



July 24, 2014

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

By Email & U.S. Mail

Kenneth A. Westlake
NEPA Implementation
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Failure to Perform Required Environmental Review for Southwest Light Rail
Transit

Dear Ms. Simon and Mr. Westlake:

We represent the Lakes and Parks Alliance of Minneapolis, Minnesota (“Lakes and Parks Alliance”). We write to inform you that the environmental review process for the Southwest Light Rail Transit (“SWLRT”) project is not in compliance with state and federal law and, accordingly, we request that you defer future funding of the SWLRT project until full compliance is achieved.

The Lakes and Parks Alliance is a group of Minneapolis residents concerned about the significant environmental damage that the SWLRT project is likely to cause as it passes through the Kenilworth Corridor—an area roughly a mile and a half long between Cedar Lake and Lake of the Isles in Minneapolis. The reason for this concern is straightforward: The environmental sensitivity of the Corridor is well-established, particularly as it runs between the two lakes and across an historic channel connecting the lakes. The decision to move forward with light rail in the Corridor should occur only after the environmental effects of the proposal are fully identified and alternatives properly explored, as required by law.

Since the early 1970's, both federal and Minnesota laws have required a thorough environmental review of major construction projects, such as the SWLRT, where the potential for significant environmental harm exists. This review must occur prior to decisions being made by governmental bodies that could bias the objectivity and thoroughness of the environmental review. Minnesota environmental review regulations, in particular, require the responsible governmental unit¹ ("RGU") to decide on the scope of the environmental review at the beginning of the environmental review process—the so-called "scoping decision". That decision must identify, among other things, the issues to be addressed in the environmental impact statement ("EIS"), alternatives to be addressed in the EIS, and the potential impact areas resulting from the project itself. Minn. Rules § 4410.2100 subp. 6. If substantial changes are made in the project after the scoping decision is issued, the RGU must amend the scoping decision and publish notice and a summary of the amendment. *Id.* subp. 8.

Environmental review is also incorporated into Minnesota laws governing the design and construction of LRT projects. Those laws require the cities along the planned LRT route to hold public hearings on the preliminary plans for the project and then vote on the acceptability of the plans—the so-called municipal consent process. Minn. Stat. § 473.3994. These same statutes also require that the preliminary design plans include a draft environmental impact statement ("DEIS") for the LRT facilities proposed. Minn. Stat. § 473.3993, subd. 2.

In violation of Minnesota laws, no scoping amendment has been formally approved by the RGU, no notice and summary of the amendment has been published, and no DEIS has been completed for the LRT option now proposed for the Kenilworth Corridor, which was submitted to the cities for municipal consent. Further elaboration of these points is set out in the following paragraphs.

A DEIS for the SWLRT project was completed in the fall of 2012. At that time, seven alternatives were under consideration for the SWLRT,² which included three strategies for

¹ The Hennepin County Regional Railroad Authority was the project sponsor and RGU through the completion of the draft environmental impact statement. At that point, authority and RGU status was transferred to the Metropolitan Council, the regional planning agency for the Minneapolis-St. Paul metropolitan area.

² The seven alternatives analyzed were: a No Build alternative; an Enhanced Bus alternative; two alternatives re-locating the existing freight rail service to the MN&S line in St. Louis Park and running the LRT through the Midtown Corridor avoiding much of the Kenilworth Corridor (LRT 3C-1 and LRT 3C-2); two alternatives re-locating the existing freight rail service to the MN&S line in St. Louis Park with the LRT running at-grade through the Kenilworth Corridor (LRT 1A and LRT 3A); and, lastly, an alternative having the existing freight rail service and the proposed LRT co-located at-grade through the Kenilworth Corridor (LRT 3A).