

**STATE OF MINNESOTA
METROPOLITAN COUNCIL
ADEQUACY DETERMINATION**

**CENTRAL CORRIDOR LIGHT RAIL TRANSIT
FINAL ENVIRONMENTAL IMPACT STATEMENT**

The Federal Transit Administration (FTA), the lead federal agency, and the Metropolitan Council, the Responsible Governmental Unit (RGU) published a Final Environmental Impact Statement (FEIS) for the Central Corridor Light Rail Transit (Central Corridor LRT) project in June 2009. Publication of the FEIS' availability for public and agency review was made in the Federal *Register* on June 26, 2009 and in the Minnesota *EQB Monitor* on June 29, 2009. The document was also available for review at local public libraries and resource centers. Comments received during the 30-day FEIS review period, are included as Attachment C-1A through C-1E in the FTA's Record of Decision (ROD), which was issued on August 18, 2009. The ROD is incorporated herein as part of this Adequacy Determination.

The Preferred Alternative is the construction of 10.9 miles of light rail transit between St. Paul and Minneapolis, Minnesota (9.7 miles of new construction and 1.2 miles shared with the existing Hiawatha LRT). There will be 20 stations along the line including five shared with the existing Hiawatha LRT. Below-grade infrastructure to allow for later construction of three future infill stations will be provided and an operations and maintenance facility will be constructed as part of the project. The Preferred Alternative is more fully described in the FEIS.

The pages that follow contain the Metropolitan Council's Adequacy Determination regarding the FEIS for the Central Corridor Light Rail Transit project. This Determination was developed in conformance with Minnesota Rules, Chapter 4410, particularly 4410.2800. Those rules charge the Metropolitan Council, as RGU, with making such a determination whenever it has completed an FEIS, and further set forth the conditions under which a FEIS shall be determined adequate under Minnesota environmental rules. Specifically, Minnesota Rule 4410.2800 stipulates the following:

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

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

FEIS PUBLIC COMMENT SUMMARY

Comments received on the FEIS during the FEIS review period and summary responses are discussed below. Copies of comment letters submitted and detailed responses are included in Attachment C of this record of decision.

A total of eight letters were received from regulatory agencies, local jurisdictions and public entities. Commenters included:

- **United States Coast Guard:** The U.S. Coast Guard noted that the Metropolitan Council will be required to submit owner-approved contractor work plans and procedures for their review for possible effects on navigation.
- **United States Environmental Protection Agency:** The USEPA recommended the ROD address the following issues:
 - **Hazardous Waste Sites:** Specifically, USEPA requested that the ROD define parameters for addressing induced secondary impacts associated with potential redevelopment of brownfield sites adjacent to the CCLRT. The Metropolitan Council partnered with the City of St. Paul and Ramsey County and was successful in receiving a grant of approximately \$1 million from the USEPA to conduct Phase I and Phase II environmental site investigations of properties adjacent to the Central Corridor LRT alignment identified as having high potential for redevelopment in the City's *Central Corridor Development Strategies* plan. Grant-funded assessment work will take begin in October 2009 and continue through the end of September 2012. Among other factors, prioritization of sites for assessment using grant dollars will be based on redevelopment potential. Overall, the criteria used in selecting and prioritizing sites will help ensure that all assessed sites are well-positioned to compete for federal, state, and local funds available to assist in clean-up.
 - **Stormwater Runoff:** Specifically, the USEPA noted the potential for karst terrains in the project area and recommended the ROD clearly state measures for avoiding spill and run-off risks at such sites. Although the FEIS noted in Section 4.1.5.2 the potential to encounter karst terrains along the project alignment, soil geo-borings completed along the entirety of the alignment have determined that no such terrains are present within the project construction area. Therefore, no special measures of managing stormwater runoff are being proposed based on the presence of karst terrains. The Metropolitan Council staff has participated in a joint workshop with the City of St. Paul and Capitol Region Watershed District on June 25, 2009 to discuss options for stormwater management practices on the CCLRT project. This workshop included planners, educators, engineers, regulators, landscape architects and government officials from the Metropolitan Council, the cities of St. Paul and Minneapolis, Capitol Region Watershed District (CRWD), Ramsey County, the University of Minnesota, and the cities of Chicago and Portland. This workshop resulted in the identification of creative designs to manage stormwater

