HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
Review Comments Form

Submittal/Document Title: Co-op Agency Admin Final EIS	Reviewer: U.S. Army Corps of Engineers	Date: 8/5/09

Response Code: A - Agree and will comply B - Will investigate and comment C - Clarification needed D - Disagree for reasons noted E – No action Needed

Comment No.	Reference	Comment	Responsible Party	Response Code	Response:	Reviewer's Concurrence	Verification of Incorporation
1	404(b)(1) Alternatives Analysis	One of the requirements of EPA's 404(b)(1) Guidelines is the applicant's demonstration that its preferred alternative is the least damaging alternative (LEDPA)	DA	A	A 404(b) (1) analysis for all the alternatives evaluated, including those in the Alternatives Analysis, has been documented in Section 4.14.4 for the FEIS.		
2	404(b)(1) Alternatives Analysis	It is the applicant's responsibility to demonstrate to the Corps that there is no practicable alternative to the proposed discharge which would have less impact on the aquatic ecosystem, so long as the alternative does not have other significant environmental consequences.	DA	A	The 404(b) (1) analysis demonstrates that there is no practicable alternative to the Project with less impact on the aquatic ecosystem. There are no other significant environmental consequences from the LEDPA. All of the alternatives addressed in the DEIS would generate significant visual impacts (see Section 4.8 of the Draft EIS) and have adverse effects on historic resources (see Section 4.16 of the Draft EIS). Since these significant adverse environmental consequences extend across all alternatives, selection of the LEDPA as the preferred alternative does not cause significant adverse environmental consequences unique to the LEDPA.		
3	404(b)(1) Alternatives Analysis	The AFEIS should include specificity as to how aquatic resources were assessed and considered during the 2006 alternatives analysis conducted by the City and County of Honolulu.	AZ/LS/DA	A	The FEIS discussion of the Alternatives Analysis evaluation process has been expanded, providing more detail on the development of alternatives, the evaluation process and findings. Also, where alternatives		

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					fail to meet the Project's purpose and need, the text in Chapter 2 has been clarified to support the evaluation of whether alternatives are practicable.		
4	404(b)(1) Alternatives Analysis	The direct, indirect and cumulative impacts resulting from a proposed project on the aquatic ecosystem is central to the 404(b)(1) alternatives analysis to show the Project's compliance with the Guidelines.	DA	A	The direct impacts resulting from the Project have been evaluated in the 404(b)(1) analysis. There are no indirect impacts to aquatic resources from the Project. Cumulative impacts are discussed in Section 4.19 of the Final EIS.		
5	404(b)(1) Alternatives Analysis	Select portions of the 2006 alternatives analysis should be brought forward into the AFEIS to emphasize how environmental consequences were considered in the local, pre-NEPA decision-making.	AZ/LS	A	See comment 3 above		
6	404(b)(1) Alternatives Analysis	The evaluation criteria used to compare and contrast alternatives varied, depending on the alternative. This applying of inconsistent or different evaluation criteria may have led to potentially erroneous justifications and conclusions and/or may have biased decisions regarding the reasonableness and practicability of other modal alternatives that were then eliminated from further consideration.	LS	B	The alternatives evaluation criteria were identical; language has been clarified in the Final EIS.		
7	Disclosure of Aquatic Resource	The AFEIS contains no quantitative data regarding impacts to waters of the U. S. to make a meaningful	AZ	A	The sections of the Final EIS covering aquatic resources and impacts have been rewritten to allow for a		

