



U.S. Department
of Transportation
**Federal Transit
Administration**

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Mr. Wayne Y. Yoshioka
Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

JAN 18 2011

Subject: Environmental Record of Decision
for the Honolulu High-Capacity
Transit Corridor Project

Wayne
Dear Mr. Yoshioka:

The Federal Transit Administration (FTA) has completed its review of the public and interagency comments on the Final Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project. FTA has issued the enclosed environmental Record of Decision (ROD) for the Project.

As stated in the ROD, the Project must incorporate all the mitigations of adverse effects presented in the Final EIS, the Section 106 Programmatic Agreement, and the ROD. These mitigation actions include, but are not limited to, all commitments to further consultation on specific issues. If the City and County of Honolulu or its successor agency contemplates any change to the Project, you must notify FTA immediately and refrain from taking any action related to the proposed change until FTA has determined what, if any, additional environmental analysis is necessary, and that analysis has been completed and approved by FTA.

The City and County of Honolulu must immediately notify FTA of any proposed change to the Project that would differ in any way from what the Final EIS states. For example, if the City and County of Honolulu wishes to make a change to the mitigation measures in the Final EIS, the Section 106 Agreement, or the ROD, or a change to the Project that would cause new or changed environmental or community impacts not presented in the Final EIS, then you must notify FTA in writing of the desire to make a change. Any such change will be reviewed in accordance with FTA environmental procedures (23 C.F.R. 771.130) on supplemental documentation.

The FTA will determine the appropriate level of environmental review for this or any other proposed change (i.e., a written re-evaluation of the Final EIS, an environmental assessment of the change, or a supplemental environmental impact statement), and the NEPA process for this supplemental environmental review will conclude with a separate NEPA determination, or, if necessary, with an amendment to this ROD.

Upon FTA's approval of the Real Estate Acquisition Management Plan (RAMP), the City and County of Honolulu is authorized to take the following Project actions without prejudice to FTA's future financial assistance for these actions:

- the acquisition of any real property or real property rights identified in the Final EIS or ROD as needed for the Project;
- the relocation of persons and businesses on that property;
- the relocation of the Banana Patch community, if it so desires, in accordance with the ROD;
- the relocation of utilities affected by the Project; and
- the acquisition of rail vehicles for the Project.

This pre-award authorization is not a real or implied commitment by FTA to provide any funding for the Project or any element of the Project. However, if FTA were to provide grant funding for the Project, the cost of the actions listed above, performed after RAMP approval, would be eligible expenses. No other Project action has pre-award authorization at this time. To maintain the Project's eligibility for FTA assistance, all real property acquisitions, and the relocation of persons and businesses thereon, must be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and its implementing regulation (49 CFR part 24) and any other applicable Federal law or regulation. The acquisition of vehicles must also be in accordance with FTA Buy America requirements to maintain eligibility for reimbursement of vehicle acquisition costs

Please post this ROD and its attachments prominently on your Project website at <http://www.honolulustransit.org/> without delay. This posting will allow FTA to publish the limitation-on-claims notice in the *Federal Register* that will start the 180-day clock.

We look forward to continuing to work with you to bring this important Project to fruition. Should you have any questions on the ROD, please contact Ted Matley at (415) 744-2590.

Sincerely,



Leslie Rogers
Regional Administrator

**Record of Decision
on the
Honolulu High Capacity Transit Corridor Project
in
Metropolitan Honolulu, Hawaii
by the
Federal Transit Administration**

Decision

The Federal Transit Administration (FTA) has determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and related Federal environmental statutes, regulations, and executive orders have been satisfied for the Honolulu High-Capacity Transit Corridor Project (the Project) located in metropolitan Honolulu, Hawai'i.