- Environmental Justice: USEPA recommended specific plans for loss of on-street parking, completion of the three additional stations at Hamline Avenue, Victoria Street and Western Avenue, and continued discussions with the Rondo community about cumulative impacts of the project on community cohesion and function. Since these issues were raised by several commenters to the FEIS, a single response has been made to these issues and can be found in Attachment C.
- Historic Preservation: Included in the FEIS was a signed copy of a Programmatic Agreement (PA) between FTA, the Minnesota State Historic Preservation Office (MnSHPO), the Advisory Council on Historic Preservation and the Metropolitan Council. This document describes commitments for ongoing consultation to avoid, or minimize potential for adverse effects of implementing the proposed action. In the event that adverse effects cannot be avoided, the PA contains measures for mitigating such effects.
- **Minnesota Department of Transportation:** The Minnesota Department of Transportation (Mn/DOT) noted that they had no additional comments on the Central Corridor LRT FEIS, beyond those previously submitted on the Alternatives Analysis / Draft Environmental Impact Statement (AA/DEIS) and the Supplemental Draft Environmental Impact Statement (SDEIS). They also noted that the CCLRT project will cross roadways under Mn/DOT jurisdiction and the requirement of the Metropolitan Council to submit intersection geometric designs and traffic analyses for Mn/DOT staff review and approval. They further noted that this coordination of data exchange is currently underway.
- **Minnesota State Historic Preservation Office (MnSHPO):** The MnSHPO submitted comments focused on the sufficiency of the Section 4(f) Evaluation in the FEIS relative to the project's use of historic properties. Response to these comments is included in Attachment C. Additionally, this adequacy determination contains an analysis of the project's use of portions of the Prospect Park Residential Historic District and changes to East River Parkway, a contributing element of the Grand Rounds Historic District.
- **Dakota County:** Dakota County acknowledged receipt of the FEIS and their understanding of the purpose of and need for the proposed action and its benefits and impacts.
- **Capitol Region Watershed District (CRWD):** The CRWD noted that recommendations from their comments submitted on the SDEIS have been incorporated and that the Metropolitan Council would be required to secure a permit from the CRWD. They also requested that a Summary Report from a workshop held on June 25, 2009 be included in the FEIS and that the FEIS

Staff from the Central Corridor Project Office contacted staff at CRWD to discuss comments submitted. CRWD acknowledged during this conversation that the Summary Report it referenced had not been prepared as a completed document in time for inclusion in the FEIS. Metropolitan Council will continue to work with the CRWD to further evaluate concepts and implement effective stormwater designs at locations where soil and site conditions are suitable. This ongoing coordination will include ensuring that appropriate permits are secured from the CRWD, including receipt of an NPDES permit for potential discharge of stormwater into the Mississippi River, which, as was noted by the CRWD, is an impaired water, listed on the State of Minnesota's official list of such waters (303d list).

- **City of Minneapolis:** The City of Minneapolis submitted comments on the FEIS focused on parking impacts (specifically, the removal of parking), design of sanitary sewer along Washington Avenue, and issues related to traffic effects and proposed mitigation.

A meeting with City of Minneapolis staff took place on August 3, 2009, to discuss their comments. Responses to all comments received from the City of Minneapolis are included in Attachment C.

- **University of Minnesota (U of M):** The U of M's General Counsel, Mark Rotenberg, submitted comments focused on the sufficiency of the FEIS in regard to three key areas: environmental effects related to vibration and electromagnetic interference and the sufficiency of mitigation commitments to ensure that the U of M's research activities could continue unimpeded, the sufficiency of the Section 4(f) Evaluation and the constructive use of the U of M's Campus Mall Historic and the effects of construction of the Central Corridor LRT on critical campus activities.

Response to the U of M's comments is included in Attachment C.