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	Impacts	comparison amongst alternatives, to identify the appropriate DA permit type for each phase of construction or to determine the appropriateness/need for compensatory mitigation.			meaningful comparison amongst the alternatives, identification of the appropriate DA permit type and the determination of compensatory mitigation.		
8	Disclosure of Aquatic Resource Impacts	Table 4-30 is intended to provide a comparison of differences between the Project and the Salt Lake Alternative with respect to impacts in water of the U.S. However, the table illustrates there are no discernable differences between the two alternatives using the parameters/variables selected. The parameters applied in this tab le are not effective or appropriate criteria for comparing alternatives in the context of the Guidelines and none seem to help discriminate between the two 'alternatives' in order to identify the least environmentally damaging.	AZ	A	Both the Airport and the Salt Lake Alternative have similar impacts in waters of the U.S. The 404(b)(1) analysis includes a new table that quantifies the direct impacts to aquatic resources. Impacts to aquatic resources were considered in the selection of the preferred alternative, however, the decision to choose the airport alignment was based on other criteria and is explained in Chapter 2 of the Final EIS		
9	Disclosure of Aquatic Resource Impacts	Section 4.14 of the AFEIS should include the approximate area of waters of the U.S. impacted by the construction of the outfall structure.	AZ	A	To avoid impacts below OHWM, the stormwater outfall from the maintenance and storage facility has been move upland of the OHWM. Construction and operation of the outfall will have no impact to Waters below the OHWM. The outfall will not impact Waters of the U.S.		
10	Disclosure of Aquatic	The approximate footprint disturbance associated with the construction of	Taka	A	There will be temporary disturbances needed for the construction of each		

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	Resource Impacts	each support pier is estimated at 36 square feet. Verify and document that there is no additional disturbance beyond this 36-sq-ft footprint for the installation of foundations. This estimate should allow for variability in the final foundation design and construction method used by the respective contractor.			support pier as discussed in Section 4.18. Section 4.14.3 quantifies the footprint associated with the constructed piers. Impacts to Waters of the U.S. for the construction of guideway support columns and non linear transportation features have been clarified and additional information has been added to these sections.		
11	Disclosure of Aquatic Resource Impacts	The FEIS should provide an estimate of both the total permanent and temporary impacts to waters of the U.S. (expressed in acres of impact and total volume of fill). Areas temporarily disturbed must be restored to pre-project conditions and elevations, including re-vegetation of the area with native species.	Taka	A	The FEIS now provides an estimate of acres of total impact and fill to waters of the U.S. in section 4.14.3 and in 4.18. Areas that are disturbed during construction will be restored. Mitigation commitments to restore impacts to aquatic resources including restoration to pre-project conditions and re-vegetation after construction has been expanded in Section 4.18 of the Final EIS. Native species will be used when practical for re-vegetation.		
12	Disclosure of Aquatic Resource Impacts	Suggest the FEIS quantitatively or at least qualitatively address the anticipated functional losses to aquatic ecosystems to the extent appropriate and practicable.	EG	A	A section of the functional values of the aquatic ecosystem is now included in the FEIS and in the *Ecosystem Function and Values of Wetlands and Waters of the U.S.* (RTD2009h).		
13	Appendix A	Some response letters are incomplete. When do FTA and DTS anticipate completion of these letters and the inclusion of signed letters?	AZ	A	Response letters are being completed to reflect the Final EIS. Final versions of these letters will be part of the FEIS when it is published.		
14	Chapter 3	Both Chapter 3 and Appendix E show	AZ/JH	A	The City will apply for the 404 permit		

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	(Transportation) and Appendix E	the likely need for additional construction staging areas. Adequate control measures and/or contractual restrictions within the C&C's purview be implemented to ensure the protection of environmentally sensitive areas that DTS and FTA have committed to avoid during this NEPA process.			for impacts to Waters of the U.S. as discussed in the Final EIS. In addition, should design refinements or construction needs require a permit amendment, the City will be the permit applicant. Any design changes and construction procedures must be approved by the City. The design and construction of the Project will incorporate mitigation commitments from the Final EIS, Record of Decision and permit conditions. Wording in the Final EIS has been clarified to state that the City will be responsible for the Department of the Army permits.		
15	Chapter 3 (Transportation) and Appendix E	The Corps requests that FTA's Record of Decision (ROD) incorporate specific mitigation commitments that prohibit construction contractors from encroaching into environmentally sensitive areas, specifically waters of the U.S. unless such areas have been accounted for and addressed in the FEIS and/or authorized by DA permit(s).	AZ/JH	A	The Record of Decision will include language that prohibits activity in Waters of the U.S. unless they are included and addressed in the Final EIS and/or authorized by DA permit(s).		
16	Chapter 3 (Transportation) and Appendix E	In all instances where contractor activities require Department of the Army permits for any elements of the project, Corps will consider the applicant to be the City and County of Honolulu, and not the Contractor.	JH/AB	A	See comment 14.		
17	Table of	Prior to issuing ROD and any DA	AZ	A	Before issuance of the Final EIS the		