This environmental Record of Decision (ROD) applies to the fixed guideway transit alternative from downtown Honolulu to the University of Hawai'i - West O'ahu via the Airport, which was described and evaluated as the preferred alternative in the *Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation*, dated June 2010 (the Final EIS). The Project sponsor, the City and County of Honolulu Department of Transportation Services (the City), seeks financial assistance from FTA for the Project. If FTA provides financial assistance for the final design or construction of the Project, FTA will require that the City and County of Honolulu, and any successor agency to the City and County of Honolulu sponsoring or managing the Project, design and build it as presented in the Final EIS and this ROD. Any proposed change by the City or its successor must be evaluated in accordance with 23 CFR § 771.130 and must be approved by FTA in writing before the agency requesting the change can proceed with the change.

Background

The Project is a 20-mile grade-separated fixed guideway rail system that begins at the University of Hawai'i - West O'ahu near the future Kroc Center and proceeds east via Farrington Highway and Kamehameha Highway adjacent to Pearl Harbor to Aolele Street serving the Airport, to Dillingham Boulevard, to Nimitz Highway, to Halekauwila Street, and ending at Ala Moana Center. The entire system will operate in an exclusive right-of-way and will be grade-separated except in a location near Leewood Community College. The Project will include 21 transit stations, a vehicle maintenance storage facility near Leewood Community College, park-and-ride lots at some stations, traction power substations, and the acquisition of rail vehicles and maintenance equipment.

As the Project sponsor and potential recipient of FTA financial assistance for the Project, the City served as a co-lead agency with FTA in conducting the environmental review process. The U.S. Army Garrison – Hawai'i, the U.S. Naval Base – Pearl Harbor, the Federal Aviation Administration, and the Federal Highway Administration served as

NEPA cooperating agencies. Each of these Federal agencies may have a Federal action associated with the Project. The State of Hawai'i Department of Transportation also served as a cooperating agency.

Planning for the Project

The purpose of the Project is to improve transit in the congested east-west transportation corridor confined by the mountains to the north and the sea to the south, a fairly linear urban configuration where the population and employment levels warrant a high capacity rapid transit system. Improved transit in this east-west corridor has been studied in detail numerous times by the City and the federal government since the early 1960s. More recent planning studies leading to this Project include the 2030 O'ahu Regional Transportation Plan and the 2005-2006 Alternatives Analysis.

In 2004 and 2005, the O'ahu Metropolitan Planning Organization identified the need for a fixed guideway transit system in its *O'ahu Regional Transportation Plan 2030* (ORTP 2030). Development of the ORTP 2030 was a public process and system-planning effort that identified and prioritized the east-west H-1 travel corridor as having the greatest need for improved transit service. A range of transportation scenarios for O'ahu were evaluated, including fixed guideway transit in various corridors and alternatives that did not include a fixed guideway. The ORTP 2030 envisions that the fixed guideway rail system will become the backbone of the transit system—connecting major employment and residential centers to each other and to Downtown Honolulu (Downtown).

In 2005, the State Legislature recognized the need and public support for a high-capacity transit system on O'ahu and passed Act 247, Session Laws of Hawai'i 2005, *Relating to County Surcharge on State Tax*. Act 247 authorized the City to levy a general excise and use tax (GET) surcharge to construct and operate a mass transit system serving O'ahu. The City Council subsequently adopted Ordinance 05-027 to levy a tax surcharge to fund public transportation. With dedicated, secure local funding established for the first time, the City began the Alternatives Analysis process to evaluate high-capacity transit alternatives in the study corridor.

The *Honolulu High-Capacity Transit Corridor Project Alternatives Analysis Report* (City and County of Honolulu Department of Transportation Services [DTS], 2006b) completed in November 2006 documented the evaluation of three build alternatives that would provide transit service in the study corridor between Kapolei and UH Mānoa. In accordance with FTA guidance, the Alternatives Analysis evaluated and screened a range of transit modes and general alignment alternatives in terms of their cost, benefits, and impacts.

After review of the Alternatives Analysis and consideration of comments received from the public, the City Council identified a Fixed Guideway Transit System Alternative as the locally preferred alternative on December 22, 2006 in Ordinance 07-001. FTA and the City proceeded with the NEPA review of this proposed action.

FTA published the Notice of Intent to prepare an EIS for this Project in the *Federal Register* on March 15, 2007, and the EIS scoping process was concluded in April 2007.