- **Natural Resources Conservation Council (NRCS):** The NRCS submitted a letter of comment. As the letter noted, there is no impact to agricultural lands by the Central Corridor LRT project. The comment letter also identified agencies that should be consulted regarding project effects. All noted agencies have been consulted with and the results of consultation are discussed in the FEIS.

A total of three letters were received from public officials, including comments from Ramsey County Commissioner Janice Rettman, State Representative Alice Hausman, and State Senator Larry Pogemiller.

- **Commissioner Janice Rettman:** Commissioner Rettman's submitted her personal comments on the FEIS, stating that it lacked specificity and the requisite dollars and commitments of the Metropolitan Council to address identified concerns and issues. She specifically mentioned loss of parking, issues with gentrification, and that the full construction of the three stations at Hamline

Responses to the issues raised by Commissioner Rettman can be found in Attachment C.

- **Representative Alice Hausman:** Representative Hausman requested consideration of an alternative route for the Central Corridor LRT in the Capitol Area, specifically to use an alignment along Rice Street to St. Peter Street into downtown St. Paul. She further stated her intention that such a consideration not derail or delay the project.

A similar option to the one proposed by Representative Hausman was analyzed during the Central Corridor LRT scoping process in 2001. This alternative was not carried forward for consideration in the AA/DEIS as it did not meet criteria developed during the scoping process to identify alternatives best capable of meeting the project's purpose and need. Specifically, this alternative did not serve the core of St. Paul's downtown business district and, since it entered downtown St. Paul on 5th and 6th Streets, it would disrupt bus service. This alternative would also have had negative impacts by routing Central Corridor LRT on streets that had direct and indirect access to the regional roadway system.

- **Senator Larry Pogemiller:** Senator Pogemiller expressed concerns about the impacts of the Central Corridor LRT project on the Minneapolis neighborhoods surrounding the East and West Banks of the U of M, specifically, traffic mitigation, long-term population patterns, vibration issues near the campus, and livability in and around the campus. Senator Pogemiller requested that the Northern Alignment, using a corridor currently used for freight rail movements north of East Bank campus and owned by the Burlington Northern Santa Fe railroad be further investigated as a potential preferred alignment for Central Corridor LRT.

Responses to Senator Pogemiller's comments regarding project impacts, as well as a response to whether further review of the Northern Alignment is warranted are found in Attachment C.

A total of nine comments were submitted from community groups, non-profit organizations and private entities. Responses to comments submitted are found in Attachment C. Commenters included:

- **Alliance for Metropolitan Stability:** The Alliance for Metropolitan Stability submitted comments focused on the environmental justice analysis as presented in the FEIS, specifically on the Metropolitan Council's demographic analysis. The Alliance also called for the Metropolitan Council to include construction of the three additional stations at Hamline Avenue, Victoria Street and Western Avenue.
- **Macalester Groveland Community Council:** The Macalester Groveland Community Council submitted a resolution encouraging that concerns for construction of stations at Hamline Avenue, Victoria Street, Western Avenue and

- **Jewish Community Action:** Jewish Community Action submitted comments focused on the environmental justice analysis as presented in the FEIS. They acknowledged the Metropolitan Council's advance in responding to concerns regarding the sufficiency of the analysis as expressed during the SDEIS comment period. However, they noted continuing concerns with various project effects on environmental justice populations
- **District Councils Collaborative:** The District Councils Collaborative acknowledged the Metropolitan Council's response to many of the issues and concerns raised in the SDEIS. However, they voiced continued concerns regarding environmental justice impacts of the project, traffic impacts on surrounding neighborhoods due to closure of Washington Avenue to vehicular traffic, and the compatibility of the CCLRT operations and maintenance facility with neighborhood plans.
- **Preserve and Benefit Historic Rondo Committee:** The Preserve and Benefit Historic Rondo Committee submitted comments (submitted by Veronica Burt) focusing on the sufficiency of the environmental justice analysis in the FEIS, the identification of adverse effects, findings of disproportionately high and adverse effects and the sufficiency of committed mitigation to address identified effects.
- **St. Louis King of France Church:** Comments from the St. Louis King of France Church (submitted by Meier, Kennedy and Quinn) focused on environmental effects associated with noise and vibration effects.
- **Minnesota Public Radio:** Comments from Minnesota Public Radio (submitted by Leonard, Street and Deinard) were received. They noted the expectation that mitigation commitments made in the FEIS be fulfilled by the Metropolitan Council. They further noted specific matters relative to the noise analysis documented in the FEIS as well as expectations relative to the design of the floating slab proposed to mitigate for groundborne noise impacts.
- **Big Top Liquors:** Comments from Big Top Liquors (submitted by Zamansky Professional Association) focused on project impacts that may have an adverse impact on their business, including parking loss, access impacts, visual effects, and other business impacts.
- **SchmoeCo LLC:** SchmoeCo indicated that they were lessees of a suite at 1951 University Avenue, which was a space identified in the FEIS as being impacted by Central Corridor LRT vibration, requiring mitigation in the form of relocation assistance. SchmoeCo noted the requirement to provide relocation assistance in conformance with the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

