the residents of the Minneapolis/St. Paul Region. A Draft Environmental Impact Statement (DEIS) was published on October 12, 2012 with the public comment period ending on December 31, 2012. The Surface Transportation Board (STB) is currently included as a cooperating agency for the SWLRT (METRO Green Line Extension) Project under the National Environmental Policy Act (NEPA). Due to modifications to the project since publication of the DEIS, the FTA and Metropolitan Council intend to publish a Supplemental Draft Environmental Impact Statement (SDEIS). It is anticipated that the SDEIS scope will include, but not be limited to, an evaluation of the following areas: Eden Prairie Light Rail Transit (LRT) alignment and stations, LRT Operations and Maintenance Facility (OMF) site, freight rail alignments (i.e., Re-location and Co-location), and other areas where FTA and the Metropolitan Council determine that there is a need to be supplemented with additional information which was not included in Project's October 2012 DEIS. This letter serves to rescind STB as a cooperating agency due to adjustments in the project scope made since publication of the DEIS in October 2012.

On April 9, 2014, the Metropolitan Council adopted a project scope and budget which includes retaining current operations for freight rail on the Bass Lake Spur and Kenilworth Corridor. As STB noted in their comment letter on the Draft EIS from December 2012, "[STB] board approval is not required to improve, upgrade, or realign an existing line without extending the territory or markets that the railroad serves." Under the LPA, there would be the following general areas of freight rail modifications:

- Existing freight rail tracks would be shifted to the north approximately 40-45 feet on the Canadian Pacific (CP)-owned Bass Lake Spur, beginning in Hopkins and extending through St. Louis Park. The freight rail and light rail shift would continue into Minneapolis on the Hennepin County Regional Railroad Authority (HCRRA)-owned Cedar Lake Junctions (commonly referred to as the Kenilworth Corridor) (see Exhibits 1-3). This shift allows the proposed light rail alignment to be located south of the freight rail tracks thereby providing better LRT station connections to local activity centers.

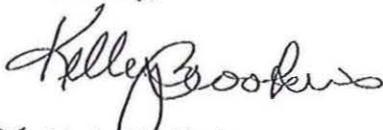
- A portion of the northern leg of the existing Skunk Hollow switching wye between the Bass Lake Spur and Oxford Street would be removed and replaced with a new southerly connection between the Bass Lake Spur and the MN&S Spur (which is also owned by CP) that would cross over the proposed light rail alignment on a structure, which would allow freight trains traveling on the Bass Lake Spur tracks to continue to access the MN&S Spur tracks (see Exhibit 3)¹.

The Supplemental Draft EIS, planned for publication later this year, includes the above adjustments of freight rail as part of the Locally Preferred Alternative (LPA). FTA believes the changes made to the LPA no longer require STB approval. FTA is seeking concurrence to rescind cooperating agency status, eliminating the need for STB's role as a cooperating agency under NEPA, as previously identified under 40 CFR § 1501.6.

Pursuant to Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (23 USC § 139), FTA would like to invite STB to become a participating agency in the on-going environmental review process for the project. FTA believes STB may have an interest in this project because of the operational effects to freight rail carriers located within the project corridor. STB does not have to accept this invitation. If STB elects not to become a participating agency, STB must decline this invitation in writing by August 25, 2014, indicating that STB has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments to the project. The declination may be transmitted electronically to Mr. William Wheeler of the FTA at william.wheeler@dot.gov; please include the title of the official responding.

Please contact me if you have questions or need additional information. Thank you for your support and expertise provided to the project.

Sincerely,



for Marisol R. Simón
Regional Administrator

Cc: Maya Sarna, FTA HQ
Nani Jacobson, SWLRT Project Office

Enclosures: Exhibit 1: Proposed Southwest LRT Alignment
Exhibit 2: Freight Rail Owners and Operators in the Southwest LRT Project Area
Exhibit 3: Proposed Freight Rail Modifications

¹ Removal of a portion of the northern leg of the Skunk Hollow switching wye would be required to accommodate the placement of the light rail alignment south of the freight rail alignment on the existing northern switching wye alignment. The southern leg of the Skunk Hollow switching wye would remain in place, providing the continuation of freight rail service to the Robert B. Hill Company salt facility at the west end of the switching wye.

Exhibit 1. Proposed Southwest LRT Alignment



Exhibit 2. Freight Rail Owners and Operators in the Southwest LRT Project Area

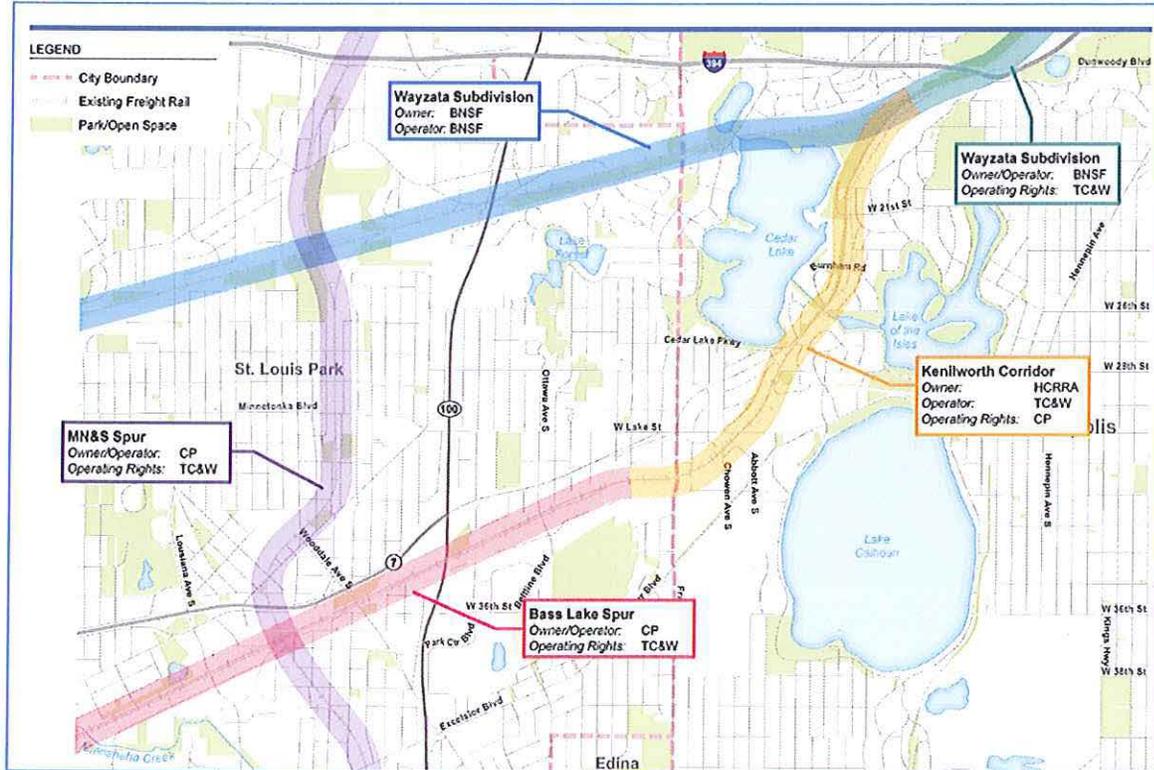
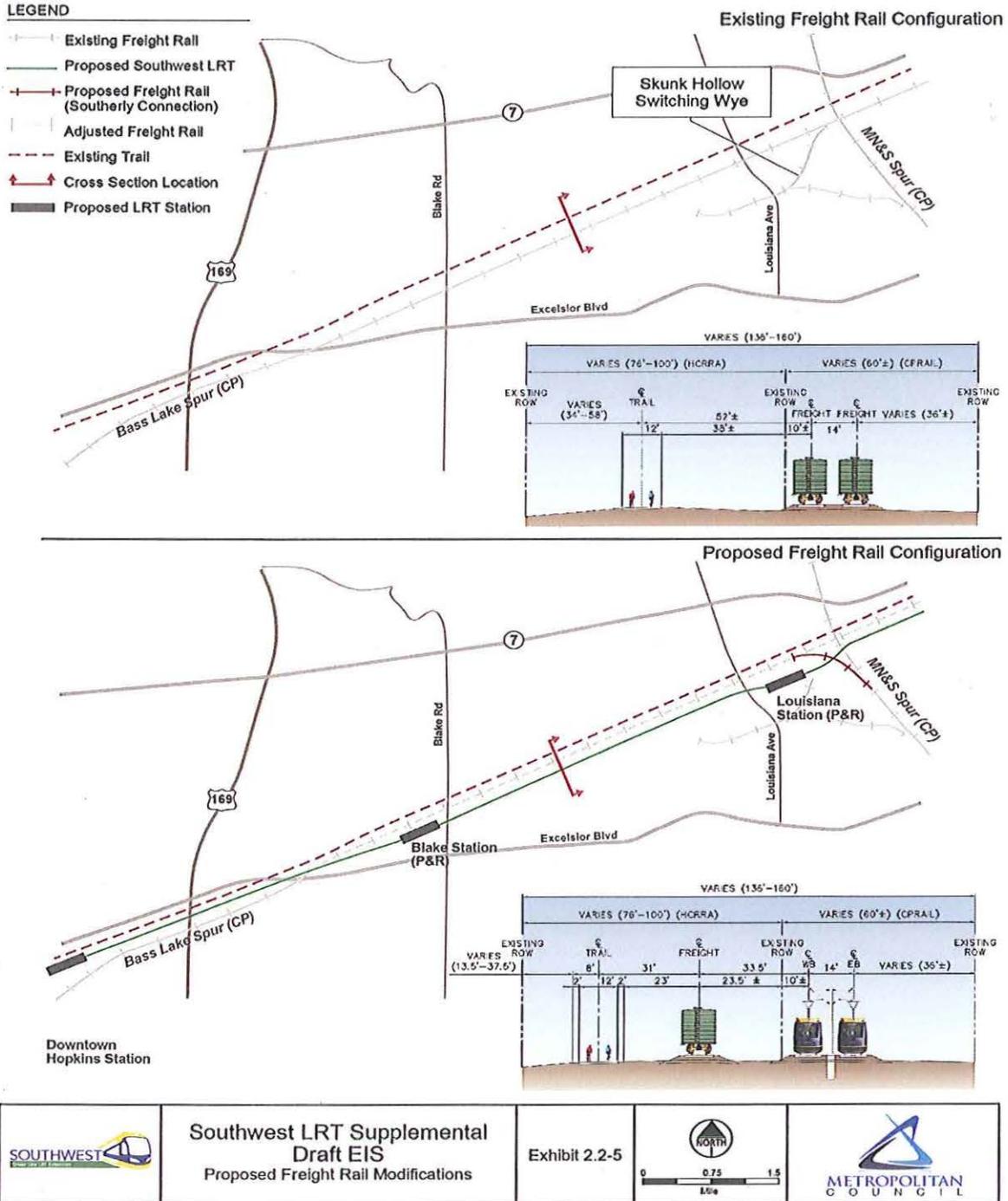


Exhibit 3. Proposed Freight Rail Modifications



-----Original Message-----

From: Vicki.Rutson@stb.dot.gov [mailto:Vicki.Rutson@stb.dot.gov]

Sent: Friday, August 22, 2014 12:09 PM

To: Sarna, Maya (FTA)

Cc: Wheeler, William (FTA)

Subject: RE: SWLRT: Rescinding of Cooperating Agency status and Invitation to Participate in Environmental Review Process

Maya, since it appears that the only potential Board licensing action would involve trackage rights (Mike Higgins will be getting back to you on that issue), there's no need for the Board to be involved in the environmental review--under the Board's environmental rules, trackage rights are categorically excluded from NEPA review by the Board.

Please call or email if this doesn't make sense.

Best, Vicki

Victoria Rutson

Director, Office of Environmental Analysis Surface Transportation Board

(202) 245-0295 (phone)

(202) 245-0454 (fax)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

**Federal Railroad
Administration**

OCT - 6 2014

Mr. Mark W. Fuhrmann
New Starts Program Director–Metro Transit
SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Federal Railroad Administration Safety Jurisdiction–Proposed Southwest Light
Rail Transit Line

Dear Mr. Fuhrmann:

I write in response to the Metropolitan Council’s (Met Council) request for a preliminary jurisdiction determination concerning the proposed Southwest Light Rail Transit Line (SWLRT), described as a light rail transit (LRT) extension to its METRO system in the Minneapolis-St. Paul Twin Cities region of Minnesota. Based upon the information that Met Council provided in its letters dated June 12, 2014, and August 15, 2014, the Federal Railroad Administration (FRA) has concluded that the proposed SWLRT will be an urban rapid transit (URT) operation; therefore, FRA will not exercise its safety jurisdiction over the SWLRT, except to the extent that it is necessary to ensure railroad safety at any limited shared connections between the SWLRT and other railroad carriers that operate on the general railroad system of transportation (general system),¹ as discussed below.

I. General Factual Background

Met Council’s Metro Transit operating division operates and maintains the METRO system (described by Met Council as an LRT system) that serves the Minneapolis-St. Paul Twin Cities region of Minnesota. The existing METRO system consists of three lines, the METRO Blue Line, the METRO Red Line,² and the METRO Green Line.³ The Blue Line is 12 miles in length with 19 stations between Target Field in

¹ The “general railroad system of transportation” is defined as “the network of standard gage track over which goods may be transported throughout the nation and passengers may travel between cities and within metropolitan and suburban areas.” Appendix A to 49 C.F.R. Part 209. Portions of the network that lack a physical connection may still be part of the general system by virtue of the nature of the operations that occur. See *id.*

² The METRO Red Line is a bus rapid transit line with five stations providing service from the Mall of America to and from points to the south.

³ The Green Line opened for revenue operations on June 14, 2014.

downtown Minneapolis and the Mall of America in Bloomington.⁴ The Green Line is 11 miles in length with 18 stations offering service between Target Field and downtown St. Paul, sharing 5 stations with the Blue Line and bringing the METRO LRT system's total to 22 miles of exclusive right-of-way and 37 stations.

II. General Description of the SWLRT

Based upon the written correspondence from Met Council, FRA has the following understanding of the SWLRT. The SWLRT is a proposed extension of the Green Line from downtown Minneapolis to Eden Prairie, which would add approximately 15.8 miles of standard gage revenue service track and 17 new stations to the region's METRO transit system. The SWLRT will connect to the Green Line at the Target Field/Interchange station in the central business district of downtown Minneapolis and will terminate at Mitchell Station in Eden Prairie. The SWLRT will be located completely within Hennepin County, Minnesota, extending from downtown Minneapolis and serving the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie.

SWLRT service is proposed to operate 22 hours per day, 7 days per week. The SWLRT will provide service every 10 minutes during peak periods⁵ on weekdays, every 15-20 minutes in the early morning and evening hours,⁶ and every 30-60 minutes in the late evening hours.⁷ On weekends and holidays, the service will have 10-minute headways between 9:00 a.m. and 7:00 p.m., with 15-20 minute headways on mornings from 4:30 a.m. to 9:00 a.m. and evenings from 7:00 p.m. to 9:00 p.m., and 30-60 minute headways in the late evening hours between 11:00 p.m. and 2:00 a.m.

Seventeen new rail stations will be located on the SWLRT. Met Council chose the station locations based primarily on employment concentrations, strong connections to arterial bus service, compatibility with existing and future land uses, connectivity to walkable urban neighborhoods with multiple activity centers, as well as for the potential for transit-oriented development. Met Council estimates that the non-work-related trips⁸ on the SWLRT will constitute approximately 15 percent of the total trips, while it

⁴ In addition, the Bottineau Transitway, currently under development and expected to be operational as soon as 2019, is a proposed 13-mile extension to the Blue Line, adding approximately 10 stations, connecting at the Target Field/Interchange station in the central business district of downtown Minneapolis and terminating at 97th Avenue, the site of Target Corporation's north campus. FRA provided a jurisdiction determination on September 19, 2013, explaining that the Bottineau Transitway, as proposed, is considered a URT operation with limited connections to the general system.

⁵ The peak period runs from 5:30 a.m. to 10:00 p.m.

⁶ The early morning hours are between 4:00 a.m. and 5:30 a.m. The evening hours are between 9:00 p.m. and 11:00 p.m.

⁷ The late evening hours are between 11:00 p.m. and 2:00 a.m.

⁸ These trips will be comprised of non-home-based errands, shopping, and entertainment-related trips.

estimates that the work-related trips⁹ will constitute the remaining 85 percent of the total trips.

Three freight railroad carriers (freight rail) own or operate lines in the area in which SWLRT will be operated: Canadian Pacific Railway (CP); BNSF Railway Company (BNSF); and Twin Cities & Western Railroad Company (TC&W). There are four active freight lines within the area: the CP-owned Bass Lake Spur; the CP-owned Minneapolis, Northfield and Southern (MN&S) Spur; the Cedar Lake Junction (Kenilworth Corridor), owned by Hennepin County Regional Railroad Authority (HCRRA); and a piece of the BNSF-owned Wayzata Subdivision.

Approximately 7.7 miles of the proposed SWLRT line, between the 5th Avenue crossing in Hopkins and Royalston Avenue in Minneapolis, will be constructed adjacent to operating freight rail tracks in the CP-owned Bass Lake Spur, HCRRA-owned Kenilworth Corridor, and BNSF-owned Wayzata Subdivision. Approximately 3.9 miles of the proposed SWLRT alignment, between the 5th Avenue crossing in Hopkins and Beltline Station, will be constructed adjacent to CP-owned tracks. Approximately 2.3 miles of the proposed SWLRT alignment, between the Beltline Station and Cedar Lake Junction near Penn Station, will be constructed adjacent to HCRRA-owned tracks. Finally, from Cedar Lake Junction near Penn Station to Royalston Avenue, the SWLRT will run adjacent to BNSF-owned tracks for approximately 1.5 miles.

The SWLRT will not share track with railroad carriers that operate on the general system. There will be no shared stations between the SWLRT and freight rail, and no shared freight rail-SWLRT rail (diamond) at-grade crossings. Rather, the SWLRT's vehicles will operate on their own double mainline tracks, which will be approximately 33.5 feet (measured from center line to center line) away from freight rail on most areas along the SWLRT.¹⁰

There are five proposed highway-rail crossings at grade through which freight rail traffic will operate in the corridor that it will share with the SWLRT. The highway-rail grade crossings that will be shared between freight rail and the SWLRT will be located at 5th Avenue South, Blake Road North, Wooddale Avenue, Beltline Boulevard, and 21st Street.¹¹ These crossings are proposed to be signalized crossings with gates.¹² A single set

⁹ These trips will originate at the passenger's home and will terminate at the passenger's place of employment or at an institutional campus.

¹⁰ The distance separating the SWLRT track from freight rail track varies from 25 feet to 110 feet on CP's Bass Lake Spur, from 20 feet to 50 feet on HCRRA's Kenilworth Corridor, and from 22.5 feet to over 50 feet on BNSF's Wayzata Subdivision. Crash walls are proposed at locations closer than 25 feet.

¹¹ Note that the crossing at 8th Avenue South is only ¼ mile west of the 5th Avenue South crossing, but the freight rail track does not cross the highway at this location.

¹² The existing signal control at the 5th Avenue South, Blake Road North, Wooddale Avenue, and Beltline Boulevard freight highway-rail grade crossings is composed of cantilevered flashers and gates. The existing signal control at the 21st Street freight highway-rail grade crossing is composed of crossbucks and stop signs.

of gate arms and flashing lights will be used at Blake Road North, Wooddale Avenue, Beltline Boulevard, and 21st Street¹³ for protection of both the freight rail and the SWLRT operations. Train detection circuitry on the freight tracks will be interfaced with the SWLRT's grade crossing warning system at the shared crossings. Similarly, train detection circuitry on the SWLRT's tracks will be interfaced with the freight railroad carriers' grade crossing warning systems at the shared crossings. The 5th Avenue South highway-rail grade crossing has approximately 200 feet of separation between the SWLRT track centerline and CP's track centerline. Each crossing at 5th Avenue South will have its own active warning device consisting of flashing lights and gates. There will be an interconnection between the SWLRT bungalow and the CP bungalow to facilitate the operation of both sets of warning devices. Crossing details will be evaluated and further refined as the project progresses.¹⁴ Freight railroad carriers currently have maintenance responsibilities for the highway-rail grade crossing warning systems.¹⁵

The CP-owned Bass Lake Spur¹⁶ currently consists of Class 2 freight track with approximately 19-20 TC&W trains per week, operating at a maximum authorized operating speed of 25 miles per hour (mph). TC&W also operates 19-20 trains through the Kenilworth Corridor,¹⁷ which is comprised of Class 2 track at a maximum speed of 10 mph. The MN&S Spur currently has Class 1 freight track and a maximum operating speed of 10 mph, with approximately 10 CP trains per week. The Wayzata Subdivision currently has Class 4 freight track with a maximum authorized operating speed of 45 mph, with approximately 19 BNSF trains per week. The maximum proposed operating speed for the SWLRT is 55 mph.

The SWLRT would also have five highway-rail grade crossings that would be grade separated from freight rail: Excelsior Boulevard, Trunk Highway 100, Oxford

¹³ The 21st Street crossing is currently subject to an active 24-hour Pre-Rule Quiet Zone per 49 C.F.R. § 222.43. Met Council believes that the construction along the corridor at the 21st Street crossing would make this a Partial Pre-Rule Quiet Zone during working hours. Met Council anticipates that the 21st Street crossing would become a New Quiet Zone upon completion due to the addition of active warning devices, roadway medians, and the operation of SWLRT trains to the existing crossing.

¹⁴ The City of St. Louis Park and the City of Hopkins have expressed interest in implementing new Quiet Zones at shared freight rail and SWLRT crossings in their communities.

¹⁵ It is proposed that maintenance responsibilities for the highway-rail grade crossing warning systems will be shared by the SWLRT and the freight railroad carriers. It is proposed that freight railroad carriers will provide and maintain the active warning devices for freight rail tracks. Similarly, it is proposed that the SWLRT will provide and maintain the active warning devices for its tracks. Negotiations with freight carriers regarding future maintenance responsibilities on the shared crossings and which entity will provide and maintain the active warning devices will occur as the project progresses through the Federal Transit Administration (FTA) New Starts process.

¹⁶ The shared freight-SWLRT highway-rail grade crossings of 5th Avenue South, Blake Road North, Wooddale Avenue, and Beltline Boulevard are located on the CP-owned Bass Lake Spur.

¹⁷ The shared freight-SWLRT highway-rail grade crossing of 21st Street in Minneapolis is located on the HCRRA-owned Kenilworth Corridor.

Street, Louisiana Avenue, and Cedar Lake Parkway.¹⁸ Finally, there are currently two at-grade recreational trail crossings on the corridor east of Beltline Boulevard and west of Cedar Lake Junction, but the crossings are proposed to be permanently closed.

Met Council has worked closely with FTA Region V and Headquarters staff and representatives of CP, BNSF, TC&W, and FRA to work out the details and design of the SWLRT. Per 49 C.F.R. Part 659, the Minnesota Department of Public Safety¹⁹ will provide State oversight regarding the operation of the SWLRT.

III. The Legal Framework for FRA’s Safety Jurisdiction Policy

The Federal railroad safety laws apply to “railroad carriers.” A “railroad carrier” is defined, in pertinent part, as a person providing railroad transportation. See 49 U.S.C. § 20102(3). The term “railroad” is defined broadly and includes any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. See 49 U.S.C. § 20102(2)(A). The lone exception is for rapid transit operations in an urban area that are not connected to the general system. See id. at § 20102(2)(B). Outside of this one exception, and minor exceptions related to the applicability of the safety appliance laws, see id. at § 20301(b), FRA has safety jurisdiction, delegated from the Secretary of Transportation, over any type of railroad carrier (railroad), regardless of the type of equipment that it uses or its connection to the general system. See 49 C.F.R. § 1.89. Commuter or other short-haul railroad passenger service in a metropolitan or suburban area (a commuter or short-haul railroad) is within FRA’s jurisdiction, even if it is not connected to another railroad. See 49 U.S.C. § 20102(2)(A)(i); see also Appendix A to 49 C.F.R. Part 209. Moreover, commuter and other short-haul railroads are considered to be part of the general system, regardless of their connections to the general system. See Appendix A to 49 C.F.R. Part 209.

Because Congress did not provide definitions for the statutory terms “commuter or other short-haul railroad passenger service in a metropolitan or suburban area” and “rapid transit operations in an urban area,” FRA has set forth its policy on how it will apply those terms in its “Statement of Agency Policy Concerning Jurisdiction over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment.” See 65 Fed. Reg. 42,529 (July 10, 2000) (amending Appendix A to 49 C.F.R. Part 209) (FRA’s Policy Statement).²⁰ In FRA’s Policy Statement, FRA establishes certain presumptions regarding

¹⁸ The Cedar Lake Parkway crossing is currently subject to an active 24-hour Pre-Rule Quiet Zone per 49 C.F.R. § 222.43. Met Council believes that the construction along the corridor at this crossing would make this a Partial Pre-Rule Quiet Zone during working hours. Met Council anticipates that the 24-hour Pre-Rule Quiet Zone would be in effect following construction activities at the Cedar Lake Parkway crossing.

¹⁹ The Minnesota Department of Public Safety, the State Safety Oversight Agency (SSOA) in Minnesota, oversees all fixed guideway transit systems in the State that are not part of the general system. Met Council will coordinate with the Minnesota Department of Public Safety as the project progresses.

²⁰ See also Appendix A to 49 C.F.R. Part 211, “Statement of Agency Policy Concerning Waivers Related to Shared Use of Trackage or Rights-of-Way by Light Rail and Conventional Operations.”

passenger rail operations. First, if Congress has enacted a law that describes a passenger rail system as commuter rail, FRA will follow that mandate. No such statutory mandate, however, exists with respect to the SWLRT. Second, if an operation is a subway or elevated system that has its own separate track system, has no highway-rail grade crossings, and moves passengers from station to station within an urban area, then FRA will presume that the system is URT. The SWLRT will not be a subway or elevated operation, and it will have five shared highway-rail grade crossings. Therefore, it is not presumptively URT. As a result, in situations such as this when neither presumption applies, FRA looks at “all of the facts pertinent to a particular operation to determine its proper characterization.”²¹ Appendix A to 49 C.F.R. Part 209.

According to FRA’s Policy Statement, the proper characterization of a rail system depends upon three general factors: (1) the geographic scope of the rail operation; (2) the primary function of the rail operation; and (3) the frequency of the rail operation’s service. In general, FRA will consider an operation to be a commuter railroad if its primary function involves transporting commuters to and from their work within a metropolitan area. Moving people from point to point within a city’s boundaries is, at most, an incidental portion of a commuter railroad’s operations. A commuter railroad serves an urban area, its suburbs, and more distant outlying communities in the greater metropolitan area. A key indicator of a commuter system is that the vast majority of the system’s trains are operating in the morning and evening peak periods, with only a small number of trains operating at other hours.

By contrast, FRA will consider an operation to be URT if that operation serves an urban area (and may also serve its suburbs), and a primary function of the operation is moving people from point to point within the boundaries of the urban area, where there are multiple station stops for that purpose. Additionally, URT operations typically provide frequent train service, even outside of the morning and evening peak periods. Finally, while the type of equipment used by such a system is not determinative of its status, the equipment ordinarily associated with street railways, trolleys, subways, and elevated railways is the equipment that is most often used in URT operations.

Even if FRA determines that an operation is URT, FRA will exercise jurisdiction over the URT operation, to the extent that it is connected to the general system. See Appendix A to 49 C.F.R. Part 209. In situations in which a URT operation has a minor connection to the general system, FRA will exercise limited jurisdiction over the URT system and only to the extent necessary to ensure safety at the points of connection for that system, the general system railroad, and the public. For example, when a URT operation shares highway-rail grade crossings with a railroad that operates on the general system, FRA will exercise limited jurisdiction over the URT operation at the points of connection—the highway-rail grade crossings. This exercise of limited jurisdiction occurs because such a connection presents sufficient intermingling between the URT system and the general

²¹ Of course, if a system does not clearly fall within either category, it may be “other short-haul service” and be subject to FRA’s jurisdiction. That is not the case with respect to the SWLRT because, as described below, it has the characteristics of a URT operation.

system railroad to pose hazards to either or both rail operations and to the motoring public. As a result, in those situations, FRA expects the URT system to comply with FRA's grade crossing regulations, as well as any other applicable regulations and laws that are necessary to ensure safety at the crossings, as further specified below.

IV. Application of FRA's Jurisdiction Policy to the SWLRT Operation

FRA's review of all of the relevant materials indicates that the SWLRT is intended to be, and will function as, a URT operation with limited connections to the general system. Several factors, which are discussed below, support this determination.

A. Geographic Scope of the SWLRT

One of the characteristics of a URT system is that it serves an urban area. Met Council's correspondence makes it clear that the SWLRT will provide service to a single urban area, not a sprawling metropolitan region. The SWLRT will be located completely within Hennepin County, Minnesota, extending from downtown Minneapolis and serving the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie. The SWLRT is a proposed extension of the existing METRO Green Line, beginning at the Target Field/Interchange station in the central business district of downtown Minneapolis and terminating at Mitchell Station in Eden Prairie. The SWLRT would add approximately 15.8 miles of standard gage revenue service track and 17 new stations to the region's METRO transit system. Stations will be spaced between 0.45 and 1.86 miles apart.

The SWLRT will service an urban area—the Twin Cities of Minneapolis-St. Paul—in which there will be multiple station stops for moving people from point to point within the cities. The SWLRT will serve the Twin Cities in a similar fashion and within the range of other transit systems that FRA considers to be URT systems. Consequently, FRA has determined that the geography of the SWLRT is consistent with the geography of a URT operation.

B. Function of the SWLRT

The second characteristic of a URT system is its function of moving passengers from station to station within an urban area. Met Council's description of the SWLRT establishes that its focus will be moving passengers from station to station within the Twin Cities region, while also connecting walkable urban neighborhoods with multiple activity centers. Based upon this description, FRA concludes that the function of the SWLRT is similar to the functions of other URT systems.

URT operations differ from commuter operations, in part, by the substantial number of trips that are made on the system for purposes other than traveling to and from places of employment. Not unlike other URT operations, the SWLRT will provide passengers with access to centers of employment. However, transporting passengers to and from work will not be the sole function of the SWLRT. The alignment is also designed to serve a large number of activity centers and neighborhoods and to facilitate the

movement of people among those activity centers and neighborhoods. Met Council has explained that those activity centers and neighborhoods include transit-supported neighborhoods with access to recreational facilities and with mixed commercial, residential, and industrial uses,²² as well as connections to the north end of downtown Minneapolis.²³ Met Council estimates that the non-work-related trips²⁴ on the SWLRT will constitute approximately 15 percent of the total trips, while it estimates that the work-related trips²⁵ will constitute the remaining 85 percent of the total trips.²⁶

The station environment for the SWLRT will also be oriented towards providing passengers with non-work-related service throughout the day. Met Council intends to develop stations along the alignment with limited public parking. Ten of the proposed seventeen stations will have park-and-ride lots. The other seven proposed stations will be “walk-up” stations, which will be accessed by pedestrians, bicyclists, or passengers transferring from other transit modes (primarily bus service). “Walk-up” stations are more conducive to urban environments because they facilitate the support for walkable neighborhoods, activity centers, and other future transit-oriented development opportunities. Additionally, the constraint on public parking will be consistent with a URT operation that has substantial station-to-station travel, rather than one-directional commuter travel for work-related trips. Moreover, with primarily non-motorized access to the stations, it will be less likely that suburban commuters will use the SWLRT as an intermediate or final leg of a much longer journey to and from work.

²² Station stops include access to housing developments, city halls, cultural establishments and amenities, museums, galleries, multiple shopping centers (including retail stores and restaurants), health care providers, farmers’ markets, lakes, public parks, and land designated as future mixed office/retail/residential use.

²³ The SWLRT terminates at the Target Field/Interchange station (developed as part of a separate project), which provides access to multiple attractions, such as Target Field (the Minnesota Twins Major League Baseball stadium) and Target Center (a concert arena and professional basketball arena for the National Basketball Association Timberwolves and the Women’s National Basketball Association Lynx). Other destinations along the Green Line, of which the SWLRT is an extension, include the University of Minnesota and Union Depot. The SWLRT will also offer a one-seat ride to downtown St. Paul. Passengers who transfer will be able to ride the Blue Line to the Minnesota Vikings National Football League stadium, the Hennepin County Government Center, the Minneapolis City Hall, the Minneapolis-St. Paul International Airport, Veterans Administration Medical Center, and the Mall of America.

²⁴ These trips will be comprised of non-home-based errands, shopping, and entertainment-related trips.

²⁵ These trips will originate at the passenger’s home and will terminate at the passenger’s place of employment or at an institutional campus.

²⁶ The fact that Met Council projects that the percentage of work-related trips will exceed the percentage of non-work-related trips does not preclude a finding that the SWLRT’s function reflects an URT operation. This is one characteristic that FRA considers when analyzing the function of an operation; it is not determinative. Indeed, data taken from a transit on-board survey (2005-2006) of the Sacramento Regional Transit District system, an existing URT operation, revealed that 52 percent of all of its passengers made work-related trips, yet the system is still considered URT by FRA. Moreover, the overall function of the SWLRT, including the station stops and equipment, support a finding of URT.

Finally, the type of equipment that will be used on the SWLRT supports its function as a URT operation. While the type of equipment used on a system is not determinative of a rail system's characterization, it is relevant. Here, Met Council plans to operate electric light rail vehicles²⁷ to take advantage of the greater acceleration and deceleration rates and the increased ability to negotiate steeper gradients.

The overall characteristics of the SWLRT's function indicate that it has been designed primarily to ease the movement of passengers throughout the Twin Cities for a variety of reasons. In light of the percentage of non-work-related destinations located along the SWLRT, a station environment that encourages travel between stations, and the implementation of LRT technology, FRA concludes that the function of the SWLRT reflects a URT operation.

C. Frequency of Operations for the SWLRT

The final characteristic of a URT system is the frequency of its service. The SWLRT will operate on a frequency of service that is more indicative of URT service than commuter service.

SWLRT service is proposed to operate 22 hours per day, 7 days per week. The SWLRT will provide service every 10 minutes during peak periods²⁸ on weekdays, every 15-20 minutes in the early morning and evening hours,²⁹ and every 30-60 minutes in the late evening hours.³⁰ On weekends and holidays, the service will have 10-minute headways between 9:00 a.m. and 7:00 p.m., with 15-20 minute headways on mornings from 4:30 a.m. to 9:00 a.m. and evenings from 7:00 p.m. to 9:00 p.m., and 30-60 minute headways in the late evening hours between 11:00 p.m. and 2:00 a.m. Based upon this proposed schedule, it is clear that the SWLRT will provide frequent train service, even outside of the morning and evening peak periods.

Additionally, the above intervals are similar to other transit systems in the United States that are treated by FRA as URT systems. For example, the Valley Metro in Phoenix, Arizona, the Blue Line in Charlotte, North Carolina, and Triangle Transit's URT system in Wake County, North Carolina all operate with headways of 10 minutes peak and 20 minutes off peak. Moreover, the Santa Clara Valley Transportation Authority in San Jose, California operates with headways of 15 minutes peak and 30 minutes off peak.

²⁷ Electric light rail vehicles would run on two new sets of tracks (eastbound and westbound) separate from freight rail tracks owned by CP, BNSF, and HCRRA. Electric light rail vehicles may include those currently in use on the Blue and Green Lines, such as Bombardier Flexity Swift and Siemens S70 vehicles.

²⁸ The peak period runs from 5:30 a.m. to 10:00 p.m.

²⁹ The early morning hours are between 4:00 a.m. and 5:30 a.m. The evening hours are between 9:00 p.m. and 11:00 p.m.

³⁰ The late evening hours are between 11:00 p.m. and 2:00 a.m.

The frequency of service of the SWLRT is consistent with the frequency of service of other URT systems. Consequently, FRA concludes that the SWLRT meets the duration and frequency-of-service characteristics of a URT operation.