On November 4, 2008, the voters of O'ahu passed a charter amendment declaring that the City should establish a steel-wheel on steel-rail transit system. The Notice of Availability of the Draft EIS was published in the *Federal Register* on November 21, 2008 with the extended public comment period ending on February 6, 2009. The City Council passed Resolution 08-261 on January 28, 2009, which resolved that the Airport Alternative best meets the City's financial and transportation objectives for the project. The Airport Alternative was evaluated in the Final EIS as the NEPA preferred alternative.

FTA approved distribution of the Final EIS on June 14, 2010, and a Notice of Availability of the Final EIS was published by the U.S. Environmental Protection Agency (EPA) on June 25, 2010 in the *Federal Register*. FTA extended the public review period for the Final EIS to August 26, 2010.

Alternatives Considered

FTA and the City considered a broad range of alternatives in various studies prior to the initiation of the NEPA process and continuing through the Draft and Final EIS.

Alternatives Analysis Process

During 2005 and 2006, the City conducted an Alternatives Analysis that considered a variety of highway, bus, and fixed guideway options. Both modal technology and alignment options were combined to create a number of alternatives for consideration. The Alternatives Analysis evaluated and screened these alternatives in terms of their cost, benefits, and impacts and their ability to meet the Project's purpose and need. The alternatives were identified through previous transit studies, field reviews of the study corridor, analysis of current population and employment data for the study corridor, a literature review of technology modes, work completed for the ORTP 2030, and public and agency comments received.

Transit Technologies Considered: As documented in the *Final Technology Options Memo (DTS 2000)*, a variety of alternative transit technologies were considered during the alternatives analysis and EIS processes. Certain technologies that were eliminated from further consideration and the primary reason for elimination are:

- *Personal rapid transit* was eliminated based on lack of technical maturity and low cruise speeds.
- *Commuter rail* was eliminated based on poor operating performance and because the study corridor needs short station spacing, especially in the urban core, spacing that commuter rail cannot provide.
- *Waterborne ferry service* was eliminated because it could not meet line capacity requirements nor did it have the ability to service many of the key activity centers in the corridor.

- *Rubber-tired guided* vehicles were eliminated due to its being a proprietary technology (lack of supplier competition) and technical immaturity.
- *Diesel Multiple Unit (DMU)* was eliminated due to its moderate technical maturity and lack of supplier competition.
- *Magnetic levitation* was eliminated due to its being a proprietary technology unproven in the U.S.
- *Monorail* was eliminated due to proprietary technology.

Alternative Alignments Considered: The following alternatives were considered but eliminated from further consideration for the reasons described below:

- *Tunnel Crossing* – The tunnel crossing beneath Pearl Harbor was rejected because it would not improve connectivity within the study corridor.
- *At-grade Light-rail Transit and At-Grade Alternatives in Downtown* – The process considered 15 combinations of tunnel, at-grade, or elevated alignments between Iwilei and Ward Avenue and five different alignments through Downtown. Some of the technical considerations associated with an at-grade versus elevated alignment through Downtown included: (1) System Capacity, Speed, and Reliability - The short, 200-foot (or less) blocks in Downtown would permanently limit an at-grade system to two-car trains to prevent stopped trains from blocking vehicular traffic on cross-streets; (2) Mixed-Traffic Conflicts - An at-grade system would have prevented effective coordination of traffic signals in the delicately balanced signal network in Downtown. An at-grade system would have required removal of two or more existing traffic lanes on affected streets. This effect would have exacerbated congestion. An at-grade light rail system with continuous tracks in-street would have created major impediments to turning movements; (3) Construction Impacts - An at-grade rail system would have increased the utility conflicts and impacts to sensitive cultural resources; (4) Purpose and Need - An at-grade system would not have met the Project's Purpose and Need because it would not have satisfied the mobility and reliability needs of the Project.
- *Various Fixed Guideway Options* – A total of 75 fixed guideway alignment options were considered and screened to a smaller number to be evaluated in more detail. The corridor was divided into eight geographic sections and between 4 and 16 alignment options were evaluated for each of these sections. Within each section, the alignments retained for further evaluation were those that demonstrated the best performance related to mobility and accessibility, smart growth and economic development, constructability and cost, community and environmental quality, and consistency with adopted plans.
- *Transportation System Management Alternative (TSM)* – This alternative was developed to evaluate how well a combination of relatively low-cost transit improvements could meet the study area's transit needs. Bus service was

optimized by increasing bus service but without building a new fixed guideway for transit.

