



## Record of Decision

# Record of Decision

METRO Blue Line Light Rail Transit Extension Project  
Hennepin County, Minnesota  
by the Federal Transit Administration



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### Attachments

Attachment A. Project Mitigation Measures and Responsible Parties by Environmental and Transportation Category

Attachment B. Section 106 Memorandum of Agreement

Attachment C. Final Section 4(f) Evaluation and Concurrence Documentation

Attachment D. Section 404 Wetland Permit Application – Supplements 1 and 2

Attachment E. Comments Received on the Final EIS

Attachment F. Responses to Comments Received on the Final EIS



## 1 Decision

The Federal Transit Administration (FTA) has determined, pursuant to 23 CFR Part 771 and 40 CFR Parts 1500–1508, that the requirements of the National Environmental Policy Act of 1969 (NEPA) have been satisfied for the METRO Blue Line Light Rail Transit (BLRT) Extension project. This Record of Decision (ROD) applies to the BLRT Extension project<sup>1</sup> as described in the Final Environmental Impact Statement (Final EIS) published on July 15, 2016.

As the project sponsor and potential recipient of FTA financial assistance for the BLRT Extension project, the Metropolitan Council (Council) served as the local Lead Agency with FTA in conducting the environmental review process. The Federal Aviation Administration (FAA), the US Army Corps of Engineers (USACE), and the National Park Service (NPS) are the federal Cooperating Agencies for the Final EIS.

- FAA is responsible for guidance on compatible land uses within Runway Protection Zones such as the Runway Protection Zone for Crystal Airport.
- USACE is responsible for implementing NEPA and related laws and Section 404 of the Clean Water Act (CWA).
- NPS is responsible for implementing the requirements of Section 6(f) of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578), which is codified as 16 United States Code (USC) § 460. Section 6(f) of the LWCF Act contains provisions to protect federal investments in park and recreation resources and ensure the public outdoor recreation benefits achieved through the use of these funds are maintained.

If FTA provides financial assistance for the final design and/or construction of the BLRT Extension project, FTA will require the Council to design and build the BLRT Extension project as presented in the Final EIS and in this ROD.

The BLRT Extension project is approximately 13.5 miles of new double-track extension of the METRO Blue Line that will connect downtown Minneapolis to the cities of Golden Valley, Robbinsdale, Crystal, and Brooklyn Park (see [Figure 1](#)). The alignment includes 11 new light rail stations, approximately 1,670 additional park-and-ride spaces, accommodations for passenger drop-off and bicycle and pedestrian access, and new or restructured local bus routes connecting

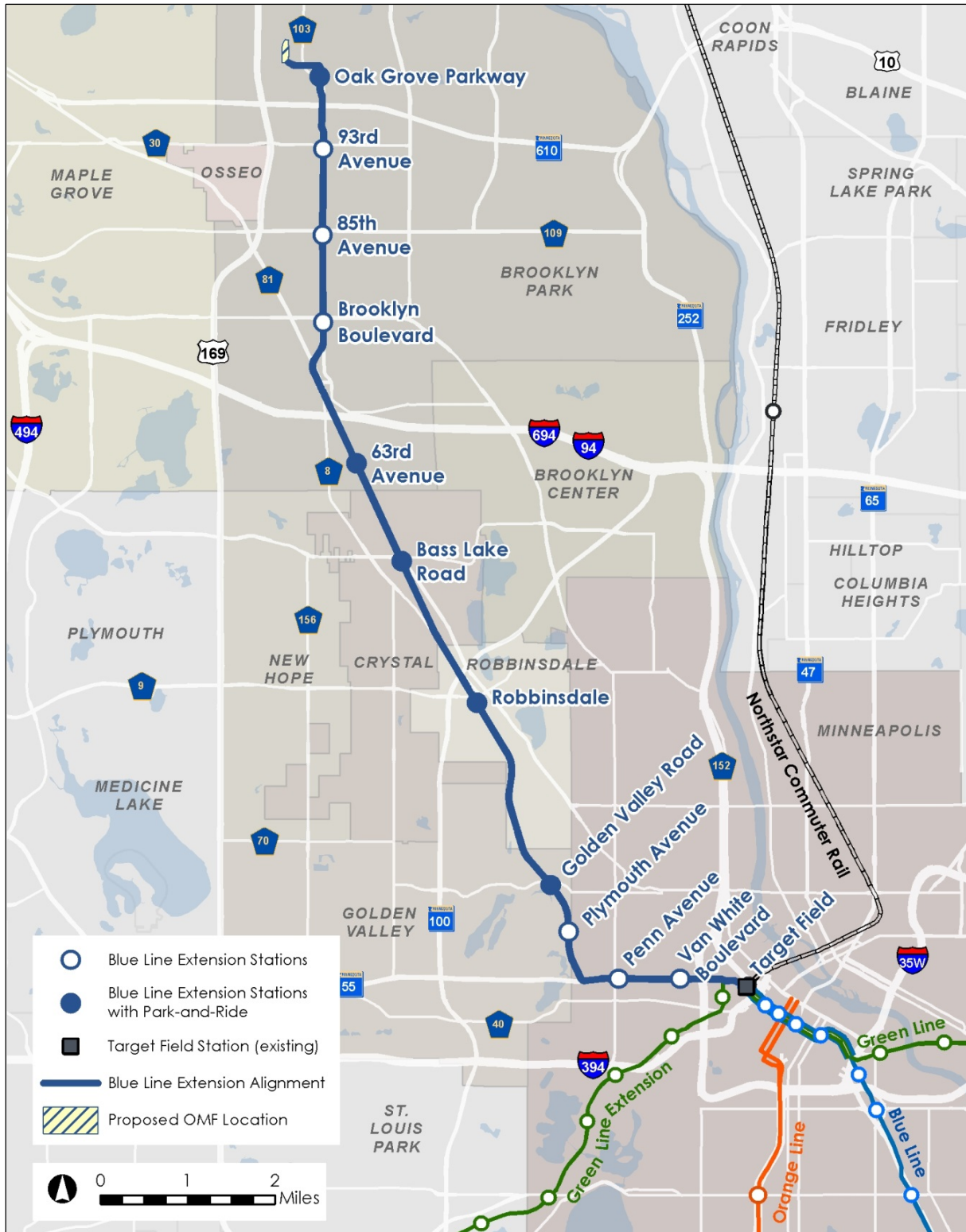
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<sup>1</sup> For a description of the BLRT Extension project, see Section 2.5.2 of the Final EIS.



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Figure 1. BLRT Extension Project





stations to nearby residential, commercial, and educational land uses. One operations and maintenance facility (OMF), 17 traction power substations (TPSSs), 25 signal bungalow sites, seven new light rail transit (LRT) bridges, and five reconstructed roadway bridges are part of the BLRT Extension project.

This ROD summarizes FTA's decision regarding compliance with relevant environmental requirements and concludes the NEPA EIS process. Further details supporting this ROD are in the BLRT Extension project's Final EIS, which is incorporated by reference and which includes the Final Section 4(f) of the United States Department of Transportation Act of 1966 [Section 4(f)] Evaluation and agency correspondence. In addition, this ROD is supported by and includes the following attachments:

- Attachment A: Project Mitigation Measures and Responsible Parties by Environmental and Transportation Category
- Attachment B: Section 106 of the National Historic Preservation Act of 1966 (Section 106) Memorandum of Agreement (MOA)
- Attachment C: Final Section 4(f) Evaluation and Concurrence Documentation
- Attachment D: Section 404 Wetland Permit Application – Supplement 1
- Attachment E: Comments Received on the Final EIS
- Attachment F: Responses to Comments Received on the Final EIS

## 2 Basis for Decision

The documents considered in making this decision include:

- *Bottineau Transitway Alternatives Analysis Study Final Report* (Hennepin County Regional Railroad Authority [HCRRA], 2010)
- *Bottineau Transitway Scoping Decision Document* (HCRRA, 2012)
- *Bottineau Transitway Draft Environmental Impact Statement* (FTA, HCRRA, and Council, 2014)
- *METRO Blue Line Extension Final Environmental Impact Statement* (FTA and Council, 2016)
- All attachments to this ROD
- Technical memoranda, correspondence, and other documents in the BLRT Extension project's administrative record

### 2.1 Background and Evaluation

Transportation and land use studies in the BLRT Extension project area date back to the late 1980s. The BLRT Extension project (previously identified as the Bottineau Transitway and before that the Northwest Transitway) has consistently been included in local and regional transportation system plans. In 2008, the Bottineau corridor was one of 29 corridors analyzed for their potential for commuter rail or LRT/bus rapid transit (BRT) investments in the Council's *Transit Master Study*. The study concluded that the Bottineau corridor should continue to be advanced toward



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implementation. This conclusion is reflected in the region's current long-range transportation plan, *Thrive MSP 2040* (Council, 2014), which targets the year 2022 for completion of the BLRT Extension project and initiation of operations.

The *Bottineau Transitway Alternatives Analysis Study and Summary Report*, published in 2010, reviewed the previous studies and identified what components merited advancement into the environmental evaluation process.

In January 2012, HCRRA, the Council, and FTA published the BLRT Extension project's federal Notice of Intent (NOI) to Prepare an EIS (FTA, 2012) and state Notice of EIS Preparation (Minnesota Environmental Quality Board [EQB], 2012). HCRRA and the Council began development of NEPA and Minnesota Environmental Policy Act (MEPA<sup>2</sup>) documentation with the BLRT Extension project's Scoping process, including publication of the *Bottineau Transitway Scoping Decision Document* (HCRRA, 2012). The *Scoping Decision Document* describes the BLRT Extension project's Scoping process, alternatives proposed and evaluated, the public and agency review process, and the outcome of the Scoping process through the time of its publication. All alternatives were advanced into the Draft EIS for further study.

On May 8, 2013, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Council formally adopted amendments to the Council's *2030 Transportation Policy Plan (2030 TPP)*—the region's long-range transportation plan at the time<sup>3</sup>—to include the Bottineau Transitway locally preferred alternative (LPA) as Alternative B-C-D1 as recommended by HCRRA. The identified LPA is LRT constructed and operating from the City of Minneapolis to the City of Brooklyn Park via the Olson Memorial Highway (Trunk Highway [TH] 55)/BNSF Railway (BNSF)/West Broadway Avenue (County State-Aid Highway 103) alignment.

FTA, HCRRA, and the Council prepared the Draft EIS. The Notice of Availability (NOA) of the Draft EIS was published in the Federal Register on April 11, 2014, and in the *EQB Monitor* on April 14, 2014. A public comment period, including four public hearings, extended to May 29, 2014.