D. The SWLRT's Connections to the General System

All of the factors described above support a conclusion that the SWLRT, if built and operated as proposed, will be a URT system. The proposed system will move its passengers within one urban area—the Minneapolis-St. Paul Twin Cities region of Minnesota. Additionally, the system will focus on moving passengers from station to station within that urban area, and there will be multiple station stops for that purpose. Finally, the SWLRT will provide frequent train service, even outside of the morning and evening peak periods.

Although the SWLRT will be a URT operation, it will have limited connections to the general system; the SWLRT will share five highway-rail grade crossings with a railroad that operates on the general system.³¹ FRA does not, however, consider these connections sufficient to warrant a full assertion of its jurisdiction on the entirety of the SWLRT. Rather, FRA's Policy Statement provides that this type of connection simply requires an assertion of FRA's jurisdiction that will be sufficient to ensure safety at the points of connection. To that end, FRA will exercise jurisdiction only over the portion of the SWLRT that will have the connection with the general system. Moreover, the relevant FRA regulations that will apply to the SWLRT will apply only to its operations that occur at those limited connections with the general system. At all other locations on the SWLRT, FRA's regulations will not apply.

Here, the points of connection will be the five shared highway-rail grade crossings at 5th Avenue South, Blake Road North, Wooddale Avenue, Beltline Boulevard, and 21st Street. Consequently, FRA's highway-rail grade crossing regulations (49 C.F.R. Part 234) will apply to the SWLRT, as well as any regulations that would govern movements at the highway-rail grade crossings, including the following: FRA's radio communication regulations (49 C.F.R. Part 220), FRA's train horn regulations (49 C.F.R. Part 222), FRA's accident reporting regulations (49 C.F.R. Part 225), FRA's signal regulations (49 C.F.R. Parts 233, 235, and 236) and FRA's locomotive headlights and auxiliary lights regulations (49 C.F.R. § 229.125). Moreover, anyone performing maintenance, inspections, or tests on the highway-rail grade crossing warning devices must comply with the hours of service laws and regulations (49 U.S.C. chapter 211 and the hours of service recordkeeping and reporting provisions at 49 C.F.R. Part 228),³² the roadway

³¹ These five shared highway-rail grade crossings are the only connections that the SWLRT will have with the general system. As mentioned above, the SWLRT will not share track with a railroad that operates on the general system. In fact, at grade, the horizontal track separation between the SWLRT and the nearest freight track will be at least 20 feet (from center line to center line). Moreover, there will be no shared stations between the SWLRT and the freight operation, and there will be no rail-rail crossings at grade.

³² FRA expects that SWLRT dispatchers will have direct communications (such as through a radio) with freight rail dispatchers and/or freight train crews. The SWLRT dispatchers would also be expected to comply with 49 U.S.C. chapter 211, 49 C.F.R. Part 228, and 49 C.F.R. Part 220 while at those connections to

worker protection regulations (49 C.F.R. Part 214), and the alcohol and drug regulations (49 C.F.R. Part 219).

However, as mentioned above, FRA will only apply these regulations to the SWLRT at the five shared highway-rail grade-crossings; these regulations will not apply at any other locations on the SWLRT. For example, FRA's accident reporting regulations will only apply for accidents or incidents that occur at the shared highway-rail grade crossings.³³ To the extent that an accident or incident occurs elsewhere on the SWLRT, Met Council would not have to comply with FRA's accident reporting regulations.

Despite FRA's limited assertion of jurisdiction over the SWLRT, Met Council may petition FRA to waive the regulations that will apply to it. Pursuant to FRA's regulations, FRA may waive regulatory requirements when a waiver is in the public interest and consistent with railroad safety. In doing so, FRA often imposes conditions designed to ensure safety. If Met Council believes that there are some requirements applicable to the SWLRT that should be waived, it may petition for a waiver under the procedures set forth in 49 C.F.R. Part 211. Any such petition should specify why Met Council believes that it should not have to comply with the regulation(s) and what alternative measures it will take to ensure safety. See 49 C.F.R. § 211.9. If FRA's Railroad Safety Board (Safety Board) determines that Met Council can provide, through alternative procedures, the same level of safety that the FRA regulations provide, then the Safety Board may grant the waiver.³⁴

V. Conclusion

FRA has concluded that, under the Federal railroad safety laws, if the SWLRT is built and operated as proposed, it will be a URT system with limited connections to the general system. As a result, Met Council will be subject to certain FRA regulations, including 49 C.F.R. Parts 214, 219, 220, 222, 225, 228, 233, 234, 235, and 236, and 49 C.F.R. § 229.125, as well as the hours of service laws, at the points of connection between the SWLRT and the general system. Additionally, as mentioned above, Met Council may

the general system.

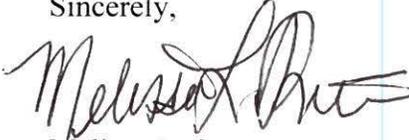
³³ For example, when reporting the train miles, the worker hours, and the number of passengers transported on Form FRA F 6180.55, pursuant to the section entitled "Operational Data & Accident Incident Counts for Report Month," the SWLRT should only submit data that corresponds to the highway-rail grade crossings that are shared between freight rail and the SWLRT. FRA understands that it may be difficult to determine the actual train miles, the worker hours, and the number of passengers transported through the shared highway-rail grade crossings. To minimize such difficulties, FRA requests that the SWLRT estimate the portion of the SWLRT's connection with the general system at the subject highway-rail grade crossings as a percentage of the entirety of the SWLRT, and then calculate the requisite operational data based upon this percentage.

³⁴ FRA's Safety Board's decision to restrict the exercise of FRA's regulatory authority in no way constrains the exercise of FRA's statutory emergency order authority under 49 U.S.C. § 20104. That authority was designed to address imminent hazards not dealt with by existing regulations and orders and/or so dangerous as to require immediate, *ex parte* action on the Government's part.

petition the Safety Board for a waiver of those regulations under the procedures set forth in 49 C.F.R. Part 211. Finally, if the scope, function, geography, or frequency of the SWLRT operation changes in any meaningful manner, FRA expects Met Council to advise FRA, in a timely manner, of those changes so that FRA may determine whether additional action is necessary.

We appreciate your cooperation in this dialogue. Should you have any questions, please do not hesitate to contact Trial Attorney Veronica Chittim of my office at 202-493-0273.

Sincerely,



Melissa L. Porter
Chief Counsel



Office of Environmental Services
Mail Stop 620
395 John Ireland Boulevard

Office Tel: (651) 366-4292
Fax: (651) 366-3603
greg.mathis@state.mn.us

October 13, 2014

Sarah Beimers
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102

RE: Southwest Light Rail Transit Project, Hennepin County, Minnesota; comments received in response to April 2014 consultation on project effects, SHPO #2009-0080

Dear Ms. Beimers,

We are writing to continue our consultation regarding the Southwest Light Rail Transit (LRT) project. First, let me thank you for your participation at the Section 106 consulting parties meeting held on 30 April 2014 and for your comments of 21 May 2014 regarding this meeting and the consultation materials submitted on 18 April 2014. Subsequent to the consulting parties meeting, we received additional comments from the City of Minneapolis (City) and the Minneapolis Park and Recreation Board (MPRB), which are summarized below. Since other Section 106 consulting parties were not copied on these communications, we are submitting them to your office and copying all Section 106 consulting parties so that everyone has the same materials. No response is required.

On 16 May 2014 the City provided comments indicating that it would be premature for the City to provide separate comments under Section 106 prior to its decision as part of the municipal consent process (Attachment A). While not required by NEPA or Section 106, municipal consent is a process established by Minnesota Statute 473.3994, whereby the governing body of each statutory and home rule charter city, county, and town in which a LRT route is proposed to be located is provided an opportunity to review the preliminary design plans and either approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans must also describe specific amendments to the plans that, if adopted, would cause it to withdraw its disapproval. The City approved municipal consent for the project on 29 August 2014, but has not provided any comments under Section 106 since that time.

On 18 May 2014 the MPRB issued comments pertaining to potential effects to several National Register eligible properties in Minneapolis (Attachment B). Specific comments were provided on three properties, all of which are contributing resources to the National Register eligible Grand Rounds Historic District (XX-PRK-001):

- Lake Calhoun (HE-MPC-01811)
 - Concerned about potential impacts from changes in traffic and parking patterns related to the West Lake Station; and
 - Request for continued consultation through final design of new and/or improved access routes to the station to achieve no adverse effect from traffic and parking changes.
- Cedar Lake Parkway (HE-MPC-01833)
 - Concerned about long-term noise and visual effects at the intersection of the project and this resource;

- Impacts to adjacent park land; and
- Request for continued consultation on potential effects to this resource.
- Kenilworth Lagoon/Channel (HE-MPC-1822)
 - Concerns:
 - Size and scale of the proposed new bridge structures crossing over the lagoon/channel and their inconsistency with the design intent and historic cultural landscape of the channel;
 - Visual impacts of tunnel portals on each side of the channel
 - Noise and vibrations from LRT vehicles entering/exiting the tunnels; and
 - May not be possible to mitigate impacts of new bridges.
 - Request continued consultation to further consider potential impacts to the lagoon/channel.

The MPRB also requested continued consultation related to the potential impacts of the new bridge structures over the Kenilworth Lagoon/Channel to five National Register eligible properties:

- Cedar Lake (Grand Rounds) (HE-MPC-1820)
- Lake of the Isles (Grand Rounds) (HE-MPC-1824)
- Lake of the Isles Parkway (Grand Rounds) (HE-MPC-1825)
- Park Board Bridge No. 4 (Grand Rounds) (HE-MPC-6901)
- Lake of the Isles Residential Historic District (HE-MPC-9860)

The Federal Transit Administration (FTA) and the Minnesota Department of Transportation Cultural Resources Unit, as designated authority by FTA, will take these comments, as well as those provided by your office, into account as Project planning moves forward. We look forward to continuing to consult with your office to consider potential effects to these and other listed and eligible historic properties as Project planning moves forward.

Sincerely,



Greg Mathis
MnDOT Cultural Resources Unit

Enclosures: Two (2)

cc (via email): Maya Sarna, Federal Transit Administration
 Bill Wheeler, Federal Transit Administration
 Nani Jacobson, Metropolitan Council
 Caroline Miller, Metropolitan Council
 Katie Walker, Hennepin County
 Regina Rojas, City of Eden Prairie
 Nancy Anderson, City of Hopkins
 Brian Schaffer, City of Minneapolis
 John Byers, City of Minneapolis
 Elise Durbin, City of Minnetonka
 Meg McMonigal, City of St. Louis Park
 Kathy Low, Kenwood Isles Area Association
 Jennifer Ringold, Minneapolis Park and Recreation Board
 Bill Walker, Three Rivers Park District

ATTACHMENT A

From: [Byers, Jack P.](#)
To: [Gimmestad, Dennis \(DOT\)](#)
Cc: sarah.beimers@mnhs.org; [Jacobson, Nani \(Nani.Jacobson@metrotransit.org\)](mailto:Jacobson, Nani (Nani.Jacobson@metrotransit.org)); [Hager, Jenifer A](#); [Schaffer, Brian C.](#)
Subject: Southwest LRT 106 Consultation - Your request for comments from Minneapolis by May 18th
Date: Friday, May 16, 2014 11:02:32 AM

Dennis,

Thank you for convening all of the consulting parties on the Southwest Transitway Section 106 process on April 30th. We appreciate your presentation of the updated Potential Effects table and we appreciate the research and chronology that the 106 Group presented during that meeting. Both were illuminating and very helpful. Thank you for your hard work on this project.

As you are aware, the City of Minneapolis and the other municipalities along the proposed corridor are currently engaged the Municipal Consent process; one that includes a specific set of proposals from SPO. City of Minneapolis staff are reviewing the SPO package and preparing our comments for subsequent review and consideration by our City Council. City staff are certainly keeping matters related to historic resources in mind as we conduct our Municipal Consent review. However, given that the Municipal Consent process is formally underway, it would be premature for us to comment specifically on 106 matters separately and before our City Council's review and decision on Municipal Consent is completed.

Thank you for understanding. Please feel free to contact me if you have any questions or require further clarification.

Regards,
Jack Byers

Jack Byers, AICP

Long Range Planning Manager

City of Minneapolis – Community Planning and Economic Development

105 Fifth Avenue South – 200
Minneapolis, MN 55401-2534

Office: 612-673-2634

jack.byers@minneapolismn.gov

www.minneapolismn.gov/cped





REPLY TO
ATTENTION

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

OCT 16 2014

Operations
Regulatory (2009-01283-MMJ)

Ms. Marisol Simon
U.S. Department of Transportation
Federal Transit Administration, Region V
200 West Adams Street, Suite 320
Chicago, Illinois 60606-5253

Dear Ms. Simon:

We have reviewed the Southwest Light Rail Transit (SWLRT) Concurrence Points package dated May 5, 2014, as well as additional materials received at the SWLRT Wetland Regulatory Coordination meetings in June and September of this year. After reviewing this additional information we can now concur with Point 3 (Identification of the Selected Alternative) for the SWLRT Project, as outlined in the National Environmental Policy Act (NEPA) / Section 404 Clean Water Act (404) merger process.

After reviewing the SWLRT Draft Environmental Impact Statement (DEIS), we concurred with Point 1 (Project Purpose and Need) and Point 2 (Array of Alternatives and Alternatives Carried Forward) of the merger process for the SWLRT project in a letter dated December 20, 2012. As stated in our 2012 letter, to comply with Clean Water Act 404(b)(1) Guidelines, the alternatives analysis for the SWLRT project must describe how you considered ways to avoid and minimize impacts to waters of the U.S. (WOUS) so that the least environmentally damaging practicable alternative (LEDPA) can be identified. Per the Guidelines, a practicable alternative is defined as available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose.

Numerous alternatives were considered for the SWLRT project. The SWLRT DEIS included alignments LRT 3A (freight rail re-location), and LRT 3A-1 (freight rail co-location), as potential locally preferred alternatives (LPA) for this project. In our 2012 letter we stated that as proposed, alignment LRT 3A would not comply with the 404(b)(1) Guidelines because it would have resulted in greater impacts to WOUS when compared to LRT 3A-1. At that time, we suggested that alignment LRT 3A-1 (co-location) would be the LEDPA for this project.

In addition, in a letter dated July 18, 2013, after learning that the SWLRT project team was working on a Supplemental DEIS (SDEIS), we indicated that we would revisit concurrence Point 2 of the merger process to confirm that the updated SDEIS alternatives analysis would still satisfy CWA Section 404 regulatory requirements. After reviewing your Concurrence Points Package, we have determined that we still concur with Point 2 of the merger process for the SWLRT project, as referenced above.

The SWLRT SDEIS is now proceeding with the LRT 3A-1 (co-location) alignment as the LPA. After reviewing more refined wetland impact calculations, we have confirmed that alignment LRT 3A-1 will still result in fewer impacts to WOUS when compared to LRT 3A. Therefore, we have again made a preliminary determination that alignment LRT 3A-1 is the LEDPA for this project. As is typical of a NEPA/404 merger process, if substantial new information regarding alignment LRT 3A-1 is brought forward later in the project development process, we may revisit this decision and our concurrence that the selected alternative is the LEDPA.

The SWLRT project team recently provided us with an updated preliminary wetland impact figure for this project indicating that impacts to WOUS associated with the LPA have risen from approximately 8.7 acres, identified as of April 2014, to approximately 18.5 acres, as a result of further project development. Due to this significant increase in expected impacts, we anticipate greater emphasis being placed on maximizing avoidance and minimization measures as the LPA is further refined, and we work towards Concurrence Point 4 of the merger process (Design Phase Impact Minimization).

We look forward to reviewing the SDEIS for this project. For further information, please contact Melissa Jenny, the Corps project manager for Hennepin County, at 651-290-5363 or Melissa.m.jenny@usace.army.mil.

Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:
Maya Sarna, FTA, HQ
Bill Wheeler, FTA, Region V
Virginia Laszewski, EPA
Nani Jacobson, Metropolitan Council
Ben Hodapp, Anderson Engineering



STATE HISTORIC PRESERVATION OFFICE

November 7, 2014

Greg Mathis
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Mathis:

Thank you for continuing consultation on the above project. Information received in our office on 7 October 2014 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of additional transit project information including your correspondence dated October 3rd and the archaeological survey report entitled *Phase I Archaeological Investigation Southwest Light Rail Transit, Hennepin County, Minnesota, SDEIS Areas: Eden Prairie Segment, Archaeological Potential Area C* (CH2M Hill, September 2014).

We agree with the results of the archaeological survey which indicate that there were no archaeological resources identified and that further archaeological investigation is not warranted for Area C. We concur with your determination that there are no additional historic properties identified in this area.

It is our understanding that Phase 1 archaeological surveys will be completed for Areas A & B and the results will be submitted to our office for review and comment.

We look forward to continuing consultation on this important project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,

A handwritten signature in black ink that reads 'Sarah Beimers'.

Sarah Beimers, Manager
Government Programs & Compliance

PRESERVATION DESIGN WORKS, LLC

November 12, 2014

Greg Mathis
Minnesota Department of Transportation
Office of Environmental Services-Cultural Resources Unit
Mailstop 620
395 John Ireland Boulevard
St. Paul, Minnesota 55155
greg.mathis@state.mn.us

CC: Kathy Low, Kenwood Isles Area Association, KIAA, lowmn@comcast.net

RE: Southwest Light Rail Transit Project 2014
Kenwood Isles Area Association Comments on October 14, 2014 Comments Received in
Response to April Consultation on Project Effects and October 17, 2014 Adjustments to the
Area of Potential Effect

Dear Mr. Mathis,

Thank you for the opportunity to review the Section 106 materials provided to Sarah Beimers of the Minnesota State Historic Preservation Office. The October 14, 2014 Comments Received in Response to April 2014 Consultation on Project Effects, SHPO #2009-0080 and the October 17, 2014 Adjustments to the Area of Potential Effect have the potential to have a significant impact on the identified historic resources located within the Kenwood neighborhood.

- KIAA agrees with the May 18, 2014 comments issued by the Minneapolis Park and Recreation Board (MPRB) regarding the size and scale of the proposed new bridge structures crossing the Kenilworth Channel and Lagoon [HE-MPC-1822] and their inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge, and the fact that it may not be possible to mitigate the impacts of the new bridge. KIAA welcomes the opportunity to continue consultation on the bridge and its impact on the Kenilworth Channel and Lagoon.
- The re-introduced light rail station at 21st Street (Station) has the potential to impact the Kenwood Parkway Residential Historic District (District). The station infrastructure and related development has the potential to change traffic and parking patterns in the neighborhood, introduce long-term visual and audible intrusion, and adversely impact the District's historic setting—potential effects that extend beyond the currently proposed APE. KIAA welcomes the opportunity to continue consultation on this station.

- The re-introduced light rail station at 21st Street (Station) has the potential to adversely impact Kenwood Parkway/Grand Rounds [HE-MPC-01796]. KIAA welcomes the opportunity to continue consultation on this station.
- KIAA agrees with MNDOT's assertion that the Kenilworth Corridor is located in a park-like setting and believes that the Kenilworth Channel is a significant feature of this setting. The proposed at-grade bridge over the Kenilworth Channel [HE-MPC-1822] has significant potential to adversely impact the historic landscape of the channel. KIAA welcomes the opportunity to continue consultation on this bridge.
- KIAA agrees that lighting and security improvements throughout the corridor in the proximity of station areas will be necessary and welcomes the opportunity to continue consultation on these improvements.
- KIAA welcomes the opportunity to continue consultation on the "high quality aesthetic design, including community engagement, of all fence and railings throughout the corridor."

Again, thank you for the opportunity to review these materials and to participate in future consultation for the Section 106 review of the Southwest Light Rail Transit Project.

Sincerely,
PRESERVATION DESIGN WORKS



Tamara Halvorsen Ludt
Research Associate

PRESERVATION DESIGN WORKS, LLC

10 December 2014

Greg Mathis
Minnesota Department of Transportation
Office of Environmental Services
Cultural Resources Unit
Mailstop 620
395 John Ireland Boulevard
St. Paul, Minnesota 55155
greg.mathis@state.mn.us

RE: Kenwood Isles Area Association (KIAA) Comments on November 12, 2014 Consultation on Potential Effects of Southwest Light Rail Transit Project, SHPO #2009-0080

Dear Mr. Mathis,

Thank you for the opportunity to review the materials provided to Sarah Beimers of the Minnesota State Historic Preservation Office and to participate in the 24 November 2014 consultant meeting for the Southwest Light Rail Transit Project. Your warm welcome at the meeting was greatly appreciated. The Kenwood Isles Area Association (KIAA) has the following comments on the materials:

Table of Potential Effects on Historic Properties (12 November 2014):

1. KIAA contends that the language used in the Effects Analysis and Preliminary Determination of Effect is problematic. For example, it is inconsistent to write that access routes to the stations from Kenwood Parkway may "result in potential minor effects from construction of access routes... and from visual effects of access route elements" and then reach a determination of "no adverse effect." The 106 process allows for two possible determinations of effect: no adverse effect and adverse effect (36 CFR 800.5). There are not grades of adverse effects. In accordance with the regulations, KIAA asserts that "minor effects" are adverse effects and, as such, does not agree to a determination of "no adverse effect" on Kenwood's historic resources.
2. KIAA disagrees with the preliminary determination, based on preliminary plans, of no adverse effect on the Kenwood Parkway Residential Historic District (*HE-MPC-18059*), Kenwood Parkway (*HE-MPC-01796*), Kenwood Park (*HE-MPC-01797*), the Frank & Julia Shaw House (*HE-MPC-6603*), the Frieda & Henry J. Neils House (*HE-MPC-6068*), and the Mahalia & Zacharia Saveland House (*HE-MPC-6766*). KIAA agrees that changes in traffic and parking patterns created by the 21st Street Station and Penn Station need further assessment. Further, KIAA agrees that the impact of light and noise from the trains on these historic resources also requires further study. Because these potential adverse effects require further assessment, KIAA asserts that it is premature to reach a preliminary

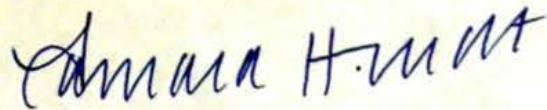
determination of "no adverse effect." If MnDOT, for the FTA, is requesting comment without a memorandum of agreement, additional documentation is required pursuant to 36 CFR 800.11. KIAA looks forward to continued consultation on all issues related to these historic resources, and requests to be a signatory to any memorandum of agreement or programmatic agreement that may be developed for this undertaking in the future.

3. KIAA believes that it is premature to reach a determination of "no adverse effect with continued consultation" because "continued consultation" is not clearly defined. At this time, plans for continued consultation have not been specified, there is not a proposed timetable, and it is not stated whether effects are going to be determined prior to, during, or after construction. While KIAA appreciates that 106 consultation is an ongoing process, it has concerns about the suggestion made during the consultant meeting that "continued consultation" could include traffic monitoring after construction as it is impossible to avoid adverse effects once stations are operational. KIAA asserts that either a memorandum of agreement pursuant to 36 CFR 800.11 or a program agreement pursuant to 36 CFR 800.14 is desirable if effects cannot be determined prior to approval of the undertaking.
4. KIAA is concerned about the impact of construction on Kenwood Parkway, the Kenwood Parkway Residential Historic District, Kenwood Park, the Frank and Julia Shaw House, the Frieda & Henry J. Neils House, and the Mahalia & Zacharia Saveland House. Do the vibration studies account for increased truck and construction equipment traffic and the resulting vibrations and potential impacts on historic resources? If not, KIAA requests preparation of a construction protection plan that incorporates guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction.
5. Assuming that the vibration studies account for the impact of construction and construction-related traffic, KIAA agrees with the finding of "no adverse effect" on the Kenwood Water Tower (*HE-MPC-06475*). If the vibration studies do not account for construction and related equipment, KIAA does not agree with a finding of "no adverse effect" on the Kenwood Water Tower until development of a construction protection plan that incorporates guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as a memorandum of agreement or a programmatic agreement that specifies how these potential impacts will be monitored following approval of the undertaking.
6. KIAA agrees with the determination of "adverse effect" on the Kenilworth Lagoon. KIAA would like to reiterate the Minneapolis Park and Recreation Board and SHPO concerns, expressed during the November 24, 2014 consultants meeting, regarding the setting and visitor experience of the lagoon. "Setting" and "feeling" are criteria of integrity that are used to determine National Register of Historic Places eligibility and KIAA is concerned that an increase in sound will adversely alter the setting and feeling of the Kenilworth Lagoon and will adversely impact how people use this historic resource. KIAA looks forward to continuing consultation on all issues related to the Kenilworth Lagoon.

Again, thank you for the opportunity to review these materials and to participate in future consultation for the Section 106 review of the Southwest Light Rail Transit Project.

Sincerely,

PRESERVATION DESIGN WORKS

A handwritten signature in blue ink that reads "Tamara Halvorsen Ludt". The signature is written in a cursive, flowing style.

Tamara Halvorsen Ludt
Architectural Historian
& Research Associate

cc: Kenwood Isles Area Association
Cedar Isles Dean Neighborhood Association
Minneapolis Park and Recreation Board
Sarah Beimers, Minnesota State Historic Preservation Office



**Minneapolis
Park & Recreation Board**

Administrative Offices
2117 West River Road
Minneapolis, MN 55411-2227

Operations Center
3800 Bryant Avenue South
Minneapolis, MN 55409-1000

Phone
612-230-6400

Fax:
612-230-6500

www.minneapolisparcs.org

December 12, 2014

Greg Mathis
MnDOT Cultural Resources Unit
Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
Saint Paul, MN 55155

**Re: Minneapolis Park and Recreation Board Comments on the
Southwest LRT Section 106 Review**

Dear Greg:

The Minneapolis Park and Recreation Board (MPRB) welcomes this opportunity to comment further on the Section 106 Review for the Southwest Transitway (SWLRT) project. We remain concerned about the archaeological and architecture/historic resources on MPRB land that will be adversely affected by the SWLRT project route and construction plans.

With respect to the adverse effects to the Kenilworth channel of all bridge changes, MPRB staff have the following comments:

- Burnham Road Bridge (HE-MPC-1832) - Although the bridge is a non-contributing feature of the Grand Rounds Historic District, we feel the views from and to it of the SWLRT Project are an important component of the historic nature of the channel, and need to be considered an adverse effect overall.
- Lake Calhoun (HE-MPC-01811) – We continue to be concerned about the traffic and safety impacts of the West Lake Station on this important element of the Grand Rounds, as discussed in our May 16, 2014 comment letter.
- Cedar Lake Parkway (HE-MPC-01833) – We reiterate our comments in our May 16, 2014, comment letter of concern about the ‘quiet zone’ nature of this area and the need to be sure the construction design and documents reflect this unique designation and need.

President
Liz Wielinski

Vice President
Scott Vreeland

Commissioners
Brad Bourm
John Erwin
Meg Forney
Steffanie Musich
Jon C. Olson
Anita Tabb
M. Annie Young

Superintendent
Jayne Miller

Secretary to the Board
Pamela French

- Kenilworth Lagoon (HE-MPC-1822) – The MPRB agrees with the determination of adverse effect of the SWLRT project on the Kenilworth Channel and Lagoon. Noise, dust and views throughout the area will be significantly impacted. We are concerned that no amount of mitigation will offset these adverse effects on the quiet, naturalistic and picturesque nature of the park experience and use.
- Cedar Lake (HE-1820) – We disagree with the preliminary determination of no adverse effect to Cedar Lake at this time. There has not been sufficient study of the sound and visual effects of the proposed project at the Kenilworth Channel nor at the westerly end of the Channel at Cedar Lake to make this conclusion at this time.
- Park Board Bridge #4 (HE-MPC-6901), Lake of the Isles Parkway (HE-MPC-1825), and Lake of the Isles (HE-MPC-1824) – For all three Grand Rounds elements, the preliminary determination remains ‘to be determined.’ All three seem to anticipate the design of the new bridges may avoid, minimize or mitigate any adverse effects. So far, we have seen no evidence that significant mitigation can be achieved.

We recognize that the project office provided potential bridge designs at the consultation meeting on November 24, 2014. Overall, it seems premature for the MPRB to provide comment on designs for the Kenilworth Channel bridges. We would appreciate knowing when the official comment period for these designs is going to begin and end. In the interim, as described above, it appears impossible to mitigate adverse effects based on the features of these designs.

Thank you for this opportunity to comment on the Section 106 review for the LRT. If you have any questions, please do not hesitate to contact Jennifer Ringold, Director of Strategic Planning, at 612-230-6464 or jringold@minneapolisparcs.org.

Sincerely,



Jennifer Ringold
Director of Strategic Planning



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December 12, 2014

Greg Mathis
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Mathis,

Thank you for continuing consultation on the above project which is being reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of the two (2) project consultation packages which were submitted to our office on 17 October 2014 and 12 November 2014. Our comments are provided below.

In addition to reviewing these materials, we participated in the Section 106 Consulting Parties meeting held at the Southwest Project Office on November 24, 2014. Thank you for convening all of the consulting parties and agency representatives for this meeting.

Area of Potential Effects Revisions

As indicated and agreed to in the project's 2010 research design for cultural resources, you have recently completed a reevaluation of the area of potential effect (APE) determinations for this project. The APE reassessment at this time is a result of completion of the 30% Preliminary Plans and several adjustments to the project scope as outlined in the memorandum of understanding (MOU) between the Metropolitan Council and the City of Minneapolis. Although there are previously identified historic properties within the revised APEs, it is our understanding that your agency will continue with identification and evaluation efforts within previously un-surveyed areas and submit these for our review upon completion. At this time, we concur with your determinations for and documentation of the revised APEs as submitted.

You have also provided documentation regarding the establishment of additional parameters for continued analysis of potential adverse effects and adjustments to the APE as project design development continues. We agree with your determination that these additional parameters will provide consistency in the applicability of APE determinations for common project elements.

Preliminary Project Effects Assessments

It is our understanding that the assessments of adverse effect and preliminary determinations of effect provided in your November 12th correspondence have been determined based upon project engineering at the 30% design stage and that adverse effect determinations will be made by the Federal Transit Administration.

We acknowledge that we have previously provided concurrence with what your agency defined, and therefore we perceived, as "assessments of potential effect" which included commonly used Section 106 terminology of "no adverse effect" and "adverse effect". These are now presented in Section 1 of the table entitled *Southwest Light Rail Transit Project: Section 106 Review – Preliminary Determination of Effects on Historic Properties 11/12/2011* (Table) as effect determinations and defined as such in your correspondence. To date, the FTA has not provided final effect determinations for our review and concurrence, therefore these determinations should not be presented as final.

For the historic properties listed under Section 2 and Section 3 of the Table, we agree that the assessment of potential effects and proposed action steps are appropriate at this time. To reiterate, it is our opinion that the preliminary effect determinations provided in this Table serve only to provide a basis for continuing project design development in an effort to avoid or minimize potential adverse effects. We will defer concurrence with any "no adverse effect" or "adverse effect" determinations, preliminary or otherwise, until such time as the FTA provides these determinations to our office for review.

We took the time to review the original correspondence dated May 4, 2010 which, pursuant to 36 CFR 800.2(c)(4), designated your agency to act on behalf of the FTA to complete the following, in consultation with our office, identified consulting parties, and the public:

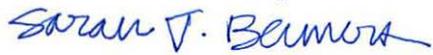
- Initiate the Section 106 process;
- Identify the area potential effect (APE);
- Conduct appropriate inventories to identify historic properties within the APE;
- Make determinations of eligibility to the National Register of Historic Places;
- Make assessments of potential effect.

The FTA indicated in this letter that they would retain authority to "make determinations of adverse effect" and negotiate the terms and conditions of a Section 106 agreement, if necessary. We respectfully request clarification from the FTA and your agency addressing our concerns and expectations for consultation regarding the results of assessment of adverse effect pursuant to 36 CFR 800.5(d).

Regarding our review of the *Kenilworth Lagoon/Channel Context, History, and Physical Description* report, we agree that this report provides critical information regarding the historic context, physical description, and identification of character-defining features of the Kenilworth Lagoon/Channel property which is a sub-segment of the Chain of Lakes Segment of the National Register-eligible Grand Rounds Historic District. While this report provides identification of the cultural landscape's character-defining features, we recommend that the final version of this report include information regarding identification and evaluation, following National Register criteria, for features in terms of those which may be considered "contributing" or "non-contributing" elements to the eligible historic district. This information will be essential as we continue to consult regarding the assessment of adverse effects and resolution of potential adverse effects.

We look forward to continuing consultation on this project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,



Sarah Beimers, Manager
Government Programs & Compliance



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606
312-353-2789
312-886-0351 (fax)

#60

December 16, 2014

Ms. Tamara Cameron, Chief Regulatory Branch
Department of the Army
St. Paul District, Corps of Engineers
180 5th St. E., Suite 700
St. Paul, MN 55101

RE: Section 106 compliance for the Southwest Light Rail Transit Project, Hennepin County, Minnesota, SHPO #2009-0080

Dear Ms. Cameron,

The Metropolitan Council is proposing to construct the Southwest Light Rail Transit Project (Project), an approximately 16-mile light rail transit line linking the cities of Minneapolis, St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, all located in Hennepin County, Minnesota. The Project anticipates receiving Federal funding assistance from the Federal Transit Administration (FTA) and, therefore, must meet the requirements of Section 106 of the National Historic Preservation Act (Section 106), 16 U.S.C. Section 470(f), as amended. In accordance with 36 CFR Part 800, the head of the FTA, as the Agency Official, has legal responsibility for complying with the Section 106 process. As such, it is the responsibility of the Agency Official to identify and evaluate undertakings on historic properties, to resolve adverse effects, and coordinate with the Advisory Council on Historic Preservation (ACHP), if appropriate.

The FTA has initiated consultation with the Minnesota State Historic Preservation Office (MnSHPO) and consulting parties to consider effects to historic properties that are listed in and eligible for inclusion in the National Register for Historic Places (NRHP). In accordance with 36 CFR Part 800.2, the Agency Official may use the services of grantees, applicants, consultants, or designees to prepare the necessary information and analysis, but remains responsible for Section 106 compliance. FTA has delegated Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) to act on its behalf for the Section 106 review for the Project. Under this delegation, MnDOT CRU is authorized to initiate the Section 106 process, identify the area of potential effect (APE), make determinations of eligibility for the National Register of Historic Places (NRHP), make assessments of potential effect, and conduct consultation with MnSHPO, interested parties and the public. MnDOT CRU will also work with FTA to designate consulting parties, make determinations of adverse effect, and negotiate the terms and conditions of a Section 106 agreement. FTA retains full authority in all these areas to make all final decisions and remains legally responsible for all findings and determinations charged to the Agency Official under 36 CFR Part 800. MnDOT CRU will also assist FTA in Section 106 tribal consultation, consistent with the requirements of 36 CFR Part 800. FTA will handle formal coordination with the ACHP.

Only staff employed as part of MnDOT's CRU that meet the qualifications of 36 CFR Part 61 can act on behalf of FTA. These responsibilities cannot be delegated to other MnDOT personnel or consultants acting on MnDOT's behalf.

In accordance with 36 CFR Part 800.2, which encourages Federal agencies to efficiently fulfill their obligations under Section 106, if more than one Federal agency is involved in an undertaking, some or all the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the Agency Official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.

In accordance with 36 CFR Part 800.2(a)(2), the United States Army Corps of Engineers (USACE) may choose to designate FTA as the lead Federal agency for the Project and to act on its behalf for meeting the requirements of Section 106. Under this designation, the USACE will remain a signatory party to the Section 106 Agreement for the Project. Please respond to FTA, in writing by January 15, 2015, on whether USACE will designate FTA as the lead Federal agency for purposes of meeting USACE compliance under Section 106 or if USACE will remain solely responsible for meeting its compliance on Section 106. Your response may be sent electronically to William Wheeler, Community Planner, at William.Wheeler@dot.gov; please include the title of the official responding. We further request that you copy Sarah Beiners, MnSHPO Manager of Government Programs and Compliance, at sarah.beiners@mnhs.org, and Greg Mathis with MnDOT CRU at greg.mathis@state.mn.us on your response. Please contact Mr. Wheeler at (312) 353-2639, or Mr. Mathis at (651) 366-4292 if you have any questions or would like to discuss the project in more detail.

Thank you for your cooperation and interest in this project.