- *Managed Lane Alternative* – This alternative would have provided a two-lane elevated toll facility between Waipahu and Downtown, with variable pricing strategies for single-occupant vehicles to maintain free-flow speeds for transit and high-occupancy vehicles. This alternative would not have supported forecasted population and employment growth in plans previously adopted by the City pursuant to the *Hawai'i State Planning Act* (HRS Chapter 226). This alternative would have provided very little transit benefit at a high cost. The cost-per-hour of transit-user benefits for the alternative would have been two to three times higher than that for the Fixed Guideway Alternative and would not have substantially improved service or access to transit for transit-dependent communities. In sum, the Managed Lane Alternative failed to meet the Project's Purpose and Need as it would not have improved corridor mobility or travel reliability.

EIS Process

During the scoping of the EIS, the results of the planning Alternatives Analysis was presented for public and agency comment. The EIS incorporated by reference the Alternatives Analysis and its results. Building on the Alternatives Analysis, four alternatives including the proposed action (i.e., the locally preferred alternative) were carried forward and were further evaluated in the Draft EIS. They included the No Build Alternative and three build alternatives as described below.

- *No Build Alternative* – This alternative was evaluated to provide a comparison of what the future conditions would be if none of the Build Alternatives were implemented. Due to increasing traffic congestion and slower travel times, transit service levels and passenger capacity under the No Build would remain about the same as they are today.
- *Airport Alternative* – The NEPA preferred alternative, referred to in the Final EIS as the Project or Airport Alternative, was one of three build alternatives evaluated in the Draft EIS. The Airport Alternative will carry the most passengers and provide the greatest transit-user benefits. It will provide access to employment centers at Pearl Harbor Naval Base and Honolulu International Airport and will have substantially greater ridership to those areas than the Salt Lake Alternative. The Airport Alternative will have slightly lower potential for encountering archaeological resources but will affect more historic resources than the Salt Lake Alternative.
- *Salt Lake Alternative* – This alternative would have included the construction and operation of a grade-separated elevated fixed guideway transit system with the same system characteristics described for the Project. At the west end, the guideway would have followed the same alignment as described for the Project. However, in the vicinity of Aloha Stadium, the guideway would have left Kamehameha Highway immediately west of Aloha Stadium, crossed the Aloha Stadium main parking lot, and continued east along Salt Lake Boulevard. It would have followed Pūkōloa Street through Māpunapuna before crossing and following

Moanalua Stream to cross over the H-1 Freeway and continued to the Middle Street Transit Center. From this point, the guideway would have followed the same alignment as described for the Project to Ala Moana Center.

- *Airport & Salt Lake Alternative* – This alternative would have been identical to the Salt Lake Alternative, with an additional segment that would have followed Kamehameha Highway and Aolele Street from Aloha Stadium to Middle Street. This alternative would have followed the alignments described for both the Salt Lake Alternative and the Airport Alternative. The Aloha Stadium Station on Kamehameha Highway would have been relocated north to provide an Arizona Memorial Station instead of a second Aloha Stadium Station. At the Middle Street Transit Center Station, each line would have had a separate platform with a concourse providing a pedestrian connection between them to allow passengers to transfer. This alternative would have resulted in the greatest impact because the most resources would have been affected.

The Final EIS identified the Airport Alternative as the Preferred Alternative which is the subject of this ROD. This selection was based on consideration of the benefits of each alternative studied in the Draft EIS, public and agency comments received on the Draft EIS, and City Council action under Resolution 08-261 identifying the Airport Alternative as the Project. The Final EIS included additional information and analyses, as well as minor revisions to the Project that were made to address comments received from agencies and the public on the Draft EIS.

