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CC: Jim Ryan (james.ryan@fta.dot.gov)
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Subject: Implications of our Friday Discussion

I've been trying to get straight in my mind what the implications of our discussion on Friday afternoon are. Here's what I came up with; your comments would be appreciated.

At this point I think we just proceed as we have been. But our scope of work for next year may well have changed. My interpretation of what was said is that from the NEPA perspective decisions that are made within the planning process are irrelevant; that the only decisions that NEPA acknowledges are those made within the confines of a NEPA environmental document. Thus the LPA decision made by the Honolulu City Council and ratified by OMPO carries no weight in determining which alternatives go into the DEIS. All we can accomplish during the AA process is a first-level, or fatal flaw, screening of alternatives. Any alternative that is not fatally flawed (to use Joe's term "that we haven't put a stake through the heart of") will need to be considered in the DEIS, as long as it can be said to meet purpose and need; this could include new alternatives that come up during the "real" scoping process that we'll need to do before we start the DEIS. (As an aside, the comment was made during Friday's discussion that this philosophy eliminates Option 1.5; it seem to me that it also eliminates Option 1; only Option 2 where all decisions are made within the confines of a NEPA document would be valid.) With presumably multiple alternatives still on the table, we won't be able to go into PE until after the DEIS is completed and a "valid" LPA decision is made. So come next year we'll be at the point where we can start an AA/DEIS. But what will be the scope? We can do some more detailed environmental analysis, beyond what we do this year, but most of the AA/DEIS scope will have already been completed.

Thoughts?

Mark