Sincerely,



Marisol R. Simón
Regional Administrator

cc: Melissa Jenny, St. Paul District, Corps of Engineers
Maya Sarna, Federal Transit Administration
Bill Wheeler, Federal Transit Administration
Greg Mathis, MnDOT Cultural Resources Unit
Nani Jacobson, Metropolitan Council



Office of Environmental Services
Mail Stop 620
395 John Ireland Boulevard

Office Tel: (651) 366-4292
Fax: (651) 366-3603
greg.mathis@state.mn.us

December 16, 2014

Ms. Debra Brisk
Assistant County Administrator – Public Works
Hennepin County
A-2003 Government Center
300 S. 6th St.
Minneapolis, MN 55487-0233

RE: Consulting party status; Section 106 review for the Southwest Light Rail Transit Project, SHPO No. 2009-0080

Dear Ms. Brisk,

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to Hennepin County to participate in the Section 106 review process for the Southwest Light Rail Transit Project (Project). As you know, the Project is an approximately 16-mile long transit facility linking the cities of Minneapolis, St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, sponsored by the Metropolitan Council, with funding from the FTA. The Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) is acting on behalf of FTA in carrying out many aspects of the Section 106 review.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties that are listed in or eligible for the National Register of Historic Places. When there are potential adverse effects, the agency must consider ways to avoid, minimize, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address effects to historic properties.

Local governments are entitled to participate in the Section 106 process as consulting parties, along with the State Historic Preservation Office, Indian tribes, and other interested organizations and individuals. Consulting parties are able to share their views, receive and review pertinent information, offer ideas, and consider possible solutions together with the Federal agency and other parties. Consulting parties play an active and important role in determining how potential effects on historic properties will be avoided, minimized, or mitigated during the planning and implementation of a proposed project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>.

We would welcome the involvement of Hennepin County in the Section 106 consultation for the Project. The County was involved in the consultation while the Hennepin County Regional Railroad Authority was the Project sponsor; however, this official involvement ended when the Metropolitan Council assumed Project sponsorship. If you would like to participate, please let us know of your interest in writing. If you have any questions, please contact me at (651) 366-4292.

Sincerely,

Greg Mathis
Minnesota Department of Transportation
Cultural Resources Unit

cc: William Wheeler, Federal Transit Administration
Sarah Beimers, Minnesota State Historic Preservation Office
Nani Jacobson, Metropolitan Council
David Jaeger, Hennepin County



**Hennepin County Public Works
Strategic Planning & Resources Department**

701 Fourth Avenue South, Suite 700
Minneapolis, Minnesota 55415-1842

#62

www.hennepin.us

Mr. Greg Mathis
MnDOT Cultural Resources Unit
Office of Environmental Services
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155

RE: Consulting Party status: Section 106 review for the Southwest Light Rail Transit Project,
SHPO No. 2009-0080

Dear Mr. Mathis,

We would like to accept and thank you for the invitation extended by you to Debra Brisk on December 16, 2014 to participate as consulting party in the Section 106 review process for the Southwest Light Rail Transit (LRT) project. We acknowledge that the MnDOT Cultural Resources Unit is continuing to act on behalf of the Federal Transit Administration in carrying forward the efforts of the Section 106 review for this project, and that this invitation acceptance letter formalizes Hennepin County's instatement of consulting party status in lieu of what had been the Hennepin County Regional Rail Authority.

The proposed project will utilize property both owned by and adjacent to facilities/land owned by the Hennepin County's regional railroad authority. In addition, Hennepin County through the Southwest LRT community works program will be actively pursuing development opportunities within the ½ mile radius of the proposed Southwest LRT line and would benefit from participation in the 106 review process. The following Hennepin County staff should be used as the contacts for the 106 review process; myself, Nelrae Succio and Katie Walker.

If you have questions, please contact me at 612-348-5714 or at david.jaeger@hennepin.us. Thank you again for your invitation, we look forward to continuing working with you on this significant project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Jaeger', with a long horizontal flourish extending to the right.

David Jaeger
Environmental Coordinator

CC: William Wheeler, Federal Transit Administration
Sarah Beimers, Minnesota State Historic Preservation Office
Nani Jacobson, Metropolitan Council
Debra Brisk, Hennepin County



**Minneapolis
Park & Recreation Board**

Administrative Offices

2117 West River Road
Minneapolis, MN 55411-2227

Operations Center

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Minneapolis, MN 55409-1000

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President

Liz Wielinski

Vice President

Scott Vreeland

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Meg Forney

Steffanie Musich

Jon C. Olson

Anita Tabb

M. Annie Young

Superintendent

Jayne Miller

Secretary to the Board

Jennifer B. Ringold



January 2, 2015

Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 2410
Chicago, IL 6060

RE: Request for Meeting to Discuss Legal Jeopardy to the Federal Transit Administration (FTA) New Starts Program Created by the Implementation of the Program for the Southwest Light Rail Project ("SWLRT Project") in Minneapolis, Minnesota by the FTA and the Metropolitan Council

Dear Administrator Simon:

This letter is written on behalf of the Minneapolis Park and Recreation Board ("MPRB") an elected body responsible for protecting and preserving the Minneapolis park system. We, the MPRB, respectfully request a meeting with the FTA to begin the consultation and coordination required under federal law for the SWLRT Project under federal regulations. (See 23 CFR § 774.3.) The current implementation of the FTA's New Starts Program by the Metropolitan Council is in violation of federal laws including the National Environmental Policy Act (NEPA), Section 4(f) of the Federal Transportation Act (Section 4(f)), Section 106 of the National Historic Preservation Act (NHPA), as well as Minnesota statutory and administrative laws regulating the environment and the light rail system.

The Metropolitan Council's failure to follow federal laws under the guise of the FTA's New Starts projects places the SWLRT Project at a great risk for further delay. We believe the FTA's intervention is necessary to avoid delaying this project and obviate the need for proceedings in other venues.

Currently, the SWLRT Project is scheduled for conclusion of preliminary engineering (PE) and completion of the environmental review documents by the end of March 2015. Yet, despite numerous demands by the MPRB and other community stakeholders, the Metropolitan Council has refused to engage in the public notice and comment procedures required under federal and Minnesota laws.¹ Unless the FTA intervenes, the Metropolitan Council will complete PE, allowing the SWLRT Project to be

¹ For a more detailed factual and procedural history of the MPRB's actions in this respect, see attached Exhibit A.

de facto approved by the FTA² before the required environmental and Section 4(f) planning and consultation procedures have taken place.

If the FTA does not intervene now and engage in the required consultation and coordination or require the Metropolitan Council to engage in the required consultation and coordination, the SWLRT Project will continue to run afoul of Section 4(f)'s clear substantive and procedural requirements. The SWLRT Project has failed to engage in any meaningful evaluation of feasible and prudent avoidance alternatives, or make plans to ensure that the least overall harm alternative is adopted with respect to federally protected parkland. Unless the FTA acts now, a park and historic resource that receives over 5 million visits annually—serving local, regional, state-wide and national visitors—will likely be irreparably harmed. Moreover, the legal validity of FTA's New Starts Program generally will be jeopardized by its flawed implementation here in Minnesota.

The MPRB has a legitimate legal right to address any inadequacies in PE before the Section 4(f) evaluation and environmental review processes are subject to comment and completed. The current implementation of the New Starts program for the SWLRT Project is scheduled to result in the completion of PE and Section 4(f) review before the required consultation and coordination by the FTA can occur. For well over one year, the Metropolitan Council has ignored the MPRB's requests for additional review and consultation necessary to evaluate design alternatives to avoid impacts or at least minimize overall harm to the Section 4(f) resources affected by the SWLRT. As a result of this failure to consult and coordinate, the MPRB has been forced to fund engineering studies with up to \$500,000 to develop the design alternatives required by Section 4(f).³ Not only that, but the Met Council has also proposed an expedited implementation schedule designed to deprive the MPRB of a fair opportunity to develop the design alternatives which Section 4(f) requires. Therefore, the FTA must intervene now, to require the Metropolitan Council to extend the PE Phase and comply with Section 4(f) and environmental review mandates, to allow the consultations, coordination and additional PE required to identify avoidance and least harm design alternatives.

Accordingly, pursuant to 23 C.F.R §§ 774.3(a), (c), (d) and 774.17 and the FTA's Section 4(f) Policy Paper § 1.2.2, the MPRB respectfully requests a meeting as soon as possible to present additional facts and information in support of the MPRB's request for consultation and

² The FTA's Office of Program Management has published a fact sheet on preliminary engineering for FTA Major Capital Transit Investment Projects which states that the transition from preliminary to advanced engineering constitutes defacto approval by the FTA of a design affecting 4(f) property: "The quality and reliability of the project information generated during the PE for New Starts projects is essential to FTA's decision to fund a project, which typically occurs shortly after the completion of preliminary engineering and once a project is approved into **final design**. (Emphasis original.) This approach requires a different perspective...than has traditionally been associated with PE for major capital investments. For example, varying definitions of preliminary engineering such as "the engineering necessary to complete NEPA" or "30% design" is supplanted—for New Starts projects—**by the expectation that the New Starts preliminary engineering phase will result in a project scope, cost estimate and financial plan that have little, if any, need for change after approval of the project into final design**. PE for New Starts projects generally takes between 15 and 30 months, **depending on...a commitment on the part of project stakeholders to not revisit past planning decisions...."** (emphasis added) [attach copy of fact sheet]

³ See Attached Exhibit A.

coordination. Consistent with the mandate of *Overton Park*,⁴ we strongly urge the FTA to engage in these meetings before it makes any de facto or actual approvals of the Project, makes a finding of Section 4(f) "use" of parkland, determines whether any feasible and prudent avoidance alternatives exist, and makes plans to ensure that the SWLRT Project adopts the least overall harm alternative.

Respectfully submitted,



Liz Wielinski
President, Minneapolis Park & Recreation Board

cc. FTA Administrator, Washington DC

⁴ See *Citizens to Pres. Overton Park, Inc. v. Volpe*, 401 U.S. 401 (1971)). For a recent discussion of the extensive procedural and substantive requirements of Section 4(f), see also *Defenders of Wildlife v. North Carolina Dept. of Transportation*, No. 13-2215, 2014 WL 3844086, at *19 (4th Cir. May 13, 2014) (citations omitted) (finding that FHWA approval of a transportation project violated Section 4(f)).



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606
312-353-2789
312-886-0351 (fax)

January 15, 2015

Liz Wielinski
President
Minneapolis Park & Recreation Board
2117 West River Road
Minneapolis, MN 55411-2227

RE: Southwest Light Rail Project in Minneapolis, Minnesota

Dear Ms. Wielinski:

The Federal Transit Administration (FTA) appreciates your interest in the Southwest Light Rail Transit Project in Minneapolis, MN (the "SWLRT Project"). Thank you for your letter dated January 2, 2015, regarding the Project and requesting a meeting with FTA.

FTA, in coordination with the Metropolitan Council, is preparing a Supplemental Draft Environmental Impact Statement (EIS) for the SWLRT Project in accordance with the National Environmental Policy Act (NEPA). At the current time, there have been no NEPA determinations made regarding the SWLRT Project. Thus, while FTA appreciates your desire to coordinate with FTA during the environmental review process for the SWLRT Project, it would be inappropriate for FTA to have an independent meeting with an individual stakeholder to the project during the pre-decisional phase of the process. Additionally, the New Starts process is separate and apart from the NEPA process and prior to receipt of a Full Funding Grant Agreement (FFGA), FTA does not make a commitment to fund a New Starts project. Completion of NEPA is a prerequisite for receipt of an FFGA.

FTA understands your concerns and will continue to work closely with the Metropolitan Council to complete the required consultation and coordination for the SWLRT Project under NEPA, Section 4(f) of the Federal Transportation Act, and Section 106 of the National Historic Preservation Act. I encourage the Minneapolis Park and Recreation Board (MPRB) to work with the Metropolitan Council in the coming months to further develop the Section 4(f) analysis. FTA will ensure full consideration of MPRB's concerns as part of the development of that analysis. FTA understands the importance of MPRB's role in the environmental review process, including its role as a consulting party, and is seeking MPRB's cooperation in advancing aspects of both the Section 106 consultation process towards a programmatic agreement and a comprehensive Section 4(f) analysis reviewing the areas of concern for MPRB.

SWLRT Project
FTA Response to MPRB's Request for a Meeting
January 15, 2015
Page 2 of 2

If you have any questions related to the project, please contact Ms. Nani Jacobson, Assistant Director, SWLRT Project Office, at (612) 373-3800 or nani.jacobson@metrotransit.org.

Sincerely,



Marisol R. Simón
Regional Administrator

CC: Brian Lamb, Metropolitan Council
Mark Fuhrmann, Metropolitan Council
Nani Jacobson, SWLRT Project Office



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

REPLY TO
ATTENTION OF

Operations - Regulatory (2009-01283-MMJ)

Ms. Marisol R. Simon
Regional Administrator
Federal Transit Administration
200 West Adams Street
Chicago, Illinois 60606

JAN 15 2015

Dear Ms. Simon:

The U.S. Army Corps of Engineers, St Paul District, Regulatory Branch has received your letter dated December 16, 2014, concerning the designation of lead Federal agency pursuant to 36 CFR § 800.2. for the Southwest Light Rail Project. We agree that it is appropriate for the U.S. Department of Transportation, Federal Transit Administration to act as the lead Federal agency for the purposes of fulfilling our collective responsibilities under section 106 of the National Historic Preservation Act.

We appreciate your efforts to consider potential effects to historic properties and the expertise of the MnDot Cultural Resource Unit in that regard. We would still like to remain a consulting party during the review of this project and would only become more involved in historic property issues if for example measures to avoid effects to a historic property involved regulated impacts to waters of the United States.

If you have any questions concerning our role in the section 106 review please call Brad Johnson at (651) 290-5250. If you have questions about our regulatory program, please call Melissa Jenny at (651) 290-5363.

Sincerely,

A handwritten signature in black ink, appearing to read "Cameron".

for Tamara E. Cameron
Chief, Regulatory Branch

Copies furnished:
Sarah Beimers, Mn SHPO
Greg Mathis, MnDOT CRU
Maya Sarna, FTA
Bill Wheeler, FTA
Nani Jacobson, Metropolitan Council

Wheeler, William (FTA)

From: Sarah Beimers <sarah.beimers@mnhs.org>
Sent: Monday, February 02, 2015 8:57 AM
To: Mathis, Gregory (DOT)
Cc: Wheeler, William (FTA); Sarna, Maya (FTA); Zaref, Amy CTR (FTA)
Subject: Re: Southwest LRT: consulting party request

Greg,

We concur with FTA's decision to grant consulting party status to the Cedar-Isles-Dean Neighborhood Association for participation in the Section 106 review process for the Southwest Light Rail Transit Project.

-Sarah

Sarah J. Beimers

Manager of Government Programs & Compliance | State Historic Preservation Office
Minnesota Historical Society | 345 Kellogg Blvd W | St. Paul MN 55102
tel: 651-259-3456 | fax: 651-282-2374 | e: sarah.beimers@mnhs.org

On Thu, Jan 29, 2015 at 10:54 AM, Mathis, Gregory (DOT) <greg.mathis@state.mn.us> wrote:

Sarah,

Under MnDOT CRU's authority delegated by the FTA to assist it many aspects of the Section 106 process for the Southwest Light Rail Transit Project, we have received a request from the Cedar-Isles-Dean Neighborhood (CIDNA) in Minneapolis to become a consulting party for the Section 106 process for this project (attached email). The portion of the project roughly between the 21st Street and West Lake stations is within CIDNA's boundaries (attached map). Specifically, CIDNA has documented its interest in project effects on two historic properties within its boundaries: Kenilworth Lagoon and Cedar Lake Parkway, both of which are contributing elements to the National Register eligible Grand Rounds. For your reference, there are a number of other listed and eligible properties in the project APE that are within CIDNA's boundaries. These include the Neils House, Grand Rounds (Park Board Bridge No. 4 and portions of Lake of the Isles Parkway, Lake of the Isles, and Cedar Lake,), and a portion of the Lake of the Isles Residential Historic District.

FTA has reviewed and concurs with CIDNA's request. Per 36 CFR 800.2, we request your concurrence with granting consulting party status to CIDNA.

Regards,

Greg

Greg Mathis

Cultural Resources Unit

Office of Environmental Stewardship

Minnesota Department of Transportation

395 John Ireland Boulevard, Mail Stop 620

St. Paul, MN 55155

Office: 651-366-4292 / Fax: 651-366-3603

greg.mathis@state.mn.us



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

February 17, 2015

Mr. Craig Westgate
Chair
Cedar-Isles-Dean Neighborhood Association
3523 St. Paul Ave.
Minneapolis, MN 55416

RE: Consulting party status; Section 106 review for the Southwest Light Rail Transit Project, SHPO No. 2009-0080

Dear Mr. Westgate,

In your email dated January 21, 2015 to the Minnesota Department of Transportation's Cultural Resources Unit (MnDOT CRU) and forwarded to the Federal Transit Administration, you requested consulting party status for the Section 106 process for the Southwest Light Rail Transit Project. After consultation with the Minnesota State Historic Preservation Office, we concur in this request and hereby offer you consulting party status to your organization.

It is our understanding that the project sponsor, the Metropolitan Council, will share with you copies of all Section 106 documents related to this project.

If you have any questions, please contact Bill Wheeler of my staff at (312) 353-2639 or William.Wheeler@dot.gov, or Greg Mathis with MnDOT CRU at (651) 366-4292 or greg.mathis@state.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Marisol R. Simón".

Marisol R. Simón
Regional Administrator

cc: Maya Sarna, FTA
William Wheeler, FTA
Sarah Beimers, Minnesota State Historic Preservation Office
Greg Mathis MnDOT CRU
Nani Jacobson, Metropolitan Council



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

FEB 18 2015

Operations
Regulatory (2009-01283-MMJ)

Ms. Nani Jacobson
SWLRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, Minnesota 55416

Dear Ms. Jacobson:

This letter is in response to your request for Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed within the Southwest Light Rail Transit (SWLRT) project area. The SWLRT project area includes a 15-mile corridor through Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis (the Corridor), in Hennepin County, Minnesota.

We have reviewed the SWLRT Delineation Report submitted on December 11, 2013, and the SWLRT Supplemental Delineation Report submitted on October 28, 2014. We have determined that the limits of the aquatic resources within the Corridor have been accurately identified in accordance with current agency guidance including the *Corps of Engineers Wetland Delineation Manual* (1987 Manual) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region. This concurrence is only valid for the review area shown on the attached Figure labeled as SWLRT Delineation Concurrence and PJD (2/18/2015) - Figure 1. The boundaries shown on the attached Figures 2 – 18 accurately reflect the limits of the aquatic resources in the review area.

This concurrence may generally be relied upon for five years from the date of this letter. However, we reserve the right to review and revise our concurrence in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. Our concurrence may be renewed at the end of this period provided you submit a written request and our staff are able to verify that the determination is still valid.

Please note that the discharge of dredged or fill material into waters of the United States without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

We have also completed a preliminary jurisdictional determination (JD) for the majority of wetlands identified within the Corridor. This preliminary JD presumes that all of the aquatic resources identified on the attached Preliminary JD form are subject to Corps of Engineers'

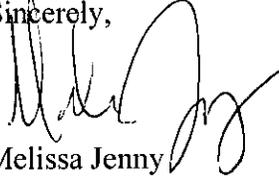
jurisdiction under the Clean Water Act. Since the determination is considered preliminary it is not appealable under our administrative appeal procedures (33 CFR 331). If you prefer an appealable approved jurisdictional determination that verifies the jurisdictional status of these aquatic resources you may request one by contacting the Corps representative identified in the final paragraph of this letter.

If this preliminary JD is acceptable, please sign and date both copies of the Preliminary Jurisdictional Determination Form and return one copy to the letterhead address within 15 days from the date of this letter.

We are in the process of completing an approved jurisdictional determination for the remaining waterbodies that were delineated within the Corridor, but not identified on the attached preliminary JD form.

Thank you for your cooperation with the U.S. Army Corps of Engineers regulatory program. If you have any questions, contact me in our St. Paul office at (651) 290-5363, or Melissa.m.jenny@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Melissa Jenny
Project Manager

Copy furnished:
Maya Sarna, FTA
Ben Meyer, BWSR
Stacey Lijewski, Hennepin Co.
LGUs within SWLRT project corridor
Anderson Engineering

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office St. Paul District File/ORM # 2009-01283-MMJ: SWLRT PJD Date: Feb 18, 2015

State MN City/County Multiple, Hennepin Co.

Nearest Waterbody: Nine Mile, Riley/Purg., Bassett, & Minnehaha Creek

Location: TRS, Lat/Long or UTM: 58 waterbodies - see attached table
Center point: 45.0043930091592, -93.476658116984

Name/ Address of Person Requesting PJD: Ms. Nani Jacobson
SWLRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, Minnesota 55416

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters: 1000+ linear ft width acres Stream Flow: Perennial

Wetlands: ~250 acre(s) Cowardin Class: Palustrine, emergent

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: Non-Tidal:

Office (Desk) Determination
 Field Determination: Date of Field Trip: May 2014

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Anderson Engineering
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name: Multiple, Hennepin Co.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Hennepin Co.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs: Aerial (Name & Date): 1991-2013 FSA, lidar and Google Earth
 Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

[Signature] 2/18/15
Signature and Date of Regulatory Project Manager
(REQUIRED)

[Signature] 2/25/2015
Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

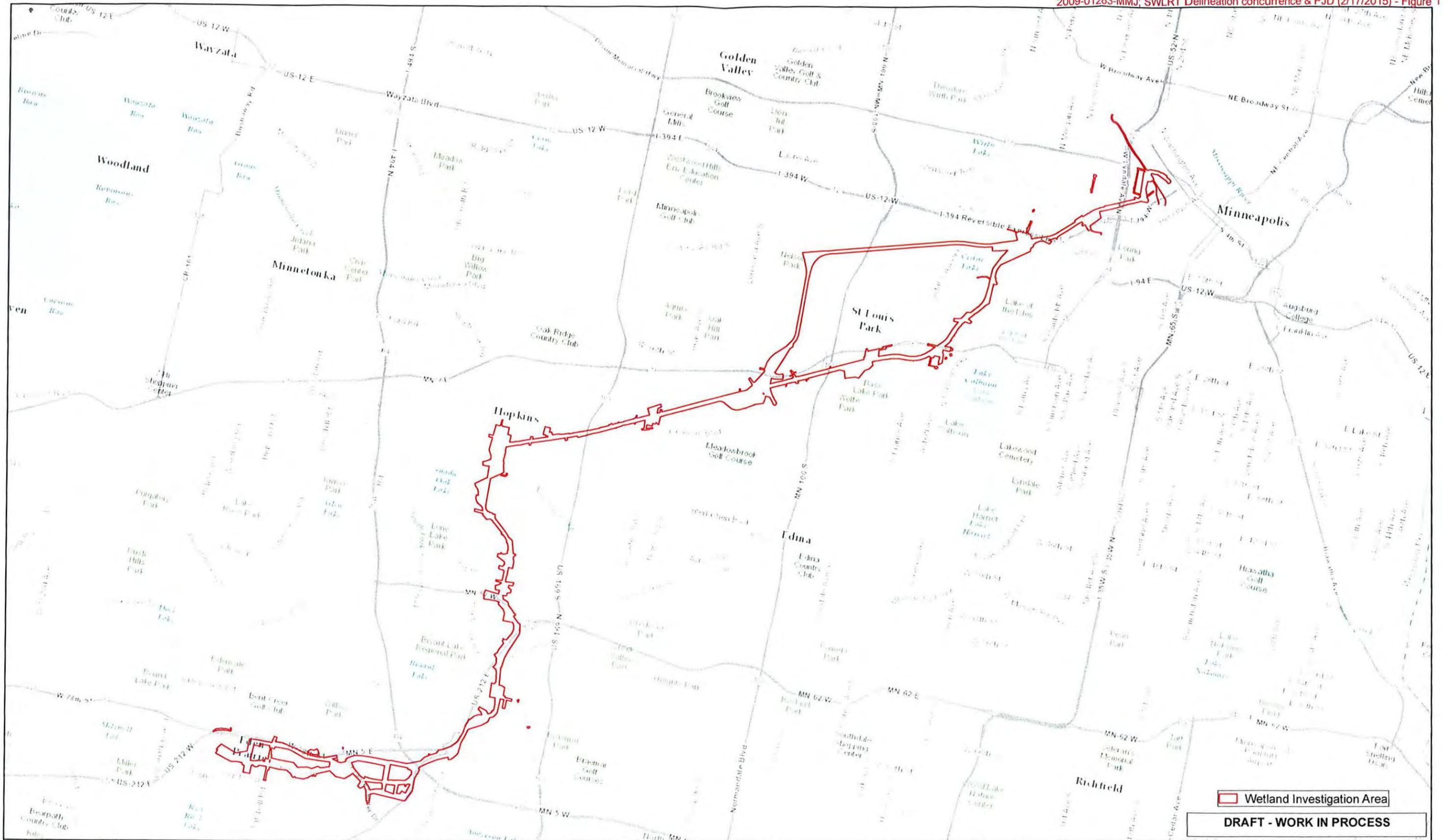
EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

Wetland ID	Cowardin	HGM	Meas	Amount	Unit	Waters type	Lat	Long
DOT-EP-01	PEM	DEPRESS	Area	0.27	ACRE	RPWWD	44.86363	93.46118
DOT-EP-02	PEM	DEPRESS	Area	0.22	ACRE	RPWWD	44.86039	93.45261
DOT-EP-03	PEM	DEPRESS	Area	0.27	ACRE	RPWWD	44.8604	93.44886
DOT-EP-04	PEM	DEPRESS	Area	0.74	ACRE	RPWWD	44.86122	93.44479
DOT-EP-07	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86691	93.41663
DOT-EP-08	PEM	DEPRESS	Area	0.84	ACRE	RPWWD	44.88442	93.41068
DOT-EP-09	PEM	DEPRESS	Area	0.7	ACRE	RPWWD	44.88343	93.41263
DOT-SLP-10	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.94064	93.34796
DOT-EP-12	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86187	93.47227
DOT-EP-13	PEM	DEPRESS	Area	0.02	ACRE	RPWWD	44.86214	93.47045
DOT-EP-14	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86125	93.45195
DOT-EP-15	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86113	93.45047
DOT-EP-16	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86156	93.44886
DOT-EP-17	PEM	DEPRESS	Area	2.21	ACRE	RPWWD	44.86196	93.4409
DOT-EP-18	PEM	DEPRESS	Area	0.1	ACRE	RPWWD	44.86191	93.42481
DOT-EP-19	PEM	DEPRESS	Area	0.1	ACRE	RPWWD	44.86606	93.41999
DOT-EP-20	PEM	DEPRESS	Area	0.08	ACRE	RPWWD	44.86658	93.41867
DOT-EP-21	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.89206	93.41789
DOT-EP-22	PEM	DEPRESS	Area	0.08	ACRE	RPWWD	44.89212	93.41541
EP-EP-03	PEM	DEPRESS	Area	0.16	ACRE	RPWWD	44.86019	93.46539
EP-EP-07	PEM	DEPRESS	Area	4.36	ACRE	RPWWD	44.85743	93.4616
EP-EP-08	PEM	DEPRESS	Area	1.72	ACRE	RPWWD	44.85841	93.45883
EP-EP-09	PEM	DEPRESS	Area	0.57	ACRE	RPWWD	44.85914	93.45922
EP-EP-11	PEM	DEPRESS	Area	9.89	ACRE	RPWWD	44.85832	93.45444
EP-EP-12	PEM	DEPRESS	Area	2.75	ACRE	RPWWD	44.85727	93.45683
EP-EP-14	PUB	DEPRESS	Area	1.09	ACRE	RPWWD	44.85773	93.44919
EP-EP-15	PEM	DEPRESS	Area	90	ACRE	RPWWD	44.85835	93.44834
EP-EP-16	PEM	DEPRESS	Area	8	ACRE	RPWWD	44.85884	93.44673
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EP-EP-23	PEM	DEPRESS	Area	3.74	ACRE	RPWWD	44.85676	93.45879
EP-EP-24	PUB	DEPRESS	Area	0.38	ACRE	RPWWD	44.85974	93.44511
DIG-EP-EP-04	PUB	DEPRESS	Area	0.65	ACRE	RPWWD	44.86085	93.44738
NM-EP-01	PEM	DEPRESS	Area	1.8	ACRE	RPWWD	44.87263	93.41123
NM-EP-02	PEM	DEPRESS	Area	6.22	ACRE	RPWWD	44.87278	93.41402
NM-EP-03	PEM	DEPRESS	Area	2.16	ACRE	RPWWD	44.87277	93.41146
NM-EP-04	PEM	DEPRESS	Area	1.17	ACRE	RPWWD	44.87263	93.41123
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NM-EP-06	PEM	DEPRESS	Area	4.12	ACRE	RPWWD	44.87719	93.4113
NM-EP-08	PEM	DEPRESS	Area	2.25	ACRE	RPWWD	44.878	93.41011
NM-EP-09	PEM	DEPRESS	Area	0.66	ACRE	RPWWD	44.87941	93.41117
NM-HOP-13	PEM	DEPRESS	Area	2.67	ACRE	RPWWD	44.91378	93.42063
NM-HOP-16	R1UB	DEPRESS	Linear	9	MILE	RPWWD	44.9186	93.41666
MTA-MTA-05	PUB	DEPRESS	Area	0.99	ACRE	RPWWD	44.89733	93.41472
MTA-MTA-06	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.89894	93.41391

Wetland ID	Cowardin	HGM	Meas	Amount	Unit	Waters type	Lat	Long
MTA-MTA-07	PEM	DEPRESS	Area	0.18	ACRE	RPWWD	44.89932	93.41399
MTA-MTA-08	PEM	DEPRESS	Area	0.34	ACRE	RPWWD	44.89971	93.41361
MTA-MTA-09	PEM	DEPRESS	Area	36.2	ACRE	RPWWD	44.90153	93.41321
MTA-MTA-10	PUB	DEPRESS	Area	0.55	ACRE	RPWWD	44.90587	93.42214
MTA-MTA-11	PEM	DEPRESS	Area	11.79	ACRE	RPWWD	44.90786	93.42274
MTA-MTA-12	PUB	DEPRESS	Area	2.8	ACRE	RPWWD	44.91456	93.42308
MTA-MTA-13	PUB	DEPRESS	Area	0.25	ACRE	RPWWD	44.9115	93.42296
MC-SLP-01	R1UB	DEPRESS	Linear	22	MILE	RPWWD	44.93011	93.3805
MC-SLP-02	R1UB	DEPRESS	Linear	22	MILE	RPWWD	44.93013	93.36633
MC-SLP-03	PUB	DEPRESS	Area	0.2	ACRE	RPWWD	44.93221	93.36684
MC-SLP-05	PEM	DEPRESS	Area	1.9	ACRE	RPWWD	44.93233	93.36497
MC-MPL-13	R1UB	DEPRESS	Linear	1600	FOOT	RPWWD	44.95523	93.31603



Wetland Investigation Area

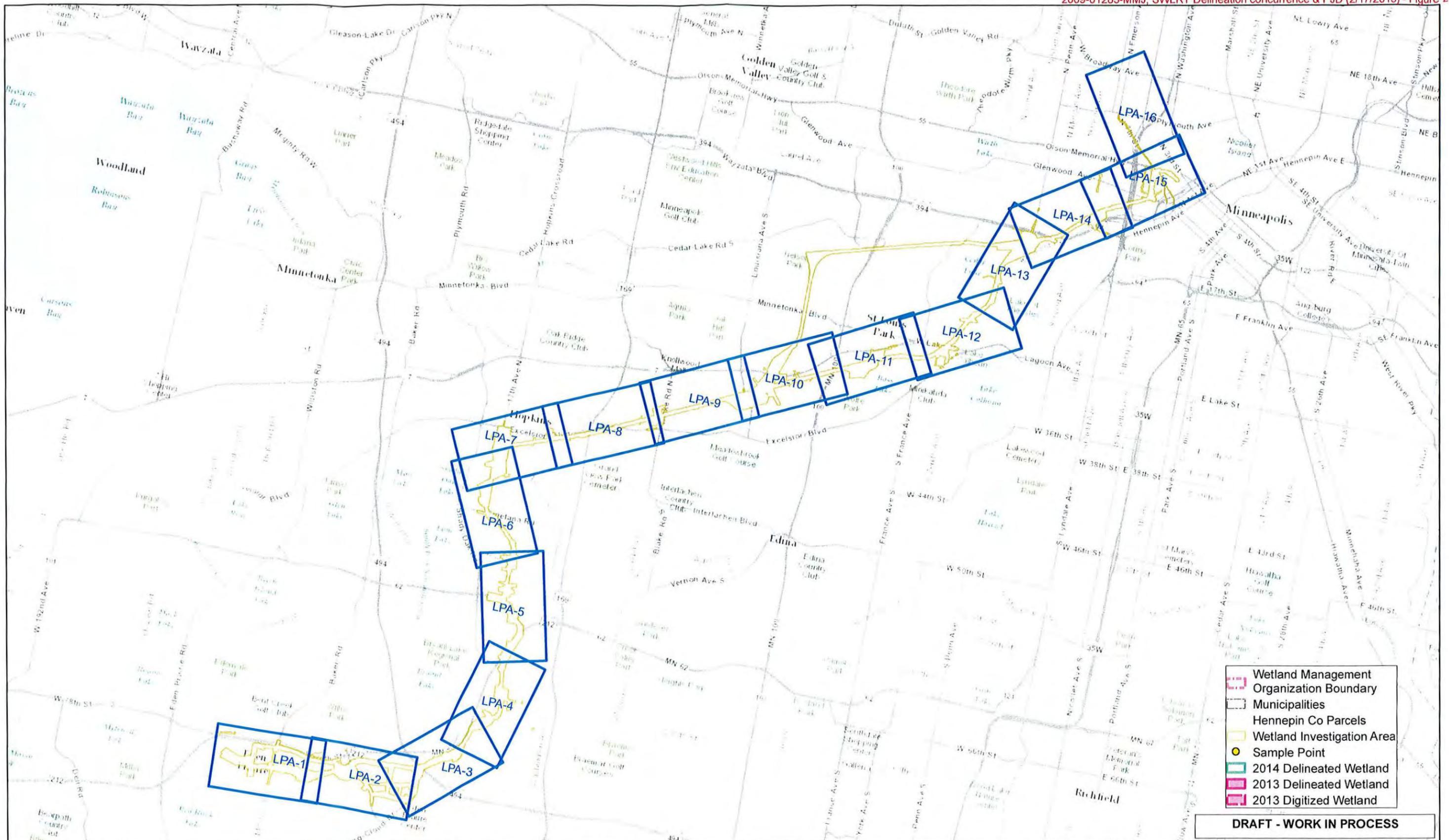
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SOUTHWEST LRT