Description of the Project

The Project as described in the Final EIS is the subject of this ROD.

It consists of the 20-mile elevated guideway with 21 stations and supporting facilities. Supporting facilities include: a vehicle maintenance and storage facility (MSF), transit centers, park-and-ride lots, traction power stations approximately every mile, a parking structure, and an access ramp from the H-2 Freeway to the Pearl Highlands park-and-ride. The MSF will be located near Leeward Community College. This site was selected over an alternate site at Ho‘opili due to its central location on the rail line, the guideway being at-grade at this location, its better access to the mainline, and its being the least costly option since there is no need for access tracks. By comparison, the Ho‘opili site would have been further away from the guideway, been more costly to design and construct approximately one mile of elevated access tracks to connect the site to the guideway, and required rezoning of State agricultural land. For these reasons, the MSF site near Leeward Community College was selected.

From Wai‘anae to Koko Head (west to east), the guideway will follow North-South Road and other future roadways to Farrington Highway. The guideway will follow Farrington Highway east on an elevated structure and continue along Kamehameha Highway to the vicinity of Aloha Stadium. The guideway will continue past Aloha Stadium along Kamehameha Highway north to Nimitz Highway and turn north onto Aolele Street. It will then follow Aolele Street, Ualena Street, and Waiwai Loop east to reconnect to Nimitz Highway near Moanalua Stream and continue to the Middle Street Transit Center.

East of Middle Street, the guideway will follow Dillingham Boulevard to the vicinity of Ka'aahi Street and then turn east to connect to Nimitz Highway near Iwilei Road. The guideway will follow Nimitz Highway east to Halekauwila Street, and then proceed along Halekauwila Street past Ward Avenue, where it will transition to Queen Street. The guideway will cross from Waimanu Street to Kona Street in the vicinity of Pensacola Street. The guideway will run above Kona Street to Ala Moana Center.

Construction staging will occur on sites that will be permanently used by the Project and whose environmental disturbance was evaluated in the Final EIS for that reason. Pre-casting of concrete sections of the guideway and other concrete elements will occur at a commercial site identified in the letter from the City included in Attachment D.

Basis for Decision

FTA has determined that the Project meets the Purpose and Needs of the proposed action as discussed below.

Improves Corridor Mobility – The Project will substantially improve corridor mobility in the most highly congested corridor in the City. Transit ridership will increase by approximately 56,200 trips per day or 25 percent by 2030, and transit users will save more than 20 million equivalent hours of travel time per year by 2030.

Improves Corridor Travel Reliability – Predictable travel time for transit riders will increase substantially as trips are moved from buses operating on streets in mixed traffic and congested freeways to the fixed guideway. Transit trips on the exclusive fixed guideway will not be subject to traffic delay.

Support for Transit Oriented Development -- The Project will support development and redevelopment around stations by enhancing access and supplying a daily influx of transit riders and potential customers for businesses. Although the construction of the Project does not directly cause development to occur, land use plans and policies will encourage new development to be located near transit stations to take advantage of the transportation infrastructure and increased accessibility afforded by the Project. With the Project, approximately 60,000 additional residents and 27,000 new jobs will be located within walking distance of stations in 2030.

Improves Transit Equity – The Project will provide service in the area of the City where the transit need is greatest. The Project will connect areas that have the highest transit dependency, which includes “communities of concern” designated by the City. Based on demographics within the study corridor, the demand and need for public transit on O‘ahu is greatest within the areas served by the Project.

