

AUG 30 2010



## *Hawaii's Thousand Friends*

25 Malunilu Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

August 25, 2010

Mr. Wayne Y. Yoshioka, Director  
Department of Transportation Services  
City and County of Honolulu  
650 South King Street, 3<sup>rd</sup> Floor  
Honolulu, Hawai'i 96813

Mr. Ted Matley  
FTA Region IX  
201 Mission Street, Suite 1650  
San Francisco, California 94105

Regarding: Honolulu High-Capacity Transit Corridor Final Environmental Impact  
Statement/Section 4(f) Evaluation

### **Hawai'i Revised Statutes Chapter 6E**

In our DEIS response Hawaii's Thousand Friends (HTF) reiterated that our January 10, 2008 letter to Wayne Yoshioka requesting that with regard to the compliance of the proposed Honolulu Mass Transit Project with the provisions of Chapter 6E, Hawai'i Revised Statutes, that HTF be regarded as an "Interested persons" as that term is defined in Section 13-272-2, Hawai'i Administrative rules (HAR) and be accorded all the rights of such persons under Chapter 6E, applicable administrative rules, and other provisions of the law.

HTF never received a response to its January 10, 2008 letter nor did HTF receive the documents sent to "consulted parties" such as the National Trust for Historic Preservation.

In their FEIS response the City cites no legal authority for its baseless conclusion that HTF failed to properly request consulted party status. Before the FEIS is accepted the City should identify with particularity the legal authority on which it relies for its conclusion.

## **Ke`ehi Lagoon Beach Park**

Hawaii's Thousand Friends response to the DEIS requested that FTA reconsider its intent to render a Section 4(f) *de-minimis* determination for Ke`ehi Lagoon Beach Park and "that all documentation settling forth FTA's determination and its justification be included in the FEIS. The FEIS did not contain such documentation and cannot be accepted until the requested documentation and information is provided.

### **Cost**

The cost of the proposed elevated rail system of \$5.4 billion for only 20 miles is far too expensive for Oahu's residential population of 905,034 to build, maintain, pay for cost overrides and delays and subsidize when fares or tax collection and the transit surcharge decreases.

The city misled the public by stating that the cost of \$2.6 billion in 2005 was for 28 miles then the City raised the cost to \$3.6 billion while advertising a light rail system. After the 2008 election and the public vote to support a "steel on steel" transit system the City raised the rail cost to \$4.4 billion, and now the cost is \$5.4 billion for a 20 mile an elevated heavy rail system.

The FEIS cannot be accepted until the *actual* and *full* cost for the 20 mile elevated rail transit system including maintenance, equipment replacement, personnel and associated activities is analyzed and revenue estimates reviewed in light of the drop in tax revenue and the city's past discussions of using federal bus money and general fund money for the rail transit system.

### **Rail Transit Alternatives**

The City stacked the Alternative Analysis toward only one option - elevated rail by omitting any fair and reasonable discussion of other alternatives. The City brushed off Kamehameha Schools, Oahu's largest landowner, a reasonable and cheaper fully developed alternative rail plan that offered and urged the city to consider changing the rail design to run at ground level in some areas.

When the Honolulu Chapter of the American Institute of Architects (AIA) mentioned concerns about visual impacts of the elevated system and costs they were ignored.

In the City's rush to lock in the route and an elevated steel-on-steel system the old existing Oahu Railway and Land (OR&L) right-of-way was never discussed nor considered as a reasonable rail alternative.

Hawaii's Thousand Friends believes that using the old OR&L right-of-way would accomplish the same goal as the Preferred Alternative to – *provide reliable mobility in areas of the corridor where people of limited income and an aging population live and will serve rapidly developing areas of the study corridor.* That alternative was never seriously considered.

The OR&L right-of-way is reasonable, less expensive, less environmentally destructive and socially disruptive. If the rail line follows the OR&L route, it will run at surface level to the stadium. The OR&L route is government owned, has already been cleared of `iwi and encounters only a few cross roads in the twelve miles from Kapolei to the stadium. This system could be built for about one-fourth the money in about one-fourth of time.

If the rail began at UH West Oahu, and headed *makai* to the old OR&L line, it would serve H-1 and Kapolei. Placing a park-and-ride at Ft. Weaver Road would bring rail service to `Ewa and `Ewa Beach something the PREFERRED ALTERNATIVE does not do.

The OR&L route serves every shopping area, recreation area and employment center on the Wet side. In addition the right-of-way extends through Kapolei to Ko`Olina and on up the coast to Waianae.

The OR&L route would save Prime agriculture land, preserve *mauka* and *makai* views, save countless historical structures and avoid impacting streams and wetlands.

While several alternative rail transit options were offered the City summarily ignored them. Instead of offering several rail options to Oahu voters the only option available was the steel-on-steel transit system take it or leave it. The vote 53% yes to 47% no was hardly a mandate.