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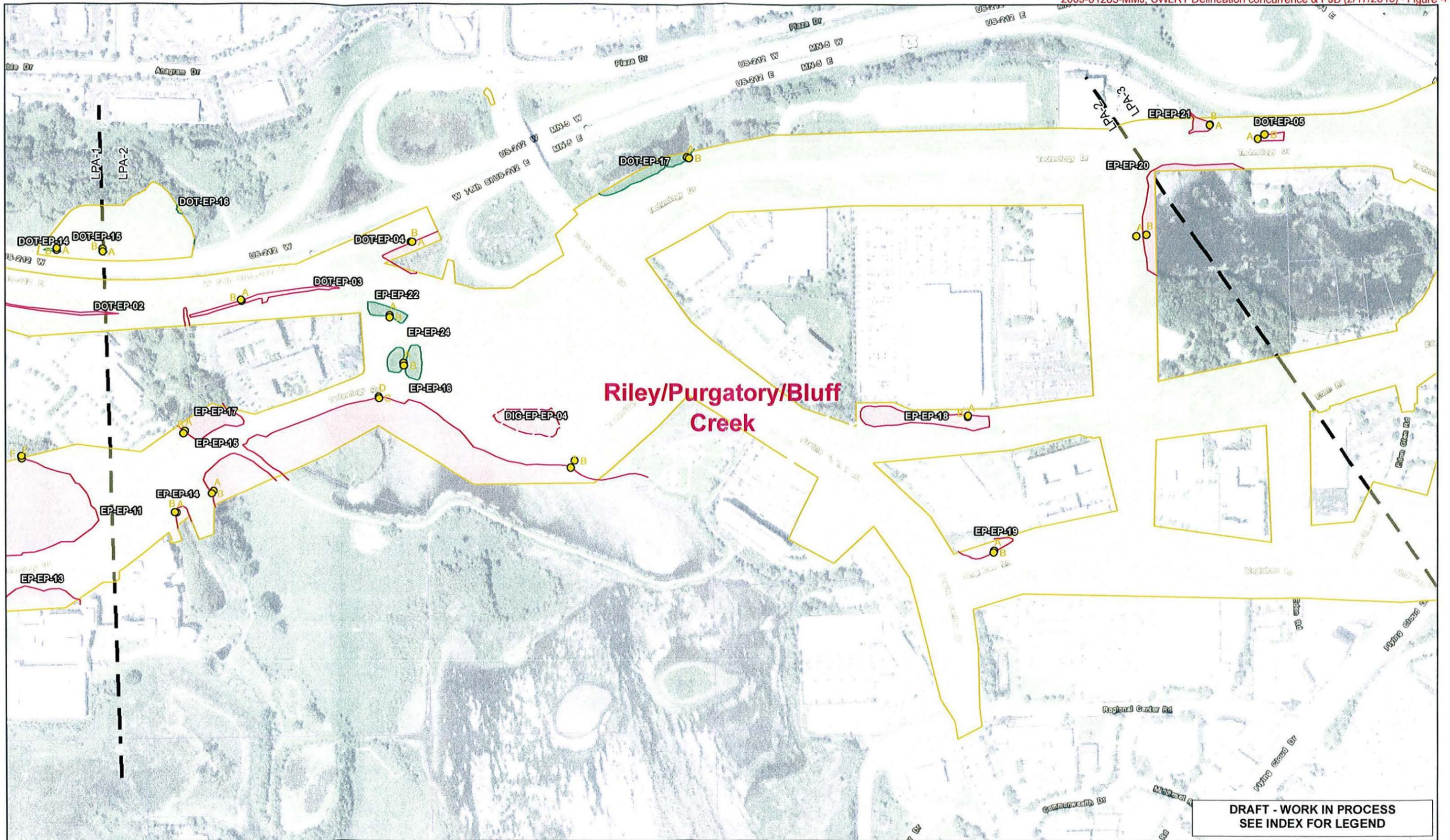
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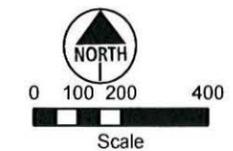
**Riley/Purgatory/Bluff
Creek**

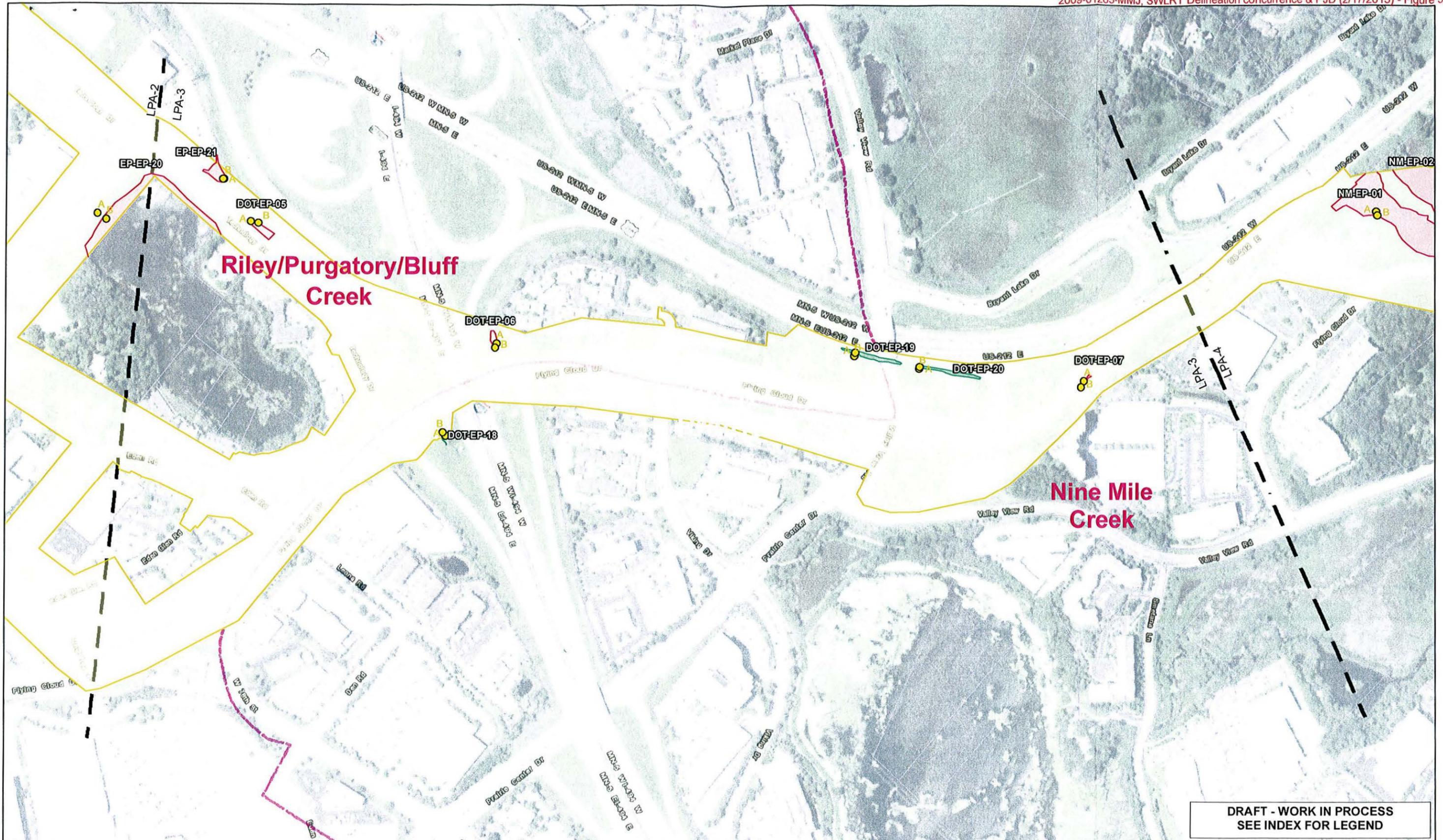
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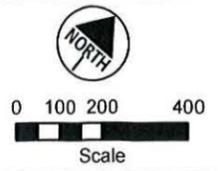


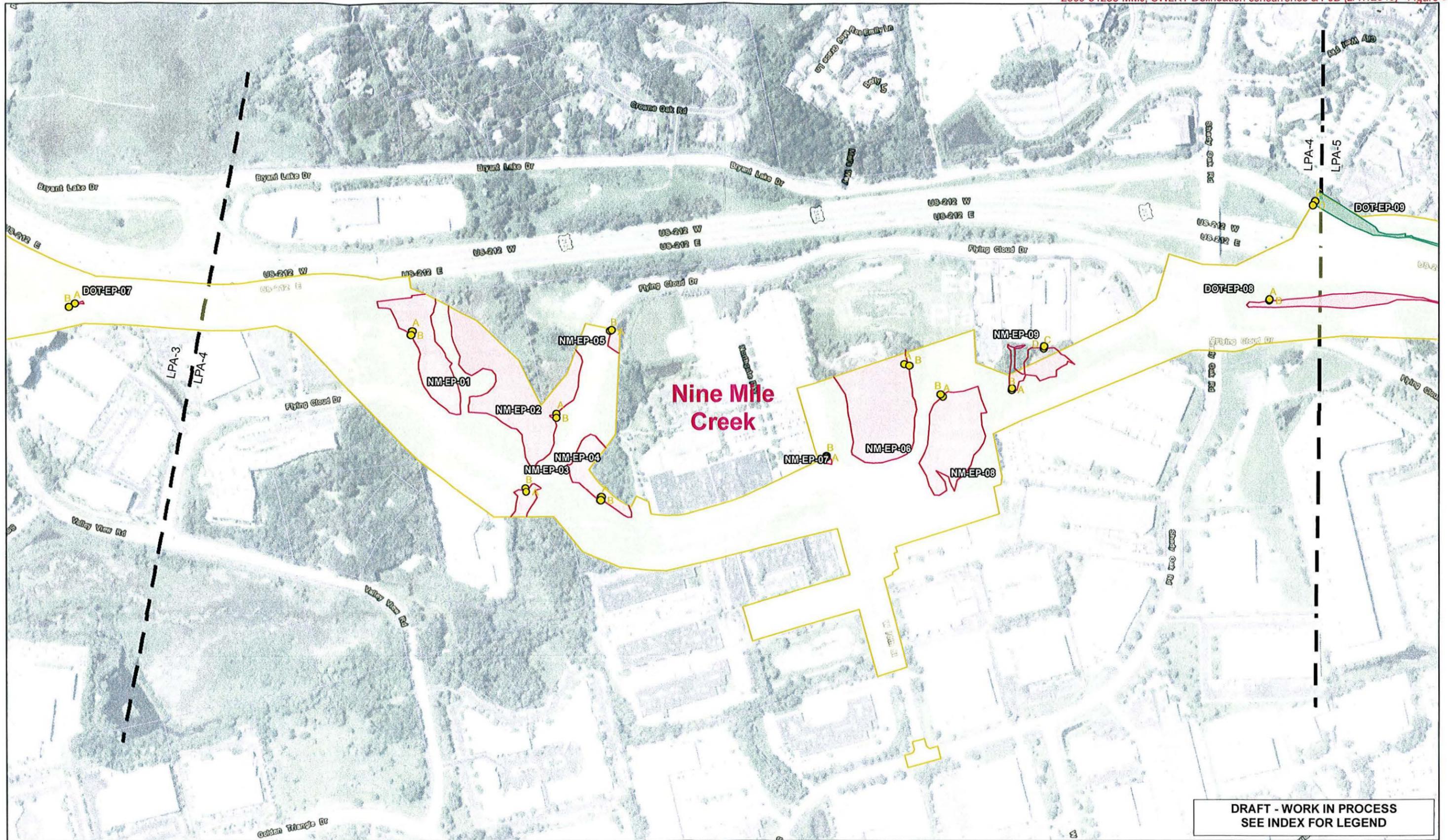
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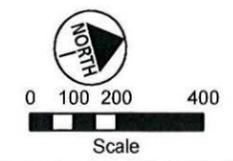
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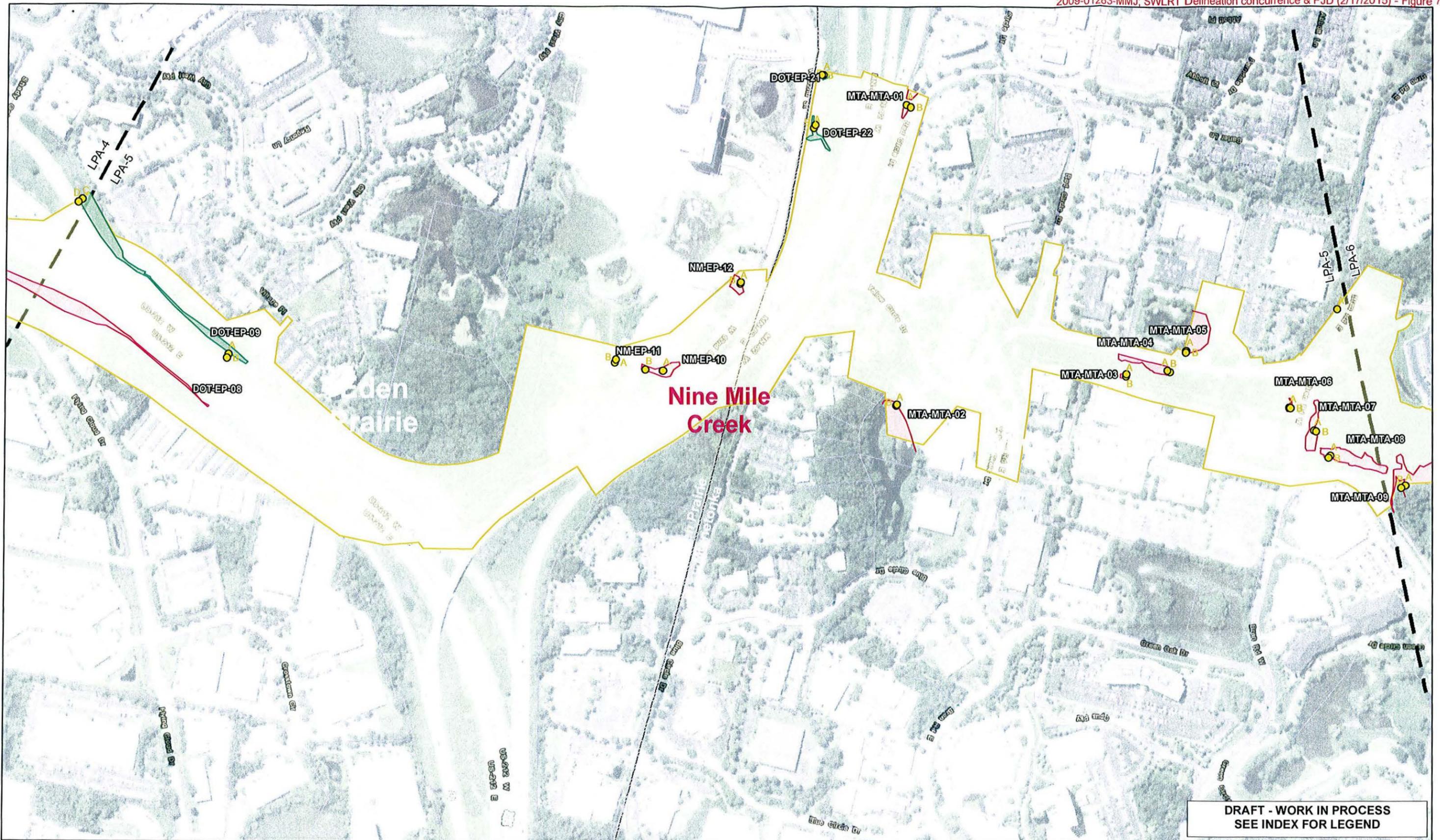


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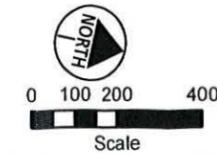




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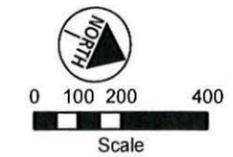


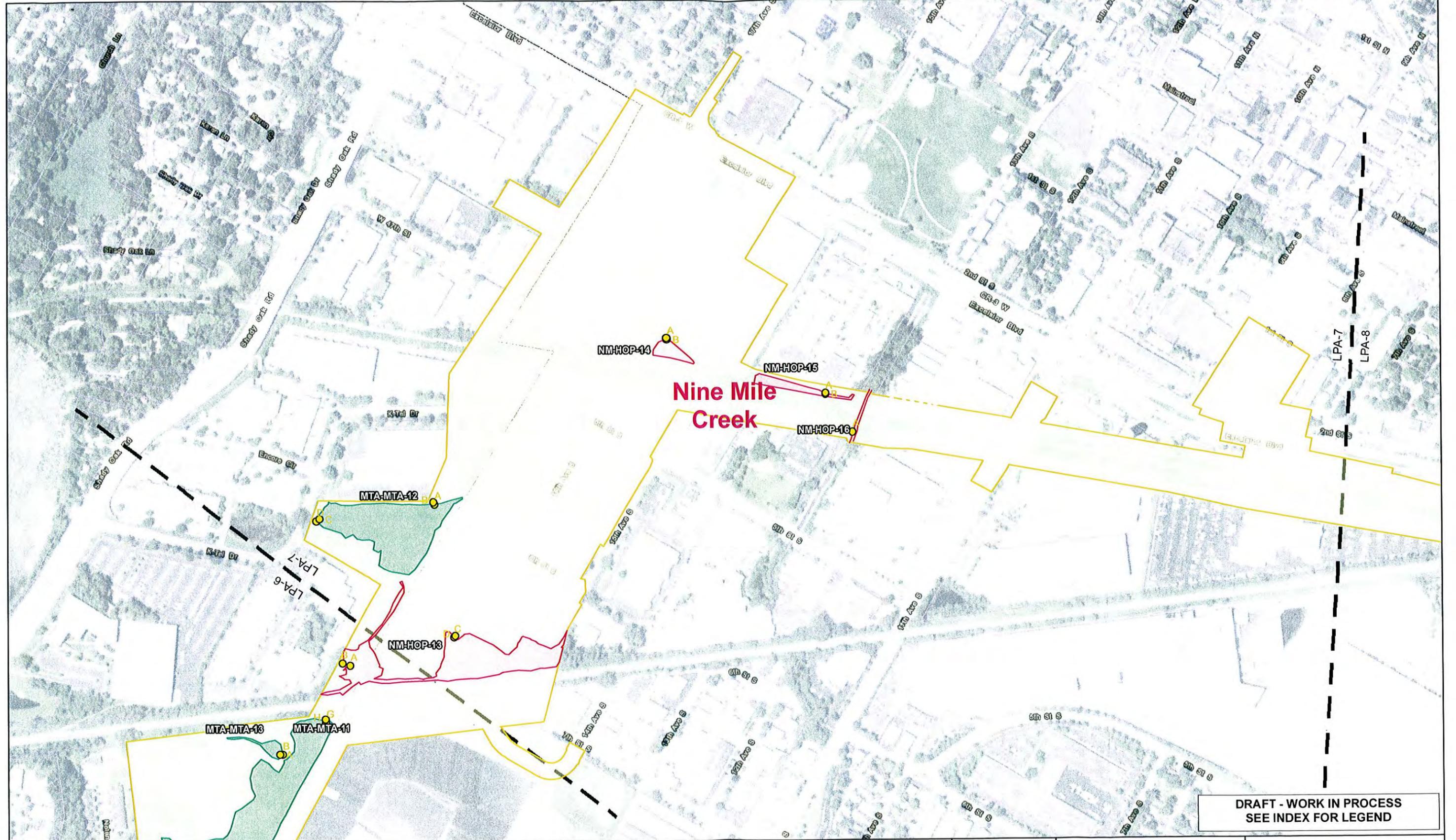
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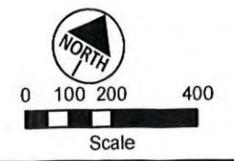


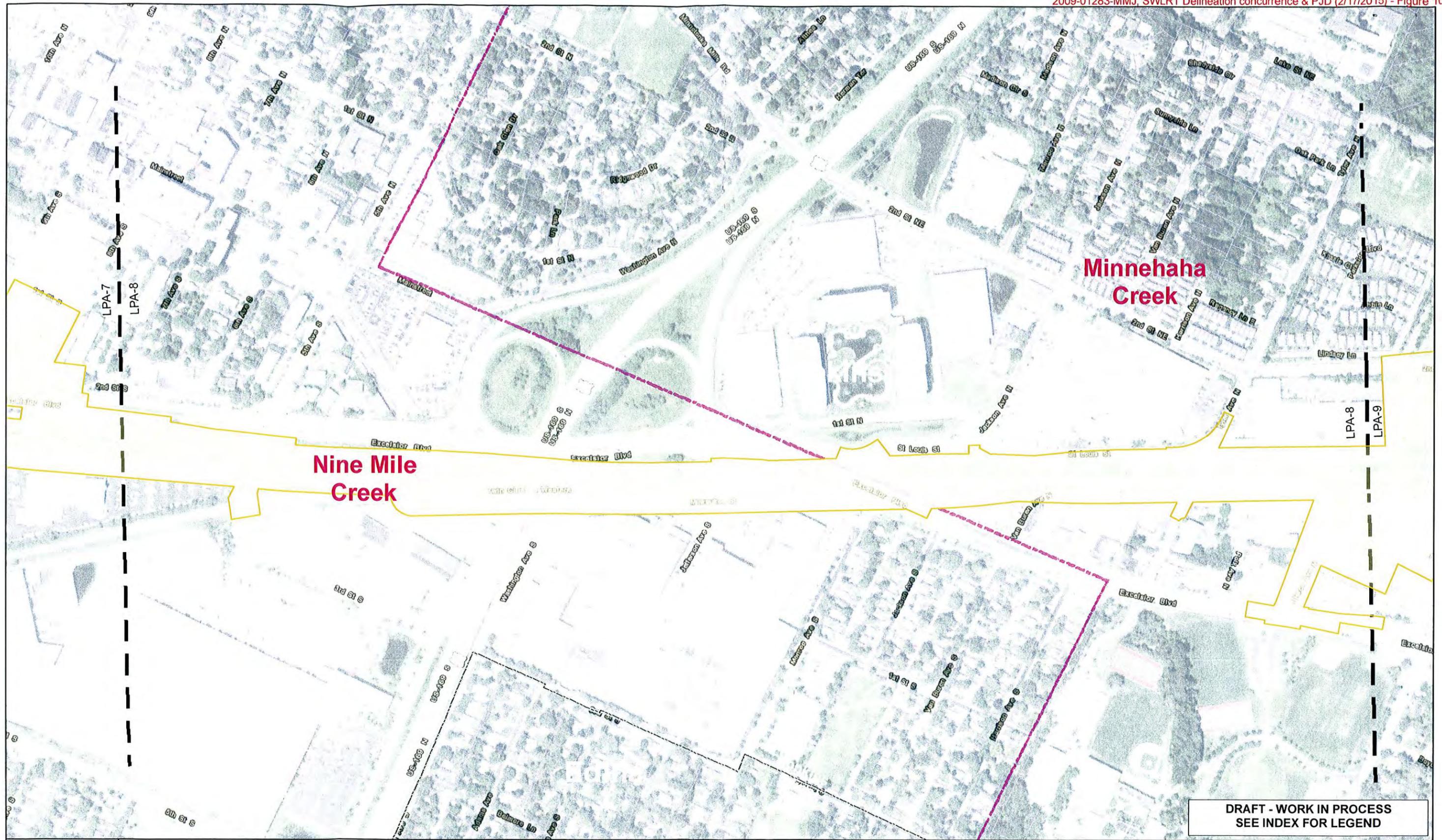
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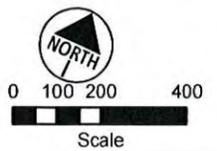
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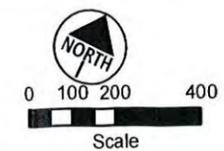


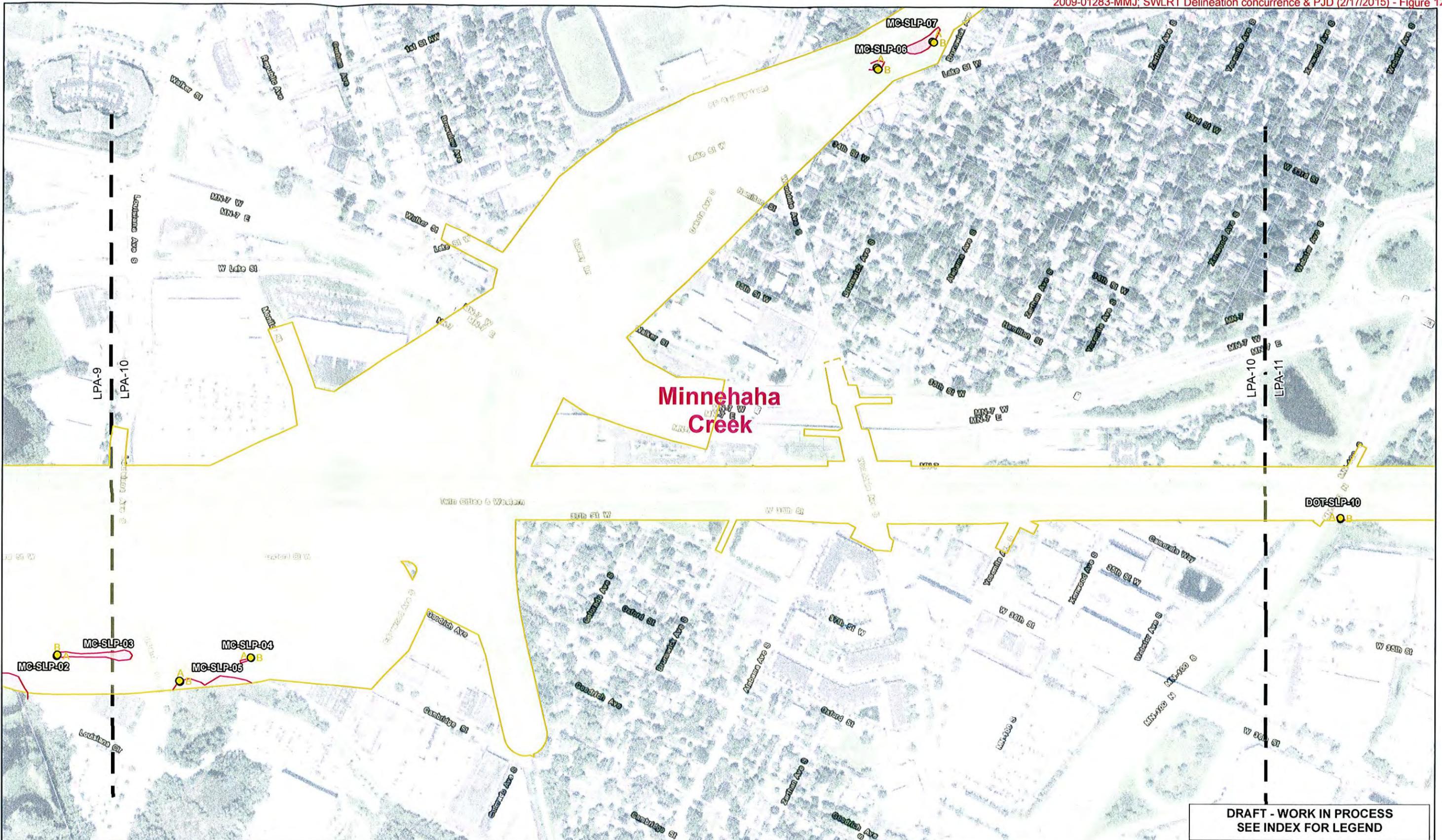
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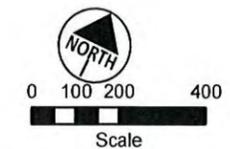


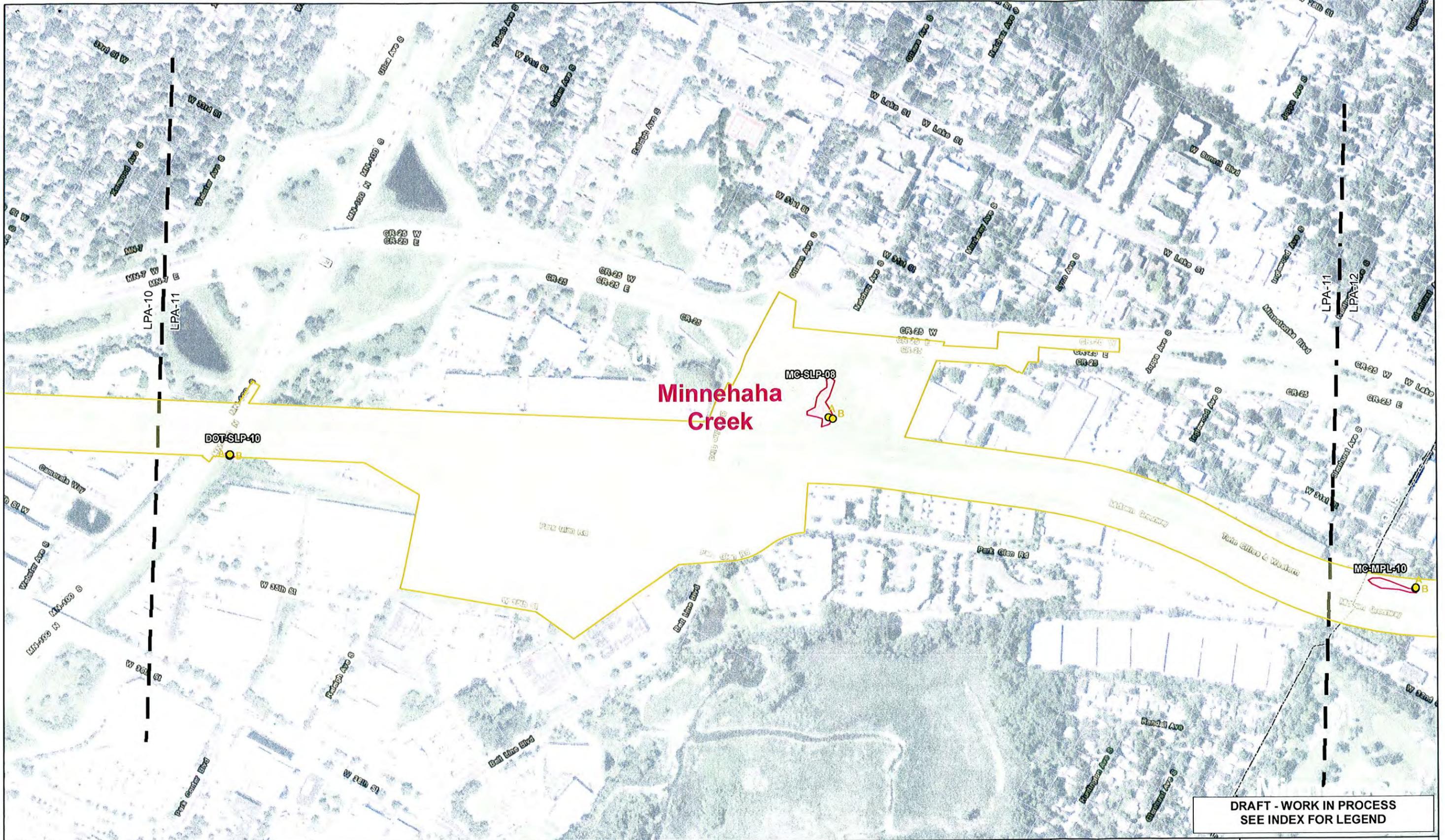
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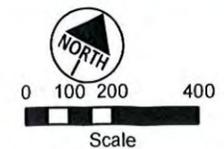


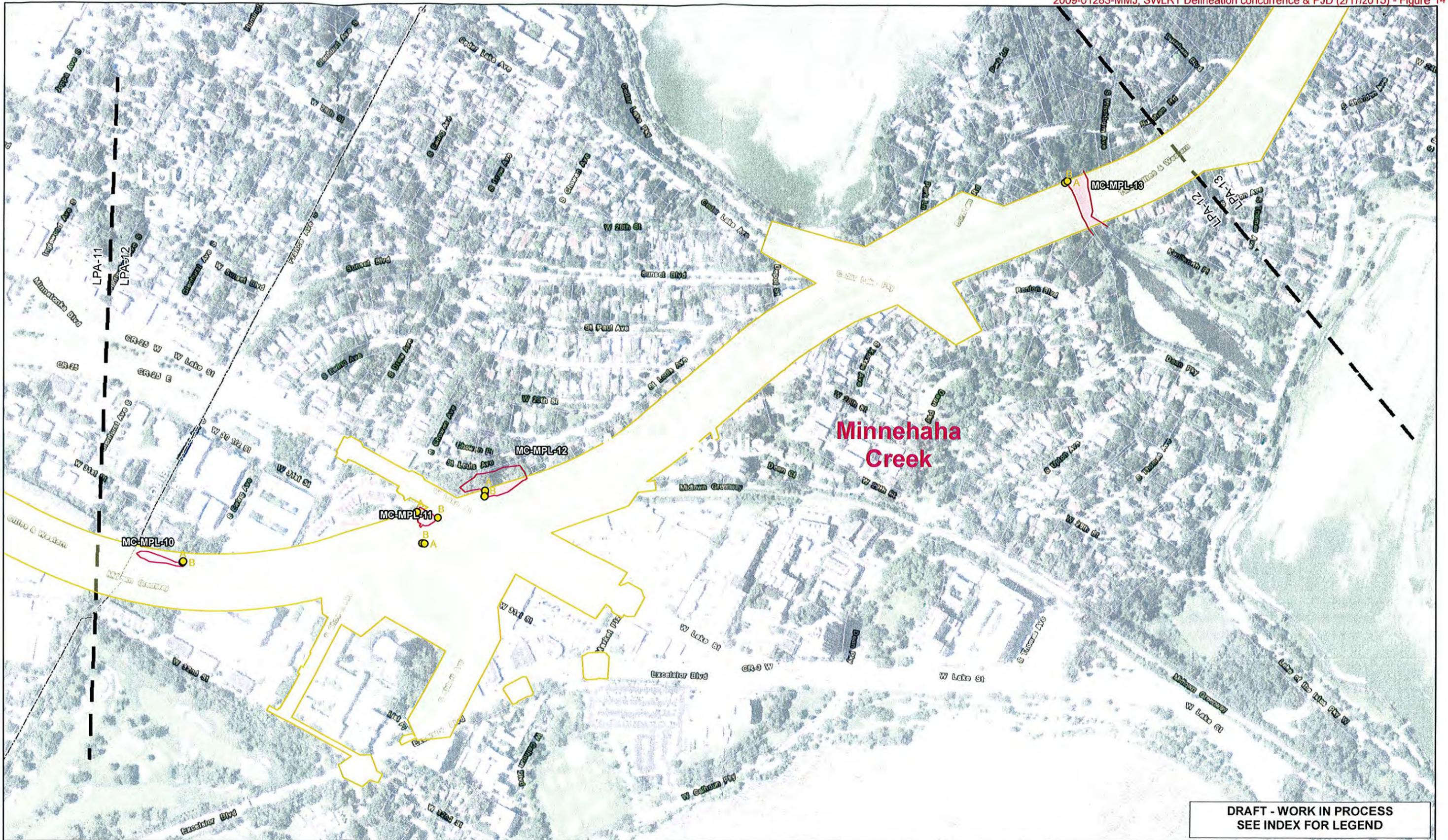
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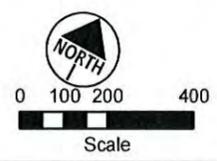
**Minnehaha
Creek**

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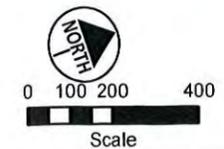




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Nathan Waller
Assistant Director Public
Projects

BNSF Railway Company
80 44th Ave NE
Minneapolis, MN 55421
(763) 782-3478
nathan.waller@bnsf.com

March 26, 2015

Mr. Jim Alexander
Director Transit Systems, Design and Engineering
Metropolitan Council – Southwest Light Rail
Southwest LRT Project Office
Park Place West
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426



Dear Mr. Alexander:

The utilization of a portion of BNSF's Wayzata Subdivision for the proposed Southwest Light Rail Transit Line has been the subject of discussion for some time. As I understand it, the current proposal is for the two light rail lines to enter BNSF right of way just west of the I-94 overpass, and continue east for about 2000' on a gradually increasing grade until turning and going north over the BNSF track on a new grade separated bridge near Royalston Ave. BNSF will be asked to sell or lease about 2 acres of right of way to accommodate the LRT tracks, and the existing BNSF mainline will have to be shifted to the north. Several months ago, BNSF informed your project team that they would need to provide drawings illustrating how the proposed use of our property by the light rail project could accommodate the construction of an additional BNSF mainline track within our right-of-way and how a physical barrier could be designed (and ultimately built) to keep FRA non-compliant vehicles (i.e., the light rail vehicles) separate from the FRA compliant freight rail locomotive and freight cars in case of a derailment.

I have discussed this project with Mr. DJ Mitchell, BNSF's Assistant Vice President Passenger Operations, and consistent with other similar projects, BNSF continues to be willing to work with you and your team to advance the design of the proposed Southwest Light Rail Transit Line. In fact, since the proposed project appears to be ready to move into its next stage of development, you may believe the time is approaching to initiate negotiations regarding the use of BNSF property for the proposed project. To facilitate such future talks, I have enclosed a copy of our Passenger Principles we use to guide us in such negotiations.