Right-of-way acquisition and relocation assistance will take place consistent with statutory and regulatory requirements of NEPA and the Uniform Act.

A total of nine comments were received from members of the general public. Comments focused on the following issues. Responses to comments received are found in Attachment C:

- Purpose and need of the project
- Impacts to businesses
- Parking impacts
- Vibration and noise impacts to residents
- Safety and security
- Operations and maintenance costs
- Ridership forecasting process
- Constructing the Central Corridor LRT underground in a tunnel alignment
- Constructing the Central Corridor LRT on the U of M transitway behind KSTP Production Studios and Transmission Tower
- Constructing sidewalk to the maximum feasible width
- Benefits of selecting a Central Corridor LRT alignment along Jackson Street in downtown St. Paul

Approximately 170 comments were received from private entities and individuals and from researchers, faculty and staff at the U of M in response to the Central Corridor LRT FEIS, and in response to a solicitation for FEIS comments posted on the University of Minnesota's Web site (see Attachment C-1D). Many of these comments focused on the adequacy of committed mitigation at the U of M's East Bank campus area to address environmental effects associated with vibration and electromagnetic interference that could interfere with campus research activities. Concerns were also expressed regarding the ability to mitigate adverse effects to research activities during project construction. Other issues raised in these comments included the following:

- Using alternative alignments for the Central Corridor LRT to avoid impacts, specifically, alignments north of the East Bank campus area. (Responded to as Comment AL-1 in Attachment C)
- Using alternative modes, such as Personal Rapid Transit (PRT). (Responded to as Comment PRT-1 in Attachment C)

Approximately four comments were submitted supporting the Central Corridor LRT alignment on Washington Avenue at the U of M's East Bank campus and urging the U of M to support the Central Corridor LRT project.

As previously noted, responses to all substantive comments received during the FEIS comment period are included in the Federal Transit Administration's Record of Decision, which is contained as part of this Adequacy Determination.

ADEQUACY DETERMINATION

Regarding the Adequacy Determination required by State of Minnesota environmental review rules, Minnesota Rule 4410.2800 stipulates the following:

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

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

As indicated in the pages above and in the ROD that is contained as part of this Adequacy Determination, the Metropolitan Council finds that:

1. The Final EIS addressed all the potentially significant issues which were identified during the scoping phases of this project. All significant issues for which information could reasonably be obtained have been analyzed in conformance with Minnesota Rules, part 4410.2300, items G and H.
2. The FEIS provided responses to all substantive comments which were received during the Draft EIS review and public comment period.
3. The FEIS was prepared in compliance with the procedures of Minnesota Statutes, Chapter 116D and with Minnesota Rules parts 4410.0200 to 4410.6500.

As a result of these findings, and based on the complete administrative record, the Metropolitan Council has determined the Final Environmental Impact Statement for the Central Corridor Light Rail Transit Project to be adequate under the State of Minnesota’s environmental review process. This Determination of Adequacy concludes the Minnesota environmental review process.



Tom Weaver
Regional Administrator
Metropolitan Council

8.26.09
Date