### **Land Use**

The acknowledgement that Kapolei is fast becoming a “second city” and that the `Ewa Development Plan area is unlikely to “...develop as planned unless it is accessible to Downtown and other parts of Oahu...to support future growth...” reveals the importance that potential indirect and growth-inducing impacts on the natural environment as a result of the proposed Project. This analysis was not done in the FEIS.

The FEIS cannot be accepted until the potential indirect and growth-inducing impacts from the rail transit system on the natural environment are addressed.

The rail transit line and stations are planned to go through approximately 1500 acres of PRIME Agricultural Land, most of which is actively farmed, from East Kapolei to Fort Weaver Road (Figure 4-3). This route is with total disregard for the State Constitution Article XI Section 3 Agriculture Lands, the *Agricultural Lands of Importance to the State of Hawai`i (ALISH)* PRIME agriculture land determination, and Hawai`i Revised Statute Chapter 205-4.5 Permissible uses within the agricultural districts.

This land has been identified as PRIME agricultural land under the *ALISH* rating system. PRIME agriculture land is land best suited for the production of food, feed, forage, and fiber crops. This land has the soil quality, growing season, and moisture supply needed to producer sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods designated land with complete disregard.

Hawai'i Constitution Article XI-Sec.3 Agriculture Lands,

The State shall conserve and protect agriculture lands, promote diversified agriculture, increase agriculture self-sufficiency and assure the availability of agriculturally suitable lands. The leg shall provide standards and criteria to accomplish the foregoing.

Lands identified by the State, as important agriculture lands needed to fulfill the purpose above shall not be reclassified by the state or zoned by its political subdivisions with meeting the standards and criteria established by the leg and approved by a two-thirds vote of the body responsible for reclassification or rezoning action.

To meet the state's obligation, Article XI Section 3, in October 1975, the U.S. Soil Conservation Service Department of Agriculture adopted a program to identify the extent and location of the nation's best lands available for the production of food, feed, fiber, forage, and oilseed crops.

The adoption of this program by the State of Hawai'i gave the State the opportunity to classify all its lands from an agricultural perspective, and be the first state in the nation to do so.

The classification system and criteria developed by an ad hoc committee was adopted by the State of Hawai'i Board of Agriculture on January 28, 1977. It delineates those lands of the state, which are of agricultural importance and within this delineation, categorizes agricultural lands according to specific criteria.

Hawai'i Revised Statutes 205-4.5 Permissible uses within the agricultural districts states "Within the agricultural district, all lands with soil classified by the Land Study Bureau's detailed land classification as overall productivity rating class A or B shall be restricted to the following permitted uses:" The proposed High-Capacity Transit Corridor Project is **not** identified as a permissible use. (Emphasis added)

In 2009 the City passed a Transient Oriented Development (TOD) special district amendment to the land use ordinance (ROH 2009). TOD special districts were touted as planning methods that will restrict development in agricultural and open-space areas and encourage mixed-use, high-density, walk able communities, around transit stations. Yet, Figures 4-3 and 4-7 show the transit line beginning near and going through PRIME agricultural land.

If approved the PREFERRED ALTERNATIVE route will promote development as stated through out the FEIS and destroy PRIME agriculture land instead of protecting agricultural land as mandated in the State Constitution and other documents.

In response to HTFs question to identify *when each of the proposed developments - West Oahu campus, Kroc Center, Ho'opili and new shopping center on Hawaiian Home lands, are projected to be developed in relation to construction of the Kapolei transit station including evaluation of the direct, indirect and cumulative impacts on the environment, water resources, public facilities and traffic* the City responded in Sec. 4.19.2 FEIS "When each development is planned, the potential for transit-oriented development (TOD) is likely."

What the City forgot to say in their response was that there are three TODs involved, one in the middle of the Aloun property itself, one on the property of UHWO, and one just below the property at Kroc Center. Two of the TODs are on prime agricultural land.

The FEIS section 4.2.3. states that 42 percent of the acreage converted to transportation will be agriculture land, which represents the largest amount of land conversion for the entire project.

The FEIS states, that “Approximately 80 acres of prime farmland and 8 acres of statewide-important farmlands will be acquired by the Project, of which 70 acres are actively cultivated. This acreage is designated for agriculture by County zoning.”

According the State Department of Agriculture 3,300 acres of A and B lands have been lost only in the last twenty years. This does not include the proposed designation of 1500 acres of agricultural designated land to urban (Figure 4-7) or the additional Koa Ridge application to designate 500 acres of agriculture land to urban.

It is impossible to ignore the cumulative impact of the loss of agriculture land especially the islands best and most productive land whether in large chunks or small acreage of prime and cultivated agricultural land.