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	Contents Page x	permit decision for the Project, the Corps will need evidence from the FTA that the project is in full compliance with Section 106 of the National Historic Preservation Act of 1969 and that the State Historic Preservation Division has concurred with the PA and all effects determinations made by FTA.			Section 106 process will be complete and documented in the Final EIS Section 4.16. The PA will be signed by FTA and SHPD and will be included in Appendix H of the Final EIS.		
18	Page S-7, Water Resources	The statement "As part of the permitting process, project plans will be prepared to establish good housekeeping practices that will help prevent storm water pollution" is awkward. Suggest the FEIS clarify the terminology "good housekeeping practices."	JLR	A	The term good housekeeping practices replaced with Best Management Practices.		
19	Page S-7, Water Resources	"…fill placed previously on the 'Ewa bank of Waiawa Stream will be removed." This appears to be a newly added Project feature, therefore we suggest greater detail be added to text to explain the overall goal or need/purpose for the removal of fill along the Waiawa Stream, the existing site conditions and the scope of the proposed work.	JLR	A	The executive summary has been clarified to match revisions in Final EIS Section 4.14 to say that in order to maintain floodway hydrology, it will be necessary to remove fill material from along Waiawa Stream in this area (Pearl Highlands Station)		
20	Chapter1, Page 1-2, Section 1.1.3	Include a brief synopsis of how many public comments were received on the DEIS and the nature of the comments, including any unresolved issues.	LS	E	This is included in Chapter 8 of the Final EIS. Chapter 8 is now referenced from Section 1.1.3.		

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21	Chapter 2, page 2-1	There may be a possible need to consider other modal alternatives in the FEIS in accordance with CEQ's NEPA implementing regulations.	LS	A	Other modal alternatives were considered in the Alternatives Analysis, and this has been further supported.		
22	Chapter 2, page 2-1	The sentence that states: "The NEPA scoping process was completed after identification of the Locally Preferred Alternative" lacks any logical connection in terms of NEPA scoping and the selection of the LPA. Recommend the text either elaborate on the point trying to be made or omit this sentence.	LS	A	The text has been clarified to include the steps taken in the Alternatives Analysis.		
23	Chapter 2, page 2-3	Unless procedurally adequate under NEPA regulations, we question the validity of relying upon the 2006 Alternatives Analysis Report for establishing the Project scope, range of alternatives and potentially significant issues for purposes of federal compliance with NEPA and the Guidelines.	LS	D	The Alternative Analysis is a process in FTA's project development process. It is their method for establishing the scope, range of alternatives and significant issues. Chapter 2 of the Final EIS has been expanded to explain this connection.		
24	Chapter 4, page 4-3	The last paragraph of this section asserts "both the No Build Alternative and the Project are considered to be the environmentally preferable alternative, depending on the factors considered." By regulation, in its ROD FTA must identify its environmentally preferable alternative. In doing so, we recommend consideration be given to	AZ	A	These factors were considered in determining the environmentally preferable alternative. Additional text has been added to clarify. This will also be included in the ROD.		

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		the biological and physical consequences, including historical and cultural resources, air quality, water quality, noise, aesthetics and socioeconomics.					
25	Chapter 4, page 4-10	Please revise the text to read: "Water: this section was revised to include U.S. Coast Guard and U.S. Army Corps of Engineers (USACE) input on navigable waters and waters under the jurisdiction of the USACE."	JLR	A	The text has been revised.		
26	Section 4.14 (Water)	This section references a *Stream Assessment Report* (RTD2009h), Please provide Corps with a copy of the report or instructions on how to access the study results.	JLR	E	The information in this report was incorporated into the Wetland Waters of U.S. Study submitted July 10, 2009. Some of the information in this report will be included in the *Ecosystem Function and Values of Wetlands and Waters of the U.S.* Report..		
27	Page 4-137, Methodology	Please include the citation to the Corps 1987 Wetlands Delineation Manual in the References Chapter	JLR	A	The Corps 1987 Wetlands Delineation Manual has been included in the References Chapter		
28	Page 4-137, Methodology	The Corps questions the wetland delineation methodology / approach documented in the section and will address our concerns and comments under separate cover.	AZ/EG	E	The wetland delineation methodology / approach documented in the section has modified to reflect the approach presented in the Wetland Waters of U.S. Study, July 10, 2009 for Preliminary Jurisdictional Determination		
29	Page 4-137, Methodolo	Please include citations in the References Chapter for the hydraulic studies that were performed for	JLR	A	Preliminary hydraulic studies have been completed. Final studies will be incorporated by reference in the Final		