On July 15, 2016, FTA and the Council published the NOA of the Final EIS in the Federal Register, and the Council published an NOA in the *EQB Monitor*. Interested persons were provided the opportunity to submit written comments to the Council on the adequacy of the Final EIS, as required under Minnesota Rules 4410.2800, subpart 2. The NOA indicated that the comment period expired on August 15, 2016. The Final EIS evaluated the BLRT Extension project (including adjustments since the Draft EIS was published) and the No-Build Alternative, and included a discussion on other alternatives previously studied but eliminated from further consideration.

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<sup>2</sup> Minnesota Statutes, Sections 116D.04 and 116D.045, and the administrative rules adopted by EQB as Minnesota Rules, Chapter 4410, Parts 4410.0200 to 4410.7070

<sup>3</sup> The current regional plan is the *2040 Transportation Policy Plan*, and the Bottineau Transitway LPA is included in that document.





## 2.2 Purpose and Need

**The purpose of the BLRT Extension project is to provide transit service, which will satisfy the long-term regional mobility and accessibility needs for businesses and the traveling public.**

Due to a continued increase in travel demand coupled with few highway capacity improvements planned for regional roads in BLRT Extension project area, congestion is expected to worsen by 2040.<sup>4</sup> While transit investment is recognized regionally as one of the key strategies for managing congestion, transit would offer many other benefits to address the needs of the BLRT Extension project area residents and businesses. Residents and businesses in the BLRT Extension project area need improved access to the region's activity centers to fully participate in the region's economy. Access to jobs in downtown Minneapolis and northbound reverse-commute transit options to serve jobs in the growing suburban centers are crucial to continued economic vitality.

Current transit options in the BLRT Extension project area offer a limited number of travel-time competitive alternatives to the single-occupant vehicle. Without major transit investments in the BLRT Extension project corridor, it would be difficult to effectively meet the transportation needs of the traveling public and businesses, manage highway traffic congestion, and achieve the region's 2040 goal, as identified in the Council's *2040 Transportation Policy Plan (2040 TPP)* (Council, 2015), of increasing transit ridership by providing multi-modal options that are supported by appropriate land uses.

Five factors contribute to the need for the BLRT Extension project:

- Growing travel demand resulting from continuing growth in population and employment
- Increasing traffic congestion and limited federal, state, and local fiscal resources for transportation improvements
- An increase in the number of people who depend on transit to meet their transportation needs
- Limited transit service to suburban destinations (reverse-commute opportunities) and time-efficient transit options
- Regional objectives for growth stated in *Thrive MSP 2040*

The transportation issues facing the BLRT Extension project corridor illustrate the need for improved mobility and accessibility to key activity centers through high-capacity transit service. The BLRT Extension project is identified in the Council's *2040 TPP* as a priority project. Chapter 12 of the Final EIS discusses how the BLRT Extension project addresses the corridor needs and achieves its intended purpose.

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<sup>4</sup> *Thrive MSP 2040 TPP*





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### 2.3 Alternatives Analysis, Locally Preferred Alternative, and Draft Environmental Impact Statement

HCRRA initiated the Alternatives Analysis (AA) for the Bottineau corridor in 2008, and the Final AA Study Report was published in 2010. In the AA, modes and alignments were evaluated against detailed performance criteria including ridership, community impacts, environmental impacts, and cost. In summary, the Bottineau Transitway AA included the evaluation of 21 build alternatives, a conventional bus alternative referred to as the Enhanced Bus/Transportation System Management (TSM) Alternative, and a No-Build Alternative. The build alternatives included nine LRT and 12 BRT alignments.

The New Starts<sup>5</sup> baseline alternative used for comparison with the build alternatives is a TSM alternative.<sup>6</sup> The Enhanced Bus/TSM Alternative included enhancements and upgrades to the existing transportation system in the project corridor, attempting to meet the project's purpose and need as much as possible without a major capital investment. TSM alternatives generally include bus route restructuring, scheduling improvements, new express and limited-stop services, intersection improvements, and/or other focused infrastructure improvements that enhance the function of the transit system.

After evaluation against a set of defined goals and evaluation criteria as part of the AA process, three LRT alternatives emerged as the “most promising.” Additional investigation revealed interest in continued evaluation of a fourth LRT alternative that would originate in the City of Brooklyn Park and terminate in the City of Minneapolis using the B-C-D2 alignment (see page 8 of this ROD for a description of this alignment). The most promising BRT alternative was also carried into the NEPA/MEPA Scoping process for further consideration.

After completion of the AA process, the BLRT Extension project proceeded in January 2012 with publication of the federal NOI to Prepare an EIS (FTA, 2012) and the state Notice of EIS Preparation (EQB, 2012). HCRRA began development of NEPA and MEPA documentation with a Scoping process, including publication of the *Bottineau Transitway Scoping Decision Document* in June 2012 (HCRRA, 2012). The NEPA and MEPA Scoping process resulted in the refinement of alternatives for consideration, concluding that the Draft EIS would evaluate the environmental impacts of a No-Build Alternative, a baseline/TSM alternative, and four LRT build alternatives. The BRT alternative was eliminated from further study. The *Scoping Decision Document* also describes the source and evaluation of other alternatives that were proposed by others during the Scoping period, which ran from December 26, 2011, through February 17, 2012, but that were not advanced into the Draft EIS for further study.

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<sup>5</sup> New Starts is one of four categories of eligible projects under FTA's discretionary Capital Investment Grant program, which provides funding for fixed-guideway investments. New Starts projects are new fixed-guideway projects or extensions to existing fixed-guideway systems.

<sup>6</sup> Based on the *Final Interim Policy Guidance: Federal Transit Administration Capital Investment Grant Program* (FTA; August 2015), FTA's New Starts requirements no longer include the development and analysis of a baseline alternative. The baseline alternative has been replaced by FTA with the No-Build Alternative for comparative purposes within the New Starts rating process. For additional information on FTA's New Starts program, see [www.fta.dot.gov/12304.html](http://www.fta.dot.gov/12304.html).



The selection of an LPA is part of the transportation planning and Project Development process and is included in the region's long-range transportation plan. HCRRA initiated the NEPA and MEPA process prior to selection of the LPA in order to ensure consideration of potential impacts to critical environmental resources and allow the public and resource agencies the opportunity to officially comment on the purpose of and need for the BLRT Extension project.

An LPA is the transitway alternative that the transit corridor's cities, Hennepin County, and the Council recommend for detailed study through engineering and environmental review. The multi-step process to formally recommend and select an LPA for the Bottineau Transitway began following the technical analysis and Scoping decisions previously described. Following a Policy Advisory Committee public hearing and recommendation; passage of resolutions of support from the cities of Minneapolis, Robbinsdale, Crystal, and Brooklyn Park; and an HCRRA-sponsored LPA public hearing, HCRRA passed a resolution on June 26, 2012, recommending Alternative B-C-D1 as the LPA for the Bottineau Transitway. The city of Golden Valley followed with its resolution in December 2012. On May 8, 2013, the Council formally adopted amendments to the *2030 TPP*—the region's then-current long-range transportation plan—to include the Bottineau Transitway LPA as Alternative B-C-D1. This action, which concluded the LPA process, followed a public comment period and input from the Council's Transportation Advisory Board. In a letter dated September 27, 2013, FTA and the Federal Highway Administration (FHWA) concurred with the amendment to the *2030 TPP* dated May 22, 2013.

The Draft EIS was completed in March 2014 and published in April 2014 and evaluated four light rail alternatives as well as the Enhanced Bus/TSM Alternative and the No-Build Alternative. The six alternatives are described below (for additional detail and illustrations of the alternatives, see Chapter 2 of the Draft EIS):

- The No-Build Alternative, required under the NEPA and MEPA process, would provide planned and programmed transit facilities and operations identified in the region's fiscally constrained transportation plan. The No-Build Alternative would provide additional express and local bus service on existing facilities, including operation on the regional network of bus shoulder lanes.
- The Enhanced Bus/TSM Alternative was defined as enhancements and upgrades to the existing transportation system in the project corridor, attempting to meet the project's purpose and need as much as possible without a major transit capital investment. Under the Enhanced Bus/TSM Alternative, there would be service frequency improvements for existing transit routes, a new transit center, and a park-and-ride facility in the City of Brooklyn Park on West Broadway Avenue near TH 610. The Enhanced Bus/TSM Alternative would also include additional limited-stop bus routes 731 (from Oak Grove Parkway Transit Center in the City of Minneapolis down West Broadway Avenue to Starlite Transit Center in the City of Brooklyn Park) and 732 (from the Maple Grove Transit Station along Hemlock Lane and Elm Creek Boulevard to the Starlite Transit Center in the City of Brooklyn Park, and from there following the same route as route 731) with restructuring of existing bus routes in the corridor to connect to the route 731/732 services.
- Alternative A-C-D1 originates in the City of Maple Grove at Hemlock Lane/Arbor Lakes Parkway and follows the future Arbor Lakes Parkway and Elm Creek Boulevard to the BNSF rail corridor



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located on the west side of Bottineau Boulevard (County Road 81). It enters the railroad corridor separate from the freight rail tracks and continues parallel to the freight rail tracks through the cities of Brooklyn Park, Crystal, Robbinsdale, and Golden Valley. At Olson Memorial Highway, the alignment turns and follows the highway to the Target Field Station in downtown Minneapolis. Alternative A-C-D1 includes up to 10 new stations.

- Alternative A-C-D2 also originates in the City of Maple Grove and follows the same alignment as Alternative A-C-D1 into the City of Robbinsdale. Once in the City of Robbinsdale, the alignment exits the BNSF rail corridor near 34th Avenue and joins West Broadway Avenue where it enters the City of Minneapolis. It then travels on Penn Avenue to Olson Memorial Highway to the Target Field Station in downtown Minneapolis. Alternative A-C-D2 includes 11 new stations.
- Alternative B-C-D1 begins in the City of Brooklyn Park just north of TH 610 near the Target North Campus, follows West Broadway Avenue, and crosses Bottineau Boulevard at 73rd Avenue to enter the BNSF rail corridor. Adjacent to the freight rail tracks, it continues in the railroad corridor through the cities of Crystal, Robbinsdale, and Golden Valley. At Olson Memorial Highway, the alignment turns to the east and follows Olson Memorial Highway to the Target Field Station in downtown Minneapolis. Alternative B-C-D1 includes up to 11 new stations.
- Alternative B-C-D2 originates in the City of Brooklyn Park, following the same alignment as Alternative B-C-D1 through the cities of Crystal and Robbinsdale. Once in the City of Robbinsdale, the alignment exits the BNSF rail corridor near 34th Avenue and joins West Broadway Avenue where it enters the City of Minneapolis. It then travels on Penn Avenue to Olson Memorial Highway to the Target Field Station in downtown Minneapolis. Alternative B-C-D2 includes 11 new stations.

The Draft EIS noted that the light rail alternatives would need an OMF for light vehicle maintenance, running repairs for the light rail vehicles, and storage of vehicles not in service. The Draft EIS listed the physical requirements and preferred characteristics for an OMF site. Three potential OMF sites were described and evaluated in the Draft EIS.