*The question is, can any component of a rail system be built in the agricultural district?*

### **Kaka`ako**

Kaka`ako is a vital part of the state’s economy. The area includes nearly 200 commercial and industrial businesses that employ approximately 1000 people and generate approximately \$60 million in annual sales. Yet, the FEIS neither discussed nor evaluated impacts from the rail transit on the ability of these small businesses to survive once the rail line reaches the Kaka`ako District.

Kaka`ako is near the end of the transit line making it vulnerable to a “proceed at all costs” mentality. At that point it will neither be cost effective nor feasible to stop the transit line regardless of how small business owners will be harmed or when `iwi and other historical and cultural resources are discovered. Therefore, it is imperative that this FEIS not be approved until:

1. An Archaeological Inventory Survey is conducted and accepted.
2. A preservation plan of historical and cultural resources is in place along the Kaka`ako District corridor.
3. A strategy is defined for coordinating the development of rail transit given the likely discovery of `iwi and other historical and cultural resources within the corridor right-of-way.

The FEIS cannot be accepted until the direct, indirect and cumulative impacts on Kaka`ako small businesses such as those below are evaluated, resolved and/or mitigated.

1. Loss of travel lanes due to construction or perhaps lost on a permanent basis and the

- impact on local traffic on Halekauwila Street.
2. Impacts on small businesses from loss of parking on Halekauwila, Queen Street extension and Kona Street due to placement of rail columns,
  3. Impacts from loss of curbside parking on Halekauwila from South to Cooke Street.
  4. Impacts from loss of use of lot frontage as parking from Cooke Street to Ward Avenue.
  5. Impacts on small businesses from loss of lot frontage parking on narrow Kona Street from Pensacola to Piikoi.
  6. Impacts to businesses from people seeking parking to use one of the three stations in Kaka'ako.

Table 3-28 Potential Effect on On-Street parking During Construction identifies that – 204 parking spaces out of 226 will be temporarily lost during construction in the Kaka'ako District. In Table 3-24 another 393 permanent parking spaces will be lost out of 864 parking spaces in the Kaka'ako District. This loss of parking in Kaka'ako is a disproportionate amount of parking lost, temporarily or permanently, in one area when compared to the rest of the transit route.

### Visual

- **Aloha Tower:** We disagree with the FEIS statement, *Aloha Tower has only marginal integrity of setting, with downtown high-rises, proximate recently constructed buildings, and a modern shopping mall surround it.* Aloha Tower is a prominent highly visible historical landmark. The present *makai* view of Aloha Tower will be bifurcated by the elevated rail line thus diminishing its integrity, distinction and prominence on the Honolulu waterfront. Each little chipping away at the integrity of a site further diminishes the eligibility for listing as an eligible property under NRHP. (See Figure 5-59 Aloha Tower FEIS)
- **Irwin Park.** We disagree with the statement, “Although the project will be visible from some areas, the overall impact to the *parking lot* does not constitute an adverse effect.” (Emphasis added) It is offensive describe Irwin Park as a *parking lot*. Irwin Memorial Park was a gift to the Territory of Hawai'i by Helen Irwin Fagan in 1930 in memory of her father, William G. Irwin. The original design of Irwin Park was compromised when the U.S. Army was granted permission by the Territory to install parking on Irwin Memorial Park grounds.

The elevated rail, concrete columns and transit station will visually bifurcate and disrupt *mauka* and *makai* views of and from Irwin Park disrupting its context with Aloha Tower. This chipping away at the integrity of Irwin Park diminishes the historical context, integrity and risks the loss of eligibility for listing on the National Register of Historical Places. (See Figure 4-34 Viewpoint 15 – *The Downtown Station and guideway will be dominant features in views along Nimitz Highway. These project elements will contrast substantially with Irwin Park street trees along the highway and the nearby smaller-scale office buildings.*)

- In a 7/20/09 State Department of Transportation (DOT) letter to the City Department of Transportation Services (DTS) the DOT reiterated that the proper placement of the transit station is critical to minimizing impacts to this area and recommended that DTS consult

with DOT and downtown stakeholders to determine the appropriate location for this transit station. That request does not seem to have been met since Figure 4-34 Viewpoint 15 in Chapter 4 shows that the transit line and station will remain in the same place.

Because of the visual intrusion into the integrity of Aloha Tower, Irwin Memorial Park, Honolulu Waterfront, and bifurcation of historical Chinatown and the historical waterfront connection this FEIS cannot be accepted until DOT's requests have been met.

- The 1987 *Coastal View Study* identifies the stationary views from Sand Island Park as significant in capturing the visual quality of this area and in illustrating the unity between the built environment and Koolau Mountains in the background.

The Study also finds *Nimitz Highway provides significant views of Honolulu Harbor* but neither of these significant views were identified nor addressed in the FEIS.

The FEIS cannot be accepted until impacts on these view plains area assessed and mitigation measures evaluated.