With respect to the drawings we received from you, we have had an opportunity to review them and would like to offer our initial comments.

- With 25' track centers between light rail and freight tracks and the experience we have gained in Denver with the operation of light rail adjacent to mainline railway tracks, we will require that an appropriate wall or barrier between light rail and freight rail tracks be designed and constructed as part of the project.



- Where the proposed LRT tracks are elevated, the retaining wall nearest the BNSF mainline must be designed to AREMA standards and must be designed and constructed in a way to withstand the forces of impact should a derailment or other catastrophic incident occur. The retaining wall to the north of the BNSF main, and any bridge piers must be designed in the same manner.
- Since the BNSF main tracks will essentially be in a cut, proper drainage must be designed for and constructed so as to not adversely affect BNSF operations.
- Your proposed overhead catenary system may significantly interfere with BNSF's signal systems and future track maintenance work. An inductance study will need to be provided to BNSF to determine the impact of this system.
- In order to accommodate future track work, a joint corridor track and signal maintenance plan will have to be prepared. If there is an additional cost to maintain our track as a result of being so close to catenary, the proposed project will need to provide funding to cover the marginal increase in our costs due to working near catenary, either as a one-time payment or on an ongoing basis, or provide funding for the purchase of maintenance equipment that can operate in close proximity to catenary.
- If modifications to our signal systems are needed, the project will have to assist us by funding needed signal-related improvements.
- Access to our tracks for the purpose of inspections and maintenance will be necessary and the proposed project's design will need to accommodate this need. If there is an increased cost in our maintenance due to the loss of an access road, the proposed project will also need to provide funding to cover the marginal increase in our costs due to this lack of access.
- Proposed freight train track centers are 4' below the minimum allowed by the FRA, if we are to avoid the need to provide protection on both main line freight track while performing maintenance. We have less than 19' track centers elsewhere on BNSF, but there is a cost to maintain track with less than 19' track centers and we will have to work with you to determine what, if any, BNSF track and signal maintenance costs may increase. If such costs increase as a result of the project, such cost increases will have to be funded by the proposed project, again as a one-time payment or on an ongoing basis.

May I suggest that after you have determined ways to mitigate these issues, a meeting be scheduled to discuss.

Sincerely,

Nathan Waller



Commuter Principles

Rev 8-17-07

BNSF is willing to cooperate on commuter rail studies and provide state and local officials with information. Where commuter service is proposed on a minimally used line that BNSF is willing to sell, BNSF shall be paid fair market value for the property. Where commuter service is proposed on a line BNSF intends to continue owning and to be jointly used for commuter and freight use, the following principles apply:

- Any commuter operation cannot degrade BNSF's freight service, negatively affect BNSF's freight customers or BNSF's ability to provide them with service.
- BNSF must be compensated for any and all costs incurred in providing commuter service and make a reasonable return for providing the service.
- Capital investments necessary for commuter service are the responsibility of the public, including investments for future capacity which is potentially more expensive, especially in urbanized areas.
- BNSF will not incur any liability for commuter operations that it would not have but for those operations. These operations are provided by BNSF primarily as a public service; the relatively modest compensation BNSF receives does not begin to justify assuming the significant liability associated with passenger service.
- Studies of how commuter service might be provided must take into account not only the current freight traffic levels, but projected freight traffic growth.
- Investments made for commuter projects must not result in BNSF incurring a higher tax burden. Property improvements should not become part of our tax base; materials used should be exempt from all sales and use taxes, etc. or BNSF must be made whole for any increased tax burden.
- BNSF must retain operating control of rail facilities used for commuter service. All dispatching, maintenance and construction must be done under the control of BNSF. Passenger stations, parking lots and other non-rail facilities may be publicly owned and operated.
- Studies must reflect BNSF's actual operating conditions and cost structures. For example, construction work estimates must reflect our labor contract costs, schedules cannot assume that we will not operate any freight trains during peak commuter periods, etc.
- BNSF will limit commuter operations to the commuter schedules initially agreed upon and for which the capital improvement plan has been designed. Future expansions will have to undergo the same analysis and provide any required capital improvements before schedules can be altered, service added, or stations added.
- Improvements must include grade crossing protection and intertrack fencing as required to minimize the risk of accidents, due to liability and service interruption concerns.

June 5, 2015

DJ Mitchell
Vice President, Passenger Operations
BNSF Railway

Re: Green Line Extension LRT (Southwest LRT) Proposed Interface with BNSF Wayzata Subdivision

Dear Mr. Mitchell:

This letter and accompanying exhibits serve as a written proposal identifying the Green Line Extension LRT (Southwest LRT) Project's interface with the BNSF Wayzata Subdivision. In an attempt to maximize your visit to the Twin Cities, the Southwest LRT Project team proposes to meet with you following your scheduled meeting with Blue Line Extension LRT Project team. The content of the proposal will serve as a discussion base for our future meeting to be scheduled in coordination with Blue Line Extension LRT, and ultimately for BNSF's concurrence and approval of the proposed SWLRT design.

Southwest LRT is an approximately 15.8-mile transitway that will serve the Twin Cities metropolitan region operating from downtown Minneapolis through the Southwestern communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie. Once constructed, the line will be part of an integrated system of transitways converging at Target Field Station where connections using the Target Field Station can be made to Blue Line and Green Line, the Northstar Commuter Rail Line, the proposed Blue Line Extension LRT, and future commuter rail and intercity passenger rail lines.

The proposed Southwest LRT parallels the BNSF Wayzata Subdivision between Cedar Lake Junction and Royalston Avenue North, MP 13.2 and MP 11.79 respectively, with the majority of design interface occurring between Lyndale Junction, MP 12.4, and Royalston Avenue North. Part of the interface includes space for BNSF's future second track and approximately 1.5 acres of property on the Wayzata Subdivision to be purchased from BNSF by the SWLRT Project as a permanent easement. Project staff has met with local BNSF staff regularly since 2013 to discuss resolution of freight issues along the corridor. The plans have advanced to sufficient details to engage BNSF staff for detailed review of the proposed design.

Currently the Southwest LRT Project is progressing towards 60 percent plan completion, with the following key schedule milestones (for a detailed agreements timeline, please see Exhibit 6):

- Q2 2016 FTA's Record of Decision (ROD)
- 2017-2019 Heavy Construction and Revenue Testing
- 2020 Revenue Service

The following maps and plan sheets provide more details for all items associated with the interface between the Southwest LRT Project and BNSF:

- EXHIBIT 1 - PROPOSED RIGHT OF WAY AND EASEMENT EXHIBIT
- EXHIBIT 2 – PROPOSED RIGHT OF WAY AND EASEMENT EXHIBIT
- EXHIBIT 3 – PROPOSED TRACK AND CIVIL EXHIBIT
- EXHIBIT 4 – PROPOSED CONSTRUCTION PHASING PLAN
- EXHIBIT 5 – PROPOSED UTILITY SECTION RELOCATIONS
- EXHIBIT 6 – PROPOSED UTILITY AND DRAINAGE EXHIBIT
- EXHIBIT 7 – PROPOSED BNSF AGREEMENTS TIMELINE

We look forward to meeting with you and your staff to continue our collaboration with BNSF.

Sincerely,



Jim Alexander, Director Design and Engineering
Southwest LRT

Attachments



June 5, 2015

DJ Mitchell
VP Passenger Operations
BNSF Railway
2650 Lou Menk Drive
Fort Worth, TX 76131

Subject: Blue Line LRT Extension and Green Line LRT Extension Proposals

Dear Mr. Mitchell,

Please find attached proposals regarding use of BNSF right of way by the Blue Line LRT Extension and Green Line LRT Extension Projects. Both projects are important links in the build out of the regional Metro Transit METRO system, interconnecting with each other and the existing system at Target Field in Minneapolis. The projects require varying levels of coordination and review based on differences in timeline and nature of potential impact to BNSF.

The Blue Line Extension LRT project proposes to operate for approximately 7.8 miles on the BNSF Monticello Subdivision. BLRT project staff has met with local BNSF staff since October 2014 on general design concepts. The plans have advanced to sufficient detail to engage your staff on proposed track layouts, potential corridor protection treatments, and a timeline for agreements.

The Green Line Extension LRT (Southwest LRT) project parallels the BNSF Wayzata Subdivision between Cedar Lake Junction and Royalston Avenue North, MP 13.2 and MP 11.79 respectively. Project staff has met with local BNSF staff since 2013 to discuss resolution of freight issues along the corridor. The plans have advanced to sufficient detail to engage your staff for a detailed review of the proposed design.

Metro Transit invites your team to Minneapolis to discuss the projects. Approximately one day worth of time should be sufficient for an initial review of both proposals. Our understanding, per your June 4th conversation with Dan, is you intend to respond by June 15th and propose a meeting date. We are ready to discuss the proposals and appreciate your help in scheduling this meeting as soon as possible.

We look forward to further collaboration with BNSF.

Regards,

Daniel Soler, P.E.

Project Director, Blue Line LRT Extension

Craig Lamothe, AICP

Project Director, Green Line LRT Extension

Cc: David Johnson, Manager Public Projects – MN, ND, SD, BNSF
Ryan Wilson, Manager Railroad Coordination, Blue Line LRT Extension
Jim Alexander, Director Transit Systems Design & Engineering, Green Line LRT Extension



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

JUN 16 2015

REPLY TO
ATTENTION OF

Operations - Regulatory (2009-1283-MMJ)

Ms. Marisol R. Simon
Regional Administrator
Federal Transit Administration
200 West Adams Street
Chicago, Illinois 60606

Dear Ms. Simon:

This letter concerns the designation of a lead Federal agency pursuant to 50 CFR § 402.07 for the Southwest Light Rail (SWLRT) Project. The SWLRT project area includes a 15-mile corridor through Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis, in Hennepin County, Minnesota.

Following ongoing coordination with your agency, and the SWLRT project team at Metropolitan Council, we have determined that it is appropriate for the Federal Transit Administration (FTA) to act as the lead Federal agency on our behalf for purposes of compliance with Section 7 of the Endangered Species Act (ESA) for Department of the Army authorization required for the SWLRT project.

We appreciate your efforts to consider potential effects to threatened and endangered species within the SWLRT project corridor. We would still like to remain a consulting party during the ESA review for this project and would only become more involved in endangered species issues if for example measures to avoid effects to a species involved regulated impacts to waters of the United States.

Please copy us on your consultation letters with the U.S. Fish and Wildlife Service, and please include a statement in your consultation letters indicating that the FTA is acting as the lead Federal agency for the proposed action, along with a copy of this letter.

If you have any questions concerning our role in the ESA review please call Melissa Jenny at (651) 290-5363.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara E. Cameron".

Tamara E. Cameron
Chief, Regulatory Branch

Copies furnished:
USFWS - Bloomington
Metropolitan Council

From: Bump, Samantha (DNR) [<mailto:Samantha.Bump@state.mn.us>]
Sent: Tuesday, August 04, 2015 11:07 AM
To: Jacobson, Nani
Cc: Bentzler, Zachary/MSP; Bentzler, Zach; Webb, Charlie; Hodapp, Benjamin; Gute, Mary; Loring, Deborah
Subject: RE: Southwest Light Rail Transit Request - NHIS Data Request for Rare Features Data

Hi Nani,

I have reviewed the Natural Heritage Information System regarding the Southwest Light Rail Transit project. The proposed changes do not change the results of the original review. As such, the Natural Heritage letter dated 31 January 2014 is still valid.

Thank you for notifying us of the proposed changes, and for the opportunity to provide additional comments. If you have any further questions, please feel free to contact me.

Thank you,
Samantha Bump
NHIS Review Specialist
(651) 259-5091
Division of Ecological and Water Resources
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155

samantha.bump@state.mn.us
www.mndnr.gov/eco



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

August 26, 2015

Andrew Horton
U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 East 80th Street
Bloomington, MN 55424

#74

RE: Request for Concurrence
Southwest Light Rail Transit (LRT) Project, Hennepin County, Minnesota

Dear Mr. Horton:

The Federal Transit Administration (FTA) is requesting concurrence from the U.S. Fish and Wildlife Service (USFWS) that the proposed Southwest LRT Project will have *no effect* on the Higgins eye pearl mussel (*Lampsilis higginsii*) or Snuffbox mussel (*Epioblasma triquerta*), and is *not likely to adversely affect* the Northern long-eared bat (*Myotis septentrionalis*) (NLEB).

Project Description

The proposed project involves an approximately 14.5-mile extension of the METRO Green Line (Central Corridor LRT) that would operate from downtown Minneapolis through the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to Edina (Exhibit A). The proposed alignment includes the following features:

- 16 new stations
- Approximately 2,500 additional park-and-ride spaces
- Accommodations for kiss-and-ride facilities
- Bicycle and pedestrian access
- New local bus routes connecting stations to nearby residential, commercial, and educational destinations

The project is located within the southwest metropolitan area of the Twin Cities. This project setting is an urban area dominated by commercial and residential uses. The majority of the proposed rail line has been located within or paralleling existing transportation corridors. This project is proposed to address the increasing travel demand in this highly-congested area of the region. Construction for the project is expected to commence in 2016, after completion of the required federal and state environmental processes.

Listed Species within the Project Area

According to the "County Distribution of Minnesota's Federally-Listed Threatened, Endangered, Proposed and Candidate Species" list provided by USFWS, there are two federally-listed endangered species (Higgins eye pearl mussel and Snuffbox mussel) and one federally-listed threatened species (Northern long-eared bat) that occur within Hennepin County.

Higgins Eye Pearl mussel & Snuffbox Mussel Analysis and Determination

According to the USFWS threatened and endangered species website, the Mississippi River is the only suitable Higgins eye pearl mussel/Snuffbox mussel habitat located in Hennepin County. The project elements and construction limits do not cross the Mississippi River and the closest construction staging area of the proposed project will be located at 6th Avenue North near Target Field, approximately 0.6 of a mile from the Mississippi River (Exhibit B).

FTA previously requested on July 23, 2012 concurrence that the Higgins eye pearl mussel does not occur within the project limits and that the project will not impact Higgins eye pearl mussel habitat. A response was received on August 21, 2012 from USFWS that there are no federally listed or proposed species and/or designated critical habitat within the project action area.

Based on the fact that neither of these mussel species nor their associated habitats occur within the project limits, the FTA has determined that the proposed action will have *no effect* on the Higgins eye pearl mussel or Snuffbox mussel. We request your concurrence with this determination.

NLEB Analysis and Determination

A desk-top analysis was performed to determine the amount of tree-clearing required for the project. GIS shapefiles of the project extent along with Minnesota Land Cover Classification System data (MnDNR, 2008) within the project area were overlain onto recent aerial photographs to derive the extent of tree clearing necessary for the proposed project. According to the GIS analysis, approximately 30 acres of tree clearing will be required along the project route.

The majority of these areas are contiguous wooded areas ranging from approximately 0.3 acre to 13 acres, with impacts ranging from 0.01 acre to 3 acres (Exhibit C). These areas are not expected to support a colony of NLEB due to their relatively small size and their location within a previously disturbed urban setting. In addition, no known roost trees nor hibernacula are known to occur in Hennepin County (the nearest hibernacula is over 10 miles from project area).

Approximately 9 acres, of the 30 acre total, of tree clearing consist of the expansion of rights-of-way (ROW) along the existing travel corridors, which would qualify for the exemption under the Interim 4(d) rule. These areas extend west from the City of Hopkins to the eastern end of the alignment in Minneapolis and are depicted on Exhibit C.

The Southwest LRT Project team engaged the USFWS to discuss the proposed Project and potential impacts to the NLEB. These discussions resulted in the following measures to be implemented to minimize potential impacts to the NLEB:

- Seasonal restriction on removal of trees during the summer pup season (June 1 to July 31) at the South Fork Nine Mile Creek (Exhibit D).
- No activities within ¼ mile of a known hibernacula.

The project is located within an urban setting that lacks large expanses of woodlands to support NLEB maternity colonies. In addition, there are no records of NLEB roost trees or hibernacula within Hennepin County. For these reasons, coupled with the minimization measures outlined above, we conclude that the Southwest LRT project is *not likely to adversely affect* the Northern long-eared bat. We request your concurrence with this determination.

If you require additional information, please contact Maya Sarna, AICP, Environmental Protection Specialist at (202) 366-5811.

Sincerely,



Marisol R. Simón
Regional Administrator

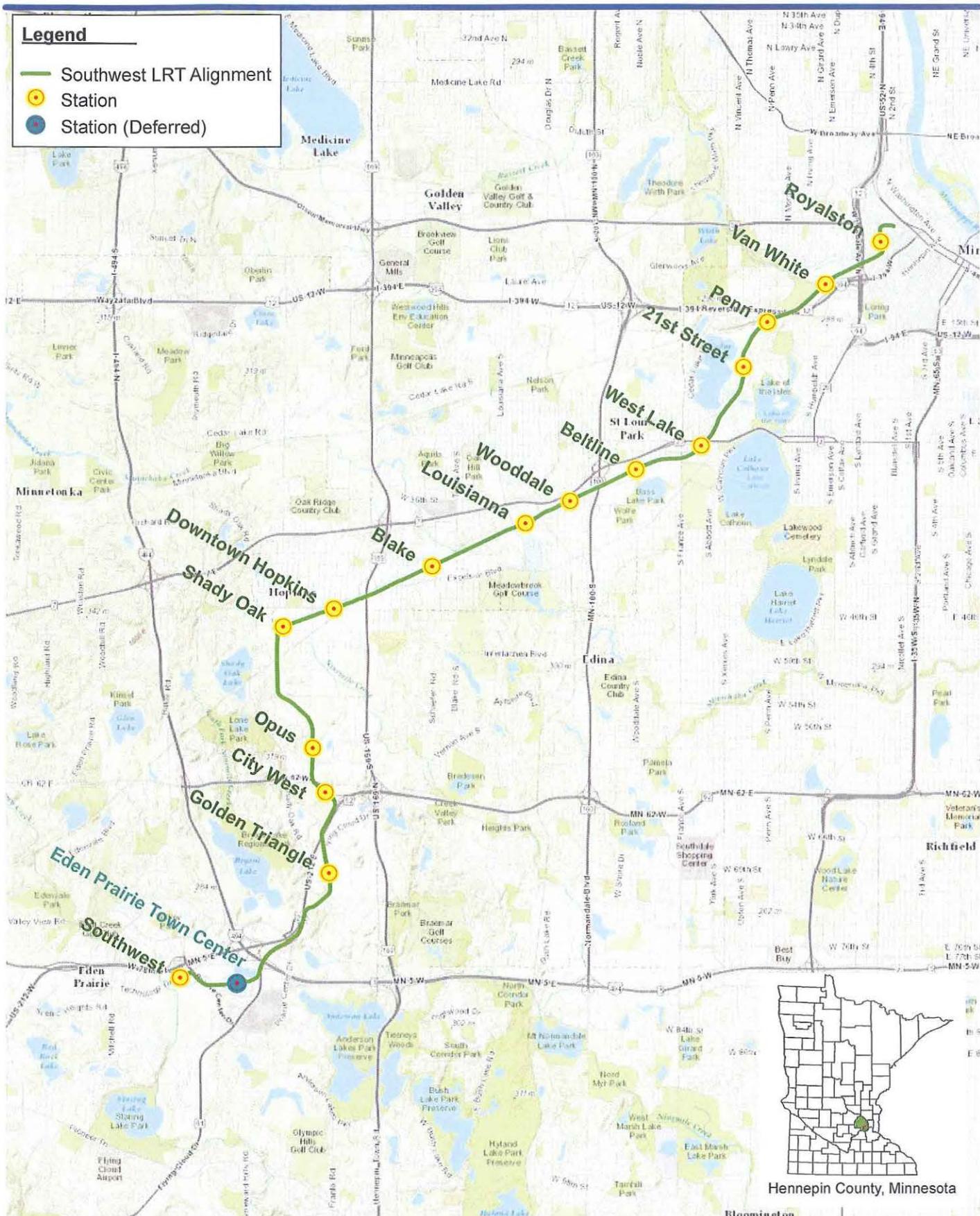
cc:

Lisa Mandell, USFWS Deputy Field Supervisor
Maya Sarna, FTA Headquarters, Office of Planning & Environment
Melissa Jenny, USACE, St. Paul District
Nani Jacobson, Metropolitan Council, Southwest LRT Project Office

Enclosures

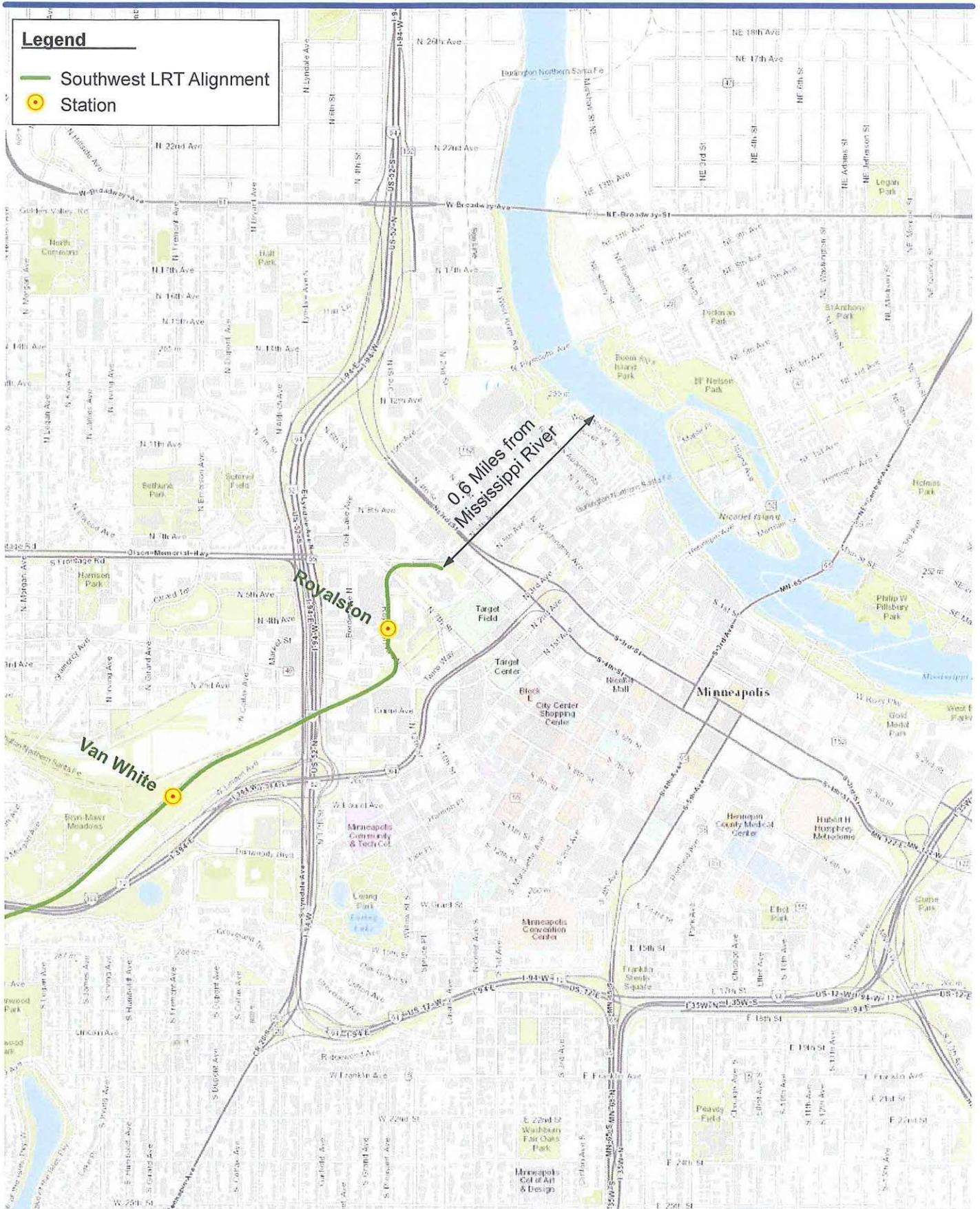
Legend

-  Southwest LRT Alignment
-  Station
-  Station (Deferred)



Hennepin County, Minnesota

	<h2 style="margin: 0;">Southwest LRT</h2>	<p>Exhibit A</p>		
<h3 style="margin: 0;">Project Alignment Location</h3>				
				



Legend

- Southwest LRT Alignment
- Station

0.6 Miles from
Mississippi River

Royalston

Van White

Minneapolis

	<h2 style="margin: 0;">Southwest LRT</h2>	<p>Exhibit B</p>		
<p>Proximity to Mississippi River</p>				

Legend

- Limits of Disturbance (LOD)
- Wooded Areas in LOD
- MLCCS Derived Forest
- MLCCS Derived Woodland

Label Key

Area ID #
 Impacted Area
 (Total Contiguous Area)



Southwest LRT
 Minnesota Land Cover
 Classification System
 Derived Wooded Areas
 Page 1 of 3

Exhibit C

NORTH

0 1,750 3,500
Feet

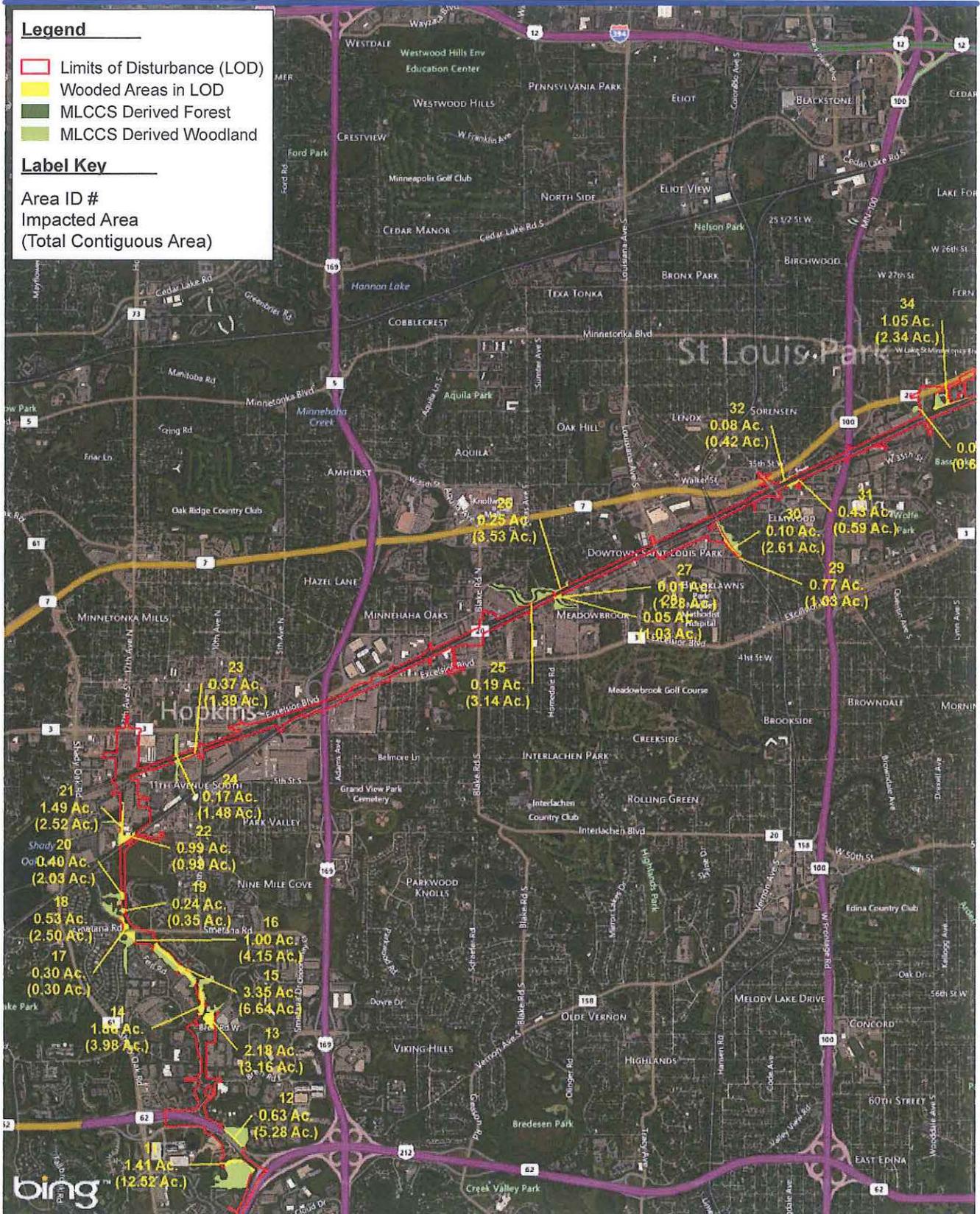


Legend

- Limits of Disturbance (LOD)
- Wooded Areas in LOD
- MLCCS Derived Forest
- MLCCS Derived Woodland

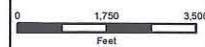
Label Key

Area ID #
 Impacted Area
 (Total Contiguous Area)



Southwest LRT
 Minnesota Land Cover
 Classification System
 Derived Wooded Areas

Exhibit C



Legend

- Limits of Disturbance (LOD)
- Wooded Areas in LOD
- MLCCS Derived Forest
- MLCCS Derived Woodland

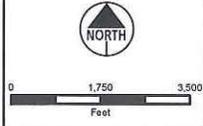
Label Key

Area ID #
Impacted Area
(Total Contiguous Area)



**Southwest LRT
Minnesota Land Cover
Classification System
Derived Wooded Areas**

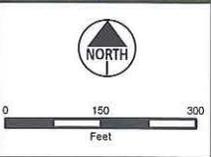
Exhibit C





Southwest LRT Final EIS
 NLEB Pup Season
 Restricted Clearing Zone
 (June 1- July 31)

Exhibit D





September 4, 2015

DJ Mitchell
VP Passenger Operations
BNSF Railway
2650 Lou Menk Drive
Fort Worth, TX 76131

Subject: Blue Line Extension LRT (BLRT) and Green Line Extension LRT (SWLRT) – Response to August 5, 2015 BNSF Letter

Dear Mr. Mitchell,

Thank you for your continued engagement in discussions regarding the potential accommodation of the proposed METRO Blue Line Extension and Green Line Extension LRT projects (BLRT and SWLRT, respectively) on BNSF right of way. The BLRT Project Office (BPO) and SWLRT Project Office (SPO) are prepared to discuss key areas as identified in your August 5, 2015 letter to advance critical design decisions to sufficient detail for inclusion in the Final Environmental Impact Statement. The BPO and SPO understand well that this does not imply BNSF has agreed in full to proposed use of its right of way.

The BPO and the SPO acknowledge the need for the proposed projects to be consistent with BNSF's passenger rail principles, referenced as "Commuter Principles" (last revised 8-17-07). This letter focuses on how we intend, in concept, to address the critical Commuter Principles mentioned in your most recent letter.

Commuter Principle: "Any commuter operation cannot degrade BNSF's freight service, negatively affect BNSF's freight customers or BNSF's ability to provide them with service".

General response

The BPO and SPO interpret this principle, per your August 5th letter, as the need to "preserve present freight capacity and capacity for future growth in these corridors" and, more specifically, "resolve all issues related to adding a second main freight line where either of the proposed projects affects BNSF property". Prior verbal and written communication is consistent with this direction. The BPO and SPO are addressing this by working with your technical staff to identify design assumptions shaping the proposed LRT improvements on BNSF right of way. We have developed concepts that shift existing freight alignments and locates proposed LRT alignments such that BNSF is made "whole", meaning BNSF will have the ability to make future capacity improvements in a configuration consistent with what can be constructed today.

The BPO and SPO understand key dimensions to be:

1. Minimum 15 feet between potential freight track centers; and
2. Minimum 15 feet from freight track center to nearest obstruction.

The BPO also understands a desired minimum 20 feet from edge of BNSF ROW to potential nearest freight track center given the length of impact on this particular project. The BPO and SPO understand from conversations with BNSF technical staff that these dimensions provide sufficient space to accommodate shifting existing BNSF track and a potential future BNSF track.



The BPO and SPO acknowledge that addressing the appropriate separation or barriers between freight and LRT operations, discussed below, is central to this understanding.

SWLRT areas of focus

SWLRT proposes to operate on the Wayzata Subdivision right-of-way from mile post 11.79 to mile post 12.24. The proposed improvements respect the above design assumptions and do not make more difficult than today the construction of a future freight capacity improvement by BNSF. SPO is prepared to discuss any additional concerns as it relates this principle. SWLRT also proposes to operate on Hennepin County Regional Railroad property parallel to the Wayzata Subdivision from mile post 12.24 to 13.20. SPO is also prepared to answer any additional questions on this topic at your convenience.

BLRT areas of focus

BLRT proposes to operate on BNSF Monticello Subdivision right-of-way from mile post 1.56 to 9.39. The proposed improvements generally reflect the above design assumptions.

In your letter dated August 5, 2015 you note that “BNSF has the ability to double track that portion of the Monticello Subdivision impacted by the proposed Blue Line extension without modifying any highway bridges”. The BPO reviewed this with your Northtown technical staff at the April 10, 2015 BPO-BNSF coordination meeting. That review confirmed that construction of a second freight track to the west of the existing track is feasible without impacting any existing bridges, but with several restrictions. BNSF would need to address several design considerations and bear costs that include lowering the grade in a floodplain to obtain appropriate vertical clearance and constructing 12,300 linear feet of track in areas of poor soils, 4,400 linear feet of track within a defined floodplain, 6,400 linear feet of track in wetlands, and 2,200 linear feet of track in potential conflict with XCEL transmission lines.

The BPO is prepared to review proposed improvements in detail. The BPO believes it is possible to reach consensus with you for approximately 80 percent (of 7.8 miles) of the corridor where the key design parameters can be accommodated with comparative ease. However, given differences in grade, soil, and surrounding land uses, among other factors including BNSF derailment risk concerns, it is impractical and infeasible to maintain a consistent cross section along the length of the corridor. The BPO is prepared to discuss tradeoffs associated with various opening day conditions in these more challenging location exceptions, including the highway bridges and structures over existing standing water.

Commuter Principle: “BNSF must be compensated for any and all costs incurred in providing commuter service and make a reasonable return for providing the service”.

Commuter Principle: “Capital investments necessary for commuter service are the responsibility of the public, including investments for future capacity which is potentially more expensive, especially in urbanized areas”.



General response

The BPO and SPO agree that capital investments necessary to build and operate proposed LRT, shift existing BNSF tracks, and ensure safe operations of adjacent freight and LRT is a cost responsibility of the LRT projects.

Commuter Principle: “BNSF will not incur any liability for commuter operations that it would not have but for those operations”.

General response

The BPO and SPO interpret this principle, per the August 5th letter, as the need for “appropriately engineered separation or barriers” and the need to address “insurance, liability, and indemnification”. The BPO and SPO fully commit to safety as a mutual goal.

The BPO and SPO undertook a thorough review of potential improvements to minimize risks in the event of a freight or LRT derailment. This review included an examination of numerous technical reports, research papers, and treatments on other shared-use corridors. The BPO and SPO examined data and models of derailment behavior as well as reviewed potential treatments to manage risk associated with a potential freight or LRT derailment. The BPO and SPO will prepare an “Assessment of Corridor Protection Treatments” summarizing improvements studied and the proposed improvements to provide for the safety and integrity of the corridor in the event of a derailment. The proposed Corridor Protection Treatments combine horizontal separation, vertical separation, and other physical means to ensure safe operations.

SWLRT areas of focus

The SPO proposes Corridor Protection Treatments that focus on the introduction of crash worthy structures given the nature (relatively flat) and length (less than one-half mile) of the proposed shared-use along the Wayzata Subdivision from mile post 11.79 to 12.24. Specifically a crash worthy wall, retained embankment, and structure will separate freight from LRT operations. When the LRT guideway is located on retained embankment or structure, SPO proposes the use of guard rail on the LRT guideway as a means to protect freight operations in the event of an LRT derailment.

BLRT areas of focus

The BPO proposes a combination of horizontal separation, vertical separation, and physical means to ensure safe operations, as detailed in our letter dated June 5, 2015. The BPO will use the aforementioned “Assessment of Corridor Protection Treatments” as support for selecting these treatments. The BPO is prepared to review this information in detail with BNSF.