Measures to Mitigate the Adverse Effects of the Project

Measures to mitigate the effects of the Project were considered during the Project’s development in coordination with the interested agencies. All reasonable means to avoid and minimize the adverse effects of the Project have been adopted. The mitigation

commitments are briefly described in Attachment A, *Mitigation Monitoring Program to Ensure Fulfillment of All Environmental and Related Commitments in the Final EIS and Section 106 Programmatic Agreement*, which also describes the monitoring and enforcement program. Most mitigation measures were detailed in the Final EIS, though a few were added in this ROD in response to comments received or final consultations. For mitigation described in the final EIS and referenced in this ROD, the detailed description of the mitigation measure provided in the Final EIS remains the commitment. Any change in such mitigation from the description in the Final EIS will require a review in accordance with 23 CFR § 771.130 and must be approved by FTA in writing.

Public Involvement and Outreach

Development of the Project has included public outreach using different venues and techniques for participation by the public and other agencies, as summarized below:

- Various printed informational materials were produced that included newsletters, fact sheets, brochures, media releases, public meeting announcements, and project handouts.
- Informational radio and video segments were produced and broadcast on commercial stations, public access and the Internet.
- A Project website (www.honolulutransit.org) was created to post project information and to receive public input.
- Electronic versions of the Draft EIS and Final EIS were uploaded to the Project website.
- An interactive DVD on the Draft EIS, a 28-minute video guide to the Draft EIS, and a computer animated fly-through of the Airport and Salt Lake Alternatives were sent to all recipients of the Draft EIS.
- A telephone information line (808-566-2299) was established.
- The City participated in radio programs and a monthly show on public access television.
- Islandwide community updates were held to share information and gather input on significant milestone decisions.
- The City attended neighborhood board meetings.
- The City participated in Speakers Bureaus, community events and coffee hours to provide Project information to community groups, agencies, and organizations.
- Feedback was solicited from various government and other agencies through direct contact with elected officials, neighborhood boards, the Transit Solutions Advisory Committee, stakeholders, and interested organizations.
- NEPA scoping meetings were held in March and April 2007 and an agency scoping meeting in March 2007. Comments were received via mail, website, and the telephone line and at the scoping meetings.
- The City participated in town hall meetings.
- Approximately 20 half-hour information shows about the Project have been produced and broadcast on local 'Ōlelo television.
- The City participated in approximately 800 community events such as the Hawai'ian Products Show, Annual Splendor of China event, Energy Expo, Job

Quest Job Fair, Seniors & Disabilities Workshop, Asia Pacific Clean Energy Expo, Hawai'i Lodging, Hospitality & Foodservice Expo, Dragon Boat Race, and Workforce Job Fair to present and discuss the Project.

- Station design workshops were held to solicit community input and ideas about station design elements and the interface between each station and the surrounding community.
- Public hearings on the Draft EIS were advertised in major local newspapers, on local radio and television, and in ethnic and cultural newspapers in several languages. The hearings and the document's availability were also announced through the Project's website, hotline, newsletters, and a postcard mailed to area residents, agencies and organizations on the Project's mailing list.
- A public information meeting was held by the City Council on July 14, 2010, after the first Notice of Availability of the Final EIS was published in the Federal Register. Both oral and written testimony was accepted from the public and submitted to FTA and the City for consideration.
- Consultation occurred with various consulting parties as required by Section 106 of the National Historic Preservation Act. Extensive effort was made to identify, contact and consult with groups entitled to be consulting parties relating to archaeological, cultural, and historic resources adversely affected by the Project. The City and FTA consulted with over 30 organizations and agencies, including a number of Native Hawai'ian organizations. Between July 28, 2009 and November 14, 2009, FTA and the City participated in a series of consultation meetings to identify to develop which the Section 106 Programmatic Agreement (Appendix B). FTA and the City continued correspondence with these consulting parties over the next year, including a meeting on January 3, 2011, as the Programmatic Agreement was refined with the assistance of the Signatories and Invited Signatories.
- Agency coordination occurred throughout the planning and environmental processes, as described in Section 8.4.2 of the Final EIS. Cooperating agencies were offered the opportunity to be briefed on the Project and given an opportunity to comment on preliminary copies of both the Draft EIS and Final EIS.

Determinations and Findings

Section 106 of the National Historic Preservation Act

FTA determined that the Project would have an adverse effect on historic properties. The Section 106 Programmatic Agreement is included as Attachment B of this ROD.

