FTA Response to comments/questions

Background and Questions for FTA Regarding Comments and Responses on Section 4.8 Visual and Aesthetic Chapter (DTS)

Discussions of the October 2 (pdf) version are in blue.
Discussions of the October 9 (AFEIS) version are in black.

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p. 5-49
4.8.1
No objection to adding, "*The Coastal Study…*" sentence.

p. 4-61
4.8.2
No objection to adding, "*These figures are included in… received in the Draft EIS.*"

p. 4-65
4.8.3
The pdf contained the sentence, "*In response to their (the public's) comments, further analysis of views and vistas has been done, and the visual effects of several key views have been reevaluated.*" Based upon the serious local concern with visuals and aesthetics expressed during the comment period – this was exactly the right response. Why has this been removed from the AFEIS? We note in your Background Q&A that you are concerned that *"…substantial changes and new information and analysis (will be) included in the FEIS.*" FTA has no such concerns. We received highly negative "viewer response" during the comment period and following V&A methodology, we acted in the appropriate manner. In the two bullets of your Background Q&A your Corporation Counsel misrepresents the purpose of public comment on a DEIS.

Same paragraph
The sentence beginning, "*The mitigation section has been expanded…*" was removed. How does removing this language clarify anything? It seems that where the pdf clarified, the AFEIS muddled. We note that the AFEIS subsection on mitigation was greatly expanded. Moreover, mitigation is

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more the province of an FEIS where determining impacts is the province of a DEIS.

p. 4-66
4.8.3
The two sentences, "*The FEIS also acknowledges that the project will conflict with Revised Ordinances of Honolulu Section 24-1.4 (ROH 1978b)…siting controls established in the Land Use Ordinance*" have been removed form the AFEIS. It was acknowledged in the DEIS that several sector development plans protected various viewsheds, and products of the built environment could have adverse impacts on views.

p. 4-66
Environmental Consequences
Three sentences beginning, *"The draft EIS identified "high" level consequences…"* have been added. Again the question is: how does this apparent muddle of language clarify anything? Saying, "*the Project's visual consequences have been characterized as low, moderate or significant*" in the preceding sentence is both clear and concise. The additional language should all be removed. If you feel the need to explain how "high" in the DEIS was replaced by "significant" in the FEIS, simply cite 40 CFR 1508.27 for the NEPA definition of significant.

p. 4-69
Language in the pdf was removed which stated, "*Some adverse visual effects, such as view blockage, cannot be mitigated and will result in probable unavoidable adverse environmental effects.*" This sentence is not only clear and concise – it is definitive – in that it defines the purpose of creating an EIS. The replacement language in the AFEIS (p. 4-67): "*Even with mitigation, some obstructions will result in a high level of visual impact, or significant impact, and changes to some views will be unavoidable*" demonstrates a higher degree of malleability, and obscures the negative impacts rather than illuminating them. The pdf language should prevail.

p. 4-89
The Project
"Significant" is the NEPA term for a serious environmental impact. "Significant" impacts are serious enough to differentiate the preparation of an EIS (Class I action) from the "no significant impacts" typically found in

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EAs, or Class II documents. In the narrative of the V&A chapter of the AFEIS, the word "significant" is repeatedly preceded or followed by the modifier, in parentheses *(or a high level of visual impact)*. The word "high" has no meaning in a NEPA context. This language acts as a red herring and appears intended to distract the reader from the intention of the word "significant" – remove the modifier "high" wherever it appears in the chapter.

p. 4-103
Design Principles and Mitigation
The pdf led this subchapter off with, "*The following design principles are identified in the Honolulu High-Capacity Transit Corridor Project Compendium of Design Criteria (RTD 2009m) and will be implemented in Final Design as mitigation measures to minimize visual effects*." The language disappears from the AFEIS. Why would citation of an authoritative compendium of design mitigation measures, presumably developed precisely for this eventuality, be discarded at the eleventh hour for a set of bullet points?

p. 4-107
last two paragraphs of the V&A chapter
Again, the issues of "significant," "unavoidable" and conflict with existing City ordinances are soft-pedaled or ignored in favor of self-serving language. The summary at the end of the pdf V&A chapter reflected its preceding narrative and largely stated the facts – however cruel; that the project is in violation of existing statutes regarding view sheds and has significant and unavoidable impacts. Use the final paragraph of the pdf in the FEIS.

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