

UNCLASSIFIED

OFFICE OF THE MAYOR
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MUFI HANNEMANN
MAYOR



December 11, 2009

Mr. Peter Rogoff, Administrator
Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
4th & 5th Floors, E65-205
Washington, D. C. 20590

Dear Mr. Rogoff:

This is to provide you an update on the following five (5) major issues that Mr. Raymond Sukys of the Region IX office has cited as having to be resolved prior to the Federal Transit Administration's (FTA's) final review of the Final Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project.

1. Section 106 Programmatic Agreement (PA)

The final meeting with the Section 106 Consulting Parties was held on November 13, 2009. At that meeting, it was agreed that other than a few clarifications that would be provided by the National Trust for Historic Preservation (NTHP), the PA that would then be discussed by the signatories (Advisory Council on Historic Preservation, the State Historic Preservation Officer, and FTA) would not be changed. Since then, the Navy has responded that they would like to sign the PA and have commented on the PA. Additional comments have also been received from the Historic Hawaii Foundation and the NTHP. FTA has finalized the PA and transmitted copies to the signatories. It is our understanding that the first meeting of the signatories has been scheduled for December 15, 2009. At that meeting, the determination will be made by the signatories to sign the PA as presented by FTA. Therefore, we are looking at having an executed PA by the end of this month.

2. Airport Runway Protection Zone

The City is requesting that the Hawaii Department of Transportation (HDOT) restrict large aircraft (Categories C and D) from taking off on Runways 4L and 4R and landing on Runways 22L and 22R. This change will allow for a reduction in the Runway Protection Zone (RPZ) from 1700 feet to 1010 feet at the mauka end of the runways and eliminate any encroachment of the rail guideway into the protected area. This would formalize current practice; as these runways are seldom used for large aircraft today. This decision is to be made by HDOT-Airports, following discussion with the air carriers (Hawaiian Air in particular).

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HDOT has been open to the concept as have the local FAA office and contacts for the air carriers. FAA will need to be officially informed of the change to ensure air traffic management is consistent with allowable runway usage. This change is sought as soon as possible and is in development now. Completion is expected by the end of December in the form of a letter from HDOT to FTA that will be included in the Final EIS.

3. Section 4(f)

On December 8, 2009, we finally received further direction from FTA regarding the Section 4(f) analysis. We have requested a conference call with the appropriate FTA staff to further clarify some of the direction that was received. This conference call has yet to be scheduled. Meanwhile, we are proceeding with whatever revisions can be made without further consultation with FTA. This work is scheduled for completion on December 16, 2009.

4. Signature Authority

In the December 1, 2009 letter, the FTA Region IX Administrator raised the question as to who would be signing the Final Environmental Impact Statement for the Honolulu High-Capacity Transit Corridor Project. This issue was raised because of the opinion that the signatory of the Final EIS must have the authority to commit to the mitigation stated in the Final EIS. Our review of the issue is that the EIS is an environmental disclosure document that does not place a contractual obligation upon the City. The FTA will assure implementation of the committed mitigation measures through incorporation by reference in the grant agreement. The grant agreement would require City Council approval prior to its execution by the appropriate City official. Based on this review, the Director of the Department of Transportation Services will be the proper authority who would sign the Final Environmental Impact Statement for the City.

5. Responses to Comments (Administrative Final EIS and Public comments on Draft EIS)

We received comments from the FTA on Chapter 2 of the Administrative Final EIS in November. Those comments have been incorporated into the Final EIS. Comments from the FTA on the remainder of the Final EIS pertained largely to the information contained in Chapters 4 (Environment) and 5 (Section 4(f)). As stated in the discussion of the Section 4(f) analysis above, the changes that we can make will be completed by December 16, 2009. Additional changes to Chapter 7 following the approval of entry into Preliminary Engineering have also been made.

All comments received from the public and agencies/organizations during the Draft EIS comment period have been responded to and submitted to FTA as Appendix A of the Final EIS. A response to comments from the FTA on the letter from Mr. Cliff Slater will be complete by December 15, 2009. No other comments have been received from FTA.

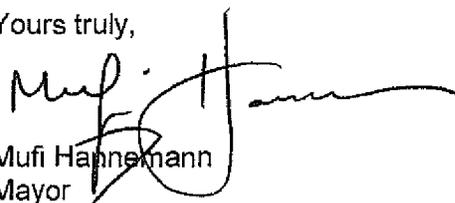
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As presented in this letter, we believe we have addressed the FTA's current concerns fully and expect final closure by the end of this month.

We have come a long way to reach this point and we appreciate your and your staff's commitment to expedite the processing of our project. I look forward to working together in the next phase.

Warm regards and aloha.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mufi Hannemann', written over a printed name and title.

Mufi Hannemann
Mayor