From: Bausch, Carl (FTA)
To: Zelasko, Elizabeth (FTA)
Sent: 4/13/2010 4:09:52 AM
Subject: FW: Honolulu - Letter on RPZ avoidance
Attachments: Honolulu - Letter on Ualena change (final revised2).docx

Susan also wants us to check on the status of the programmatic agreement; would you please look into that, Liz? I told Susan that you believe that a package substantiating a determination that we can proceed directly to a final (with invitation for the public to comment specifically on the avoidance alternative alignment) can be completed by the end of the week. Susan hopes that the final impact statement can be completed a week later; it would be too much to ask that the statement be delivered to EPA a week after that, but two weeks after completing the final impact statement seems doable. What do you think? Carl

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From: Bausch, Carl (FTA)
Sent: Tuesday, April 13, 2010 10:03 AM
To: Rogers, Leslie (FTA); Carranza, Edward (FTA); Marler, Renee (FTA); Sukys, Raymond (FTA)
Cc: Borinsky, Susan (FTA); Zusman, Nancy-Ellen (FTA); Day, Elizabeth (FTA); Ryan, James (FTA); Zelasko, Elizabeth (FTA)
Subject: FW: Honolulu - Letter on RPZ avoidance

Nancy-Ellen has approved of the attached draft letter (also see below); she requested that I share it with you (Nancy-Ellen is going to share it with Dorval). The goal is to get the final copy, as approved by Region 9 and TCC, to the Administrator for his review and approval this afternoon; to do so, we'll need Region 9's "sign off" shortly after noon (EDT). Thank you.

Ed or Ray — Did we receive everything we need from the PMOC? Liz thinks we did; I want to check to be sure. Thanks.

From: Borinsky, Susan (FTA)
Sent: Tuesday, April 13, 2010 9:28 AM
To: Bausch, Carl (FTA); Zusman, Nancy-Ellen (FTA); Ryan, James (FTA); Rogers, Leslie (FTA); Sukys, Raymond (FTA); Carranza, Edward (FTA); Day, Elizabeth (FTA)
Subject: FW: Honolulu - Letter on RPZ avoidance

Carl's letter –attached and below--(which includes most of the edits that have been suggested) seems "just right" to me. If Region IX and TCC agree, I suggest that Nancy-Ellen send this letter in a text of an e-mail to Dorval for concurrence. I believe that Peter will want to see the letter before it goes to the City.

Peter is in Philadelphia, but is planning to print out materials TPE is sending him early this afternoon and to use his time on the train trip back to DC to review those materials. If we all agree on the content of the letter, we may be able to get this draft letter to his attention with those other materials.

We will need to include an explanation of why we are recommending sending the letter to the City: e.g.,

"Staff recommends sending this letter ASAP to clarify that FTA has not yet determined that the next step will be inclusion of the proposed alignment changes at the airport directly into the FEIS. As you know, initial staff review indicates that such an outcome, rather than a supplemental NEPA document, is likely. However, it is premature for the City to assume such an outcome until our review is completed. Should FTA decide to go directly to the FEIS, we will review the administrative draft FEIS that we just received and which we are holding in abeyance until our review is completed."

From: Bausch, Carl (FTA)
Sent: Tuesday, April 13, 2010 9:10 AM

To: Zusman, Nancy-Ellen (FTA)
Cc: Borinsky, Susan (FTA)
Subject: RE: Honolulu - Letter on RPZ avoidance

Here (below and attached) is the draft letter revised according to the changes recommended by you and Susan.

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

Dear Mr. Yoshioka:

The Federal Transit Administration (FTA) acknowledges receipt of compact discs (in lieu of hard copies) of a document entitled, "Honolulu High-Capacity Transit Corridor Project, Final EIS" (April 8, 2010 Pre-Decisional Review Copy). At this time, acceptance of this document would be premature, since FTA staff is still reviewing and evaluating the City and County of Honolulu's (the "City") data submitted last week regarding potential effects of the proposed alternative airport runway protection zone avoidance alignment. Following FTA's thorough evaluation of this data, we will determine the appropriate process through which the alternative should be introduced into the proceedings and notify you as to next steps for ensuring compliance with the National Environmental Policy Act (NEPA).

FTA is expeditiously working to complete its review as soon as possible and expects to complete it shortly. We will immediately notify you of our determination and what FTA needs from the City in order to keep the NEPA process moving forward. Please do not hesitate to contact me on (415) 744-3133 with any questions you may have.

Sincerely,

Leslie T. Rogers
Regional Administrator

From: Zusman, Nancy-Ellen (FTA)
Sent: Tuesday, April 13, 2010 8:28 AM
To: Bausch, Carl (FTA)
Subject: RE: Honolulu - Letter on RPZ avoidance

Do you want to make the edit and accept changes and send it to me? I can forward it to Dorval then.

