From: James.Barr@dot.gov
To: Miyamoto, Faith
CC: Ted.Matley@dot.gov
Sent: 10/21/2009 9:35:32 AM
Subject: FW: Honolulu Rail Section 106 PA Task Force

Faith
Can you put something together on this form Blythe based upon today's discussion.

Include this as a whereas:

WHEREAS, the City completed an Alternatives Analysis in 2006 that disclosed the potential to disturb Native Hawaiian burials to the east (Koko Head direction) of Nu'uanu Stream, and the City after considering both technical information provided in the AA and comments from the public, selected a locally preferred aerial alignment alternative that would cause the least overall harm to Section 106 properties, and

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From: Blythe Semmer [mailto:bsemmer@achp.gov]
Sent: Friday, October 02, 2009 3:18 PM
To: Pua.Aiu@hawaii.gov; Kehau Abad; Barr, James (FTA); Sukys, Raymond (FTA); Matley, Ted (FTA)
Cc: antoinet@hawaii.edu; Spencer Leineweber; Miyamoto, Faith; Leland Chang; halealoha@wave.hicv.net; Souki, Jesse K.; keolal@oha.org; Kawika McKeague; mmcdermott@culturalsurveys.com; Spurgeon, Lawrence; Hinaleimoana Falemei
Subject: RE: Honolulu Rail Section 106 PA Task Force

Pua and all:

FTA and the City are carrying out a Section 106 review in coordination with NEPA and within the larger context of transportation project planning, which means that historic properties are one of many planning considerations that have influenced the proposed location of this transit corridor. "Alternatives," at this final step in the Section 106 process, refers to alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects to historic properties (800.6(a)). This does not necessarily equate to "alternatives" in the more comprehensive NEPA alternatives analysis context.

Given these and other comments offered by consulting parties, to date, about FTA's consideration of archaeological and burial location information as part of the alternatives analysis, the City and FTA should document this analysis for the Section 106 review administrative record. Since archaeology was among many factors analyzed in the development of a locally-preferred alternative, putting this in context would be helpful for all.

It will be difficult to move forward in the Section 106 process and in finalizing the PA without a prompt and decisive response to these concerns. While the City has shared links to NEPA documentation on the alternatives analysis, this also needs to be addressed directly within the Section 106 review and its documentation.

Sincerely,

Blythe Semmer
Program Analyst
Advisory Council on Historic Preservation
202.606.8552
202.606.5072 fax

From: Pua.Aiu@hawaii.gov [mailto:Pua.Aiu@hawaii.gov]
Sent: Thursday, October 01, 2009 3:01 PM
To: Kehau Abad
Cc: antoinet@hawaii.edu; Spencer Leineweber; Miyamoto, Faith; Leland Chang; halealoha@wave.hicv.net; Souki, Jesse K.; keolal@oha.org; Kawika McKeague; mmcdermott@culturalsurveys.com; Spurgeon, Lawrence; Hinaleimoana Falemei; Ted.Matley@dot.gov; Blythe Semmer
Subject: RE: Honolulu Rail Section 106 PA Task Force

My understanding is that you consult on the preferred alternative under 106 and discuss avoidance (moving the posts), mitigation, and minimization within the context of the preferred alternative.

However, that does not preclude you from seeking information on how the alternatives analysis was done, which may mean everyone has to read the DEIS.

I am cc'ing Blythe Semmer who can probably explain the process more cogently.

Pua

Kehau Abad <keabad@ksbe.edu>

09/30/2009 04:15 PM

To "Kawika McKeague" <kmckeague@group70int.com>, "Miyamoto, Faith" <fmiyamoto@honolulu.gov>, <halealoha@wave.hicv.net>, <antoinet@hawaii.edu>, <keolal@oha.org>, <Pua.Aiu@hawaii.gov>, "Leland Chang" <gnlchang@hawaii.rr.com>, "Spencer Leineweber" <aspencer@hawaii.edu>, "Spurgeon, Lawrence" <Spurgeon@pbworld.com>, <mmcdermott@culturalsurveys.com>, "Hinaleimoana Falemei" <taahine.hina@gmail.com>

cc <Ted.Matley@dot.gov>, "Souki, Jesse K." <jsouki@honolulu.gov>

Subject RE: Honolulu Rail Section 106 PA Task Force

Aloha mai,

Mahalo nui, Kawika, for providing the comprehensive framework that sets a clear context for whomever might answer the original question.

I still humbly ask that someone please address the question (at bottom of email string).

Me ke aloha,
Kehau

-----Original Message-----
From: Kawika McKeague [mailto:kmckeague@group70int.com]
Sent: Tuesday, September 29, 2009 8:02 AM
To: Kawika McKeague; Kehau Abad; Miyamoto, Faith; halealoha@wave.hicv.net; antoinet@hawaii.edu; keolal@oha.org; Pua.Aiu@hawaii.gov; Leland Chang; Spencer Leineweber; Spurgeon, Lawrence; mmcdermott@culturalsurveys.com; Hinaleimoana Falemei
Cc: Ted.Matley@dot.gov; Souki, Jesse K.
Subject: RE: Honolulu Rail Section 106 PA Task Force

Aloha kakou-

I realized that not everyone may not be familiar with NEPA requirements. Here's the link to the regulations for guiding NEPA: http://www.nepa.gov/nepa/regs/ceq/toc_ceq.htm Additionally, here's a cut-and-paste portion of the requirements for alternatives to be presented in the EIS:

Sec. 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

Mahalo,
Kawika

From: Kawika McKeague
Sent: Tue 9/29/2009 7:40 AM
To: Kehau Abad; Miyamoto, Faith; halealoha@wave.hicv.net; antoinet@hawaii.edu; keolal@oha.org; Pua.Aiu@hawaii.gov; Leland Chang; Spencer Leineweber; Spurgeon, Lawrence; mmcdermott@culturalsurveys.com; Hinaleimoana Falemei
Cc: Ted.Matley@dot.gov; Souki, Jesse K.
Subject: RE: Honolulu Rail Section 106 PA Task Force

Aloha kakou-

I was not at the meeting but offering my professional opinion here as an environmental planner.

