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August 26, 2010

By email only: Ted.Matley@fta.gov

Mr. Ted Matley
FTA
Washington, D. C.

Subject: Final EIS Honolulu High-Capacity Corridor Project

By letter dated February 5, 2009, I commented on the draft federal and Hawaii State EIS for the subject project (copy attached). The comment letter was responded to as part of the Final EIS.

I have thirty-five years as a planning professional responsible for preparing Federal and Hawaii State EIS documents for complex projects, and acting as the accepting authority for Hawaii State EIS documents while I was Planning Director of the County of Hawaii (late-1984 through late-1988).

My professional opinion is that the Federal and State EIS document prepared for the Honolulu High-Capacity Corridor Project does not meet federal and Hawaii State requirements and standards for accepting a Final EIS.

- 1) The final EIS was not responsive to my comments and comments made by others, providing boilerplate information already available and not directly responding to comments. In addition, the Final EIS did not respond to comments in the final paragraph of my comment letter. Accepting the Final EIS as it has been prepared will lower the standard for how comments are responded to in Final EIS documents; with the new standard being that a response was made and not that a response was adequate.
- 2) The Final EIS contains information, data, and analysis not made available through the draft EIS, and by doing so it thwarts public and public agencies reviewing and commenting on EIS information, data, and analysis. For example, after the draft was published, the consultants realized they needed to do a 4-F review for two parks. Further, after the draft EIS was published it was revealed that the alignment in the draft conflicted with the Honolulu International Airport runway and the alignment was changed. Finally, the planning consultants for the project increased the ridership projections in the Final EIS document. These are examples, and there are others, of information, data, and analysis that should have been available in the draft EIS document. Accepting the Final EIS, as it has been prepared will lower the standard for adding new information in the Final EIS and avoiding public review of relevant information, data, and analysis.
- 3) The consultants who prepared the EIS do not understand the Hawaii State EIS requirements set forth in HRS 343, applicable agency administrative rules, and applicable administrative and judicial rulings. The State of Hawaii has rejected final EIS for minor shortcomings. If this EIS is accepted, I expect that the Courts will overturn the acceptance of the Final EIS.

Mahalo a nui loa,

A. LONO LYMAN