In conjunction with these efforts, the BPO and SPO are prepared to discuss expectations related to liability and appropriate indemnification as warranted. The BPO and SPO acknowledge both would be covered topics in future agreements between the Metropolitan Council (on behalf of both LRT projects) and BNSF.



The BPO and SPO acknowledge that additional Commuter Principles apply to the corridors. We are prepared to discuss principles related to operating control and other identified and yet to be resolved BNSF concerns.

In light of these points, the BPO and SPO teams propose to meet with your passenger rail team as early as possible in September, at a location that is convenient for your team. Upon establishing a meeting location, date and time, we will look to understand who from your team will be in attendance so that appropriate materials can be available. At a minimum, the BPO and SPO intend to review, for both BLRT and SWLRT:

1. Proposed improvements on BNSF right of way;
2. Implementation schedules
3. Corridor Protection Treatments;
4. Constructability;
5. Economic factors; and
6. Agreements outline

You identified several additional issues in your August 5th, 2015 letter. Several of these are policy level topics regarding, in part, the Metropolitan Council's "support [for] the continued role BNSF plays regarding the movement of freight and passenger services within the Twin Cities". We have passed those concerns on to Adam Duininck, the Chair of the Metropolitan Council, who responded under separate cover.

Again, the BPO and SPO appreciate the continued dialogue with you and your local technical staff at the BNSF Northtown Yard. We look to continue building that same relationship with your national passenger rail team.

Regards,

Daniel Soler, P.E.
Project Director, Blue Line Extension LRT

Jim Alexander, P.E.
Director Design and Engineering, Green Line Extension LRT

Cc: Lynn Leibfried, Manager Public Projects – MN, ND, SD, BNSF
Ryan Wilson, Manager Railroad Coordination, Blue Line Extension LRT
Tom Domres, Manager Engineering, Green Line Extension LRT



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Twin Cities Field Office

4101 American Boulevard East

Bloomington, Minnesota 55425-1665

Phone: (612) 725-3548 Fax: (612) 725-3609



September 25, 2015

Ms. Marisol R. Simón
U.S. Department of Transportation
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

Action Agency: Federal Transit Administration

USFWS Tails #: 2012-I-0121-R001

Concurrence requested by: letter email

Dated: August 26 2015

Project: 14.5 mile extension of the Metro Green Line (Central Corridor LRT) that will include 16 new stations and bicycle/pedestrian access.

Location: Downtown Minneapolis to Eden Prairie through St. Louis Park, Hopkins and Minnetonka

Dear Ms. Simón,

This letter is in response to your request for informal consultation and concurrence that the proposed project may affect, but is not likely to adversely affect the northern long-eared bat (*Myotis septentrionalis*), pursuant to consultation under section 7(a)(2) of the Endangered Species Act of 1973, as amended.

As described in your letter, the proposed action is anticipated to impact forest habitat that may provide suitable roosting habitat for the northern long-eared bat, as described as trees greater than 3 inches at diameter breast height (DBH) with loose bark, cracks or crevices. Due to the forested nature of this site and its relative proximity to recorded locations for the species, the northern long-eared bat may be present in the affected area during the roosting season, from approximately April 1 to September 30.

- Tree removal will not take place during a period when the species would be present in the action area. Therefore, we do not expect any direct effects to the species as a result of the action.
- Tree clearing may occur during the period when the northern long-eared bat may be present in the affected area but will be avoided during the northern long-eared bat pupping season of June 1 through July 31.
- Tree clearing associated with this project is anticipated to remove less than one acre of suitable roosting habitat for the northern long-eared bat.
- Removal of forested habitat is not anticipated to appreciably change the usability of northern long-eared bat habitat in the action area.

- Although possible, the probability that a northern long-eared bat will be present in any of the trees when they are felled is likely to be extremely low based on what we know about the population of the bats in the area.

- Other: The majority of contiguous wooded areas that will be impacted are small in size and within disturbed areas that are not expected to support NLEB colonies. The largest forested patch is 13 acres and the potential for species impacts is considered discountable.

Based on the information summarized above, we concur that the proposed action **may affect, but is not likely to adversely affect** the northern long-eared bat. This concludes section 7(a)(2) consultation. For further information, or if new information not previously considered may result in additional effects to the northern long-eared bat, please contact me at (612) 725-3548 (extension 2208) or via email at andrew_horton@fws.gov.

Sincerely,

ANDREW
HORTON

Digitally signed by ANDREW HORTON
DN: cn=U.S. Government,
ou=Department of the Interior, ou=U.S. Fish
and Wildlife Service, cn=ANDREW HORTON,
o=U.S. Fish and Wildlife Service, email=andrew.horton@fws.gov
Date: 2015.09.25 11:10:06 -0500

Fish and Wildlife Biologist

cc (email only): Melissa Jenny, US Army Corps of Engineers
Nani Jacobson, Metropolitan Council, Southwest LRT Project Office



#77

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

OCT 14 2015

REPLY TO
ATTENTION

Operations
Regulatory (2009-01283-MMJ)

Ms. Marisol Simon
U.S. Department of Transportation
Federal Transit Administration, Region V
200 West Adams Street, Suite 320
Chicago, Illinois 60606-5253

Dear Ms. Simon:

We have reviewed the Southwest Light Rail Transit (SWLRT) NEPA/404 Merger Process: Concurrence Point 4 (Point 4) document dated August 11, 2015. After reviewing this document we can now concur with Point 4 (Design Phase Impact Minimization) for the SWLRT Project, as outlined in the National Environmental Policy Act (NEPA) / Section 404 Clean Water Act (404) merger process.

The Point 4 document includes a detailed discussion regarding the avoidance and minimization efforts that have been incorporated into the SWLRT project design in order to reduce overall impacts to aquatic resources throughout the project corridor. After reviewing this information we have made a preliminary determination that these avoidance and minimization efforts as proposed are sufficient to satisfy Clean Water Act requirements, including the minimization requirements described in the 404(b)(1) Guidelines.

We have also reviewed the proposed compensatory mitigation plan for the SWLRT project, as described in Section 8 of your Point 4 document. As proposed, we have made a preliminary determination that this mitigation plan complies with the Federal Mitigation Rule (33 CFR § 332), and the current St. Paul District Mitigation Policy. The tiered mitigation ratios that you have proposed to compensate for various impacts to aquatic resources throughout the SWLRT corridor seem reasonable, pending submittal of a restoration plan detailing how you plan to fully restore wetland MTA-MTA-11 to pre-construction conditions.

We reserve the right to revisit the preliminary determinations described above if there are any changes associated with this project that would alter the proposed impacts to aquatic resources within the SWLRT corridor or the proposed compensatory mitigation as described in your Point 4 document. We also expect that further avoidance and minimization opportunities will be pursued as design details are developed.

We look forward to reviewing the SWLRT Final EIS and the forthcoming permit application for this project. For further information, please contact Melissa Jenny at 651-290-5363 or Melissa.m.jenny@usace.army.mil.

Sincerely,



Chad Konickson
Chief, Southwest Section

Copies furnished:

Maya Sarna, FTA, HQ
Bill Wheeler, FTA, Region V
Virginia Laszewski, EPA
Nani Jacobson, Metropolitan Council
Ben Meyer, BWSR
Ben Hodapp, Anderson Engineering

From: Horton, Andrew <andrew_horton@fws.gov>
Sent: Tuesday, October 27, 2015 1:18 PM
To: Jacobson, Nani
Subject: Re: SWLRT documentation

Ms. Jacobson,

To follow up on our conversation and request for an updated species list, based on our website, the following species may occur in Hennepin County:

Hennepin	Northern long-eared bat <i>Myotis septentrionalis</i>	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
	Higgins eye pearlymussel <i>(Lampsilis higgins)</i>	Endangered	Mississippi River
	Snuffbox <i>(Epioblasma triquetra)</i>	Endangered	Mississippi River

Coordination has already taken place for consultation regarding the northern long-eared bat and the two mussel species listed above are restricted to the waters of the Mississippi and are not anticipated to be impacted by this project. Thank you for the follow up on this matter.

- Andrew

Andrew Horton
Twin Cities Ecological Services Field Office
U.S. Fish and Wildlife Service
4101 American Blvd East
Bloomington, MN 55425-1665
(612) 725-3548 ext. 2208

On Tue, Oct 27, 2015 at 2:54 PM, Jacobson, Nani <Nani.Jacobson@metrotransit.org> wrote:

Nani M. Jacobson

Assistant Director, Environmental & Agreements

MetroTransit- Transit Systems Development

Southwest Light Rail Transit Project Office

6465 Wayzata Boulevard, Suite 500

St. Louis Park, MN 55426

Direct: 612.373.3808 | Cellular: 808.497.0405 | Fax: 612.373.3899

nani.jacobson@metrotransit.org

Follow the Southwest Light Rail Transit Project:

swlrt.org | [@swlrt](https://twitter.com/swlrt)



 Please consider the environment before printing this email.

From: Horton, Andrew <andrew_horton@fws.gov>
Sent: Tuesday, October 27, 2015 1:18 PM
To: Jacobson, Nani
Cc: William.Wheeler@dot.gov; Marisol.Simon@dot.gov; Jenny, Melissa M MVP
Subject: Re: FW: Southwest Light Rail Transit Project - FTA Request for Concurrence to USFWS

Mrs. Jacobson,

This email is in response to a request to clarify the "affect area" identified in this letter. For this project, we are considering exhibit D to be the affected area. This habitat patch that is most likely area to support northern long-eared bat (NLEB) in the project area, however we believe that the likelihood that NLEB will be present in any of the trees to be so low that those impacts are considered discountable. It would be warranted to avoid tree clearing during the pupping season (June and July) at this location whereas tree clearing in all other smaller forested patches identified in this letter may occur at the discretion of the project proponent. If you need anything else, or further clarification, please let me know.

- Andrew

Andrew Horton
Twin Cities Ecological Services Field Office
U.S. Fish and Wildlife Service
4101 American Blvd East
Bloomington, MN 55425-1665
(612) 725-3548 ext. 2208

On Sun, Sep 27, 2015 at 12:30 PM, <Marisol.Simon@dot.gov> wrote:

Mr. Horton,

We are in receipt of your concurrence letter and appreciate your responsiveness in this important project.

Marisol

From: Horton, Andrew [mailto:andrew_horton@fws.gov]
Sent: Friday, September 25, 2015 11:32 AM
To: Simon, Marisol (FTA)
Cc: Wheeler, William (FTA); Lisa Mandell; Jenny, Melissa M MVP; Jacobson, Nani
Subject: Re: FW: Southwest Light Rail Transit Project - FTA Request for Concurrence to USFWS

Ms. Simón,

Please see our attached concurrence letter for the Southwest Light Rail Transit Project. A hard copy will be sent in the mail.

- Andrew

Andrew Horton

Twin Cities Ecological Services Field Office

U.S. Fish and Wildlife Service

4101 American Blvd East

Bloomington, MN 55425-1665

(612) 725-3548 ext. 2208

On Tue, Sep 1, 2015 at 12:54 PM, Lisa Mandell <lisa_mandell@fws.gov> wrote:

For your review and preparation of response.

--

Lisa Mandell
Deputy Field Supervisor
U.S. Fish and Wildlife Service
Twin Cities Ecological Services Field Office
4101 American Blvd. East
Bloomington, Minnesota 55425
612-725-3548 x2201

Serving Minnesota and Wisconsin

From: William.Wheeler@dot.gov [mailto:William.Wheeler@dot.gov]

Sent: Wednesday, August 26, 2015 7:20 AM

To: Lisa.Mandell@fws.gov; melissa.m.jenny@usace.army.mil

Cc: Maya.Sarna@dot.gov; Nani.Jacobson@metrotransit.org

Subject: Southwest Light Rail Transit Project - FTA Request for Concurrence to USFWS

Lisa and Melissa,

Attached is a request for concurrence that will be mailed to Andrew Horton of the US Fish and Wildlife Service today.

Thanks,

Bill

Bill Wheeler

Community Planner

Federal Transit Administration

200 W. Adams Street, Suite 320

Chicago, IL 60606

Phone: 312.353.2639

Fax: 312.886.0351

Email: William.Wheeler@dot.gov

From: William.Wheeler@dot.gov
Sent: Thursday, December 03, 2015 11:14 AM
To: tedekkers@gmail.com
Cc: jrocnwr@juno.com; greg.mathis@state.mn.us; Maya.Sarna@dot.gov; Jacobson, Nani; sarah.beimers@mnhs.org
Subject: RE: SLP Historical Society - Consulting Status Request
Attachments: Southwest LRT - Section 106 Consulting Party Status for SLP Historical Society 12.3.15.pdf

Mr. Ekkers,

Attached is the FTA concurrence letter granting the St. Louis Park Historical Society consulting party status for the Southwest Light Rail Transit Project.

Thanks,
Bill

Bill Wheeler
Community Planner
Federal Transit Administration
200 W. Adams Street, Suite 320
Chicago, IL 60606
Phone: 312.353.2639
Fax: 312.886.0351
Email: William.Wheeler@dot.gov

From: Ted Ekkers [mailto:tedekkers@gmail.com]
Sent: Sunday, November 22, 2015 7:10 PM
To: Mathis, Gregory (DOT)
Cc: Olson, John
Subject: SLP Historical Society - Consulting Status Request

Dear Mr. Mathis,

I am writing on behalf of the St. Louis Park Historical Society, which has as its main building for historical interpretation and records collection, the Historic Milwaukee Road Depot in Jorvig Park at 6210 W. 37t. Street in St. Louis Park MN.

As you are aware, 36 CRR 800.(c)(5) allows "certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties."

We understand that the Southwest LRT project could have a potential impact on the Chicago, Milwaukee, St. Paul & Pacific Railroad in St. Louis Park, and the historic Depot in St. Louis Park, which is listed in the National Register of Historic Places.

The St. Louis Park Historical Society was founded in 1971 to preserve this Depot and was instrumental in getting it placed on the National Register. Today it is still used as an interpretive center about the role of transportation along the

railroad. As the main steward for this property, the St. Louis Park Historical Society would like to be granted consulting party status for the project.

Our delegate for this will be John Olson, a Trustee and Past President of the St. Louis Park Historical Society who is extremely knowledgeable about the railroad's and Depot's history. Assuming we are granted consulting status, John is planning to attend the meeting you have on Dec 3rd at 1:30pm at 6465 Wayzata Blvd. Ste 500. He is copied on this message, and his contact information is:

John Olson

612-201-3692

jrocnwr@juno.com

Respectfully submitted,

Ted Ekkers

President, St. Louis Park Historical Society

3546 Dakota Avenue, Suite C

St. Louis Park, MN 55416

952-300-0081

tedekkers@gmail.com



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

December 3, 2015

Mr. Ted Ekkers, President
St. Louis Park Historical Society
3455 Dakota Ave., Suite C
St. Louis Park, MN 55416

RE: Consulting Party Status for the Southwest Light Rail Transit Project, Hennepin County, Minnesota, SHPO
#2009-0080

Dear Mr. Ekkers,

In your email dated November 22, 2015 to the Minnesota Department of Transportation, Cultural Resources Unit (MnDOT CRU) you requested consulting parties status on behalf of the St. Louis Park Historical Society for the Section 106 process for the Southwest Light Rail Transit Project. This request was forwarded to the Federal Transit Administration (FTA) for consideration and after consultation with the Minnesota State Historic Preservation Office (SHPO), we concur with this request and hereby grant consulting party status to your organization.

It is our understanding that the project sponsor, the Metropolitan Council, will share with you copies of all Section 106 documents related to this project.

If you have any questions, please contact Bill Wheeler of my staff at (312) 353-2639 or William.Wheeler@dot.gov, or Greg Mathis with MnDOT CRU at (651) 366-4292 Greg.Mathis@state.mn.us on your response.

Sincerely,

Marisol R. Simón
Regional Administrator

ec: Bill Wheeler, Federal Transit Administration
Maya Sarna, Federal Transit Administration
Sarah Beimers, Minnesota SHPO
Greg Mathis, MnDOT CRU
Nani Jacobson, Metropolitan Council
John Olson, St. Louis Park Historical Society



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

February 4, 2016

Sarah Beimers
Minnesota Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102

RE: Southwest Light Rail Transit Project, Hennepin County, Minnesota; Draft Memorandum of Agreement, SHPO #2009-0080

Dear Ms. Beimers,

We are writing to continue our consultation for the Southwest Light Rail Transit (LRT) Project (Project). Following standard practice, all Section 106 consulting parties for this Project are copied on this letter.

Enclosed please find a draft Memorandum of Agreement (MOA) for the Project for your review. The draft includes stipulations documenting measures identified through consultation with all consulting parties, including your office, over the last two years to avoid, minimize and mitigate adverse effects of the Project on historic properties listed in, or eligible for inclusion on, the National Register of Historic Places. The MOA also contains administrative stipulations for clarity in its implementation. ***We respectfully request that you please provide any comments on the draft MOA by March 7, 2016.*** During your review period, FTA, with assistance from MnDOT CRU, will hold a consultation meeting to: review the MOA with all consulting parties, answer questions, and reach agreement on its content, including the measures identified by SHPO and the MPRB to resolve adverse effects on MPRB-owned historic properties. The meeting is scheduled for February 25, 2016, at 1:30 p.m. – 3:30 p.m. at:

Southwest Light Rail Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN

If you have any questions, please contact Reggie Arkell at (312) 886-3704, reginald.arkell@dot.gov, Maya Sarna at (202) 366-5811, maya.sarna@dot.gov, or myself.

Sincerely,

Marisol R. Simón
Regional Administrator



Preserving America's Heritage

February 16, 2016

Mr. Reggie Arkell
Community Planner
Federal Transit Administration, Region V
Office of Planning & Development
200 West Adams Street, Suite 320
Chicago, IL 60606

Ref: *Proposed Southwest Light Rail Transit (METRO Green Line Extension) Project
Cities of Minneapolis, St. Louis Park, Hopkins, Minnetonka and Eden Prairie
Hennepin County, Minnesota*

Dear Mr. Arkell:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Minnesota State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Wilson at 202-517-0229 or via e-mail at cwilson@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov



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STATE HISTORIC PRESERVATION OFFICE

March 3, 2016

Greg Mathis
MnDOT Cultural Resources Unit
Transportation Building, MS 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Mathis:

Thank you for continuing consultation on the above project. Information received in our office on 5 February 2016 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of the most recent Draft Memorandum of Agreement (MOA) for this project, and also participated in the latest consultation meeting held on February 25, 2016. We are providing our comments directly in the Draft MOA, please see the attachment provided in our email of March 3, 2016.

We look forward to continuing consultation on this important project. If you have any questions or concerns regarding our comments on the Draft MOA, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,

A handwritten signature in cursive script that reads 'Sarah Beimers'.

Sarah Beimers, Manager
Government Programs & Compliance

RE: Southwest Light Rail Transit Project, Hennepin County, Minnesota; Draft Memorandum of Agreement,
SHPO #2009-0080

Enclosures: Draft Section 106 MOA for the Southwest LRT Project

cc (via email): Reggie Arkell, Federal Transit Administration
Maya Sarna, Federal Transit Administration
Melissa Jenny, United States Army Corps of Engineers
Brad Johnson, United States Army Corps of Engineers
Greg Mathis, Minnesota Department of Transportation
Nani Jacobson, Metropolitan Council
David Jaeger, Hennepin County
John Doan, Hennepin County
Lori Creamer, City of Eden Prairie
Jason Lindahl, City of Hopkins
Brian Schaffer, City of Minneapolis
John Byers, City of Minneapolis
Julie Wischnack, City of Minnetonka
Meg McMonigal, City of St. Louis Park
Jennifer Ringold, Minneapolis Park and Recreation Board
Michael Schroeder, Minneapolis Park and Recreation Board
Bill Walker, Three Rivers Park District
John Olson, St. Louis Park Historical Society
Craig Westgate, Cedar-Isles-Dean Neighborhood Association
Jeanette Colby, Kenwood Isles Area Association
Tamara Ludt, Preservation Design Works

From: Lori Creamer
To: Mathis, Gregory (DOT)
Cc: Julie Klima; Janet Jeremiah
Subject: LRT 106 Review comments for the DRAFT MOA
Date: Monday, March 07, 2016 4:09:27 PM

Hi Greg,

Thanks for the opportunity to provide comments on the Draft MOA for the LRT 106 review.

Confirmation of signatures are below:

Rick Getschow, City Manager will be the concurring party for the City of Eden Prairie.

Steve Olson, Chair will be the concurring party for the Eden Prairie Heritage Preservation Commission.

As I mentioned at the meeting the City of Eden Prairie would like to be contacted along with the state and federal agencies if something is discovered during the land alteration portion of the project and if the MHPO determines the artifact(s) are something that should be kept at the state level, that is fine. If the MHPO determines it is NOT something they would like to keep in their collection, the City of Eden Prairie and/or Eden Prairie Historical Society would like the opportunity to save it for their collection(s).

I have added language to the portion of the draft MOA below with the changes in red.

Please contact me with questions/comments.

Thanks again,

Lori

XII. REVIEW PROCESS DURING CONSTRUCTION

This stipulation covers the discoveries of additional historic properties, PROJECT modifications, and changes of effect to known historic properties identified during PROJECT construction and not specifically addressed by other stipulations of this AGREEMENT.

- A. Prior to initiating PROJECT construction, as defined in Stipulation IV of this AGREEMENT, the COUNCIL shall prepare as part of the CPP required by Stipulations IV and IV.D of this AGREEMENT a plan for the unexpected discovery of historic properties.
- B. PROJECT Modifications. If, after the completion of 100% Plans, the COUNCIL makes modifications to the PROJECT design during construction, MnDOT CRU shall review the modifications to determine if there are any substantive changes in the PROJECT's design that that would result in new and/or additional adverse effects on historic properties or a revision in the PROJECT's APE. If there are substantive changes that would result in a new and/or additional adverse effect and/or requiring a revision to the PROJECT's APE, FTA shall consult with MnHPO and the concurring parties in accordance with Stipulations III of this AGREEMENT.

C. Historic Properties Discovered or Unexpectedly Affected as a Result of PROJECT Construction.

If previously unidentified historic properties, including human remains, are discovered unexpectedly during construction of the PROJECT, or previously known historic properties are affected, or have been affected in an unanticipated adverse manner, all ground-disturbing activities will cease in the area of the property, as well as within one hundred (100) feet of it, to avoid and/or minimize harm to the property. The contractor will immediately notify the COUNCIL of the discovery and implement interim measures to protect the discovery from damage, looting, and vandalism, including but not limited to protective fencing and covering of the discovery with appropriate materials. The COUNCIL will inform MnDOT CRU **and the concurring party effected**. If reasonably convenient and appropriate, the contractor, COUNCIL, and MnDOT CRU **and concurring party** will confer at the site in a timely manner to assess the property, determine the likely PROJECT impacts to the property, and to determine the most appropriate avoidance measures for the property. **Any unexpected artifacts discovered during construction would be evaluated by the MNHS and if determined non-significant then the artifact could remain in the local historical society collections if desired.**

Ix Non-Human Remains.

- A. The COUNCIL, with assistance from MnDOT CRU, will contract with a qualified archaeologist, historian and/or architectural historian, as appropriate, who meets the *SOI's Professional Qualifications Standards* (36 CFR § 61) for their respective field to record, document, and provide a recommendation on the NRHP eligibility of the discovery to FTA within seventy-two (72) hours of receipt of notification. FTA will inform MnHPO, **the concurring party**, and any Indian tribes that may attach religious and cultural significance to the property, of the discovery.

Iix. Human Remains.

- B. Since there are no federal lands within the construction limits for the PROJECT, if any human remains are encountered, the PROJECT shall follow the treatment of human remains as per Minnesota Statute 307.08. The COUNCIL shall immediately notify local law enforcement and the Office of the State Archaeologist (OSA). The COUNCIL shall also immediately notify the FTA, MnHPO, MnDOT CRU, concurring parties and appropriate Tribes within twenty-four (24) hours via email, fax, or telephone. The OSA shall coordinate with the Minnesota Indian Affairs Council (MIAC) if the remains are thought to be Native American, in accordance with Minnesota Statute (M.S.) 307.08. OSA will have the final authority in determining if the remains are human. The COUNCIL, with assistance from MnDOT CRU, will also contract with a qualified archaeologist to provide a recommendation on the NRHP eligibility of the discovery, including the human remains, to FTA within seventy-two (72) hours of receipt of notification. FTA will inform MnHPO and any Indian tribes that may attach religious and cultural significance to the property, of the discovery.

C. If it is determined that the identified bones are human remains covered under M.S. 307.08, the OSA shall have jurisdiction to ensure that the appropriate procedures in accordance with Minnesota statutes are fulfilled. OSA is the lead state agency for authentication of burial sites on non-federal lands as per M.S. 307.08. The COUNCIL, with the assistance of MnDOT CRU, shall work with OSA, MnHPO, the Tribes, MIAC, and other parties to develop and implement a reburial plan, if that is the preferred approach by the parties. Avoidance and preservation in place is the preferred option for the treatment of human remains. If FTA also determines that the burial site is eligible for the NRHP, FTA and MnHPO shall work with OSA and MIAC on determining appropriate treatment and mitigation.

Lori Creamer

Planning Technician
Planning Division
City of Eden Prairie



8080 Mitchell Road | Eden Prairie, MN 55344-4485



952.949.8481 |  lcreamer@edenprairie.org |  edenprairie.org



Please consider the environment before printing



Greg Mathis
Minnesota Department of Transportation- Cultural Resources Unit
395 John Ireland Boulevard
St. Paul, MN 55155

RE: Southwest Light Rail Transit Project, Hennepin County; Minnesota; Comments on Draft Memorandum of Agreement. (SHPO#2009-0080)

Dear Mr. Mathis,

Thank you for providing the materials included in your February 4, 2016 transmittal. The City of Minneapolis CPED Long Range Planning Division submits the following comments on behalf the Minneapolis HPC, a consulting party to the Section 106 review.

CPED-Long Range Planning has reviewed the draft memorandum of agreement and finds it sufficient. We agree with the process and steps identified for the Archaeological Sites 21HE0436 and 21HE0437.

For the signature page for the Concurring Party for the City of Minneapolis please include Kjersti Monson, Long Range Planning Director for CPED as signatory.

Thank you again for the opportunity comment.

Sincerely,

A handwritten signature in black ink, appearing to read "BS", with a long horizontal line extending to the right.

Brian Schaffer
Principal City Planner, AICP
City of Minneapolis- CPED-Long Range Planning
105 5th Avenue South, Suite 200
Minneapolis, MN 55415
Phone:(612) 673-2670
brian.schaffer@minneapolismn.gov

cc: Sarah Beimers. MN SHPO (via email)
Jack Byers, CPED-Long Range Planning (via email)



**Minneapolis
Park & Recreation Board**

Administrative Offices
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Minneapolis, MN 55411-2227

Operations Center
3800 Bryant Avenue South
Minneapolis, MN 55409-1000

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612-230-6500

www.minneapolisparcs.org

7 March 2016

Mr. Greg Mathis
Office of Environmental Services, Cultural Resources Unit
Minnesota Department of Transportation
Mail Stop 620
395 John Ireland Boulevard
St. Paul, Minnesota 55155-1899

RE: Southwest Light Rail Transit Project, Hennepin County, Minnesota; Draft Memorandum of Agreement, SHPO #2009-0080

Dear Mr. Mathis:

The Minneapolis Park & Recreation Board (MPRB) has reviewed the draft Memorandum of Agreement (MOA) as part of its Section 106 consulting party review. The MPRB is pleased to report that we have no substantive comments.

The MPRB understands the MOA does not relieve the Metropolitan Council from pursuing construction permits for its activities related to the Southwest Light Rail project on MPRB properties for the purposes of investigations or construction of improvements or otherwise relieve the Metropolitan Council of any of its obligations under the Memorandum of Understanding between the Metropolitan Council and the MPRB related to the crossing of the Kenilworth Channel.

I will be recommending to the Board of Commissioners that the MOA be approved. We look forward to collaborating with the Minnesota Historic Preservation Office to fulfill the terms of the MOA.

Thank you for the opportunity to offer these comments. Please let me know if you have any questions.

Sincerely,

Michael Schroeder, Assistant Superintendent for Planning
Minneapolis Park & Recreation Board

President
Liz Wielinski

Vice President
Scott Vreeland

Commissioners
Brad Bourn
John Erwin
Meg Forney

Steffanie Musich
Jon C. Olson
Anita Tabb
M. Annie Young

Superintendent
Jayne Miller

Secretary to the Board
Jennifer B. Ringold



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312-353-2789
312-886-0351 (fax)

April 12, 2016

Mr. Kenneth Westlake
Chief, NEPA Implementation Section
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

**Re: EPA Comments on the Draft Environmental Impact Statement, Supplemental
Draft Environmental Impact Statement, and Amended Draft Section 4(f) Evaluation
Southwest Light Rail Transit Project, Hennepin County, Minnesota**

Dear Mr. Westlake:

Thank you for the U.S. Environmental Protection Agency's (USEPA) letter dated December 27, 2012, commenting on the Southwest Transitway *Draft Environmental Impact Statement* (Draft EIS), published in October 2012 by the Federal Transit Administration (FTA), the Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council (Council), and your letter dated July 16, 2015 commenting on the Southwest Light Rail Transit (LRT) Supplemental Draft EIS published by FTA and the Council in May 2015.

This response letter is intended to provide information in response to the recommendations made by EPA on the Draft EIS (DEIS) and Supplemental Draft EIS (SDEIS), as well as the Amended Draft Section 4(f) Evaluation. FTA plans to address these recommendations in the Final EIS and during advanced engineering and construction of the Southwest LRT (METRO Green Line Extension) Project (Project). This response letter is not intended to be the official response to your comments required by 23 C.F.R. § 771.119(g) and under 23 C.F.R. § 774, but rather an effort to clarify what issues need to be addressed in response to satisfy EPA's outstanding concerns that will then be incorporated into the formal response in the administrative record.

A few points of clarification should be made prior to addressing the recommendations in the EPA's comment letters. First, FTA will issue a FEIS separate from the Record of Decision (ROD). The EPA correctly noted this was an option in the SDEIS, however since its publication, the FTA has decided to issue the ROD after the waiting period for the FEIS. The FTA and the Council are available to meet regarding EPA's comments prior to publication of the FEIS if you would like to discuss any issues in greater detail. Second, the Council is the local lead agency for the Project whereas the Minnesota Department of Transportation (MnDOT) is a participating agency and strategic partner for the Project. Responses to EPA recommendations that identify MnDOT as the local lead agency have been responded to by the Council, in conjunction with FTA as the lead federal agency.

Response to EPA Recommendations

The following responses provide context and clarification on the EPA's recommendations regarding the DEIS, SDEIS, and Amended Draft Section 4(f) Evaluation. The text of each recommendation is followed by a summary of the ways in which the issue has been addressed in the SDEIS, or is planned to be addressed in the forthcoming FEIS and/or Final Section 4(f) Evaluation.

Recommendations have been categorized according to EPA's comment letters, and numbered to facilitate review of the material.

COMMENTS ON THE OCTOBER 2012 DRAFT EIS

As you know, the FTA and Council published a SDEIS in May 2015 to evaluate potential new impacts based on design adjustments proposed for light rail and freight rail. FTA addressed many of EPA's comments on the DEIS in the SDEIS; these instances are documented below or discusses how these recommendations will be addressed in the FEIS, if not directly addressed in the SDEIS.

Purpose and Need

EPA Recommendation

1. EPA recommends the FEIS should describe the needs to be met and then list the project purposes to meet those needs with a clear set of statements that succinctly define the Project Purpose and Need.

FTA Response: Chapter 1 of the FEIS will reflect the edits requested by EPA for the Purpose and Need.

In particular, the Project's Need is clearly stated at the start of the Chapter 1 of the FEIS. Four primary need factors are indicated for the Southwest LRT Project as follows: (1) declining mobility; (2) limited competitive, reliable transit options for choice riders and people who rely on public transportation, including reverse-commute riders; (3) need to maintain a balanced and economically competitive multimodal freight system; and (4) regional/local plans calling for investment in additional light rail transit projects in the region (this last Need was not included in the DEIS, but was added to reflect the regional and local plans that call directly or indirectly for the Project).

Following the Need Statement, Chapter 1 of the FEIS will include the Project's Purpose that is stated in a manner that clearly identifies it as follows:

- Improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers.
- Provide a competitive, cost-effective travel option that will attract choice riders to the transit system and provide reliable travel time.
- Be part of the region's system of transitways integrated to support regional transportation efficiency.

Alternatives

EPA Recommendations

2. EPA recommends the AA reasoning should be summarized in the FEIS to make these decisions comprehensible, particularly referencing Table 2.1-2 of the DEIS that indicates that a particular goal is met by a given alternative, but does not offer a clear explanation of how that determination was made. For example, if an alternative does not meet local or regional planning,

please explain where that alternative is in conflict with those plans, thus providing an understandable decision rationale.

FTA Response: Section 2.2 of the FEIS will describe the Project's Alternatives Analysis (AA), which included three related steps. First, was the AA itself and the evaluation and screening of various alternatives. Second was the initiation of Scoping for the Project's EIS, which started off with the alternatives that emerged from the AA. Third, the Project's Locally Preferred Alternative (LPA) was identified and incorporated into the Transportation Policy Plan (TPP), based on a public review process and further evaluation of the alternatives that emerged from the AA.

In response to this comment, the FEIS will include additional information from the AA Report that was referred to but not included in the DEIS. While Table 2.1-2 has been retained in the FEIS, additional information will be included in Chapter 2, Alternatives Considered, and Appendix F, Development and Evaluation of Design Adjustments, of the FEIS that describes the goals and evaluation measures that were used during the AA to evaluate and screen alternatives. To document in detail the evaluation measures developed for the alternatives considered during the two-step AA process, a copy of Chapter 7, Evaluation, from the AA Report is included within Appendix F of the FEIS. Chapter 7 of the AA Report provides a high level of detail on the results of the AA analysis, documenting the evaluation measures for the 11 alternatives that were under consideration at the time, and the methods that were used to prepare those evaluation measures. Appendix F of the FEIS provides additional detail on how an alternative was determined to be either consistent or not consistent with local and regional plans.

3. EPA recommends the FEIS evaluate this modification (LRT extend along HCRRA right-of-way from Shady Oak Station to Route 61 and turn south along Route 61, to avoid impacts to large wetland complex between Shady Oak Station and Opus Station) to the Preferred Alternative and discuss any other alternatives that could avoid this wetland complex.

FTA Response: The Route 61 (Shady Oak Road) Alternative was evaluated as part of the 2003 Southwest Rail Transit Study. The alternative was not recommended for further study due to relatively high capital and right-of-way costs; additional right-of-way requirements along Shady Oak Road, and significant traffic impacts on Shady Oak Road due to lane use for LRT and access modifications (right in/ right out). Prior to the issuance of a CWA 404 permit, the Council will provide the USACE with an addendum to the CWA 404 application that includes a discussion of the Route 61 avoidance alternative, as well as a summary of the additional wetland impact avoidance and minimization measures that have been implemented since the initial submittal of the CWA 404 application in November 2015. The CWA 404 application is included in Appendix D, List of Referenced Documents, of the FEIS.

Although the current design alternative does not avoid the wetland complex between Shady Oak Station and Opus Stations (Wetland ID MTA-MTA-11) the Council has worked closely with the U.S. Army Corps of Engineers and Local Government Units to minimize impacts to this wetland through the Project's avoidance, minimization and mitigation process under the CWA 404(b). Some of the measures implemented during this process include elevating the alignment to significantly reduce permanent wetland impact, removing a permanent access road from the design after finding alternate methods of bridge inspection and first responder access, and developing a long term restoration plan to ensure that the temporary impacts associated with the bridge construction do not permanently affect the wetland's existing functions. Additional details regarding the Project's avoidance and minimization measures will be included in the Water Resources section of the FEIS, as well as in the CWA Section 404 permit application, which will be included in Appendix D of the FEIS.

-
4. EPA recommends the FEIS be revised to include information on the existing freight rail infrastructure, the freight rail proposal, and how the proposal meets the purpose and need.