Whether under NEPA or HRS 343, the presentation of alternative actions in any given environmental review needs to include: the preferred action, reasonable alternative actions (RAA), alternative actions eliminated from further consideration (AAEFFC), and the no-action alternative (scenario where proposed/preferred action is not implemented). I have not reviewed the Rail EIS thoroughly (but plan to do so in light of this conversation) but the RAA would, under NEPA, have to include an equitable and justifiable level of review and consideration to the preferred action. Question: what are the RAAs for this EIS? I would expect that the RAA should have included viable alternatives to preferred rail design, technology, and alignment. The analysis of the affected environment, environmental impacts, and mitigation for viable RAAs needs to be detailed in the EIS- that's a requirement under Council of Environmental Quality regulations (rules that guide NEPA). Additionally, a clear and concise comparison of the preferred action to the RAAs needs to be presented so a reviewer can

quickly assess the enivronmental consequences (Impacts) and the appropriate level of mitigation.

Even if some of the design and alignment options are categorized under AAEFFC, there needs to be a discussion in the EIS (and therefore should be easily presented to this working group) as to the criteria used to eliminate them from the analysis in the environmental review. I believe the response from the City and PB America is that this analysis was conducted prior to the EIS in the alternative analysis evaluation, which seems to be an enigma of sorts. Various federal agencies call this stage by various names by essentiall its doing a due diligence or feasibility analysis to narrow the range of options for the EIS discussion. However, I have never seen a NEPA EIS without at least one viable and equitable RAA.

IMHO, the "start from scratch" and "loss of federal funding" responses are frankly unacceptable to be presented as legimitate reasons for dismissing the questioning. The analysis needs to be there in the Final EIS for the Record of Decision to be issued by FTA. If it is not, then my follow-up questions would are the criteria being utilized by FTA to make its determination for a ROD? It may be worth our while as a working group to review the range of RAA in the ROD. If the analysis is completed and documented, it would serve well that this information is succinctly presented to this working group with transparency and the spirit of openness to work together.

Na'u me ka pono,
Kawika

From: Kehau Abad [mailto:keabad@ksbe.edu]
Sent: Mon 9/28/2009 7:43 PM
To: Miyamoto, Faith; halealoha@wave.hicv.net; antoinet@hawaii.edu; keolal@oha.org; Pua.Aiu@hawaii.gov; Leland Chang; Spencer Leineweber; Spurgeon, Lawrence; mmcdermott@culturalsurveys.com; Hinaleimoana Falemei; Kawika McKeague
Cc: Ted.Matley@dot.gov; Souki, Jesse K.
Subject: RE: Honolulu Rail Section 106 PA Task Force

Aloha no kakou,

Looking forward to continuing our discussion with everyone this Thurs at 10:00.

In order for folks like me to better understand some of the processes (and hopefully to expedite some of the discussion for Thurs), I thought I'd pose a question here. I'm wondering why a possible change in the alignment or technology (light vs. heavy rail) would necessitate a "start from scratch" result, as Steve mentioned today. Would the alternatives that were included in the DEIS for the NEPA analysis be open now as viable options? In other words, is there anything that would preclude us from falling back on any of the other alternatives that were reviewed in the DEIS to avoid a "start from scratch," "loss of federal funding," "loss of three years" result (as had been mentioned)? I'm not sure why only one of the alternatives mentioned in the DEIS offers forward progress and why the other alternatives that were considered in the same document would create a "start from scratch" outcome, if now pursued,.

Sorry, I know that was a long-winded question, but I'm hoping better minds might be able to offer a clearer and more succinct answer.

Me ke aloha a me ka ha`aha`a,
Kehau

From: Miyamoto, Faith [mailto:fmiyamoto@honolulu.gov]
Sent: Tuesday, September 22, 2009 4:08 PM
To: Kehau Abad; halealoha@wave.hicv.net; antoinet@hawaii.edu; keolal@oha.org; Pua.Aiu@hawaii.gov; Leland Chang; Spencer Leineweber; Spurgeon, Lawrence; mmcdermott@culturalsurveys.com
Cc: Ted.Matley@dot.gov; Souki, Jesse K.
Subject: Honolulu Rail Section 106 PA Task Force

Hi Everyone -

Please let me know if you are available for a meeting:

Wednesday, September 23, 1:30 p.m. - 3:30 p.m.

Thursday, September 24, 1:30 p.m. - 3:30 p.m.

Leland will be available to facilitate a meeting at these times. The other alternative would be to meet after tomorrow morning's meeting, but Leland will not be available.

Faith Miyamoto
Department of Transportation Services
City & County of Honolulu
(808) 768-8350
fmiyamoto@honolulu.gov