The Draft EIS documents the anticipated environmental impacts, costs, and benefits of the alternatives considered. It also included a Draft Section 4(f) Evaluation (addressing the potential use of and impacts to publicly owned parklands, recreation areas, open spaces, and historic and archaeological resources). FTA, HCRRA, and the Council completed the Draft EIS in March 2014 and published it in April 2014.

The evaluation in the Draft EIS found that LRT Alternative B-C-D1 would best meet the Purpose and Need statement. In addition, the Draft EIS recommended Alternative B-C-D1 as the environmentally preferable alternative based on strong transportation benefits, land use and near-term economic development potential at the north end (in the City of Brooklyn Park), ability to be implemented, and relatively moderate adverse impacts. Further, the evaluation in the Draft EIS found that Alternative B-C-D1 would result in benefits that could not be achieved under the No-Build or Enhanced Bus/TSM alternatives (e.g., the introduction of an exclusive transit right-of-way throughout the corridor to reduce transit travel times and increase transit reliability). However, the evaluation in the Draft EIS also found that the benefits associated with Alternative B-C-D1 could not



be achieved without some adverse environmental impacts but that the overall benefits derived from Alternative B-C-D1—including increased transit ridership and enhanced mobility—outweighed the potential adverse environmental impacts (for the evaluation of the other six alternatives, see Section 11.2 of the Draft EIS).

The public comment period on the Draft EIS extended to May 29, 2014, and four public hearings were held to receive testimony on the Draft EIS.<sup>7</sup> Over 1,000 comments on the Draft EIS were submitted in the form of letters, emails, public testimony, and comment cards received at the public hearings. In general, comments in support of the BLRT Extension project noted enhanced transit service, accessibility, and lower transit travel times. Comments in opposition noted the cost of the BLRT Extension project, use of funding for other public transportation, opposition to the proposed light rail alignments, and concerns about adverse impacts from the BLRT Extension project. For more information on the AA and Draft EIS, including descriptions of the alternatives considered and the evaluation measures used, see Chapter 2 of the Draft EIS.<sup>8</sup>

## 2.4 Final EIS

Upon the close of the Draft EIS comment period on May 29, 2014, the Council assumed responsibility from HCRRA as the local Lead Agency for continuation of the environmental process. The Council and FTA reviewed the comments received on the Draft EIS.

A No-Build Alternative and the BLRT Extension project were advanced for further study in the BLRT Extension project's Final EIS. The BLRT Extension project is defined in Section 2.5.2 and Appendix E of the Final EIS, and the No-Build Alternative is defined in Section 2.5.1 of the Final EIS. Alternatives considered but eliminated from further development are described in Sections 2.1 through 2.4 in Chapter 2 of the Final EIS.

### 2.4.1 BLRT Extension Project

The BLRT Extension project is approximately 13.5 miles of new double track proposed as an extension of the METRO Blue Line that will connect downtown Minneapolis to the cities of Golden Valley, Robbinsdale, Crystal, and Brooklyn Park. The BLRT Extension project will operate primarily at-grade, with structures providing grade separation of freight rail crossings, roads, and waterbodies at specified locations. Seven new LRT bridges and five reconstructed roadway bridges are part of the BLRT Extension project.

Under the BLRT Extension project, the light rail alignment from downtown Minneapolis to the City of Brooklyn Park will have 11 new light rail stations: the Van White Boulevard and Penn Avenue stations in the City of Minneapolis; the Plymouth Avenue and Golden Valley Road stations in the City of Golden Valley; the Robbinsdale Station in the City of Robbinsdale; the Bass Lake Road Station in the City of Crystal; and the 63rd Avenue, Brooklyn Boulevard, 85th Avenue, 93rd Avenue,

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<sup>7</sup> Public hearings for the Draft EIS were held on May 7, May 8, May 13, and May 14, 2014, in the cities of Golden Valley, Minneapolis, Brooklyn Park, and Crystal, respectively.

<sup>8</sup> Chapter 2 of the Draft EIS provides more detailed descriptions of the alternatives evaluated in the Draft EIS, and Chapter 11 of the Draft EIS summarizes the evaluation of those alternatives, based on the BLRT Extension project's goals and objectives.



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and Oak Grove Parkway stations in the City of Brooklyn Park. Major elements that will be incorporated onto the station platforms include shelters, lighting, furniture, fencing, and railing. All stations will include accessible connections to local street networks and sidewalks. The BLRT Extension project includes approximately 1,670 additional park-and-ride spaces, accommodations for passenger drop-off and bicycle and pedestrian access, and new or restructured local bus routes connecting LRT stations to nearby residential, commercial, and educational land uses.

The BLRT Extension project begins at the Target Field Station in downtown Minneapolis and follows Olson Memorial Highway west to the BNSF rail corridor just west of Thomas Avenue, where it enters the BNSF right-of-way. Adjacent to the freight rail tracks, it continues in the rail corridor through the cities of Golden Valley, Robbinsdale, and Crystal and into the City of Brooklyn Park. It then leaves the rail corridor, crosses Bottineau Boulevard at 73rd Avenue to West Broadway Avenue, and terminates just north of TH 610 near the Target North Campus, as illustrated in [Figure 1](#).

An additional 28 light rail vehicles (LRVs) will be added to the Blue Line fleet for the operation of the BLRT Extension project. The additional LRVs will be stored and maintained in the new OMF to be located at the north end of the BLRT Extension project in the City of Brooklyn Park. The OMF site was selected based on its proximity to the end of the line, adequate space for the special trackwork required between the mainline track and the facility, and adequate property for the facility (about 10.4 acres). The OMF site will be occupied by a storage and maintenance building that is about 140,000 square feet, surface parking for employees and visitors, trackwork, and open space. The facility will include areas to store, service, and maintain up to 30 LRVs, vehicle washing and cleaning equipment, and office space to accommodate the staff who will work at this facility.

The BLRT Extension project will require facilities to provide signaling and power to the light rail alignment and LRVs. Active devices, such as traffic signals, railroad-type flashers, and bells, are proposed to control traffic at locations where the light rail alignment will cross public streets. The BLRT Extension project includes 17 TPSS facilities that will provide power for the LRVs through an overhead wire system and that will be completely enclosed and will include perimeter fencing. The BLRT Extension project also includes 25 proposed signal bungalow sites, which will house the equipment to operate and monitor the signals that regulate light rail train movement on the alignment. Appendix E of the Final EIS lists and illustrates the TPSS sites along the light rail alignment.

With regard to roads, the BLRT Extension project includes intersection modifications, new traffic signals, changes to existing traffic signals, and other traffic-management techniques. The BLRT Extension project also includes bicycle and pedestrian improvements that will provide safe bicycle and pedestrian crossings of the light rail alignment. The bicycle and pedestrian improvements will help accommodate the light rail and roadway improvements and will provide bicycle and pedestrian connections to the light rail stations. The new Golden Valley Road bridge will be designed to accommodate a new trail connection under Golden Valley Road between Theodore Wirth Regional Park and Sochacki Park.

FTA, in consultation with the Council, has determined that the BLRT Extension project as described in the Final EIS, and which is incorporated herein, meets the Purpose and Need as described in





Section 12.1 of the Final EIS. The environmental review documents have addressed all required NEPA considerations as well as other environmental considerations and findings, including those associated with FAA requirements, the Endangered Species Act, Section 4(f), Section 106, environmental justice, the CWA, floodplains, and the Clean Air Act (as described in [Section 5](#) of this ROD).

### 2.4.2 No-Build Alternative

The development and analysis of a *no-build* or a *no-action* alternative is required under NEPA and MEPA. The No-Build Alternative represents both a possible outcome of this Final EIS process and a reference point to gauge the benefits, costs, and impacts of the BLRT Extension project. The Final EIS No-Build Alternative reflects existing and committed improvements to the regional transit network for the horizon year of 2040. The Final EIS No-Build Alternative differs from the BLRT Extension project only in that the No-Build Alternative does not include the construction and operation of the BLRT Extension project. Section 2.5.1 of the Final EIS provides a more detailed description of the No-Build Alternative, and Chapters 5 and 6 of the *2040 TPP* list and illustrate, respectively, the funded highway and transit projects in the *2040 TPP* that are included in the No-Build Alternative (identified as Current Revenue Scenario Investments). Based on the Council's *2040 TPP*, major transportation improvements assumed under the No-Build Alternative include:

- Interstate Highway 494 expansion to six lanes from Olson Memorial Highway to Interstate Highway 94 (I-94)/Interstate Highway 694
- TH 610 extension to I-94 in the City of Maple Grove
- Expansion of West Broadway Avenue to four lanes between 85th Avenue North and 93rd Avenue North (details are provided in Section 2.5.1.1 of the Final EIS)
- Bottineau Boulevard reconstruction/expansion from north of 63rd Avenue North to TH 169 in the City of Brooklyn Park
- I-94 Auxiliary Lane Construction in the City of St. Michael to the City of Rogers

The adopted regional *2040 TPP* includes several improvements in its fully funded transit scenario. Near the BLRT Extension project, this includes the Penn Avenue BRT (C Line) and Chicago-Fremont Avenue Arterial BRT line. The plan assumes modest changes to transit service in the corridor, as reflected in the No-Build Alternative, particularly to reflect the arterial BRT lines (C Line and Emerson-Fremont) or feeder service to the METRO Green Line Extension.

### 2.4.3 Section 4(f) Evaluation and Section 6(f)(3) Conversion

The BLRT Extension project will result in a direct use of the Grand Rounds Historic District and the Osseo Branch of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District, and there is no feasible and prudent alternative that would avoid a use of these Section 4(f) resources. The BLRT Extension project will have a Section 4(f) *de minimis* impact on two Section 4(f) park/recreational properties: Glenview Terrace Park and Theodore Wirth Regional Park. See Chapter 8 of the Final EIS for additional information, such as avoidance, minimization, mitigation, and enhancement measures.



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The BLRT Extension project will use a portion of a Section 6(f)(3) property—the Sochacki Park: Sochacki Management Unit—for more than 6 months during construction, and the property will thus be subject to the conversion requirements of Section 6(f)(3). Following construction, the park property will be restored and enhanced and will remain under the ownership and control of the city of Robbinsdale and the Joint Powers Agreement partners. The Council will work in cooperation with the Minnesota Department of Natural Resources (DNR) and the National Park Service (NPS) along with local stakeholders, to identify suitable replacement property that can be purchased and added back as replacement property into the Section 6(f) program.

