June 8, 2010

Comments on EIS Text except for Chapter 5 and the preface.

NOTE: Joe Ossi is still expecting an updated version of the Noise Section.

Section re-sent to Joe Ossi today.

Comments on 5-27 Revised Version of Chapter 2

Page 2-2. The text says that "FTA may also grant pre-award spending authority that would allow the City to incur costs using non-FTA funds prior to the Full Funding Grant Agreement." This is not a completely correct statement. If a project has been approved into preliminary engineering and FTA issues a NEPA finding (in this case, a ROD), the project sponsor automatically gets preaward authority for certain non construction activities such as property acquisition. This paragraph should be rewritten to be more specific about what pre award authority entails.

Comment Response to page 2-2

FTA interim guidance on Design-Build Project Delivery (FTA 2000) allows for a variation to the final steps in Figure 2-1. The City intends to pursue the design-build project delivery model for early contracts. FTA extends automatic pre-award authority to incur certain costs using local funds upon approving projects to enter Preliminary Engineering and additional pre-award authority upon approval to enter Final Design (FTA 2009). The City may seek an FTA Letter of No Prejudice (LONP) for costs not covered by automatic pre-award authority. Under an LONP, the City would incur costs utilizing non-Federal resources with the understanding that the costs incurred after the issuance of the LONP may be reimbursable as eligible expenses if FTA approves a grant at a later date. After approval to enter Final Design, the FTA may issue a Letter of No Prejudice that authorizes specific design-build activities prior to completion of the Full Funding Grant Agreement. The FTA also may grant pre-award spending authority that would allow the City to incurr costs using non-FTA funds prior to the Full Funding Grant Agreement.

Page 2-4, new text box.

Revise as or something similar:

"The Locally Preferred Alternative as identified by the City Council at the conclusion of Alternatives Analysis process*, a step required for FTA's discretionary New Starts Program*. It represents the City's long range plan for the rail system including the Project and the potential extensions. For the proposes of the New Starts Program, the Locally Preferred Alternative identifies the mode and general alignment that a project sponsor plans to submit into the first stages of New Starts Program.

"The NEPA Preferred Alternative, referred to in this Final EIS as the Project, is the more detailed version of the Locally Preferred Alternative that FTA may provide Federal funding. FTA and the City identified this alternative as preferred for meeting the purpose and need over other alternatives, including the No Action Alternative. If FTA publishes a Record of Decision on this Preferred Alternative, then the City would continue pursuing funding for the Project by submitting an application to the Final Design stage of the New Starts Program."

Response to comment on page 2-4 (replace text box with the following)

The **Honolulu High-Capacity Transit Corridor Project** is the project name used for FTA planning and project development for New Starts Projects.

The **Locally Preferred Alternative** as identified by the City Council at the conclusion of Alternatives Analysis process is a step required for FTA's discretionary New Starts Program. It represents the City's long range plan for the rail system including the Project and the potential extensions.

The **NEPA Preferred Alternative**, referred to in this Final EIS as the **Project**, is evaluated in more detail and is a 20-mile portion of the Locally Preferred Alternative for which FTA may provide Federal funding. FTA and the City identified this alternative as preferred for meeting the purpose and need over other alternatives, including the No Action Alternative. The Project includes the construction and operation of a fixed guideway rail system. It is a portion of the LPA that begins at the University of Hawaii-West Oahu (near the future Kroc Center), and proceeds 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. If FTA publishes a Record of Decision on this Preferred Alternative, then the City would continue pursuing funding for the Project by submitting an application to the Final Design stage of the New Starts Program.

Comment 14

Both the ecosystems and water sections have a heading titled Agency Coordination. Should mention in either ecosystems or water that NOAA Fisheries has been contacted and that there are no marine ESA species under their jurisdiction occur in the project area and cite back to the letter in Appendix F. We do not have to say anything further about the informal consultation other than it occurred.

Comment 14 Response - This Sentence has been added to Section 4.13 Ecosystems:

The NOAA National Marine Fisheries Service was also contacted and they have indicated that no marine ESA-listed species under their jurisdiction occur in the project area (see Appendix F).

List of EIS Recipients

This was not included in the files that the City returned. The response to the comment was confusing. We understand that FTA is being listed as a recipient for the state process. We would like to make sure that our name is spelled correctly as Federal Transit Administration rather than Federal Transit Division.