HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

Background and Questions for FTA Regarding Comments and Responses on Section 4.8 Visual and Aesthetic Conditions

Background

Previously, the City received comments on the Administrative Final EIS from the FTA on 7/31/09, and the City responded as follows:

FTA Comment

FTA 4.7 Visual and Aesthetic Conditions

Both the DEIS and AFEIS cite the DOT criteria for determining visual impacts. I.e. Visual Impact = Visual Resource Change + Viewer Response. Based upon the response to the DEIS by interested organizations, stakeholders and concerned citizens the Viewer Response to the proposed project would have to characterized as overwhelmingly negative. Both documents characterize the Visual Resource Change as "high." Despite the viewer response to the DEIS, the FEIS softens the language of the visual impacts in some areas when it should have taken the opposite view.

The environmental analysis in this section must link the visual elements of the sector development plans with the opinions of the many commenters. Describe the consistency between the visual elements of the plans and the commenter's views. Describe the project as having a significant visual impact based upon plans/policies, resource change and viewer response.

The visual and aesthetic impacts of this project are "significant" in terms of context and intensity (Sec. 1508.27). As currently envisioned, these adverse effects cannot by-and-large be mitigated. The nature of the beast is that it is a beast. Please change the nature of the narrative in this section to reflect this reality. In this case the impacts are significant and mitigation efforts will be marginal at best.

City Response

Revised as requested. The visual impact rating for the following downtown views has been revised from moderate to significant: Viewpoint 12, Viewpoint 14, and Viewpoint 15. Text explaining that the revisions were in part due to comments received on the Draft EIS has been added.

FTA Comment:

Page 4-57, fourth paragraph

In the DEIS, the Waikiki Special District (Section 21-9.80) was described as being a special district related to preservation and enhancement. Is this no longer the case?

City Response: The Waikiki Special District has been removed from the Final EIS as it is not within the Project Area.

FTA Comment:

Page 4-57, modify language

"...guidance specific to transit projects. When determining visual impacts, DOT guidance requires equating the visual impact with 1. the change in visual resource or view plane, plus 2.) the viewer response. Viewer response to the visual impact in the DEIS to the proposed project was overwhelmingly negative. (followed by new paragraph)

City Response:

Revised as requested.

FTA Comment:

Page 4-63, ~~High~~ Significant Environmental Consequences

This is a NEPA document. Use "significant' in place of "high." (See the discussion above on 1508.27) Describe the effects in terms of "context" and "intensity" in order to reflect CEQ language.
City Response:
Revised as requested.

FTA Comment:
Page 4-64, The Project
Viewer groups and interested individuals have weighed in their perceptions of the visual impacts of the project. Significant impacts are not a matter of conjecture. Modify the text accordingly.

Page 4-65, Table 4-9
Change the measure of existing visual quality from "high" to "significant." Modify the narrative in the assessment to reflect viewer input and protections afforded by sector development plans.
City Response:
Revised as requested, except that the measure of existing visual quality is accurately noted as low, moderate or high. Changing high to significant in this context would not be appropriate

Based on the above comments, the City prepared a new version of the Final EIS and incorporated these comments and responses (Final EIS ver. 10/2/09). This version of the Final EIS was reviewed by the City Corporation Counsel (with its consultant Nossaman, LLP). .

Upon review of Section 4.8 of the Final EIS, the City Corporation Counsel (with its consultant Nossaman, LLP) had the following concerns:

- As compared to the Draft EIS, it appeared that there had been substantial changes and new information and analysis included in the Final EIS.
- New information and analysis not based on comments to the Draft EIS may raise the issue that people were not informed of new environmental impacts.

As a result, the City Corporation Counsel (with its consultant Nossaman, LLP) provided revised text to clarify that the information in the Final EIS was previously completed in the technical analysis prior to the Draft EIS. The revised information was added to the Final EIS to clarify and provide additional information to the public. Text was added regarding the change from "high" to "significant" to clarify that the conclusion is the same and this was a terminology change. Additional clarification was added to explain why impacts were changed from moderate to significant (high) based on consideration of "viewer response" in the Project's visual analysis.

The intent of these edits was to address the potential perception that environmental impacts and conclusions may have changed, when they did not, except in the downtown area (again, in response to comments on the Draft EIS).

The City then received comments from FTA on 11/3/09:
"Page 4-59 Visual and Aesthetic HTS sent FTA HQ for review a pdf of chapter 4.8 Visual and Aesthetic Conditions dated 10/2/09. Review of the 10/9/09 AFEIS demonstrated enough changes in the Visual and Aesthetic narrative to warrant continued discussion on this chapter. HTS can agree to include the 10/2 pdf version of the Visual and Aesthetic chapter in the final version of the FEIS or have a line-by-line conversation on the chapter with FTA staff."

Question:
The City Corporation Counsel (with its consultant Nossaman, LLP) support the edits made to the 10/2/09 version of the Final EIS, because it clarifies the changes between the Draft EIS and Final EIS and re-iterates that the visual impact analysis was substantially completed in the technical work done for the Draft EIS. Please advise.