The Section 4(f) and Section 6(f) evaluation was provided to USDOJ/NPS prior to publication of the Final EIS. In a letter dated June 9, 2016, NPS concurred with the conversion finding for the Sochacki Park: Sochacki Management Unit. USDOJ also concurred with FTA’s Section 4(f) finding pending formal agreement from the officials with jurisdiction on the *de minimis* findings and a signed Section 106 MOA for impacts to the Grand Rounds Historic District and the Osseo Branch. Formal agreements with OWJs are included in **Attachment C**, and the signed Section 106 MOA is included in **Attachment B**, of this ROD.

### 3 Impacts and Measures to Avoid, Minimize, and Mitigate Adverse Impacts

The Final EIS for the BLRT Extension project identifies the following impacts.

#### 3.1 Environmental Impacts of the BLRT Extension Project

The Final EIS discusses 18 environmental-related categories and impacts (Chapters 4 and 5 of the Final EIS) and six transportation-related categories and impacts (Chapter 3 of the Final EIS) associated with the No-Build Alternative and the BLRT Extension project, including a summary of methodologies and regulations and a description of the affected environment. The analysis addresses long-term (operation) and short-term (construction) direct and indirect impacts as well as cumulative effects related to the BLRT Extension project. Long-term impacts are those that will continue to occur after construction of the BLRT Extension project is complete; short-term impacts are those that will be associated with temporary construction activities. **Table 1** summarizes the long-term and short-term impacts to environmental and transportation-related resources. Specific mitigation measures for impacts from the BLRT Extension project are listed in **Attachment A** of this ROD.

**Section 5** of this ROD describes the determination and findings regarding project compliance with federal laws and agency requirements: NEPA; Section 106 of the National Historic Preservation Act; the CWA and Executive Order on Protection of Wetlands; floodplain management; CWA Sections 401 and 402; the Endangered Species Act; the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; the Clean Air Act; environmental justice; and the Final Section 4(f) and Section 6(f) Evaluation. Responses to all comments received on the Final EIS are provided in **Attachment D** of this ROD.





**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Transit Conditions</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Intermittent impacts to bus operations in construction areas:               <ul style="list-style-type: none"> <li>● Temporary stop relocations or closures</li> <li>● Route detours</li> <li>● Suspensions of service on segments of routes</li> </ul> </li> </ul>
<b>Freight Rail Conditions</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Potential for temporary rail service impacts</li> </ul>
<b>Vehicular Traffic</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ One intersections would operate at level of service (LOS) F with the BLRT Extension project in 2040</li> <li>■ Five intersections would operate at LOS E with the BLRT Extension project in 2040</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ The construction phase of the BLRT Extension project is expected to cause disruptions to traffic operations, including lane closures, short-term intersection and roadway closures, and detours that will cause local, short-term increases in congestion</li> </ul>
<b>Pedestrians and Bicyclists</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Temporary closures or detours during construction of the BLRT Extension project will affect existing bicycle and pedestrian facilities</li> </ul>

## Record of Decision

**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Parking</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ Loss of on-street parking spaces:               <ul style="list-style-type: none"> <li>● About 25 spaces along frontage road on north side of Olson Memorial Highway between Humboldt Avenue and Van White Memorial Boulevard</li> <li>● About 50 spaces along frontage road on south side of Olson Memorial Highway between Knox Avenue North and the cul-de-sac west of Van White Boulevard</li> <li>● About 8 spaces along frontage road on north side of Olson Memorial Highway roughly one-half block east and west of Queen Avenue North</li> <li>● About 3 spaces on west side of Hubbard Avenue immediately south of 42nd Avenue</li> <li>● About 6 spaces on west side of West Broadway Avenue immediately south of 42nd Avenue</li> </ul> </li> <li>■ Loss of off-street parking spaces:               <ul style="list-style-type: none"> <li>● About 50 parking spaces from a parking lot north of Hubbard Marketplace between 41st and 42nd avenues</li> <li>● Eleven diagonal parking spaces will be converted to five parallel parking spaces on the north side of the Hubbard Marketplace building</li> <li>● About 75 parking spaces from a retail center (7316 Lakeland Avenue) surface parking lot</li> <li>● About 100 parking spaces from Target store (7535 West Broadway Avenue) parking lot</li> </ul> </li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ The BLRT Extension project could lead to “spillover” parking in neighborhoods adjacent to LRT stations</li> <li>■ The BLRT Extension project could affect the supply of and demand for parking around station areas as a result of transit-oriented development</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ On-street parking spaces could be temporarily removed at construction locations</li> </ul>
<b>Aviation</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>



**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Land Use Plan Compatibility</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
<b>Community Facilities/Community Character and Cohesion</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Traffic detours could increase traffic through residential neighborhoods or change access to community facilities</li> <li>■ Sidewalk closures and detours could affect pedestrian traffic patterns</li> <li>■ Construction impacts such as increased levels of noise and dust could temporarily affect neighborhood character, primarily in areas that are relatively quiet</li> <li>■ The presence of large construction equipment could be perceived as visually disruptive, resulting in temporary effects on community character, particularly in residential settings</li> <li>■ A temporary easement from Theodore Wirth Regional Park will be required to construct the LRT guideway</li> <li>■ Construction of the BLRT Extension project will require a temporary occupancy of Sochacki Park: Sochacki Management Unit for construction access and staging</li> <li>■ Construction of the BLRT Extension project will require a temporary occupancy of Becker Park to reconstruct the sidewalk and trail from the park to the Bass Lake Road Station</li> <li>■ Construction of the BLRT Extension project will require a temporary occupancy of Three Rivers Park to construct the OMF</li> </ul>

## Record of Decision

**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Displacement of Residents and Businesses</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ Acquisition of 292 parcels               <ul style="list-style-type: none"> <li>● 14 total acquisitions and 278 partial acquisitions</li> <li>● About 46.7 acres of permanent easement and 28.9 acres of temporary easement</li> </ul> </li> <li>■ Displacement of 10 businesses; no displacements of residential, industrial, or public land uses</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ 28.9 acres of temporary easements</li> </ul>
<b>Cultural Resources</b>	Adverse Effects	<ul style="list-style-type: none"> <li>■ Adverse effect on the Wayman African Methodist Episcopal Church, Floyd B. Olson Memorial Statue, Osseo Branch Historic District, Homewood Historic District, Theodore Wirth Segment of the Grand Rounds Historic District, and West Broadway Avenue Residential Historic District</li> <li>■ No adverse effect (with implementation of mitigation measures) on Sumner Branch Library, Labor Lyceum, Sacred Heart Catholic Church, Robbinsdale Waterworks, or Hennepin County Library – Robbinsdale Branch</li> </ul>
<b>Visual/Aesthetics</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ Adverse impacts to higher-quality visual features in the following settings:               <ul style="list-style-type: none"> <li>● View to west toward Penn Avenue, from center Olson Memorial Highway median</li> <li>● View to east-southeast toward Olson Memorial Highway bridge over the BNSF rail corridor, from Wirth Park Trail</li> <li>● Boulevard and median trees along Olson Memorial Highway west of I-94</li> <li>● View to west toward the Plymouth Avenue Station and bridge, from Plymouth Avenue North and Washburn Avenue North</li> <li>● View to south toward existing BNSF tracks and LRT tracks, from Plymouth Avenue North bridge</li> <li>● View to north toward the Plymouth Avenue Station, from Plymouth Avenue bridge</li> <li>● View to southeast toward the Plymouth Avenue Station and bridge, from Theodore Wirth Regional Park Chalet</li> <li>● View to northeast toward Bassett Creek and the Golden Valley Road Station, from Theodore Wirth Regional Park Golf Course</li> <li>● View to west toward the Golden Valley Road Station, from Golden Valley Road and Theodore Wirth Parkway</li> <li>● View to west toward the Golden Valley Road Station, from Theodore Wirth Parkway at Golden Valley Road</li> <li>● Theodore Wirth Regional Park and Golf Course</li> <li>● Bassett Creek and Bassett Creek Lagoons</li> <li>● Sochacki Park and South Halifax Park</li> <li>● View to east toward the Robbinsdale Station, from 42nd Avenue</li> <li>● View to southeast toward wall and fence, from adjacent residential alley</li> <li>● View to southeast toward the Bass Lake Road Station, from Bottineau Boulevard</li> </ul> </li> </ul>



**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
		<ul style="list-style-type: none"> <li>• View to northwest toward the Bass Lake Road Station, from southeast quadrant of the Bass Lake Road/Bottineau Boulevard intersection</li> <li>• Green boulevard on west side of West Broadway Avenue between 47th Avenue and TH 100</li> <li>• Residential neighborhood between Bass Lake Road and 63rd Avenue</li> <li>• View to south toward the 63rd Avenue Station, from trail adjacent to Bottineau Boulevard</li> <li>• View to southeast toward the 63rd Avenue Station, from adjacent neighborhood west of 63rd Avenue</li> <li>• View to north toward 73rd Avenue/Bottineau Boulevard bridge, from Bottineau Boulevard at 71st Avenue</li> <li>• View to north toward 73rd Avenue/Bottineau Boulevard bridge, from southeast corner of Bottineau Boulevard and 71st Avenue</li> <li>• View to south toward 73rd Avenue/Bottineau Boulevard bridge, from Bottineau Boulevard at 73rd Avenue</li> <li>• View to southwest toward OMF, from Rush Creek Regional Trail</li> <li>• 63rd Avenue park-and-ride</li> <li>• 73rd Avenue/Bottineau Boulevard bridge</li> <li>• OMF</li> <li>• Rush Creek Regional Trail</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	■ No adverse impacts identified
	Construction-Phase (Short-Term) Impacts	■ Construction-phase (short-term) impacts will be associated with construction staging areas, concrete and form installation, removal of some of the existing vegetation, lights and glare from construction areas, and generation of dust and debris in the BLRT Extension project area
<b>Economic Effects</b>	Operating-Phase (Long-Term) Direct Impacts	■ Loss of tax revenues caused by right-of-way acquisition will be a recurring loss on an annual basis, partially offset by increases in other tax revenues
	Operating-Phase (Long-Term) Indirect Impacts	■ No adverse impacts identified
	Construction-Phase (Short-Term) Impacts	■ No adverse impacts identified



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**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Safety and Security</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Construction activities will affect access and response times for emergency service providers</li> </ul>
<b>Utilities</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ Potential stray current impacts to some underground utilities</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Minor utility service disruptions will occur throughout construction to facilitate utility relocations</li> <li>■ Potential unintentional damage causing service disruptions could occur during construction</li> </ul>
<b>Floodplains</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ Two floodplain areas will be affected by the construction of the BLRT Extension project:               <ul style="list-style-type: none"> <li>● Bassett Creek: 16,800 cubic yards</li> <li>● Grimes Pond: 200 cubic yards</li> </ul> </li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ No temporary construction-phase (short-term) impacts to floodways or floodplains are anticipated</li> </ul>