Air Quality Conformity

The entire State of Hawai'i is designated by EPA as in attainment of the health standards for the transportation-related air pollutants: carbon monoxide (CO), ozone (O₃), and particulate matter (PM₁₀ and PM_{2.5}). Therefore, the EPA requirements for conformity with air quality plans do not apply to this Project.

Section 4(f) Findings

The Project will result in the direct use of 11 Section 4(f) historic properties, use with *de minimis* impacts on two historic properties; use with *de minimis* impacts on three park and recreational properties; and temporary occupancy of two recreational properties. Chapter 5 of the Final EIS evaluates these issues and resources.

Regarding the use of Afuso House, Higa Four-Plex, Teixeira House, Lava Rock Curbs, Kalama Canal Bridge, Six Quonset Huts, True Kamani Trees, O'ahu Railway & Land Company Terminal Building, O'ahu Railway & Land Company Office/Document Storage Building, Chinatown Historic District, Dillingham Transportation Building, HECO Downtown Plant and Leslie A. Hicks Building, FTA has determined that: (1) there is no feasible and prudent avoidance alternative, as defined in 23 C.F.R. § 774.17, to the use of land from these properties; and (2) the Project includes all possible planning, as defined in 23 C.F.R. § 774.17, to minimize harm to the property resulting from such use. The basis for these findings is discussed in Sections 5.4 and 5.5 of the Final EIS.

Regarding *de minimis* impacts to Boulevard Saimin, Oahu Railway & Land Company basalt paving blocks, O'ahu Railway & Land Company former filling station, FTA has received written concurrence from the SHPO and the ACHP in a finding of "no adverse effect" in accordance with 36 C.F.R. part 800, as indicated by their signing of the Section 106 Agreement in Attachment B. FTA hereby determines that the Project will have a *de minimis* impact on these historic properties.

Regarding *de minimis* impacts to Aloha Stadium, Ke'ehi Lagoon Beach Park, and Pacific War Memorial Site, FTA informed the officials with jurisdiction of its intent to make a *de minimis* impact finding for the use of these parks and recreational resources. Following an opportunity for public review and comment, no comments were received from the public and one comment was received from the Department of Accounting and General Services re-affirming that they had no objection to the *de minimis*-impact finding for Aloha Stadium. Comment also was received from the City's Department of Parks and Recreation in regard to preparation of an agreement for the use of Ke'ehi Lagoon Beach Park and the Pacific War Memorial site properties. As such, the officials with jurisdiction over the Section 4(f) resource concurred, in writing, that the Project will not adversely affect the activities, features, or attributes that make these properties eligible for Section 4(f) protection. (Appendix F in Final EIS, Agency Correspondence and Coordination). FTA hereby determines that the Project will not adversely affect the features, attributes, or activities qualifying these properties for protection under Section 4(f); therefore, the Project will have a *de minimis* impact on these properties.

Regarding temporary occupancy of Pearl Harbor Bike Path and Future Middle Loch Park, FTA hereby determines that, pursuant to 23 C.F.R. § 774.13(d), these temporary occupancies of land are so minimal as to not constitute a use within the meaning of Section 4(f). The conditions for satisfying a temporary occupancy and the basis for this determination are discussed in Section 5.7 of the Final EIS.

In Section 5.8, FTA evaluated two feasible and prudent alternatives (Airport alignment and Salt Lake Alternative alignment) to determine which one resulted in the least overall harm in light of Section 4(f)'s preservation purpose. In this evaluation, FTA found that there were very few differences between the Airport Alternative and the Salt Lake Alternative alignments in terms of use of Section 4(f) properties except in the center portion of the project corridor. In this portion of the corridor, where the two alternative alignments diverge, the Salt Lake Alternative would have had a direct use at Aloha Stadium and a possible direct use at Radford Road High school. The Airport Alternative would not result in a direct use to properties within this same corridor and therefore, would have the least overall harm in light of Section 4(f)'s preservation purpose.