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	gy	specific locations where the Project crosses flood zones.			EIS. The citations will appear in the References Section.		
30	Page 4-138, Agency Coordination	We anticipate this section will be revised to reflect the DTS request for preliminary jurisdictional determination rather than an approved jurisdictional determination.	AZ	A	This section has been revised to reflect the DTS request for preliminary jurisdictional determination rather than an approved jurisdictional determination.		
31	Page 4-138, Surface and Marine Waters, Streams	The last paragraph should be re-written to ensure the federal jurisdictional limits are accurately described for activities occurring in freshwaters and tidal waters pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Please refer to previous comments submitted in our letter dated May 29, 2009.	AZ	A	This section has been expanded to describe the federal jurisdictional limits for activities occurring in freshwaters and tidal waters affected by the project.		
32	Page 4-138, Surface and Marine Waters, Streams	A reference is made to "USACE 2007", but no citation is included in the References Chapter. Although the Corps is not aware of any "preliminary navigability determinations…[for] all streams based on the USACE 2007", we suggest that this sentence be stricken or corrected and the reference be cited appropriately.	AZ	A	The reference has been removed and the section corrected to reflect the ongoing consultation with the USACE.		
33	Page 4-143, Wetlands	Please include an approximation of the area of each wetland that was delineated.	EG	C	The boundaries of wetlands proximate to the Project were delineated to identify the boundary of the wetland that could be impacted by the Project. The wetland limit nearest the Project		

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					was delineated. This information will be used during design and construction to identify limits of design and construction which will result in no impacts to wetlands.		
34	Page 4-143, Wetlands	Strike the discussion for the Sumida Watercress Farms Wetlands as follows: "~~Sumida Watercress Farm at Pearlridge is a historical farmland operating within a natural wetland. The Clean Water Act Section 404 program does not cover prior converted croplands (ELI2007) and, as such, this site has been excluded from jurisdictional oversight for the purposes of this project.~~"	AZ	A	Sentences removed and the discussion reworded.		
35	Page 4-143, Wetlands	Relative to the preceding comment, "ELI 2007" is not included in the References Chapter.	JLR	A	The reference will not be added and the citation has been removed from the text.		
36	Page 4-147, Environmental Consequences and Mitigation, Surface and Marine Waters	Please insert the following bolded verbiage: "…[and} there will be no pier or column construction **or other construction-related activities** within the stream channel below the OHWM.	JLR	A	The bolded verbiage has been added.		
37	Page 4-147, Environme	Suggest the following editorial modification: "Because the guideway is elevated relative to the surrounding	JLR/EG	A	This section has been expanded and quantified. The terms shading and shadowing are used more precisely.		

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	ntal Consequences and Mitigation, Surface and Marine Waters	roadway crossings, the guideway will not impart substantial ~~shadowing onto~~ **shading of** the water surface, as compared to surrounding bridges."					
38	Table 4-38	Revise table to reflect an anticipated application submittal to the Corps and for all other state and Federal permits / approvals for which an application has not yet been submitted.	JH	A	The Final FEIS Section 4.21 table has been revised to include Permits, Approvals and Agreements. The status of each has been updated to reflect current status.		
39	Table 4-38	Ensure that the table accurately reflects the Section 404/10 permitting strategy (e.g., standard individual permit v. nationwide permit; permits issued for each phase of construction v. one permit for the entire project).	JH	A	We anticipate that the Corps will permit the entire Project. Section 4.14 of the Final EIS includes a discussion of the Department of the Army permit approach.		
40	List of Preparers	Identify those sub-consultants, including their respective professional credentials, who conducted fieldwork and are responsible for the preparation of the *Wetland Waters of the U.S. Study.*	SR/JLR	A	This information will be included under the list of preparers in the Final EIS.		