**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Wetlands and Other Aquatic Resources</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ The BLRT Extension project will impact about 13.19 acres of wetlands—about 9.96 acres of permanent impact and about 3.23 acres of temporary impact. About 5.87 acres of impacted wetlands under USACE jurisdiction (pursuant to Section 404 of the CWA) require compensatory mitigation. About 6.28 acres of the impacted wetlands under Minnesota Wetland Conservation Act (WCA) jurisdiction require compensatory mitigation (note that some of the impacted wetlands are under both USACE and WCA jurisdiction).               <ul style="list-style-type: none"> <li>● Seasonally flooded basin (Type 1)                   <ul style="list-style-type: none"> <li>■ Total wetland impacts: 6.59 acres</li> <li>■ WCA jurisdictional impacts requiring compensatory mitigation: 4.28 acres</li> <li>■ USACE jurisdictional impacts requiring compensatory mitigation: 3.87 acres</li> </ul> </li> <li>● Deep marsh (Type 4)                   <ul style="list-style-type: none"> <li>■ Total wetland impacts: 2.49 acres</li> <li>■ WCA jurisdictional impacts requiring compensatory mitigation: 0.1 acre</li> <li>■ USACE jurisdictional impacts requiring compensatory mitigation: 0.1 acre</li> </ul> </li> <li>● Open water (Type 5)                   <ul style="list-style-type: none"> <li>■ Total wetland impacts: 3.61 acres</li> <li>■ WCA jurisdictional impacts requiring compensatory mitigation: 1.69 acres</li> <li>■ USACE jurisdictional impacts requiring compensatory mitigation: 1.69 acres</li> </ul> </li> <li>● Shrub-carr (Type 6)                   <ul style="list-style-type: none"> <li>■ Total wetland impacts: 0.50 acre</li> <li>■ WCA jurisdictional impacts requiring compensatory mitigation: 0.21 acre</li> <li>■ USACE jurisdictional impacts requiring compensatory mitigation: 0.21 acre</li> </ul> </li> </ul> </li> <li>■ A portion of Bassett Creek, a stream reach of 450 feet total length near the Plymouth Avenue bridge, will be relocated to accommodate the BLRT Extension project.</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Construction-related wetland impacts typically associated with access roads needed to construct portions of the BLRT Extension project are anticipated to be less than 2.5 acres</li> </ul>



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**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Geology, Soils, and Topography</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>Poor soils could allow non-uniform settlement of built infrastructure if the soils are not adequately accommodated for in the design phase, primarily between Olson Memorial Highway and 36th Avenue</li> <li>Individual locations of limited dewatering for utility construction or similar short duration installations may occur</li> </ul>
<b>Hazardous Materials Contamination</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>Of the 271 parcels identified on the Modified Phase I Environmental Site Assessment, 24 of which have a high potential for contamination and 135 of which have a medium potential in the BLRT Extension project corridor; construction activities in these areas could encounter contaminated soil and/or groundwater</li> <li>Potential spills of regulated materials during construction</li> </ul>
<b>Noise</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>Without mitigation:               <ul style="list-style-type: none"> <li>366 moderate and 618 severe noise impacts</li> </ul> </li> <li>With mitigation (Quiet Zones, wayside devices, noise walls, and interior testing to determine need for additional mitigation), the residual impacts would be:               <ul style="list-style-type: none"> <li>5 moderate and 2 severe noise impacts</li> </ul> </li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>Elevated noise levels from construction equipment</li> <li>For residential land use, at-grade track construction noise impacts can extend 120 feet from the construction site</li> <li>If nighttime construction is conducted, noise impacts from at-grade construction can extend 380 feet from the construction site</li> </ul>



**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Vibration</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ The BLRT Extension project will cause 28 vibration impacts at residential land uses</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Vibration will result from operation of heavy equipment (pile driving, vibratory hammers, hoe rams, vibratory compaction, and loaded trucks) needed to construct bridges, retaining walls, roads, and park-and-ride facilities               <ul style="list-style-type: none"> <li>● With the exception of impact pile driving, the potential for damage will be limited to buildings within 20 feet of construction activities</li> <li>● The distance for the potential for damage to buildings from impact pile driving is up to 40 feet</li> </ul> </li> </ul>
<b>Biological Environment (Wildlife Habitat and Endangered Species)</b>	Operating-Phase (Long-Term) Direct Impacts	<p><b>Threatened and Endangered Species:</b></p> <ul style="list-style-type: none"> <li>■ “No Effect” on the federally listed Higgins eye pearlymussel and the federally listed snuffbox mussel</li> <li>■ “May Affect, Incidental Take Not Prohibited” on the federally listed northern long-eared bat</li> <li>■ With adherence to DNR guidelines, no impacts to the state-listed Blanding’s turtle are anticipated</li> </ul> <p><b>Migratory Birds:</b></p> <ul style="list-style-type: none"> <li>■ No impacts are anticipated from the BLRT Extension project to species covered under the Migratory Bird Treaty Act</li> </ul> <p><b>Habitat:</b></p> <ul style="list-style-type: none"> <li>■ The BLRT Extension project will involve constructing physical barriers that could restrict the crossing of portions of the corridor by wildlife</li> <li>■ Disturbed soils within the limits of disturbance (LOD) could create conditions where infestation of noxious and invasive species can increase</li> <li>■ Clearing of approximately 28 acres of forested lands</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Construction-related physical and noise disturbances could temporarily disrupt wildlife habitat use; no effects on threatened and endangered species or migratory birds anticipated</li> </ul>



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**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Water Quality and Stormwater</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ The BLRT Extension project will cause an 83-percent increase in the impervious area within the LOD of the BLRT Extension project</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Construction activities will disturb soils and cause runoff that could erode slopes and drainageways, form gullies, and deposit sediment in storm drain systems and receiving waterbodies; these effects could destabilize slopes and reduce water quality</li> </ul>
<b>Air Quality/ Greenhouse Gas Emissions</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ During construction, traffic volumes and operations on roads in the BLRT Extension project area will be impacted, resulting in traffic detours to parallel roads and temporarily increase in emissions and concentrations of air pollutants near homes and businesses</li> <li>■ Construction equipment powered by fossil fuels will emit air pollutants such as:               <ul style="list-style-type: none"> <li>● Acrolein</li> <li>● Benzene</li> <li>● 1,3-butadiene</li> <li>● Diesel particulate matter</li> <li>● Diesel exhaust organic gases (diesel PM)</li> <li>● Formaldehyde</li> <li>● Naphthalene</li> <li>● Polycyclic organic matter</li> </ul> </li> <li>■ Exposed earthen materials can also produce increased particulate matter when they are moved or disturbed by wind</li> <li>■ Construction-phase greenhouse gas emissions estimated at 21,191 metric tons of carbon dioxide (CO<sub>2</sub>) equivalents per year over a 3-year period</li> </ul>
<b>Energy</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>



**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
<b>Environmental Justice Finding</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>The result of the displacements of the five businesses listed below will have the potential for disproportionately high and adverse effects on environmental justice populations in the communities currently served by the businesses:               <ul style="list-style-type: none"> <li>Northside Oriental Market</li> <li>American Furniture Mart</li> <li>Unified Staffing, Inc. (tenant of Schrader Building)</li> <li>Hart Custom Homes (owner and tenant of Schrader Building)</li> <li>Brianna’s Hair Studio (tenant of Schrader Building)</li> </ul> </li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>No disproportionately high and adverse impacts on environmental justice populations</li> </ul>
<b>Section 4(f)/6(f) Evaluation</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>2.1 acres of permanent easement from Theodore Wirth Regional Park</li> <li>0.01 acre of permanent easement from Glenview Terrace Park</li> <li>0.7 acre of permanent easement from Theodore Wirth Parkway, a contributing element of the Grand Rounds Historic District</li> <li>43 acres of permanent easement from the Osseo Branch, St. Paul, Minneapolis &amp; Manitoba Railway Historic District</li> <li>Section 6(f) conversion of 5.6 acres of Sochacki Park: Sochacki Management Unit</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>9.2 acres of temporary easement from Theodore Wirth Regional Park</li> <li>0.25 acre of temporary easement from Glenview Terrace Park</li> <li>0.57 acre of temporary easement from Sochacki Park: Mary Hills Management Unit</li> <li>5.6 acres of temporary easement from Sochacki Park: Sochacki Management Unit</li> <li>0.7 acre of temporary easement from South Halifax Park</li> <li>0.1 acre of temporary easement from Becker Park</li> <li>1.1 acres of temporary easement from the park property adjacent to Rush Creek Regional Trail</li> </ul>



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**Table 1. Project Impacts by Environmental and Transportation Category**

Category		Summary of Impacts <sup>1</sup>
<b>Joint Development</b>	Operating-Phase (Long-Term) Direct Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Operating-Phase (Long-Term) Indirect Impacts	<ul style="list-style-type: none"> <li>■ No adverse impacts identified</li> </ul>
	Construction-Phase (Short-Term) Impacts	<ul style="list-style-type: none"> <li>■ Additional changes to utilities are anticipated within and connecting to the Robbinsdale Station Joint Development site</li> <li>■ Construction-related impacts to traffic, parking, and businesses are anticipated</li> </ul>

<sup>1</sup> This table summarizes the anticipated impacts for the BLRT Extension project as identified in the Final EIS. All data in the table are approximate. For a more detailed description of the anticipated impacts, see the corresponding sections of Chapters 3 through 5 of the Final EIS.



### 3.2 Measures to Avoid, Minimize, and Mitigate Adverse Impacts

Means to avoid, minimize, and mitigate the effects of the BLRT Extension project were presented in the Final EIS and are summarized in **Attachment A** of this ROD. Implementation of the mitigation measures in **Attachment A** are material conditions of the BLRT Extension project's ROD and will be incorporated into any grant agreement that FTA may award the Council for the construction of the BLRT Extension project. FTA will also require the Council to submit written reports, quarterly, on its progress toward implementing mitigation measures. FTA will monitor this progress through quarterly reviews of the BLRT Extension project's progress.

FTA finds that, with the accomplishment of these mitigation measures, the Council will have taken all reasonable, prudent, and feasible means to avoid or minimize impacts from the BLRT Extension project.

## 4 Public and Agency Review Process

Since the NOI initiating the NEPA process for the BLRT Extension project was published, public involvement has been an integral part of the design and engineering activities. The Council and HCRRA used a wide range of outreach techniques, including but not limited to meetings (e.g., multiple-participant meetings and one-on-one meetings with affected property owners), advisory committees, open houses, public hearings, newsletters, project website, emails, fact sheets on specific topics, and tables at events such as community fairs and festivals. Using these techniques, the Council and HCRRA coordinated with agency partners, local businesses, and residents since the NOI was published in the Federal Register and in the *EQB Monitor* in January 2012.

Chapter 7 of the Final EIS describes the Council and HCRRA's public outreach program during the NEPA process and the creation of meaningful opportunities for public engagement for all members of the community, including traditionally under-represented stakeholders and environmental justice populations.