From: Bausch, Carl (FTA)
Sent: Tue 4/13/2010 5:34 AM

To: Zusman, Nancy-Ellen (FTA); Borinsky, Susan (FTA)
Subject: Re: Honolulu - Letter on RPZ avoidance

Let's just refer to "proceedings," then. It wouldn't take Dorval more than a couple of minutes to look over the draft (but don't send it as an attachment--sometimes attachments are difficult to read on a BlackBerry). Carl

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From: Zusman, Nancy-Ellen (FTA)
To: Bausch, Carl (FTA); Borinsky, Susan (FTA)
Sent: Mon Apr 12 20:23:59 2010
Subject: RE: Honolulu - Letter on RPZ avoidance

I will be flying in to DC tomorrow, so I may be a little hard to reach in the morning. My point would be to come up with something that does not refer to the "record." I cced Dorval since I didn't know whether the letter needs to go thru Peter or not.

Susan: What do you think? Dorval will be in Atlanta tomorrow, so he won't be around to transmit it if we need him to. Thanks.

From: Bausch, Carl (FTA)
Sent: Mon 4/12/2010 7:54 PM
To: Borinsky, Susan (FTA); Zusman, Nancy-Ellen (FTA)
Subject: RE: Honolulu - Letter on RPZ avoidance

I was referring to the record of administrative proceedings generally, but I'll gladly go along with however Nancy-Ellen cares to frame it.

From: Borinsky, Susan (FTA)
Sent: Mon 4/12/2010 7:02 PM
To: Bausch, Carl (FTA); Zusman, Nancy-Ellen (FTA)
Subject: FW: Honolulu - Letter on RPZ avoidance

Nancy-Ellen, I appreciate your point, i.e., wanting to avoid the whole concept of the "record"—a good point. I have to leave the office right now to meet my husband and can't fully focus on this, but hope that between you, Carl and me we can come up with the right wording by the morning. Talk with you then. Susan

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From: Zusman, Nancy-Ellen (FTA)
Sent: Monday, April 12, 2010 6:50 PM
To: Borinsky, Susan (FTA); Sukys, Raymond (FTA); Bausch, Carl (FTA); Zelasko, Elizabeth (FTA); Ryan, James (FTA); VanWyk, Christopher (FTA)
Cc: Matley, Ted (FTA); Rogers, Leslie (FTA); Carter, Dorval (FTA)
Subject: Re: Honolulu - Letter on RPZ avoidance

Susan:
That's fine. My only nitpick is to not say how to introduce it into the record. Could we say how to formally introduce the change or provide appropriate notification?
Namcy-Ellen

From: Borinsky, Susan (FTA)
To: Zusman, Nancy-Ellen (FTA); Sukys, Raymond (FTA); Bausch, Carl (FTA); Zelasko, Elizabeth (FTA); Ryan, James (FTA); VanWyk, Christopher (FTA)
Cc: Matley, Ted (FTA); Rogers, Leslie (FTA); Carter, Dorval (FTA)
Sent: Mon Apr 12 18:37:27 2010
Subject: RE: Honolulu - Letter on RPZ avoidance

I'm good with all edits, with one exception.

Unlesss there is some legal reason compelling us to say explicitly that we are considering supplemental NEPA documentation, I would not include the statement that, "FTA is considering whether supplementation of the Environmental Impact Statement is required." While FTA will do supplemental NEPA documentation if appropriate, this statement is not consistent with indications of FTA's initial reaction to the submitted materials, *which has already been conveyed (at least indirectly) to the sponsor.*

I believe that the sentence formerly preceding the sentence quoted above (but revised in the latest version) would have adequately covered all the NEPA documentation possibilities, without specifically mentioning supplemental work. It said: "Following FTA's thorough evaluation of this data, we will determine the appropriate process through which the alternative should be introduced into the record." Therefore, I'd recommend keeping this sentence and deleting the one about supplementation.

From: Zusman, Nancy-Ellen (FTA)
Sent: Monday, April 12, 2010 6:25 PM
To: Sukys, Raymond (FTA); Bausch, Carl (FTA); Borinsky, Susan (FTA); Zelasko, Elizabeth (FTA); Ryan, James (FTA); VanWyk, Christopher (FTA)
Cc: Matley, Ted (FTA); Rogers, Leslie (FTA); Carter, Dorval (FTA)
Subject: RE: Honolulu - Letter on RPZ avoidance

My redlined version.

From: Sukys, Raymond (FTA)
Sent: Monday, April 12, 2010 5:09 PM
To: Zusman, Nancy-Ellen (FTA); Bausch, Carl (FTA); Borinsky, Susan (FTA); Zelasko, Elizabeth (FTA); Ryan, James (FTA); VanWyk, Christopher (FTA)
Cc: Matley, Ted (FTA); Rogers, Leslie (FTA)
Subject: Honolulu - Letter on RPZ avoidance

I took Carl's draft and put it on Region 9 letterhead and made a few edits. In particular, I added a statement to let them know more explicitly that we are considering supplementation.