FTA Response: As the design of the Project has advanced, several design adjustments were made to the Project since the completion of the DEIS (see Section 2.3 of the SDEIS - Design Adjustments Considered Following the Draft Environmental Impact Statement). These design adjustments included potential modifications to freight rail including maintaining the location where freight trains currently operate along the Bass Lake Spur and Kenilworth Corridor. In April 2014 the Council identified the freight rail co-location alignment and the Shallow LRT Tunnel – Over Kenilworth Lagoon as part of the LPA. This resulted in a change from the environmentally preferred alternative of LRT 3A identified in the DEIS, which proposed rerouting TC&W freight trains currently operating along the Kenilworth Corridor to the MN&S Spur and Wayzata Subdivisions, to LRT 3A-1, which has the same LRT alignment as LRT 3A, but maintains the current location of freight rail instead of relocating it.

LRT 3A-1, includes adjustments to the existing freight rail infrastructure to provide for continuation of freight rail operations within the Kenilworth Corridor, which is not expected to impact freight rail facilities or long-term operations. The freight rail modifications include: shifting freight rail tracks approximately 40 feet north of its current alignment between Cedar Lake Parkway and the Burnham Road overpass; removing a portion of the Skunk Hollow switching wye and replacing with a new connection between the Bass Lake Spur and the MN&S Spur to allow for continued access between these tracks. These modifications will not alter operations or establish new freight service. The Project will not change freight connections to the St. Paul Rail Yard, and does not impact freight congestion.

There are no Project impacts to the Minnesota Commercial Railroad or the St. Paul Rail Yard. The St. Paul Rail Yard is not in the Southwest LRT corridor and the Minnesota Commercial Railroad does not interface with the Project. The freight railroad companies that will be co-located with the Project are the Canadian Pacific Railway, Twin Cities and Western, and BNSF Railway. The SDEIS followed EPA's recommendation to include exhibits illustrating existing freight rail system within the area, including owners and operators (see Exhibit 1 below). Proposed adjustments were also included in Exhibit 2.5-4 of the SDEIS (see Exhibit 2 below). This information will also be included in the FEIS.

Exhibit 1. Existing Freight Rail Operations

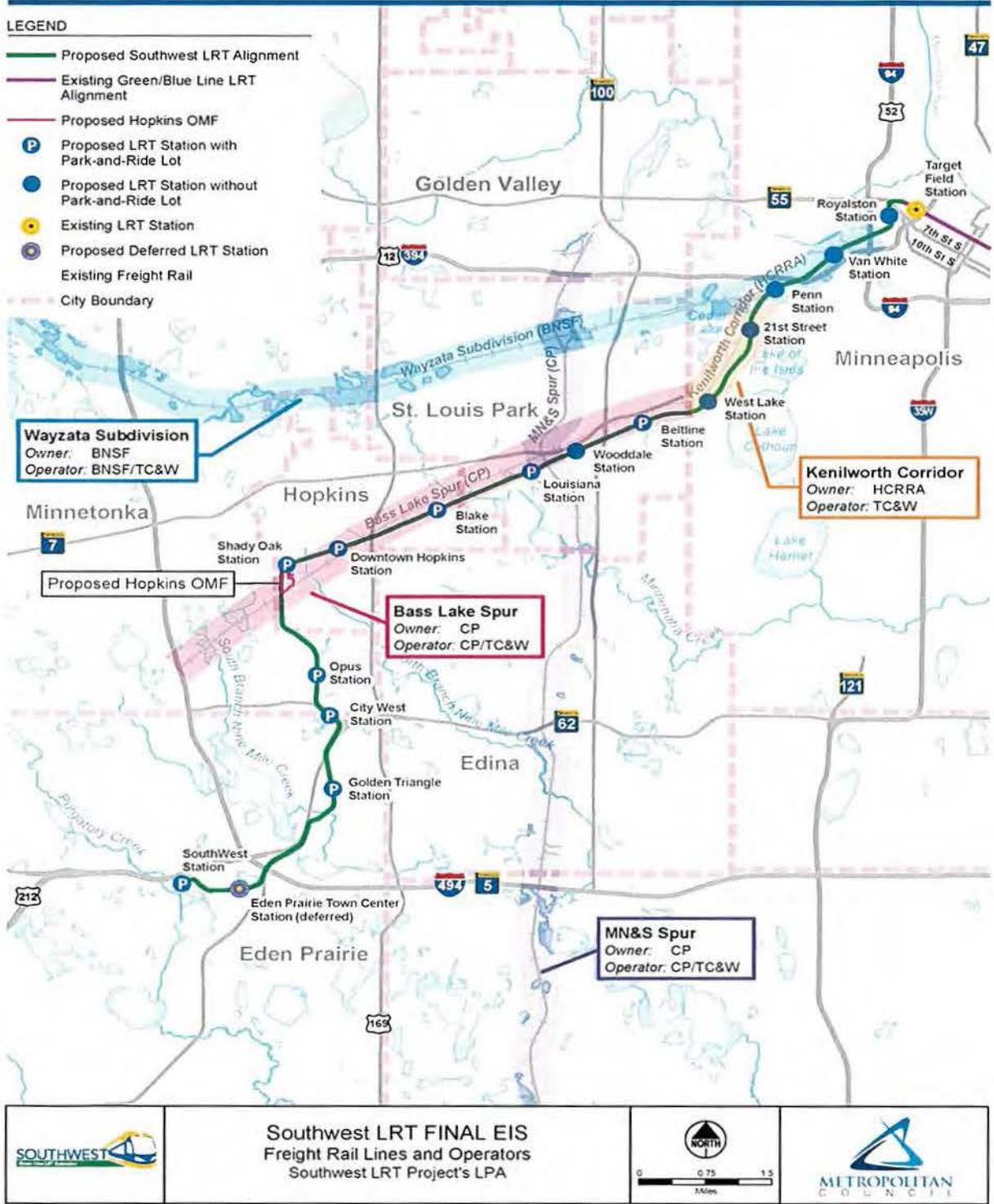
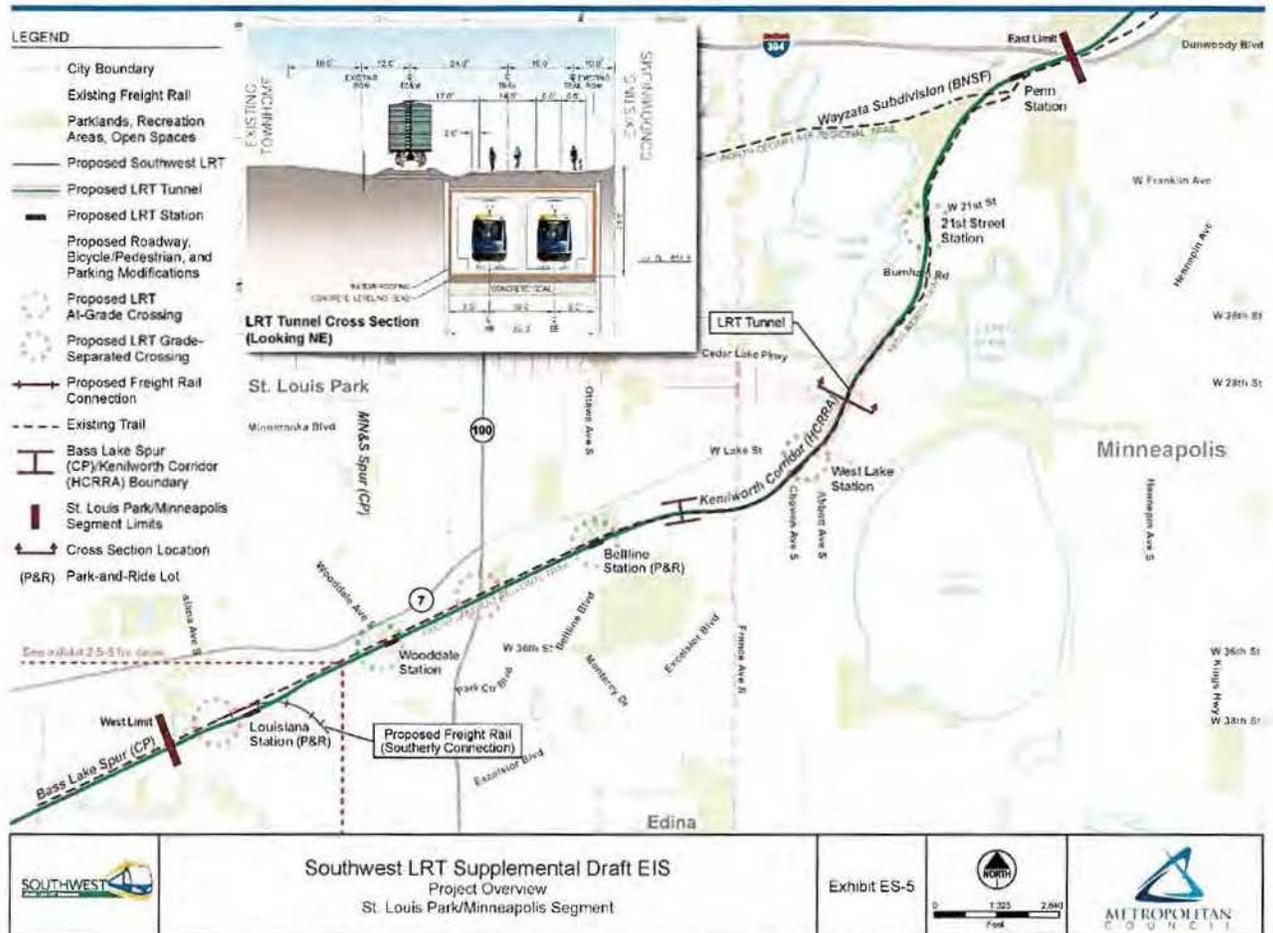


Exhibit 2. Project Overview of St. Louis Park/Minneapolis Segment



5. EPA recommends the FEIS clarify the impacts associated with the alternative site locations for the OMF, including how impacts will be considered in the OMF site selection and how those impacts will be addressed.

FTA response: Following the conclusion of the DEIS public comment period in December 2012, the Council implemented a process of developing design adjustments to the Project, including an OMF site evaluation process. The Council used a detailed evaluation process with increasingly detailed evaluation criteria to narrow the OMF alternative sites. That extensive OMF site identification process was described in detail in Section 2.3.2 and Appendix F of the SDEIS and it will be similarly described in Section 2.2 and Appendix F of the FEIS. In summary, the OMF site selection process implemented after publication of the DEIS identified approximately 30 potential sites (including the four alternative sites included in the DEIS). The process narrowed the 30 sites to 18 potential sites using a range of evaluation criteria, including site size, roadway access, land use compatibility, and connection to the LRT alignment. Further evaluation of OMF sites utilized 13 criteria to narrow the number of potential sites to the seven with the least impact. The criteria included: consideration of environmental impacts, cultural resources, stormwater management, and neighborhood compatibility using qualitative ratings, as well as operational characteristics. Those seven sites were further evaluated based on factors such as environmental impacts, preliminary costing, and land using planning and zoning, as well as being presented at three public open houses. Through this data and public input, the Project

identified two sites with the least impact for further detailed evaluation. The Council evaluated the remaining two sites (Site 3/4 in Eden Prairie and site 9A in Hopkins) in greater detail. The Eden Prairie site was dismissed due, in part, to noise, vibration, and wetland impacts.

The key advantages of the proposed Hopkins OMF site are its compatible location, cost, and operating efficiencies. The proposed Hopkins OMF site is within an existing office, warehouse, and light manufacturing development and occupies an approximately 15-acre site between the Bass Lake Spur to the south, 5th Street South (K-Tel Drive) to the north, 15th Avenue South on the east, and the proposed LRT mainline alignment associated with the LPA to the west. The Hopkins OMF will be located approximately 1,000 feet south of the proposed Shady Oak LRT Station and close to the proposed LRT mainline alignment associated with the LPA, about midway between downtown Minneapolis and Eden Prairie. The Hopkins OMF was fully evaluated in the SDEIS and is also fully evaluated in the FEIS as a part of the Project.

Environmental Impacts

EPA Recommendations

Aquatic Resources

6. EPA recommends the FEIS should be modified to include the following information: a discussion of stream impacts associated with each Segment/Alternative; a robust discussion about how sequencing established by the Clean Water Act Section 404(b)(1) guidelines has been applied, namely, avoidance first, then demonstration of impact minimization, then mitigation for unavoidable, minimized impacts; a discussion on proposed mitigation for unavoidable, minimized stream impacts.

FTA Response: As part of the ongoing NEPA process, the Project implemented a NEPA/404 merger process, which included the following four sequential concurrence points at key milestones: (1) Project Purpose and Need; (2) Array of Alternative and Alternatives Carried Forward; (3) Identification of the Selected Alternative; and (4) Design Phase Impact Minimization. As part of this process, the Project worked with the U.S. Army Corps of Engineers to avoid, minimize and mitigate impacts on wetlands and streams. As of October 14, 2015, the USACE provided preliminary concurrence that the Project successfully met each of these milestones.

The Project will result in some long-term and short-term impacts to streams that are regulated under Section 404 of the CWA, but have avoided all stream impacts that would require mitigation (see tables below). The current design alternative would result in permanent impact to one channel (MC-MPL-13 or Kenilworth Channel) that is regulated as a “waters of the U.S.” under Section 404 of the CWA, but the USACE has indicated that this impact will not require mitigation because the design will not alter the cross-section or hydrological characteristics, or obstruct flow patterns within the channel. This will be discussed in the Water Resources section of the FEIS, as well as stream impacts that are regulated under Section 404 of the CWA. Additional details regarding this impact are also included in the CWA Section 404 permit application, which will be included in Appendix D of the FEIS.

Table 1. Long-term Direct Wetland Impacts (Including Streams and Wetlands) by Resource Type

Resource I.D.	Resource Size (acres)	WCA Regulated Long-term Direct Impact ^a (square feet)	CWA Regulated Long-term Direct Impact ^b (square feet)	Resource Type ^c
DOT-EP-07	0.01	0 ^d	381	Type 2 (fresh wet meadow)
DOT-EP-09	0.70	0 ^d	20,274	Type 3 (shallow marsh)

Resource I.D.	Resource Size (acres)	WCA Regulated Long-term Direct Impact ^a (square feet)	CWA Regulated Long-term Direct Impact ^b (square feet)	Resource Type ^c
DOT-EP-17	2.21	203	203	Type 2/5 (fresh wet meadow/shallow open water)
DOT-EP-18	0.10	0 ^d	915	Type 3 (shallow marsh)
DOT-EP-23	0.05	0 ^d	203	Type 1 (seasonally flooded basin)
DOT-EP-24	0.02	0 ^d	93	Type 1 (seasonally flooded basin)
EP-EP-22	0.20	3,316	3,316	Type 3 (shallow marsh)
EP-EP-24 ^e	0.38	16,617	16,617	Type 5 (shallow open water)
NM-EP-06	4.02	14,296	14,296	Type 3/6 (shallow marsh/scrub carr)
NM-EP-10	0.13	5,603	0	Type 3 (shallow marsh)
NM-EP-12	3.40	1,879	1,879	Type 3/6 (shallow marsh/scrub carr)
NM-HOP-13	2.67	16,435	16,435	Type 1/3/5/6 (seasonally flooded basin/shallow marsh/shallow open water/scrub carr)
MTA-MTA-03	0.01	644	0 ^d	Type 1 (seasonally flooded basin)
MTA-MTA-04	0.16	6,832	0 ^d	Type 1 (seasonally flooded basin)
MTA-MTA-06	0.01	0 ^d	343	Type 1 (seasonally flooded basin)
MTA-MTA-07 ^{e,f}	0.18	2,086	2,086	Type 3 (shallow marsh)
MTA-MTA-09 ^e	36.20	707	707	Type 3 (shallow marsh)
MTA-MTA-11	11.79	136,160	1,864	Type 2/3/5 6/7 (fresh wet meadow/shallow marsh/shallow open water/scrub carr/hardwood swamp)
MTA-MTA-12	2.70	141	141	Type 5 (shallow open water)
Wetland Subtotal	64.94	204,919	79,753	
MC-MPL-13 ^{e,g} (Kenilworth Channel)	N/A	0 ^d	129 (20 linear feet)	Type 90 (channel)
Stream Subtotal	N/A	0^d	129 (20 linear feet)	
Total	64.94	204,919 (4.70 acres)	79,882 (1.83 acres)	

^a Impacts to WCA regulated wetlands that will not be fully restored within six months.

^b Impacts to CWA regulated wetlands that will not be fully restored.

^c Based on wetland types defined in USFWS Circular 39 System (Shaw and Fredine, 1956).

^d Impact quantity is zero because the resource is not regulated by the applicable law listed in the column heading.

^e Resource is associated with a public watercourse or public water wetland.

^f Impact is partially due to an access road associated with a TPSS station. See Sheet 7 of the Preliminary Engineering Plans located in Appendix E for a detailed view of the wetland impact in relation to the TPSS layout.

^g Resource is a stream and is associated with a state listed 303(d) impaired waterbody, as identified in Table 3. "Resource Size" is not applicable (N/A) for linear features.

Note: Quantities are based on the Project's preliminary engineering plans. The final impact quantities will be included in an addendum to the CWA Section 404 permit application and the state/local wetland permit applications.

Table 2. Short-term Wetland Impacts (Including Streams and Wetlands) by Resource Type

Resource ID	Resource Size (acres)	WCA Regulated Short-term Impact ^a (square feet)	CWA Regulated Short-term Impact ^b (square feet)	Resource Type ^c
DOT-EP-08	0.84	0 ^d	11,219	Type 3 (shallow marsh)
DOT-EP-09	0.70	0 ^d	9,885	Type 3 (shallow marsh)
DOT-EP-17	2.21	15,969	15,969	Type 2/5 (fresh wet meadow/shallow open water)

Resource ID	Resource Size (acres)	WCA Regulated Short-term Impact ^a (square feet)	CWA Regulated Short-term Impact ^b (square feet)	Resource Type ^c
NM-EP-01	1.81	18,221	18,221	Type 5/6 (shallow open water/scrub carr)
NM-EP-02 ^e (South Fork of Nine Mile Creek)	6.22	2,052	2,052	Type 3/6 (shallow marsh/scrub carr wetland)
NM-EP-03 ^e (South Fork of Nine Mile Creek)	2.16	899	899	Type 3 (shallow marsh)
NM-EP-04	1.18	1,727	1,727	Type 7 (hardwood swamp)
NM-EP-06	4.02	6,606	6,606	Type 3/6 (shallow marsh/scrub carr)
NM-EP-08	2.25	40,237	40,237	Type 3/6 (shallow marsh/scrub carr)
NM-EP-09	0.66	8,339	8,339	Type 3 (shallow marsh)
NM-HOP-13	2.67	40,098	40,098	Type 1/3/5/6 (seasonally flooded basin/shallow marsh/shallow open water/scrub carr)
MTA-MTA-07 ^{e,f}	0.18	5,595	5,595	Type 3 (shallow marsh)
MTA-MTA-08 ^e	0.34	3,145	3,145	Type 3 (shallow marsh)
MTA-MTA-09 ^e	36.20	797	797	Type 3 (shallow marsh)
MTA-MTA-11	11.79	0 ^d	134,296	Type 2/3/5 6/7 (fresh wet meadow/shallow marsh/shallow open water/scrub carr/hardwood swamp)
MTA-MTA-12	2.70	23,066	23,066	Type 5 (shallow open water)
Wetland Subtotal	75.93	166,751	322,151	
NM-HOP-16 ^{e,g} (North Fork of Nine Mile Creek)	N/A	0 ^d	594 (60 linear feet)	Type 90 (channel)
MC-MPL-13 ^{e,g} (Kenilworth Channel)	N/A	0 ^d	5,244 (100 linear feet)	Type 90 (channel)
Stream Subtotal	N/A	0^d	5,838 (160 linear feet)	
Total	75.93	166,751 (3.83 acres)	327,989 (7.53 acres)	

^a Impacts to WCA regulated wetlands that will be fully restored within six months.

^b Impacts to CWA regulated wetlands that will be fully restored.

^c USFWS Circular 39 System (Shaw and Fredine, 1956).

^d Impact quantity is zero because the resource is not regulated by the applicable law listed in the column heading.

^e Resource is associated with a public watercourse or public water wetland.

^f Impact is partially due to an access road associated with a proposed TPSS station. See Sheet 7 of the Preliminary Engineering Plans located in Appendix E for a detailed view of the TPSS layout and the associated wetland impact.

^g Resource is a stream and is associated with a state listed 303(d) impaired waterbody, as identified in Table 3. "Resource Size" is not applicable (N/A) for linear features.

Note: Quantities are based on the Project's preliminary engineering plans. The final impact quantities will be included in an addendum to the CWA Section 404 permit application and the state/local wetland permit applications.

- EPA recommends the FEIS should provide information on the location and number of stream crossings, whether or not the water body is a 303(d)-listed water body or upstream of a 303(d) listed water body, and describe how the Project could potentially affect each listed water body (with regard to specific listed impairments).

FTA Response: The SDEIS identified stream crossings for the segments evaluated. The Water Resources section of the FEIS will contain a discussion of the location and number of stream crossings. This section also will provide 303(d) designations for the water bodies identified within the defined surface water study area (see table below). Additional details regarding the Project’s potential to affect the listed water bodies will be specified in the *Water Quality Technical Report*, which will be included in Appendix C, List of Supporting Documents, in the FEIS.

TABLE 3
Surface Water Bodies within the Surface Waters Study Area

Water Body	TMDLs (Implementation Date)
Purgatory Creek and Reservoir ^a	None ^b
Lake Idlewild ^a	None ^b
Lake Smetana ^a	Mercury in Fish Tissue (2008)
Bryant Lake ^a	Mercury in Fish Tissue (2008) Nutrient/Eutrophication Biological Indicators (2018)
Nine Mile Creek ^a	Chloride (2010) Fish Bioassessments (2028) Impaired Biota (TBD) Turbidity (TBD)
Minnehaha Creek ^a	Aquatic Macroinvertebrate Bioassessments (2024) Chloride (2015) Fecal Coliform (to be determined [TBD]) Fish Bioassessments (2024) Dissolved Oxygen (2024)
Bass Lake ^a	Mercury in Fish Tissue (2008) Excess Nutrients (2009) Nutrient/Eutrophication Biological Indicators (2017)
Lake Calhoun ^a	Mercury In Fish Tissue (2025) PFOS in Fish Tissue (2022)
Twin Lake ^a	Excess Nutrients (2007) Nutrient/Eutrophication Biological Indicators (2017)
Cedar Lake ^a	Mercury in Fish Tissue (2008, 2025) Excess Nutrients (2012) Nutrient/Eutrophication Biological Indicators (2016)
Kenilworth Lagoon ^{a,c}	Mercury in Fish Tissue (2008) PFOS in Fish Tissue (2022)
Lake of the Isles ^a	Mercury in Fish Tissue (2008) PFOS in Fish Tissue (2022)
Bassett Creek ^a	Chloride (2015) Fecal Coliform (2015) Fish Bioassessments (2016)
Mississippi River ^d (downstream of Bassett Creek)	Mercury in Fish Tissue (2008) Fecal Coliform (2024) PCB in Fish Tissue (2025)

^a Beneficial Use Classes include 2B, 3C, 4A, 4B, 5, and 6, as defined in Minnesota Administrative Rules Section 7050.0470.

^b The 2014 CWA 303(d) list does not include any impairments or TMDLs for this water body.

^c The Kenilworth Lagoon is an unnamed creek that extends from the eastern portion of Cedar Lake to the Lake of the Isles Parkway West bridge. The Kenilworth Lagoon is considered impaired, and has been assigned the TMDLs associated with the Lake of the Isles, because the defined extent of the Kenilworth Lagoon overlays a portion of the PWI boundary for the Lake of the Isles.

^d Beneficial Use Classes include 1C, 2Bd, and 3C, as defined in Minnesota Administrative Rules Section 7050.0470.

PCB = polychlorinated biphenyl; PFOS = perfluorooctane sulfonate; TBD = to be determined; TMDL = total maximum daily load

Sources: MPCA, 2014a; MPCA, 2014b; and MPCA, 2014c.

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8. EPA recommends the FEIS provide additional information on the Nine Mile Creek Conservation Area, including an inset map showing its boundaries with relation to the preferred alternative corridor, along with discussion of impacts to this area and/or Nine Mile Creek and its tributaries, and proposed mitigation for unavoidable impacts.

FTA Response: The Nine Mile Creek Conservation Area was evaluated in the SDEIS in Section 3.2.1.4, Parklands, Recreation Areas, and Open Spaces, which included an illustration of the boundaries in relation to the alignment. This will also be included in the Parklands, Recreation Areas, and Open Spaces section of the FEIS, including the location and boundaries of the property and a detailed description of the Area. The SDEIS also included a Draft Section 4(f) Evaluation Update, which included an evaluation of the Nine Mile Creek Conservation Area. The proposed LRT alignment will be located along the northwest corner of an isolated parcel of the conservation area, thus avoiding any long-term direct impacts to the park. The isolated parcel of the conservation area is north of Valley View Drive and does not contain any parklands/recreational amenities or improvements, nor does it serve any recreation purpose. The proximity of an elevated segment of the proposed light rail alignment will have a low visual impact on the area, and it reflects a change from the DEIS, which evaluated an at-grade light rail alignment in proximity to this portion of the conservation area. No indirect impacts affect the small isolated parcel of the Nine Mile Creek Conservation Area. There is no public access to the small parcel and there are no views from the parcel. Because the Nine Mile Creek Conservation Area does not primarily function as a recreational resource or wildlife/waterfowl refuge, nor is it officially designated as such by the City of Eden Prairie, FTA has determined Section 4(f) does not apply to this property.

Wetlands, public waters and water quality, and floodplains, including those associated with Nine Mile Creek, will be evaluated in the Water Resources section of the FEIS. The evaluations will include an assessment of existing conditions, an analysis of impacts on surface water resources, and measures to mitigate impacts that have been minimized, but could not be avoided through design adjustments. Two separate portions of the south and north fork of Nine Mile Creek were identified and field delineated within the wetland study area defined in the SDEIS as documented in the Project's *Wetland Investigation Report*². The current design alternative does not result in permanent impact to any portion of Nine Mile Creek or its tributaries, and therefore does not require mitigation. Details regarding the impact avoidance and minimization efforts associated with Nine Mile Creek will be included in the FEIS and were included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS.

Wetlands

9. EPA recommends a wetlands delineation be completed before the FEIS is finalized to correctly assess potential wetland impacts within any corridor alignment. This delineation should be reviewed and verified by the USACE, MPCA, and/or Local Government Units before permitting.

FTA Response: Wetland delineations have been completed for the full alignment. Delineations were performed in three phases and field verified by federal, state, and local regulatory agencies since publication of the DEIS. The first two phases are documented in the *Wetland Investigation Report* and the *2014 Supplemental Wetland Investigation Report*². The third phase of wetland

² Anderson Engineering of Minnesota, LLC, 2014. <http://www.metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Publications-And-Resources/Environmental-Documents/SDEIS/Supporting/Anderson-Engineering-2014.aspx>

delineation is documented in the *2015 Supplemental Wetland Investigation Report*. The three reports will be discussed in the Water Resources section of the FEIS and will be included in Appendix C in the FEIS. The approved USACE jurisdictional determination as well as the WCA Local Government Unit wetland delineation Notices of Approval will be included in Appendix N in the FEIS. The delineated boundaries were utilized by the design team to avoid and minimize wetland impacts to the maximum practicable extent. Unavoidable long-term and short-term impacts were calculated and quantified based on the design and placement of Project elements, as required by federal, state, and local rules. The information gained from the wetland delineations was instrumental in moving the design forward and accurately determining wetland impacts and mitigation requirements. The impact calculations included in the SDEIS will be updated with current calculations and included in the FEIS, based on the current design, including continued efforts to minimize impacts.

10. EPA recommends TPSS stations be sited in upland (non-wetland) locations.

FTA Response: The traction power substation (TPSS) locations depicted in the DEIS had a large siting radius intended to identify general TPSS locations. Since then, advancement of Project design identified specific TPSS locations. The process of this TPSS siting considered the locations of wetlands and other sensitive areas (e.g., historic resources) and avoids these areas. The current design alternative completely avoids the direct placement of a TPSS within a wetland. However, the required access road to the TPSS located near Opus Station will result in a small amount of unavoidable permanent impact to one wetland (Wetland ID MTA-MTA-07). The Preliminary Engineering plan sheet for this location (plan sheet #7, to be included in Appendix E, Preliminary Engineering Plans, of the FEIS) will depict the TPSS and its access road layout at that site. That plan sheet will also include an insert of the delineated MTA-MTA-07 wetland boundary relative to the TPSS site and access road, depicting wetland impacts due to the TPSS access road. The avoidance and minimization measures associated with this wetland impact were included in the CWA Section 404 permit application, and a link to the permit application will be included in Appendix D in the FEIS. All proposed TPSS locations will be listed and illustrated in Appendix E, Preliminary Engineering Plans, in the FEIS.

11. EPA recommends potential aquatic resource impacts for OMF sites be quantified and included in all impact summary tables and impact narratives in the FEIS. Additionally, modified figures (with aerial photo backdrops) should be added that outline the specific boundaries of each parcel under consideration for OMF construction. The FEIS should clearly discuss the reasons for selecting the OMF site that is eventually chosen.

FTA Response: The proposed OMF location has been identified since publication of the DEIS through a detailed selection process, as described in Section 2.3.2 and Appendix F of the SDEIS. Wetland impacts and other environmental factors were considered as part of the site selection process, a discussion of which can be found in Appendix F of the SDEIS and will also be included in Appendix F of the FEIS. Specifically, the Water Resources section of the FEIS will include an analysis of impacts to wetlands, including at the OMF site. Illustrations with aerial photo backdrops for the two finalist sites, Eden Prairie Site 3/4 and Hopkins Site 9A, were included in Appendix F (see Exhibits F-5 through F-7) and Exhibit 2.5-3 in the SDEIS, respectively. The proposed Hopkins OMF location will result in permanent and temporary impacts to one regulated wetland (Wetland ID NM-HOP-13), as depicted in the SDEIS and FEIS (see Exhibits 3 and 4). The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to ensure that impacts to this wetland have been avoided and minimized to the greatest extent practicable, including modifying the design depicted in the SSDEIS to allow for a single interior loop track, and removing a permanent access road that was located

within the wetland. Additional avoidance and minimization measures associated with this location were included in the CWA Section 404 permit application, which will be described in the FEIS and included in Appendix D to the FEIS.

Exhibit 3. Water Resources: Wetlands and Floodplains, Hopkins Operations and Maintenance Facility

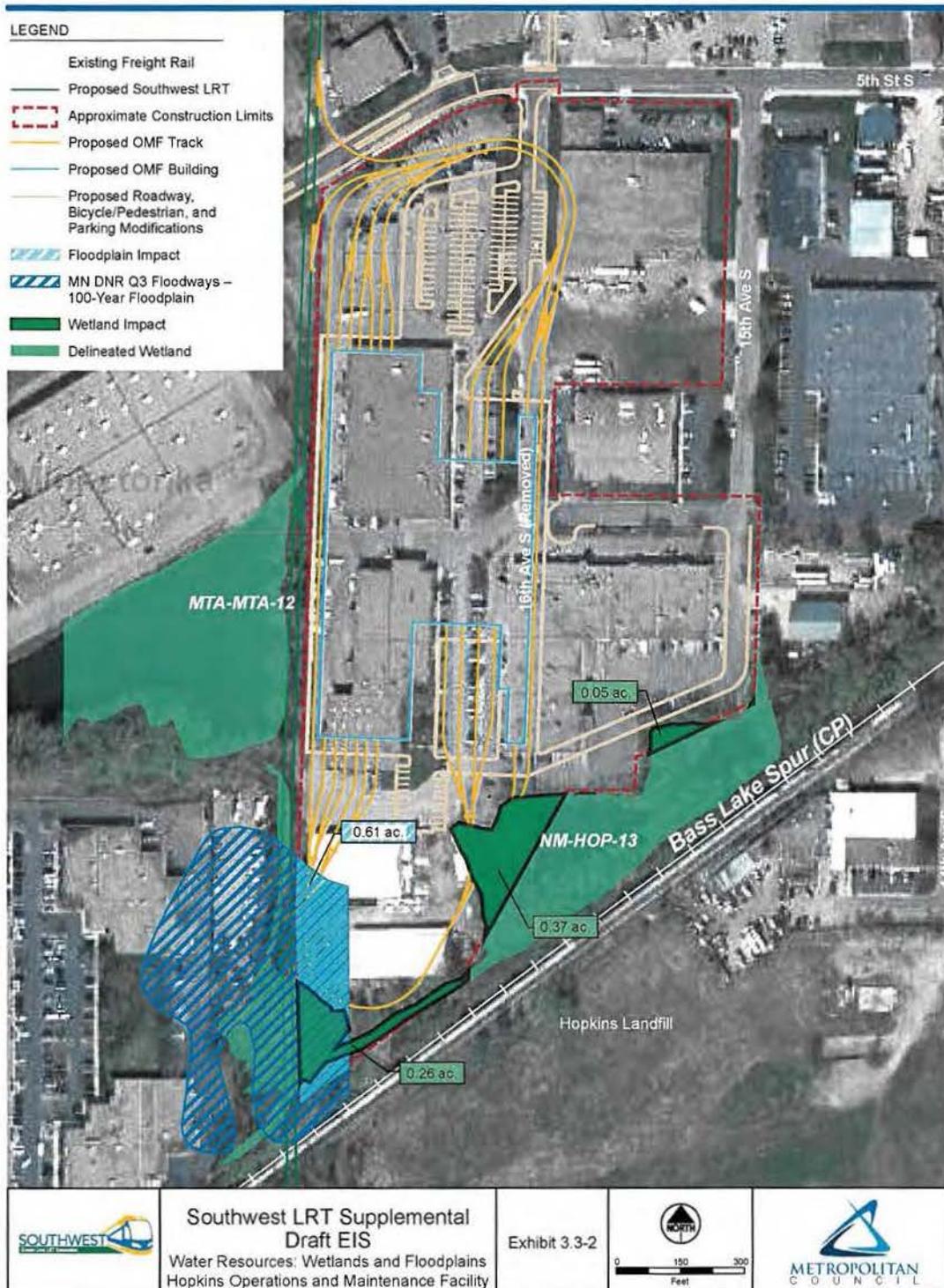
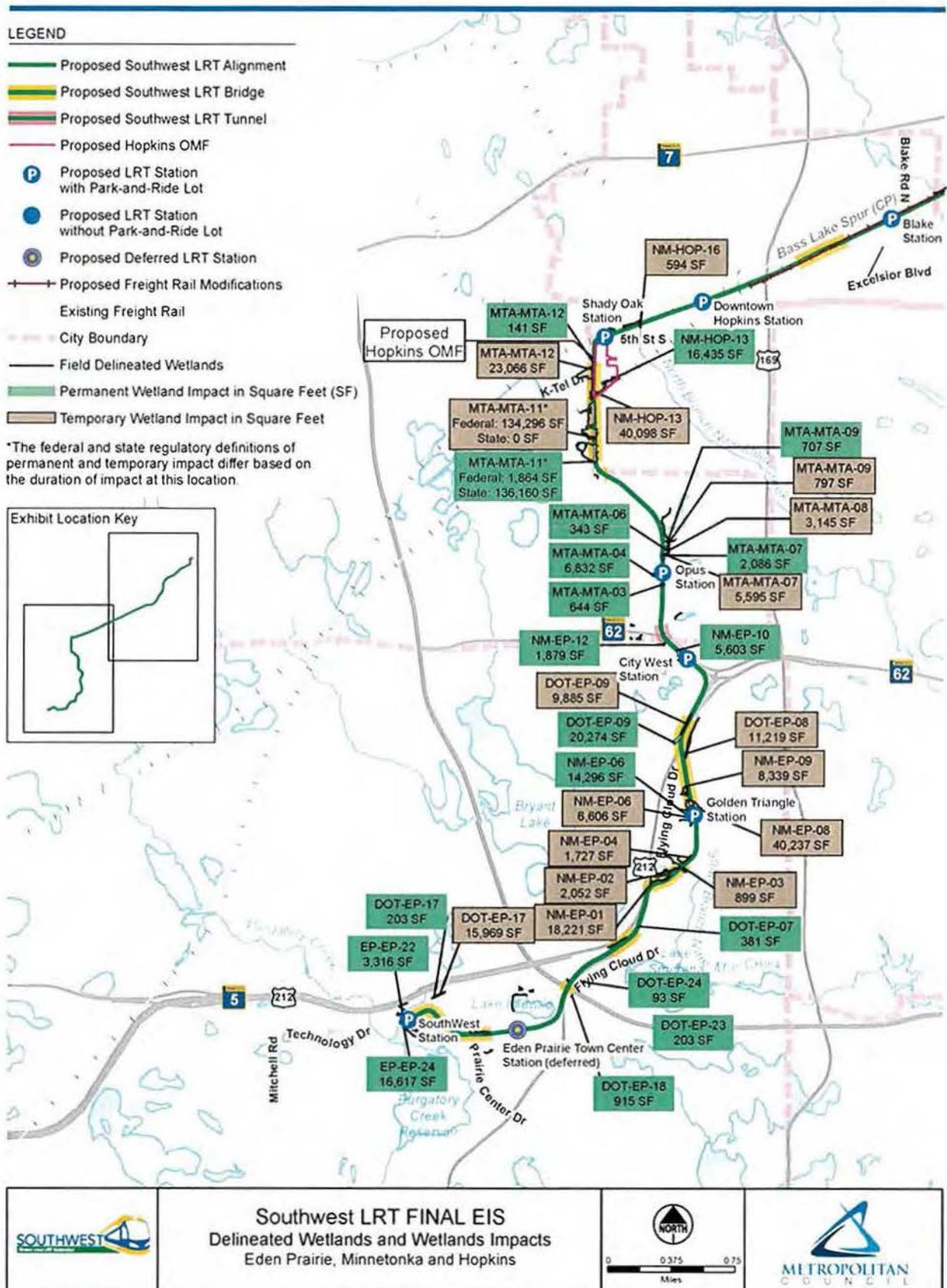
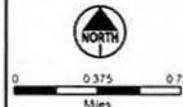


Exhibit 4. Delineated Wetlands and Wetland Impacts within Eden Prairie, Minnetonka and Hopkins



Southwest LRT FINAL EIS
Delineated Wetlands and Wetlands Impacts
Eden Prairie, Minnetonka and Hopkins



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12. EPA requests that final OMF siting wait until such time that a formal wetland delineation has been completed for all sites under consideration. The CWA Section 404 (b) (1) guidelines should be applied when selecting the OMF site. If Eden Prairie 3 site is determined to have the most wetland impacts, EPA request that this OMF site be removed from further consideration, unless other compelling factors argue for its retention.