The following sections describe in greater detail the public engagement activities and opportunities for public comment through the various phases of the BLRT Extension project from the NOI to this ROD.

### 4.1 Scoping

Public involvement for the BLRT Extension project's environmental review process began with the EIS Scoping process, which informed the public, interest groups, affected tribes, and government agencies of the Draft EIS. The Scoping process began with distribution of a *Scoping Booklet* in December 2011 and the publication of the NOI for the Draft EIS in the Federal Register on January 10, 2012 (FTA, 2012) and in the *EQB Monitor* on December 26, 2011 (EQB, 2011). The notices announced the beginning of the EIS Scoping comment period, which extended from December 26, 2011, to February 17, 2012, and included dates for four public EIS Scoping meetings and hearings held on January 23, January 24, January 25, and January 31 in the cities of Minneapolis, Brooklyn Park, Minneapolis, and Robbinsdale, respectively. A total of 295 comments were received and were



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reviewed and responded to individually. Comments were received during the Scoping period on the purpose of and need for the project, alternatives, and environmental benefits and impacts. For documentation of the comments received during Scoping and responses to those comments, see the *Summary of Public Comments during the Bottineau Transitway Scoping Process* of the *Scoping Summary Report* (HCRRA, 2012).

### 4.2 Draft EIS

FTA, HCRRA, and the Council published the Draft EIS in April 2014 (HCRRA, 2014). The NOA was published in the Federal Register on April 11, 2014, and in the *EQB Monitor* on April 14, 2014. These notices were followed by a public comment period that concluded on May 29, 2014. Public hearings for the Draft EIS were held on May 7, May 8, May 13, and May 14, 2014, in the cities of Golden Valley, Minneapolis, Brooklyn Park, and Crystal, respectively. Each public hearing was preceded by an open house. A total of 262 people attended the open houses and public hearings. Translation services and Americans with Disabilities Act accommodations were provided upon request.

Over 1,000 comments were received during the public comment period, submitted in the form of letters, emails, testimony at the public hearings, and comment cards received at the open houses and public hearings. Comments were received from individuals, businesses, public interest groups, and public agencies, including municipalities and regulatory agencies. Agencies that submitted comments in response to the Draft EIS include: the US Environmental Protection Agency (EPA), USDOJ, the Minnesota Department of Transportation (MnDOT), the Minnesota Pollution Control Agency (MPCA), the Three Rivers Park District, FAA, the Bassett Creek Watershed Management Commission, the Mille Lacs Band of Ojibwe, the Minneapolis Park and Recreation Board, and the cities of Minneapolis, Golden Valley, Crystal, and Maple Grove. The comments included support for and opposition to the BLRT Extension project and to specific elements of the project. A summary of the comments received on the Draft EIS is included in Section 9.4.1 of the Final EIS; Appendix G of the Final EIS documents all individual comments received on the Draft EIS and FTA's and the Council's responses to the comments.

### 4.3 Final EIS

The NOA for the Final EIS was published in the Federal Register on July 15, 2016, and in the *EQB Monitor* on July 18, 2016. In conformity with MEPA (4410.2700 Subpart 6), the Council provided notice of publication of the Final EIS for public review and of the opportunity for public comment on the adequacy of the Final EIS. The comment period concluded on August 15, 2016.

In the 30 days following the July 15, 2016, announcement of availability of the Final EIS in the Federal Register, the Council and FTA received seven letters or other communications with comments.





The following parties submitted written comments:

- Earl Faulkner, Sr. (private citizen)
- Kristofer Gunnar Paso (private citizen)
- Claire Ruebeck – Citizens Acting for Rail Safety, Twin Cities Chapter
- City of Minneapolis
- BNSF Railway
- Michaela E. Noble – USDOJ, Office of Environmental Policy and Compliance
- Kenneth A. Westlake – EPA, Office of Enforcement and Compliance Assurance

The letters addressed topics including BLRT Extension project cost, alignment selection, safety of collocating LRT and freight rail, adequacy of the Final EIS, continued coordination with stakeholders, permitting coordination, coordination with BNSF, concurrence on the completion of the Section 4(f) evaluation process, wetlands and stormwater management, wildlife crossings, tree mitigation, and measures to decrease exposure to air toxics during construction. The comments received are included in **Attachment E**, and responses to comments received are included in **Attachment F**, of this ROD.

### 4.4 Community Outreach

Ongoing engagement and communication with the public has been a fundamental element of the BLRT Extension project since its initiation. Maintaining an open dialogue and offering opportunities for input and discussion—especially related to the identified technical issues and items of concern to the affected public—will continue to be a key component of BLRT Extension project implementation.

The Council and HCRRA’s public outreach program during the NEPA and MEPA process included a wide range of outreach techniques including meetings; open houses; newsletters; a project website; development of an “e-list” used to send out newsletters, press releases, and meeting information; social media; project-specific print material; door-to-door outreach; a project mobile office; and Council staff attendance at community events.

Council staff hosted or attended numerous community and public events throughout the BLRT Extension project corridor in the cities of Minneapolis, Golden Valley, Robbinsdale, Crystal, and Brooklyn Park to give the public opportunities to provide input on BLRT Extension project design and to receive updates and information about BLRT Extension project activities. Ideas and requests from the public that were made at various meetings were documented on comment cards and/or transcripts (depending on the meeting) and were considered as part of the planning and design for the BLRT Extension project. Public events were accessible to those with disabilities in accordance with the Americans with Disabilities Act. Translation services and other accommodations were provided upon request. The Council selected meeting locations based on ease of access to the location and meeting room and proximity to affected areas.



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In addition to hosting public open houses and other events, Council staff also frequently attended and presented at community meetings throughout the BLRT Extension project corridor. Attending such meetings allowed groups with specific concerns or questions to interact with staff and to provide feedback in a more personal, less formal setting. Any concerns expressed at these meetings were shared with the appropriate Council staff members. A list of the public hearings, open houses, and community events held since the start of the EIS process is included in Chapter 9 of the Draft EIS and Chapter 9 of the Final EIS.

### 4.5 Agency Coordination

During Project Development, Participating Agencies provided input, identified concerns, and participated in issue resolution and design adjustment processes to further the BLRT Extension project within the NEPA framework. The complete list of Participating Agencies is included in Table 9.3-1 of the Final EIS. The Cooperating Agencies for the Final EIS were USACE, FAA, and NPS. USACE was a coordinating agency because of its regulatory authority over the dredging or filling of materials in any waters of the United States, including wetlands, through Section 404 of the CWA. Coordination with FAA occurred with respect to pursuing a letter of no objection to the location of the BLRT Extension project alignment within the Crystal Airport Runway Protection Zone. NPS approval and a separate NEPA process requirement is necessary for the Section 6(f) conversion process.

Throughout BLRT Extension project planning and development, an advisory committee structure was used to obtain feedback. After publication of the Draft EIS, the Council led the advisory committee process. The advisory committee structure was expanded since publication of the Draft EIS with the addition of the Technical Project Advisory Committee, the Business Advisory Committee, and the Corridor Management Committee. Committee and Council meeting schedules, agendas, presentations, and minutes are posted on the Council's BLRT Extension project website ([www.bluelineext.org](http://www.bluelineext.org)). Business Advisory Committee, Community Advisory Committee, Corridor Management Committee, and Council meetings are open to the public. Advisory committee members also aided in promoting the public events in their communities.



## 5 Determination of Findings

This section describes FTA's NEPA determination for the BLRT Extension project as well as FTA's findings for other federal environmental requirements. The determination and findings are supported by the BLRT Extension project's Final EIS as well as **Section 3** of this ROD (which summarizes the environmental impacts of the BLRT Extension project) and **Attachment A** of this ROD (which itemizes mitigation measures that will be incorporated into the BLRT Extension project).

### 5.1 NEPA

Title 42, Sections 4321 through 4347 and 4372 through 4375 of the United States Code, as well as Executive Order 11514, Protection and Enhancement of Environmental Quality, require that federal agencies evaluate the environmental impacts of their actions, integrate such evaluations into their decision-making processes, and implement appropriate policies.

The environmental record for the BLRT Extension project includes the *Bottineau Transitway Draft EIS* (April 2014), the BLRT Extension project's Final EIS (July 2016), and the supporting materials incorporated therein. These documents represent the detailed statements required by NEPA describing:

- The environmental impacts of the BLRT Extension project;
- The adverse environmental effects that cannot be avoided should the BLRT Extension project be implemented;
- Alternatives to the BLRT Extension project; and
- Potential irreversible and irretrievable impacts on the environment should the BLRT Extension project be implemented.

Having carefully considered the environmental record, mitigation measures (summarized in **Attachment A** of this ROD), public and agency comments, and the findings below, FTA has determined that:

- The environmental review documents include a record of the environmental impacts of the proposal, adverse environmental effects that cannot be avoided, alternatives to the proposal, and irreversible and irretrievable impacts on the environment.
- The environmental process included cooperation and consultation with EPA, Region 5.
- All reasonable steps have been taken to minimize adverse environmental effects of the project.
- The BLRT Extension project meets its purpose and need and satisfies the requirements of NEPA.



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### 5.2 Section 106 of the National Historic Preservation Act

Section 106 requires federal agencies to consider the effects of their actions on historic properties before undertaking a project. The regulations implementing Section 106 are codified in 36 CFR Part 800. FTA is the Federal Lead Agency for the BLRT Extension project. The Council is the BLRT Extension project's local Lead Agency and project sponsor. USACE is a federal Cooperating Agency, responsible for implementing NEPA and related laws and Section 404 of the CWA. USACE also recognized FTA as the Federal Lead Agency for the Section 106 process.<sup>9</sup>

Based on the results of the effects assessments and implementation of the measures included in the BLRT Extension project's Section 106 MOA, FTA determined, in consultation with the Minnesota Historic Preservation Office and other consulting parties that the BLRT Extension project will have:

- No Adverse Effect on 11 historic properties
- An Adverse Effect on six properties (the Osseo Branch of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District; the Grand Rounds Historic District, Theodore Wirth Segment; the Homewood Residential Historic District; the West Broadway Avenue Residential Historic District; the Wayman African Methodist Episcopal Church; and the Floyd B. Olson Memorial Statue)

Therefore, FTA has determined that the BLRT Extension project will have an adverse effect on historic properties. The BLRT Extension project's measures to resolve adverse effects, including avoidance, minimization, and mitigation measures, are specified in the BLRT Extension project's Section 106 MOA (**Attachment B** of this ROD). Stipulations in the Section 106 MOA shall be followed by the Council during the BLRT Extension project's implementation.

FTA finds that the BLRT Extension project has satisfied the requirements of Section 106 of the National Historic Preservation Act.