### **Invasive Species**

The FEIS states “*construction equipment or material imported to Oahu from the mainland, neighbor islands, or foreign countries must be free of dirt, vegetative matter, and animals. Construction equipment will be cleaned and inspected before being brought to the project site.*” but does not identify the site(s) where equipment will be cleaned and who will conduct the equipment inspections.

Training on-site workers to recognize common invasive species is a good thing but the FEIS fails to identify the training process and qualifications required to provide such training.

The FEIS fails to specify what types of invasive plants and animals workers will be trained to look for and whether ALL construction workers will be required to take invasive species training classes.

The statement in the FEIS that “*care will be taken to avoid spreading invasive species*” is insufficient. Prevention of introducing and spreading invasive species is imperative and must be taken seriously and not casually.

Before this FEIS is accepted the following must occur:

- An equipment and material cleaning site(s) must be identified and BMPs in place to ensure all equipment and materials are free from invasive species before leaving the site(s).
- An educational and training program must be established and led by professional botanists knowledgeable in Hawai'i flora and fauna to ensure that on-site workers are properly trained to recognize all types of invasive species not just common species.
- A soil fill inspection and identification process must be in place to ensure that invasive species are not spread from one location to another.

- An independent adaptive monitoring program with quality control must be in place and the agency responsible for the monitoring program must be identified.

These tasks may seem daunting but preventing invasive species from entering our islands and spreading in the first place is much more cost effective and far less damaging to Hawaii's fragile flora and fauna.

### **Ecosystems**

Before the FEIS is accepted the anticipated functional losses to aquatic ecosystems including sediment transport, in-stream degradation erosion, turbidity, hydrologic regime, water quality, and floodplain encroachment must be quantitatively and qualitatively addressed.

Before the EIS is accepted a cumulative effects analysis must be conducted within the transit corridor and one-half mile adjacent to the corridor to help ensure that the rail transit system does not stress wetlands, streams and ecosystems beyond their capacity to function.

Before the FEIS is accepted maps showing the location of all sensitive species including the size of the population and habitat must be done within and adjacent to the Project survey area.

The FEIS cannot be accepted until cumulative effects on the environment from incremental impacts of the rail transit system when added to other past, present, and reasonably foreseeable future actions have been conducted.

### **Airport Parking**

The loss of parking at the airport economy parking lot on Alaonaona Street was never discussed in the DEIS so users of that parking lot have not had an opportunity to respond to the loss of parking.

The loss of 175 parking spaces for an undetermined amount of time while the station entrance is being built and the loss of 111 economical parking spaces on a permanent basis is bound to impact a segment of Hawaii's commuting population.

The FEIS is silent on how the public will be notified of the pending parking lot closure. Before the FEIS is accepted a public involvement and notification process for users of this parking lot must be in place.

### **Issues of concern**

- Neither the DEIS nor the FEIS addresses whether it is physically possible for the Locally Preferred Alternative to overcome the height hurdle at Ala Moana Center in order to continue the rail transit line onto Waikiki and UH Manoa. The rail is being touted as a complete system, 'Ewa to Waikiki and UH Manoa but if this hurdle can not be overcome then the current route will be the end of the line with limited benefit to workers in Waikiki and students and workers at UH Manoa.

Before the FEIS is accepted the City must provide substantiating evidence that future phases of the Project will be able to connect with the rail transit system at its terminal at Ala Moana Center as presented in the FEIS and continue on to Waikiki and UH Manoa.

- Before the FEIS is accepted a plan must be in place that describes how the anticipated additional trash in between stations will be handled, what agency/department will be responsible for picking up and disposing of the trash and associated costs.
- The FEIS is silent on whether transit stations and park-and-ride areas will have public restrooms and whether these facilities will be connected to the public sewer system. Before the FEIS is accepted the City must determine if there will be public restroom facilities at park-and-ride areas and rail stations.
- Ko'oloa'ula (*Abutilon menziesii*)  
Before the FEIS is accepted the Habitat Conservation Plan (HCP) for the Ko'oloa'ula (*Abutilon menziesii*) should be expanded to include the surrounding area to ensure that any plants discovered outside the land boundaries are covered by the present HCP.

**Appendix C** – PRELIMINARY RIGHT-OF-WAY PLANS Map of Project Location on opening page shows the transit corridor from Kalaeloa/Ewa to Manoa to Waikiki. Is this the study area that the DEIS and FEIS were supposed to cover?

**Appendix B** – all route plans B-10-B-36 say PLANS ARE PRELIMINARY AND SUBJECT TO CHANGE.

**Appendix C** – all maps say PRELIMINARY RIGHT-OF-WAY PLANS.

If plans presented in the FEIS, which is the public's opportunity to comment, are *subject to change* when will the public have an opportunity to respond to new changes?

At what point in the process must all PRELIMINARY PLANS become permanent?