FTA Response: Wetland delineations have been completed for the full alignment, including the proposed OMF site in Hopkins, and the impacts were considered as one of several factors as part of the OMF site selection process, as described above. Of the two finalist sites evaluated, the Eden Prairie Site 3/4 had greater wetland impacts compared to Hopkins Site 9A, which among other factors, led to dismissal of the Eden Prairie site. After completion of this delineation, the design of the OMF was modified to further minimize impacts on the wetland located at this site. This process was reviewed with federal, state and local regulatory agencies.

13. EPA recommends the FEIS provide additional information on potential wetland mitigation, including expected mitigation ratios, updates on status of coordination with permitting entities, potential mitigation site, and discussion of mitigation site selection in relation to location of the impact sites, etc. If potential mitigation sites have been identified, EPA requests that a figure with the specific sites outlined (not a generic dot or figure location marker) be provided with the FEIS.

FTA Response: After publication of the DEIS, the Project initiated a Technical Evaluation Panel (TEP) to coordinate with the USACE and Local Government Units on a variety of wetland mitigation options, as discussed in Chapter 9 of the SDEIS. This discussion will also be included in Chapter 9, Public and Agency Coordination, in the FEIS. The TEP first met in July 2013 and has continued to meet throughout 2014 and 2015. After considering all options, the Project and the regulators came to the agreement that purchasing wetland bank credits is the mitigation method that will meet all federal, state, and local mitigation requirements. The mitigation ratios proposed for impacts to waters of the U.S. were included in the CWA Section 404 permit application, which will be included in an appendix to the FEIS.

14. EPA recommends, to the extent possible, wetland impacts follow the sequencing requirements of the 404(b)(1) guidelines. EPA understands that specific design details and construction plans for the Project are still forthcoming. To further minimize unavoidable impacts to wetlands and sensitive aquatic habitats, EPA recommends a list of measures be implemented during construction such as: undertaking construction in wetlands during winter/frozen conditions, minimize widths of temporary access roads/paths, use removable materials for construction of temporary roads/path in lieu of "fill" materials such as stone, riprap or wood chips and seeks commitment to a list of measures during construction.

FTA Response: The Project has followed the sequencing requirements of the 404 (b)(1) guidelines to avoid or minimize wetland impacts to the maximum extent practicable and will develop appropriate plans and obtain applicable permits for wetlands, as well as implement best management practices as approved through final permitting. The EPA recommendations (discussed on pages 9-10 of EPA comment letter) have been incorporated into the Project's design. A discussion on the avoidance, minimization and mitigation process undertaken as part of CWA Section 404(b) and TEP processes will be described in the Water Resources section of the FEIS. It was also included in the CWA Section 404 permit application, which will be included in Appendix D to the FEIS.

Floodplains

15. EPA recommend that the FEIS provide additional information on potential floodplain mitigation, including expected mitigation ratios, updates on status of coordination with permitting entities, potential mitigation sites, etc. If potential mitigation sites have been identified, EPA requests that a figure with the specific sites outlines (not a generic dot or figure location marker) be provided with the FEIS.

FTA Response: Measures to mitigate impacts on floodplains from the Project will be included in the Water Resources section of the FEIS. Impacts to locally regulated floodplains will be mitigated by appropriate compensatory storage within or adjacent to the affected waterbody and summarized in table form in the FEIS. The Project will mitigate floodplain impacts at a minimum of 1:1 ratio per local Watershed District requirements. Final design will include the appropriate compensatory storage required by applicable local agencies. Where it is not feasible to meet this requirement, a variance will be requested from the applicable regulatory agency and the appropriate documentation provided to justify the variance. The Project's 90 percent design plans include the location and proposed grading for the floodplain mitigation sites.

Aquatic Issues Related to Section 4(f) of the Transportation Act

16. EPA recommends the FEIS provide consultation correspondence to and from property owners regarding the potential for impacts to, or adverse effects on, Section 4(f) listed or eligible properties.

FTA Response: FTA updated the Draft Section 4(f) Evaluation included in the DEIS and published it as part of the SDEIS. Upon close of the comment period for SDEIS and the Draft Section 4(f) Evaluation Update, FTA and the Council obtained concurrence from the officials with jurisdiction on those properties identified with preliminary temporary occupancies and *de minimis* determinations. The Draft Section 4(f) Evaluation Update included meeting materials and meeting notes from officials with jurisdiction (see Appendix L, Draft 4(f) Evaluation Update Supporting Documentation). In January 2016, the FTA published an Amended Draft Section 4(f) Evaluation that addressed two newly identified Section 4(f) properties in the City of Minnetonka (Open Space B and the Opus Development Trail Area). Consultation materials from coordination with the City of Minnetonka, the official with jurisdiction for these properties, was included in the amended evaluation. The FEIS will include all consultation correspondence, including meeting materials and letters of concurrence from officials with jurisdiction for the Section 4(f) properties in Appendix I, Section 4(f) Supporting Documentation. The comments received from EPA on the Amended Draft Section 4(f) Evaluation will also be included in Appendix I in the FEIS, and responses to these comments are included at the end of this letter.

Environmental Justice

17. EPA recommends including raw data for both low-income and minority communities for each block group or census tract. Specifically, the FEIS should include the raw population data used to shape the environmental justice analysis, including, but not limited to, numbers of minority or minority groups in each block group, numbers of low-income individuals in each block group, percentage compared to the whole unit for each minority and low-income individual, language spoken in each block group, education level, and age. The FEIS should also clarify whether the definition of minority, for the purposes of this analysis, is an aggregate of all minority races or if one single race was used.

FTA Response: The Project's environmental justice analysis in Chapter 5, Environmental Justice Compliance, of the FEIS will be prepared in compliance with the Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and

Low-Income Populations (February 11, 1994); the U.S. Department of Transportation (USDOT) *Order to Address Environmental Justice in Minority Populations and Low-Income Populations* (USDOT Order 5610.2(a), May 2, 2012); and the Federal Transit Administration (FTA)'s Circular FTA C4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients* (FTA, August 15, 2012).

The analysis will include a review of the methodology used for the environmental justice analysis, including the methodology used to identify low-income and minority populations; identification of environmental justice populations, including data and maps showing the number and location of low income and minority individuals by race/ethnicity; a summary of public outreach to environmental justice populations; an environmental justice analysis documenting the evaluation of disproportionately high and adverse effects to environmental justice populations; and a project-wide finding of environmental justice compliance for the project. Demographic data will be used as one component of identifying environmental justice populations, considering both the presence of individual groups as well as the aggregate minority population.

Where the DEIS used the aggregate, or sum, of all minority groups to determine whether the block group was above the Hennepin County average, the FEIS will report raw minority and low-income data as an aggregate of all minority groups and by individual race. The FEIS will use block and block group data on low-income and minority populations. Block and block group data are also used to develop the exhibits. We believe this analysis addresses your comments and fulfills the environmental justice requirements in compliance with federal regulations.

18. EPA recommends the FEIS should include more details regarding which languages are spoken, where they are spoken, and what outreach has been implemented to ensure non-English speakers have been appropriately included in the decision-making process. Any resultant mitigation should be committed to in the ROD.

FTA Response: The Project regularly translates public involvement material into Spanish, Hmong and Somali based on the presence of residents that speak these languages in the study area. The FEIS cannot include details of where these languages are spoken primarily because of the lack of definitive location data on where these languages are spoken as the primary language. The FEIS will include a summary of public engagement efforts to reach non-English speakers, including inviting community representatives to serve on project advisory committees, holding public meetings at locations that are close to target audiences and accessible by transit whenever possible, and taking steps to promote attendance such as holding meetings at a variety of times including weekends and evenings.

19. EPA recommends FTA update the FEIS to include any potential development in the Linden Yards area, including the diesel rail storage yard, whether any proposed projects could supersede the siting of the Van White station, and whether co-location could be an option, should the rail storage yard be pursued. While EPA understands that the future of the Linden Yards area, including possibly siting a diesel rail storage yard there, may not be settled, FTA should make an attempt to address community concerns that siting a diesel rail storage yard there could eliminate the siting of the Van White station, and/or other developments in communities anticipating the addition of transit accessibility.

FTA Response: The design and location of Van White Station has shifted since publication of the DEIS. The proposed light rail alignment and Van White Station will be northwest of Linden Yards and will not preclude the use of portions of the Linden Yards site for a rail storage or maintenance facility, nor will it preclude other development from occurring on that site.

Conversely, development of Linden Yards (or lack of development of Linden Yards) will not preclude the proposed light rail alignment and station, nor would that development cut off access to the proposed station. The current design for the Van White Station was included in Appendix G of the SDEIS and will be included in Appendix E of the FEIS.

Regarding a high speed rail layover facility, or a diesel rail storage facility, at Linden Yards, there are no adopted plans or funding for either of these facilities. The Council has confirmed with the Minnesota Department of Transportation, the authority for passenger rail in the state, that there are no plans for a rail storage facility at Linden Yards. Therefore, these facilities will not be evaluated in the cumulative impact assessment within the Final EIS, consistent with *Considering Cumulative Effects Under the National Environmental Policy Act* (Council on Environmental Quality [CEQ], 1997). Specifically, a potential high speed rail layover or maintenance facility is not included in the Cumulative Effects section of the FEIS as a reasonably foreseeable action because it is not included within any adopted plans nor is it funded; therefore, the use of the land as a potential rail storage yard facility is not noted as a “reasonably foreseeable” use. The MnDOT’s draft *Minnesota GO State Rail Plan*, which would note all rail and storage facilities within the state of Minnesota, does not include any future rail facility in Linden Yards. The City of Minneapolis has no current plans for the Linden Yards facility. The City of Minneapolis noted to Council that any future high speed or commuter rail layover facility will be many years in the future, and due to very poor soils and complexities of phasing, any future rail layover facility can only occur on distinct land parcel east of the two office towers closest to the Van White station on Linden Yards East, and a future rail facility cannot support vertical development. As such, the FEIS’s land use and other analyses are based on the City of Minneapolis’ applicable adopted land use plans, including the Bassett Creek Valley Master Plan (2007). That plan designates much of the Linden Yards site as mixed-use, commercial and other development, with some park land; the plan recognizes that the site’s current use is industrial.

Additionally, a potential high speed rail layover facility or a storage yard at Linden Yards is not included in the No Build Alternative because it is not included within an adopted plan nor is it a funded project.

Regarding the comment on the City of Minneapolis progress report from August 21, 2012 related to the Bassett Creek Valley – Linden Yards update, the studies referenced were completed. The Council has reviewed these materials and the Project has been designed in coordination with the studies and reports noted in the update. In summary, the plans for this location are not fully understood to be able to complete an evaluation in the Final EIS. Should plans become clearer during future stages of the SWLRT Project, FTA and Council staff will work with the project sponsor and surrounding communities.

20. EPA encourages FTA and the Council to work with Hennepin County, the communities and their representative groups, and city departments to ensure that residents who wish to stay in their neighborhoods continue to be able to afford to do so after the opening of the transit stations. This can be accomplished in many ways, including requiring residential developments to include affordable housing options as a percentage of total new units built in association with the new stations.

FTA Response: The Council is working in partnership with Hennepin County and the cities to implement the Southwest LRT Community Works Investment Framework which will serve as a guide for short- and long-term transit related policy and investments.³ Implementation of this

³ <http://www.swlrtccommunityworks.org/beyond-rails/planning-information/investment-framework>

framework could include policies to ensure new developments surrounding station areas include affordable housing options; however, neither the FTA nor the Council can directly influence the local jurisdictions to place inclusionary housing requirements for future development. The Council is also involved in the Southwest LRT Community Works housing inventory that assesses existing housing and housing gaps in the corridor as a whole and around stations.⁴ In addition, the Council was a recipient of HUD's Sustainable Communities Regional Planning Grant which produced a Fair Housing and Equity Assessment (FHEA) as part of the final deliverable for the grant. Using data provided by HUD and supplemental local data, the Council examined regional access to opportunity based on an analysis of the following components: segregated areas and areas of increasing diversity and/or racial/ethnic integration; racially and ethnically concentrated areas of poverty; access to existing areas of high opportunity; major public investments; fair housing issues, services, and activities. The FHEA provided a historical and cultural context for current fair housing challenges, and highlighted the legacy of land-use decisions, investments, and policies that may have limited or enhanced opportunity for different parts of the region.

Air Quality

21. EPA recommends FTA commit to specific measures in the ROD to reduce short-term construction impacts to air quality, including using ultra low-sulfur diesel fuel, retrofitting engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site, and position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, thereby reducing the exposure of personnel to concentrated fumes.

FTA Response: The FEIS will provide an updated evaluation of air quality and identified mitigation measures. The Project will incorporate the EPA recommended mitigation measures for construction activities into the FEIS and ROD, where applicable.

22. EPA recommends several editorial changes to the impacts presented in Chapter 10.

FTA Response: The EPA editorial changes on the DEIS will be addressed in development of exhibits for the FEIS.

Noise

23. EPA recommends the FEIS provide an understanding of freight engine and rail/wheel noise impacts to residences, schools, and other sensitive receptors located close to the tracks.

FTA Response: Since publication of the DEIS, the Council completed detailed noise and vibration analyses for sensitive receptors within the Project's study area. These receptors includes residences, businesses and parks along the LRT 3A-1 alignment and include impacts from freight rail operations (e.g., engine and rail/wheel noise). No schools are impacted with the LRT3A-1 alignment and freight rail co-location. The majority of noise impacts from the Project are due to LRT operations, including proximity to LRT tracks and at-grade crossings. At-grade crossings of freight rail also impact nearby sensitive receptors. The Project plans to mitigate noise impacts to sensitive receptors from at-grade LRT and freight rail crossing by designing and constructing these at-grade crossings to be compliant with FRA quiet zone regulations. The updated noise and vibration impact assessment for the Project and mitigation measures for impacts that meet FTA criteria will be included in the FEIS.

Historic and Cultural Resource Impacts

⁴ <http://www.swlrccommunityworks.org/beyond-rails/planning-information/housing-inventory>

EPA Recommendation

24. EPA recommends the FEIS clarify how the historic and cultural resource impacts will be addressed in a Memorandum of Agreement between project sponsors and the SHPO.

FTA Response: FTA and the Council have implemented a comprehensive Section 106 consultation process with MnHPO, the USACE, and consulting parties for the Project. In November 2015, the FTA issued an Assessment of Effects report identifying the Project's effects to historic properties and a final Determination of Effect. Based on the findings of the report, the Project will have no adverse effect on 26 historic properties and an adverse effect on five properties. The report and determination of effect finding were developed through ongoing consultation with MnHPO and consulting parties. MnHPO reviewed the report and determination of effect in November and December 2015 and concurred with all of the findings.

A Memorandum of Agreement (MOA) will document measures the Project will implement to mitigate adverse effects on historic properties, as well as avoidance and minimization measures to avoid an adverse effect to several historic properties. The MOA is being developed through consultation with MnHPO and other consulting parties. The FEIS will have an "execution ready" final version of the Section 106 MOA in Appendix H, Section 106 Supporting Documents, and describe the adverse effects and mitigation in the Cultural Resources section of the FEIS. Section 3.5 The ROD will include the signed version of the MOA in the appendix.

Mitigation of Impacts

EPA Recommendation

25. EPA recommends the FEIS clarifies where and how impacts were avoided and minimized, and when unavoidable impacts remain, how they will be compensated for.

FTA Response: Measures to avoid and minimize impacts caused by the Project (i.e., LRT 3A-1) were addressed through the design adjustment process undertaken after the close of the public comment period on the DEIS. Comments received on the DEIS, as well as input from Project stakeholders were incorporated into the design adjustment process. Several of these design adjustments resulted in FTA's decision to publish the SDEIS. The design adjustment process undertaken since publication of the DEIS was described in Chapter 2 and Appendix F of the SDEIS and will be included in Chapter 2 of the FEIS. The current preliminary engineering plans for the Project, reflecting adjustments to avoid and minimize impacts, will be included in Appendix E of the FEIS. Further, the FEIS will include identified mitigation measures for adverse impacts caused by the Project. Avoidance, minimization and mitigation measures for impacts to environmental resources, transportation-related resources, Environmental Justice populations, and Section 4(f) properties will be identified in Chapters 3, 4, 5, and 6, respectively.

COMMENTS ON THE MAY 2015 SUPPLEMENTAL DRAFT EIS

FTA and the Council published the Supplemental Draft EIS in May 2015. As noted in your comment letter, the purpose of this document was to identify potential new adverse impacts from design adjustments made to the LPA and the location of freight rail within the corridor. Since the Supplemental Draft EIS was published, the Council adopted a revised project scope and cost estimate.⁵ These adjustments will be included in the FEIS and ROD.

Wetlands

EPA Recommendations

⁵ http://www.metrocouncil.org/Council-Meetings/Committees/Metropolitan-Council/2015/7-8-15/2015_156.aspx

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1. EPA recommends FTA and the Council determine if alternatives to fill, such as elevated pedestrian boardwalks, are feasible to be used in delineated wetland areas. Alternatives to fill, particularly in these areas, should be discussed in the FEIS.

FTA Response: The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to ensure that all impacts to wetlands have been avoided and minimized to the greatest extent practicable, including elevating structures where feasible. This information was included in the CWA Section 404 permit application and will be located in Appendix D in the FEIS.

2. EPA recommends TPSS stations should be sited in upland (non-wetland) locations. As there is some flexibility in siting of TPSS stations, thoughtful design and planning may further reduce wetland impacts

FTA Response: TPSS SW-20 and SW-21 have been removed from the design as a part of the Project's revised scope (July 8, 2015). The current design alternative completely avoids the direct placement of a TPSS within a wetland. However, the required access road to the TPSS located near Opus Station will result in a small amount of unavoidable permanent impact to one wetland (Wetland ID MTA-MTA-07). The avoidance and minimization measures associated with this impact were included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS. The location of TPSS are illustrated in Appendix E in the FEIS.

3. EPA recommends that wetland impacts further minimized during final [OMF] site design.

FTA Response: The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to further minimize wetland impacts at the proposed Hopkins OMF location since the publication of the SDEIS. The design was modified to allow for a single interior loop track and to remove a permanent access road that was previously located within the wetland. Additional avoidance and minimization measures associated with this location were included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS.

4. EPA recommends the FEIS provide clarification on whether or not the new freight rail and trail corridors have been delineated. If not, a delineation should be performed and any additional wetland impacts added to impact summary tables. Updated information should be provided in the FEIS.

FTA Response: The Project has field delineated all wetlands for the Project including the existing freight rail and trail corridors, reflecting design adjustments incorporated into the Project. Specifically, per EPA's comment, the areas where freight rail would be located under LRT 3A-1, which includes the co-location of freight, were fully delineated. Additionally, the adjustments to all trails, including Cedar Lake Trail, have been fully delineated. Appendix E of the FEIS will include the preliminary engineering plans showing the proposed location of freight rail and trails under LRT 3A-1. Additionally, the FEIS will include an exhibit showing the location of impacted wetlands and a discussion of the wetland study area that was documented in the *Wetland Investigation Report*⁶, the *2014 Supplemental Wetland Investigation Report*⁷ and the *2015 Supplemental Wetland Investigation Report*, each of which will be included in Appendix C

⁶ Anderson Engineering of Minnesota, LLC, 2013. <http://www.metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Publications-And-Resources/Environmental-Documents/SDEIS/Supporting/Anderson-Engineering-2013.aspx>

⁷ Anderson Engineering of Minnesota, LLC, 2014. <http://www.metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Publications-And-Resources/Environmental-Documents/SDEIS/Supporting/Anderson-Engineering-2014.aspx>

in the FEIS. Lastly, the full delineation of wetlands for the Project is included in the CWA Section permit application, which will be included in Appendix D of the FEIS.

Stormwater and Construction Staging

EPA Recommendations

5. EPA recommends all stormwater BMPs and detention areas be built and located outside of natural wetlands and streams, existing natural wetlands not be used as primary detention facilities, and any treated stormwater discharged to natural wetlands should not cause a change of existing use of the wetland. Also, green stormwater technologies should be utilized throughout the project, where feasible. The FEIS should include figures and project plans detailing stormwater basin locations, and ensure that no stormwater/sedimentation/erosion control measures are proposed to be constructed in wetlands or other Waters of the U.S. This should be clearly stated and supported in all figures provided with the FEIS.

FTA Response: The current design alternative completely avoids the placement of stormwater BMPs or detention areas within natural wetlands and streams. The Water Resources section of the FEIS will include a discussion on the placement of stormwater BMPs and exhibits identifying locations of all wetland and floodplain impacts. The Project evaluated a wide array of stormwater BMP technologies as a part of the design process. Details regarding the stormwater BMPs associated with the current design alternative have been documented in a Water Quality Technical Report, which will be included in an appendix to the FEIS. The Project's 90 percent design plans include the location of all stormwater BMPs or detention basins. A link to the 90 percent design plans will be included in Appendix C, Supporting Documents and Technical Reports (Incorporated by Reference), in the FEIS. The 90 percent design plans will also be referenced in Appendix E, Preliminary Engineering Plans, with instructions to see Appendix C for a link to the 90 percent design plans. The Preliminary Engineering Plans and the 90 percent design plans are consistent relative to the characteristics of the Project that will result in environmental impacts described in the FEIS (e.g., the Project's limits of disturbance).

6. EPA recommends the FEIS include proposed construction measures, including a discussion of staging areas and their locations, access to worksite(s), and detailed discussion on any proposed in-stream construction. EPA recommends that equipment not work actively from within any stream, and that dewatering measures such as temporary portable dams or cofferdams be installed to isolate stream flow from any active work areas. Temporary impacts to wetlands and other Waters of the U.S. should be first avoided, then minimized. Any unavoidable temporary impacts to wetlands and other Waters of the U.S. should be included in the calculation of impacts and mitigation

FTA Response: Construction staging areas are planned to be contained within the Project's identified limits of disturbance, which will be included in the FEIS. Specific staging area locations will be identified by the construction contractor prior to construction and in accordance with guidance and specifications provided by the Council. The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to ensure that all temporary wetland impacts are avoided and minimized to the greatest practicable extent, including avoiding in-stream construction. The FEIS will include a discussion of unavoidable temporary impacts due to construction staging, groundwater pumping, and cofferdam installation. Additional details regarding these activities, including mitigation requirements, have been included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS.

Well head Protection – Drinking Water Supply

EPA Recommendation

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7. EPA recommends the FEIS disclose how construction and operation of the LPA could meet the provisions of the Wellhead Protection Plan [in Eden Prairie].

FTA Response: The Wellhead Protection Plans (WHPPs) include the Wellhead Protection Area and the Drinking Water Supply Management Area. The location of the Drinking Water Supply Management Areas and Wellhead Protection Areas along the LRT alignment will be included in the Final EIS. Before beginning construction of the Project, the Council will coordinate with the host cities to confirm that constructing and operating the Project will meet the provisions of the individual WHPPs and the Source Water Protection Plan.

Acronyms and Abbreviations

EPA Recommendation

8. EPA recommends to include TPSS in the Acronyms and Abbreviations list.

FTA Response: TPSS will be added to the list of acronyms and abbreviations in the FEIS.

COMMENTS ON THE JANUARY 2016 AMENDED DRAFT SECTION 4(F) EVALUATION

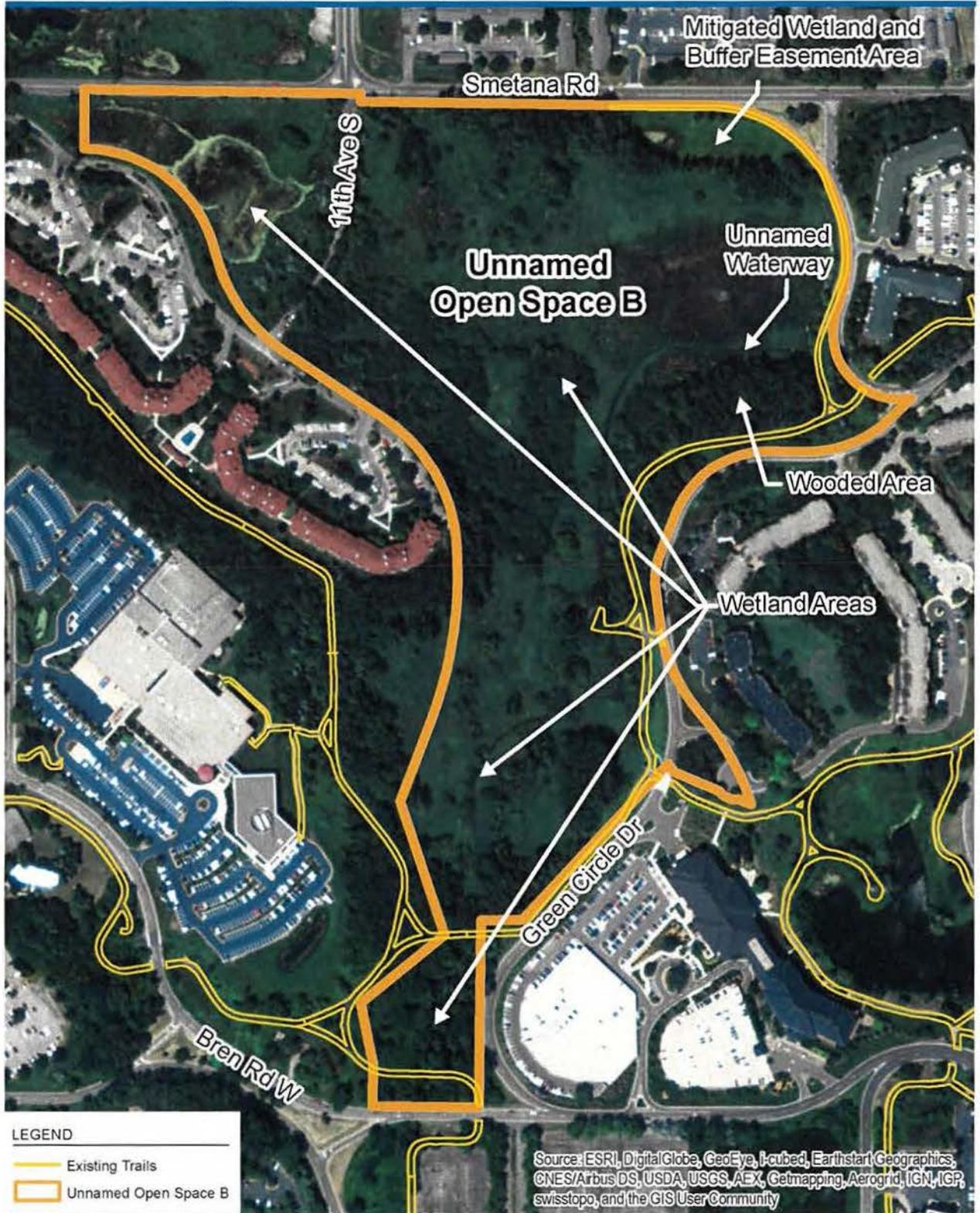
FTA and the Council published an Amended Draft Section 4(f) Evaluation in January 2016. As noted in your comment letter, the purpose of this document was to identify preliminary Section 4(f) de minimis impact determination for two Section 4(f) properties in Minnetonka. These Final Section 4(f) Evaluation will be included in the FEIS and the Final Section 4(f) Finding in the ROD.

EPA Recommendation

1. Identify the locations and boundaries of all wetlands and stream/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 notes found in Appendix B of the Amended Evaluation.

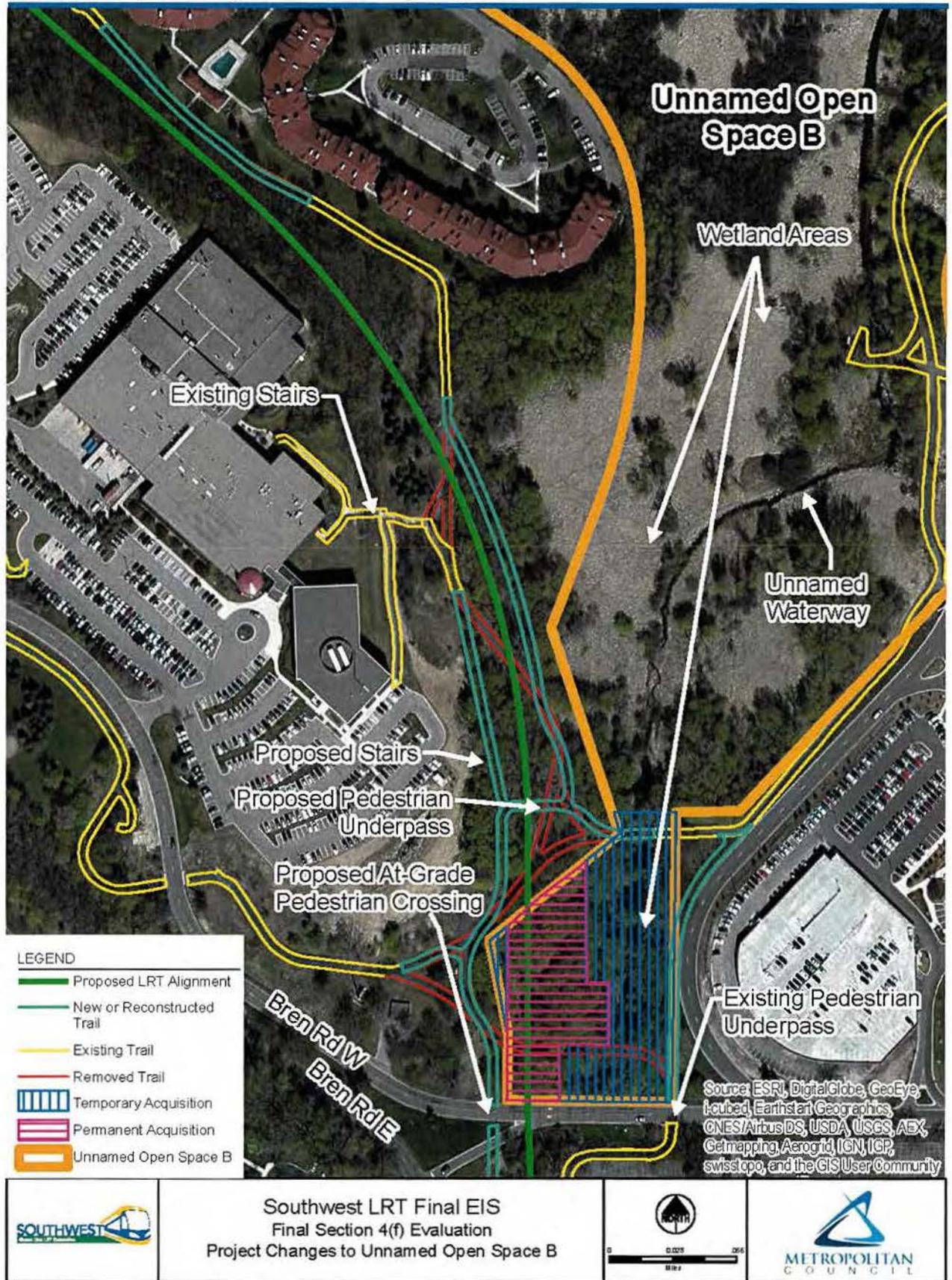
FTA Response: The exhibits for Unnamed Open Space B will be included in the Final Section 4(f) Evaluation included as Chapter 6 of the FEIS. These will illustrate the location of wetlands, including the mitigation area and stream/drainage ways (see Exhibits 5 and 6 below). The city provided an update that no portion of the wetlands have been restored.

Exhibit 5. Unnamed Open Space B Boundary and Features



	<p>Southwest LRT Final EIS Final Section 4(f) Evaluation Unnamed Open Space B Boundary and Features</p>		
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Exhibit 6. Project Changes to Unnamed Open Space B



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2. Identify other alternative locations located outside Unnamed Open Space B considered for the traction power substation (TPSS) and the double crossover bungalow (DCB) and provide the reason/s for their elimination from further consideration. For example, could either the TPSS 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?

FTA Response: A discussion identifying the locations located outside Unnamed Open Space B that were considered for the TPSS and the DCB and the reasons for their elimination from further study will be included in Chapter 6 of the FEIS (i.e., the Final Section 4(f) Evaluation). This discussion will describe three alternate sites that were developed and evaluated in consultation with the City of Minnetonka. The alternate sites were directly south and west of Unnamed Open Space B. In summary, depending on the particular site, the alternate sites were dismissed from further consideration because of a combination of the following: 1) conflicts with sanitary sewer, water and/or stormwater mains; 2) private property acquisitions; 3) conflicts with existing trails; 4) conflicts with sight lines between roadways and the proposed station area; and 5) conflicts with existing and planned parking facilities.

We hope this additional information is useful and provides background information for how EPAs recommendations were responded to in the SDEIS and will be responded to in the Project's FEIS. The FEIS and Record of Decision documents are anticipated to be published by summer 2016. If you require additional assistance, please contact Maya Sarna at (202) 366-5811 (Maya.Sarna@dot.gov) or Reginald Arkell at (312) 886-3704 (Reginald.Arkell@dot.gov). Thank you for your coordination on this important regional project.

Sincerely,



Marisol R. Simon
Regional Administrator

cc: Maya Sarna, FTA HQ
Reginald Arkell, FTA Region V
Mark Fuhrmann, Program Director, Metropolitan Council, Southwest LRT Project
Craig Lamothe, Project Director, Metropolitan Council, Southwest LRT Project
Nani Jacobson, Assistant Director, Environmental and Agreements, Metropolitan Council, Southwest LRT Project