### 5.3 Clean Water Act (Section 404) and Executive Order 11990 on Protection of Wetlands

The CWA (33 USC § 1251 et seq.) establishes the basic structure for regulating discharges of pollutants (including dredged materials) into the waters of the United States and for regulating quality standards for surface waters. It therefore applies to the BLRT Extension project's wetland and stream impacts and stormwater discharges. The Council must obtain a Section 404 permit from USACE as well as other state and local permits. The BLRT Extension project will satisfy all requirements arising from these permits.

On May 16, 2016, the Council submitted the Section 404 CWA permit application to USACE. Issuance of the Section 404 CWA permit is anticipated during final design of the BLRT Extension project. Subsequent to the May 16, 2016, submittal, the Section 404 CWA permit application was revised based on further coordination with USACE (for the revised permit application,

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<sup>9</sup> In a letter dated March 30, 2015, USACE recognized FTA as the Federal Lead Agency pursuant to 36 CFR Part 800.2(a)(2) to act on USACE's behalf for meeting the requirements of Section 106.



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see **Attachment D** of this ROD). Specifically, during review of the initial permit application, USACE determined that it has jurisdiction over four additional wetlands that were previously considered to be only under the jurisdiction of the Minnesota Wetland Conservation Act (WCA). This determination was made based on the proximity of these four wetlands to existing waters of the United States. USACE considered these wetlands to likely be hydrologically connected to waters of the United States and therefore under USACE's jurisdiction with respect to the CWA.

In addition, USACE determined that it did not have jurisdiction over one wetland that had previously been considered under its jurisdiction. This wetland is also not under the jurisdiction of WCA. The effect of removing this wetland from USACE's jurisdiction does not affect the overall wetland mitigation strategy. Since the Council had already assumed mitigation for the four additional wetlands under the WCA, the addition of USACE's jurisdiction over these wetlands does not change the project impacts or mitigation commitments. The addition of USACE's jurisdiction over four wetlands and removing USACE's jurisdiction over one wetland results in a net increase of 1.71 acres of USACE-jurisdictional wetland impacts (the Final EIS stated that 4.16 acres of wetland impact under USACE's jurisdiction would require compensatory mitigation; the revised impact is now 5.87 acres). However, all of the changes in wetland impacts are already addressed through the required mitigation for 6.28 acres of WCA-jurisdictional wetland impacts.

Accordingly, FTA finds that, with the mitigation measures identified in **Attachment A** of this ROD, the BLRT Extension project meets the requirements of the CWA (Section 404) and Executive Order 11990 on Protection of Wetlands.

### 5.4 Floodplain Management

Executive Order 11988, as amended by Executive Order 13690 and US Department of Transportation (USDOT) Order 5650.2, requires federal agencies to avoid to the extent possible the long-term and short-term adverse impacts caused by using and modifying floodplains, and to avoid floodplain development wherever there is a practicable alternative. This order directs each agency to preserve the natural and beneficial values served by floodplains in carrying out its responsibilities with respect to approvals and project funding.

The BLRT Extension project used Federal Emergency Management Agency Flood Insurance Rate Maps and Flood Insurance Study data to identify hydraulically connected 100-year floodplains<sup>10</sup> and 500-year floodplains<sup>11</sup> in order to establish Federal Flood Risk Management Standard (FFRMS) flood hazard elevations in compliance with Executive Order 13690. The Council determined that the BLRT Extension project-related improvements are Non-Critical Actions. The Council's method for determining the FFRMS was to use the 500-year floodplain elevation where available and to use the base flood elevation plus 2 feet where the 500-year floodplain is not available. Because the BLRT Extension project was designed in compliance with Executive Order 11988 as amended by Executive Order 13690 and USDOT Order 5650.2, floodplain impacts were minimized to the

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<sup>10</sup>According to 44 CFR Part 9.4, a 100-year floodplain (also known as a base floodplain) is the floodplain "for the flood which has a one percent chance of being equaled or exceeded in any given year."

<sup>11</sup>According to 44 CFR Part 9.4, a 500-year floodplain is the floodplain "for the flood which has a 0.2 percent chance of being equaled or exceeded in any given year."



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greatest practicable extent, and tracks and structures associated with the BLRT Extension project will be built above the applicable FFRMS elevations.

FTA finds that, with the mitigation measures identified in **Attachment A** of this ROD, the BLRT Extension project meets the requirements of Executive Order 11988 as amended by Executive Order 13690 and USDOT Order 5650.2.

### 5.5 Clean Water Act Sections 401 and 402

Discharges into water are addressed in the CWA in Sections 401 and 402 (33 USC §§ 1341–1342). Section 401 provides for EPA certification (delegated to MPCA) that a project's discharges to water or to wetlands will meet state water quality standards. Under Section 402, a discharge of domestic or industrial wastewater into marine or fresh surface water requires a National Pollutant Discharge Elimination System (NPDES) permit (including a General Construction Permit for applicable construction activities).

The Council will obtain a CWA Section 401 Water Quality Certification from MPCA and will comply with conditions of that certification. To mitigate long-term degradation of surface water quality, the BLRT Extension project will direct long-term stormwater runoff into stormwater management facilities created as part of the BLRT Extension project as approved by local jurisdictions and through final permitting. These facilities will be designed to provide stormwater treatment in compliance with NPDES requirements. An NPDES Construction Stormwater Permit from MPCA will be required because the BLRT Extension project will disturb 1 acre or more of land. Since the BLRT Extension project will disturb more than 50 acres of land and will produce discharges within 1 mile of impaired waters, the Council will submit the NPDES Construction Stormwater Permit application to MPCA at least 30 days prior to the start of construction. Other Minnesota agencies requiring permits could include watershed districts, municipalities, and soil and water conservation districts.

To address temporary impacts, the BLRT Extension project will include development of a Stormwater Pollution Prevention Plan for implementation prior to and during construction. Short-term mitigation measures will include developing erosion- and sediment-control plans to control runoff and reduce erosion and sedimentation during construction and to limit the amount of sediment carried into lakes, streams, wetlands, and rivers by stormwater runoff.

Accordingly, FTA finds that, with the mitigation measures identified in **Attachment A** of this ROD, the BLRT Extension project meets the requirements of Sections 401 and 402 of the CWA.

### 5.6 Endangered Species Act

The primary federal law protecting threatened and endangered species is Section 7 of the Endangered Species Act of 1973 (16 USC §§ 1531–1534). Under Section 7 of the Endangered Species Act, federal agencies are required to consult with the US Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service to ensure that the federal agency is not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.





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The Council participated in interagency cooperation with USFWS in 2015. FTA made a determination that the BLRT Extension project will have “no effect” on the federally listed Higgins eye pearl mussel and the federally listed snuffbox mussel or their associated critical habitats, and that the BLRT Extension project “may affect, incidental take not prohibited,” with regard to the federally listed northern long-eared bat. USFWS concurred with these determinations on May 16, 2016. Measures will be implemented during construction to avoid impacts to northern-long-eared bat hibernaculum entrances and roost trees.

Minnesota’s endangered species law (Minnesota Statutes § 84.0895) and associated rules (Minnesota Rules §§ 6212.1800–2300) regulate the taking, importation, transportation, and sale of state-listed threatened, endangered, or special-concern species. DNR administers the state law and manages the listing of state threatened, endangered, and special-concern species.

The Council identified element occurrences of three federally listed (or monitored) species that have some probability of being in the BLRT Extension project area: the northern long-eared bat, bald eagle, and Minnesota dwarf trout lily. The Council also identified one state-listed species, the Blanding’s turtle (*Emydoidea blandingii*), that could potentially be found in the BLRT Extension project area. The Council presented this information in an email communication to DNR on January 6, 2016.

In a response dated February 9, 2016, DNR confirmed that the only rare species that *may* be adversely affected by the BLRT Extension project is the Blanding’s turtle. DNR provided recommendations to help avoid, minimize, and mitigate direct impacts on the Blanding’s turtle. DNR also noted the importance of implementing and maintaining appropriate erosion- and sediment-control measures during construction to avoid possible effects on fish species in receiving waters.

FTA finds that, with the mitigation measures identified in **Attachment A** of this ROD, the BLRT Extension project meets the requirements of the Endangered Species Act.

### 5.7 Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act of 1918 (16 USC §§ 703–712) governs the taking, killing, possession, transportation, and importation of migratory birds, including related items such as eggs, parts, and nests. Such actions are prohibited unless authorized under a valid permit. This law applies to migratory birds that are native to the United States and its territories, as catalogued in 50 CFR Part 10.13, List of Migratory Birds.<sup>12</sup> In addition to being regulated by the Migratory Bird Treaty Act of 1918, bald eagles and golden eagles are protected by the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d, 54 Statutes 250), which prohibits taking, possession, or commerce of these two migratory bird species.

The BLRT Extension project is not expected to result in long-term impacts to migratory bird populations. Construction activities might temporarily disturb a nesting site or alter the path of a migratory bird. The Council will comply with the Bald and Golden Eagle Protection Act.

<sup>12</sup>See [www.gpo.gov/fdsys/granule/CFR-2000-title50-vol1/CFR-2000-title50-vol1-sec10-13](http://www.gpo.gov/fdsys/granule/CFR-2000-title50-vol1/CFR-2000-title50-vol1-sec10-13).





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Specifications within the construction contracts will state that, if an eagle nest is observed during construction, contractors will follow the standards in the *National Bald Eagle Management Guidelines* (USFWS, 2007).<sup>13</sup>

FTA finds that, with the mitigation measures identified in **Attachment A** of this ROD, the BLRT Extension project meets the requirements of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

### 5.8 Clean Air Act

Under the Clean Air Act, EPA has established National Ambient Air Quality Standards (NAAQS), which specify maximum allowable concentrations for certain criteria pollutants (42 USC §§ 7401–7431). Proposed transportation projects requiring federal funding or approval must demonstrate compliance with EPA’s Transportation Conformity Rule (40 CFR Part 93). This rule requires showing that a project will not cause or contribute to any new violation of any NAAQS, increase the frequency or severity of any existing NAAQS violations, or delay timely attainment of the NAAQS.

The BLRT Extension project meets project-level air quality conformity in accordance with state and federal regulations as follows:

- The BLRT Extension project is included in the region’s long-range transportation plan, the *2040 TPP*.
- The BLRT Extension project is included in the 2016–2019 State Transportation Improvement Program that was adopted by the Council on September 23, 2015, and approved by FHWA and FTA on October 28, 2015.
- The BLRT Extension project meets the local hot-spot conformity requirements. Because the BLRT Extension project has been included in the modeling for the *2040 TPP* and the Transportation Improvement Program, it demonstrates conformity to the State Implementation Plan. The BLRT Extension project meets project-level conformity requirements because it will not cause any new NAAQS exceedance or worsen any existing one, and will not delay the timely attainment of any standard.