Endangered Species Act

Ko'oloa'ula (*Abutilon menziesii*), an endemic plant species, was not observed during the field surveys; however, the Project is known to be in close proximity to extant plant clusters and within approximately 200 feet of the northern edge of an established contingency reserve. Ko'oloa'ula is an endangered Hawai'ian hibiscus that grows in dryland forests. In October 2010, the U.S. Fish and Wildlife Service (USFWS) concurred in the FTA determination that the Project is not likely to adversely affect any threatened or endangered species, in accordance with Section 7 of the Endangered Species Act, as amended (7 U.S.C. § 136; 16 U.S.C. §§ 1531 et seq.). The City will implement the minimization measures described in FTA's letter to USFWS, dated September 15, 2010 (Attachment D). These commitments also are included in Attachment A, the Mitigation Monitoring Program.

Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act

Coordination with federal, state and local agencies was conducted in compliance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act as described in Section 4.14.1 of the Final EIS. The Project will permanently encroach upon approximately 0.08 acre of waters of the U.S. These impacts are from placing piers in Waiawa Springs, Moanalua Stream, Kapalama Canal Stream, and Nu'uau Stream and Waiawa Springs. Permanent mitigation features are proposed at Waiawa Stream, within the Pearl Highlands Station area and are included in Attachment A, the Mitigation Monitoring Program.

Executive Order 11988: Floodplain Management

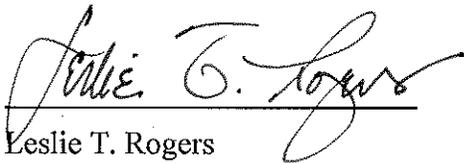
The guideway will cross several floodplains but will not cause significant floodplain encroachment as defined by U.S. Department of Transportation Order 5650.2, *Floodplain Management and Protection*, which implements Executive Order 11988. Any changes caused by the Project will be mitigated through design to comply with current flood zone regulations. With mitigation, which is included in Attachment A (Mitigation Monitoring Program), the Project will not raise base flood elevations.

Executive Order 12898: Environmental Justice

The Pearl Highlands Station will displace the Banana Patch community which is made up of people of Asian descent who depend on a simple agrarian lifestyle in their present location. FTA has now concluded, in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, that this community would be subject to disproportionately high and adverse human health or environmental effects as a result of the Project, unless mitigation actions beyond those required by the *Uniform Relocation Assistance and Real Property Acquisition Policies Act* are incorporated into the Project. To the extent that the community so desires, it will be relocated as a community to a location where its unique lifestyle can be maintained. This mitigation commitment is included in Attachment A (Mitigation Monitoring Program) to ensure that it is carried out. With this mitigation, the disproportionate adverse impact on this community is eliminated.

Environmental Finding required by Federal Transit Law [49 U.S.C. 5324(b)]

The environmental record for the Project consists of the Draft and Final EISs and this ROD, which includes the mitigation monitoring program (Attachment A) and the Section 106 Programmatic Agreement (Attachment B). This environmental record for the Project includes: the environmental impacts of the Project; the adverse environmental effects that cannot be avoided; alternatives to the Project; and irreversible and irretrievable impacts on the environment. FTA has reviewed the public and agency comments on the Draft and Final EISs and the transcripts of the hearings submitted under 49 U.S.C. § 5323(b). Attachment C of this ROD responds to public and agency comments on the Final EIS. FTA finds that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project. FTA finds that the preservation and enhancement of the environment and the interest of the community in which the Project is located were considered. FTA finds that, with the execution of the mitigation monitoring program in Attachment A, all reasonable steps are being taken to minimize the adverse environmental effects of the Project, and where adverse environmental effects remain, no feasible and prudent alternative to such effects exists.



Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX

JAN 18 2011

Date

Attachments:

Attachment A: Mitigation Monitoring Program

Attachment B: Section 106 Programmatic Agreement

Attachment C: Comments on the Final EIS and Responses

Attachment D: Relevant Correspondence, including:
FTA letter to USFWS regarding Endangered Species Act Section 7
Letter from the City regarding Site for Pre-casting Concrete