### 5.9 Environmental Justice

FTA and the Council assessed the BLRT Extension project’s potential effects on minority and low-income communities (known as environmental justice [EJ] populations). The analysis completed for the Final EIS was prepared in compliance with the Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994); the USDOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations (USDOT Order 5610.2(a), May 2, 2012); and FTA’s Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients (FTA, August 15, 2012). Chapter 7 of the Final EIS provides more detail regarding the EJ analysis.

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<sup>13</sup>Standard USFWS guidelines for bald eagle management are located at [www.fws.gov/northeast/ecologicalservices/eaglenationalguide.html](http://www.fws.gov/northeast/ecologicalservices/eaglenationalguide.html).



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As outlined in FTA Circular 4703.1, USDOT and FTA are required to make EJ part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and/or low-income populations. FTA includes incorporation of EJ and non-discrimination principles into transportation planning and decision-making processes and project-specific environmental reviews. Specifically, USDOT Order 5610.2(a) sets forth the USDOT policy to consider EJ principles in all USDOT programs, policies, and activities. It describes how the objectives of EJ are integrated into planning and programming, rulemaking, and policy formulation.

The Council recognized the need to communicate and engage with multiple audiences within the project study area and the region and specifically focus on communities with low-income and minority populations. NEPA-phase public involvement has included targeted outreach to EJ communities identified through the census analysis, coordination with local officials, and follow-up communications and outreach to newly identified EJ populations. For the BLRT Extension project, public outreach has been an iterative process, initiated by meetings and events to get to know the communities and then involve additional organizations, businesses, individuals, and other community groups as the BLRT Extension project progressed. Throughout planning, design, and analysis, the Council and project partners sought to develop broad public understanding and support of the BLRT Extension project as a necessary investment to improve access and mobility to employment and educational and economic opportunities in the study area and beyond. In addition, the Council and project partners sought to engage the public, including residents, businesses, travelers, and agencies, in the planning process to address their needs and concerns.

The Council developed a public outreach strategy for the BLRT Extension project that created meaningful opportunities for public engagement for all members of the community, including members of EJ communities. Throughout Project Development and NEPA, the Council used several avenues of communication and outreach to engage minority and low-income communities that would be affected by the BLRT Extension project. First, Council staff reached out to established neighborhood groups, community leaders, and private organizations composed of and connected to minority and low-income communities in the BLRT Extension project study area. In addition, Council staff routinely communicated information, decisions, and upcoming opportunities for participation, including 160 meetings in the BLRT Extension project corridor and an additional 11 meetings outside the corridor. For a more detailed description of public involvement activities specific to EJ, see Section 7.3 of the Final EIS.

Environmental categories that will result in adverse effects as identified in the Final EIS were evaluated to determine whether and to what extent these adverse effects will disproportionately affect EJ populations (i.e., have the potential to be disproportionately high and predominately borne by EJ populations). With the exception of business displacements, adverse effects related to the BLRT Extension project will affect both EJ and non-EJ populations and will not be disproportionately high or predominantly borne by EJ populations.

Based on the extensive public outreach, some of the displaced businesses are minority-owned and serve a minority client base. The loss of private property will be compensated by payment of fair market value and provision of relocation assistance in accordance with the Uniform Relocation



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Assistance and Real Property Acquisition Policies Act of 1970. The Council shall identify relocation sites by working with the business owners through the right-of-way acquisition process. Relocation sites shall be considered based on the business owners' preferences to retain their client base and/or continue to serve a similar population. Relocation expenses shall be considered consistent with state and federal requirements. Because it is unknown at this time whether businesses would relocate in the same community, the displacement of the businesses may have the potential for disproportionately high and adverse effects on EJ populations in the communities currently served by these businesses.

Both EJ and non-EJ populations in the BLRT Extension project study area will also benefit from the BLRT Extension project (e.g., improved transit access, travel times, and reliability). Taking into account the adverse effects on EJ populations, committed mitigation measures, and benefits to EJ populations, the Council and FTA have concluded that the BLRT Extension project as a whole will not result in disproportionately high and adverse effects on EJ populations.

Therefore, FTA finds that the BLRT Extension project meets the intent of Executive Order 12898 and USDOT Order 5610.2(a) because the BLRT Extension project will not result in disproportionately high and adverse effects on EJ populations.

### 5.10 Final Section 4(f) Evaluation

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC § 303(c), is a federal law that protects publicly owned parks, recreation areas, and wildlife and/or waterfowl refuges as well as significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all transportation projects that require funding or other approvals by USDOT. As a USDOT agency, FTA must comply with Section 4(f). FTA's Section 4(f) regulations are at 23 CFR Part 774.

FTA cannot approve a transportation project that uses a Section 4(f) property, as defined in 23 CFR Part 774.17, unless FTA determines that:

- There is no feasible and prudent avoidance alternative, as defined in 23 CFR Part 774.17, to the use of land from the Section 4(f) property, and the action includes all possible planning, as defined in 23 CFR Part 774.14, to minimize harm to the property resulting from such use (23 CFR Part 774.3(a)); or
- The use of the Section 4(f) property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a *de minimis* use, as defined in 23 CFR Part 774.17, on the property (23 CFR Part 774.3(b)).

Previously, FTA published the Bottineau Transitway Draft Section 4(f) Evaluation in conjunction with the *Bottineau Transitway Draft EIS* on April 11, 2014. The Amended Draft Section 4(f) Evaluation was published in the Final EIS as Chapter 8 on July 15, 2016. The Draft Section 4(f) Evaluation was provided to USDOJ for review and comment during the Draft EIS comment period (which concluded on May 29, 2014), and the Amended Draft Section 4(f) Evaluation was provided to USDOJ and NPS during a 45-day review period extending from INSERT DATE HERE to INSERT DATE HERE. The USDOJ and NPS comments on the Draft and Amended Draft Section 4(f)



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Evaluations are included in Appendix G of the Final EIS and in **Appendix E** of this ROD. FTA also obtained concurrence from the officials with jurisdiction regarding its determinations of *de minimis* impacts and temporary occupancy exceptions (see **Attachment C** of this ROD).

The Amended Draft Section 4(f) was provided to USDO I prior to publication of the Final EIS and was reviewed in June 2016. USDO I concurred that there were no feasible or prudent avoidance alternatives to the BLRT Extension project. Thus, the BLRT Extension project will result in impacts to the Grand Rounds Historic District and the Osseo Branch of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District. USDO I noted that the amended evaluation demonstrated that efforts were made to avoid impacts to Section 4(f) resources and to find ways to reduce the severity of the impacts in consultation with the Minnesota Historic Preservation Office and other consulting parties. USDO I declined to concur that all possible planning needed to minimize harm to Section 4(f) resources had been employed because there was no evidence of an executed Section 106 MOA to provide a finalized set of mitigation actions for those historic properties. Upon review of the Final EIS and Section 4(f) Evaluation, USDO I now concurs that there is evidence that all possible planning was done to minimize harm to Section 4(f) resources.

The Final Section 4(f) Evaluation is being published with this ROD and incorporates the comments received on the Draft Section 4(f) and Section 6(f) Evaluation (see **Attachment C** of this ROD).

Based on consultation with USDO I, feedback from officials with jurisdiction, and the Section 4(f) Evaluation, FTA concludes that:

- The BLRT Extension project will result in a direct use of the Grand Rounds Historic District and the Osseo Branch of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District, and there is no feasible and prudent alternative that would avoid a use of this Section 4(f) resource. In addition, FTA has determined, in accordance with 23 CFR Part 774.17, that all possible planning to minimize harm has been conducted and implemented through the completion of the BLRT extension project's Section 106 process through the execution of the Section 106 MOA (see **Attachment B** of this ROD). Further, FTA has determined that the BLRT Extension project is the alternative that will result in the least overall harm to these two historic resources.
- The BLRT Extension project will have a Section 4(f) *de minimis* impact on two Section 4(f) park/recreational properties: Glenview Terrace Park and Theodore Wirth Regional Park.
- The BLRT Extension project will result in Section 4(f) temporary occupancies during construction of five Section 4(f) park/recreation properties: Sochacki Park: Mary Hills Management Unit, Sochacki Park: Sochacki Management Unit, South Halifax Park, Becker Park, and the park property adjacent to Rush Creek Regional Trail.

The measures to minimize harm to Section 4(f) resources are included in the list of mitigation measures in **Attachment A** and in the Section 106 MOA in **Attachment B** of this ROD. Accordingly, FTA finds that the BLRT Extension project meets the requirements of Section 4(f).





### 5.11 Amended Draft Section 6(f) Evaluation

Section 6(f) of the Land and Water Conservation Fund Act (LWCF Act) prohibits the conversion of property acquired or developed with LWCF funds to a non-recreational purpose without the approval of NPS. DNR administers Section 6(f) of the LWCF Act.

Portions of Sochacki Park: Sochacki Management Unit, located at 3500 June Avenue North in the City of Robbinsdale, were acquired with LWCF Act funds. The LWCF Act requires that, before Section 6(f) properties are converted to another purpose, the agency proposing the conversion must ensure that "all practical alternatives" to conversion have been evaluated. The avoidance alternative analysis and least harm analysis have been conducted and detailed in the Final EIS in Chapter 8 and Appendix J. The Council will provide replacement property for Section 6(f) conversion consistent with NPS requirements. The Amended Draft Section 6(f) Evaluation was provided to NPS prior to publication of the Final EIS. In its letter dated June 9, 2016, NPS concurred with the conversion finding for the Sochacki Park: Sochacki Management Unit.

In its review of the BLRT Extension project Section 6(f) analysis, NPS agreed that the temporary use of Section 6(f) properties for a period longer than 6 months constitutes a conversion. NPS also agreed that all practical alternatives were evaluated and considered, and agreed with the proposed conversion requirements.

Once the conversion has been approved by NPS, replacement property should be immediately acquired and developed according to the replacement proposal timetable. If development will be delayed beyond 3 years from the date of the NPS conversion approval, then a request for delayed development beyond 3 years must be made to NPS with a justification for the delay. Exceptions to the immediate replacement requirement will be allowed only when it is not possible for replacement property to be identified prior to the state of Minnesota's request for the conversion. An express commitment must be received from the state to satisfy the Section 6(f)(3) substitution requirements within a specified period normally not to exceed 1 year following the conversion approval. NPS agrees that, following construction, the park property should be restored and enhanced, and will remain under the ownership and control of the city of Robbinsdale, as well as the Three Rivers Park District and the city of Golden Valley, which are part of a Joint Powers Agreement with the city of Robbinsdale to manage the property.

Accordingly, based upon the analysis and determinations above and the mitigation (which includes mitigation as required by USDO I) as described in **Attachment A** of this ROD, FTA concludes that the provisions of Section 6(f) have been addressed. Upon Project Development and prior to the start of construction, the Council shall identify the acceptable mitigation site(s) and obtain the approval of USDO I/NPS under Section 6(f).

Marisol R. Simón  
Regional Administrator, Region V

Date of Approval