
From: Christopher.VanWyk@dot.gov
To: Souki, Jesse K.
CC: ekussy@nossaman.com; Miyamoto, Faith; Renee.Marler@dot.gov; Raymond.Sukys@dot.gov; Ted.Matley@dot.gov; Carl.Bausch1111@dot.gov
Sent: 12/30/2009 4:28:19 AM
Subject: RE: TRNS RE: FTA response to response to comments

Jesse,

I don't think it is possible to come to closure on Section 4(f) with respect to Ke'ehi Lagoon Beach Park until such time as we can clarify the aviation issues and reach an understanding with FAA about its expectations. Once that it is done, we'll be in a much better position to know what our options are.

Thanks,
Chris

From: Souki, Jesse K. [mailto:jsouki@honolulu.gov]
Sent: Tuesday, December 29, 2009 8:17 PM
To: VanWyk, Christopher (FTA)
Cc: Kussy, Edward; Miyamoto, Faith; Marler, Renee (FTA)
Subject: RE: TRNS RE: FTA response to response to comments

CONFIDENTIAL AND PRIVILEGED COMMUNICATION

Chris,

It would appear that Section 4(f) at Ke'ehi Lagoon Beach Park has been rolled up with the airport issue. From their email below, it appears that Ray Sukys and Jim Barr are proceeding on the assumption that an alternatives analysis must be done for the park, not *de minimis* like you recommended. It is my understanding that a Section 4(f) feasible and prudent alternatives analysis does not matter if we do a *de minimis* analysis for Ke'ehi Lagoon Beach Park.

Could you please clarify whether we should do a *de minimis* analysis? I believe, as we discussed with Ed Kussy on December 4, that a *de minimis* analysis is not only warranted but also more defensible.

Please let us know.

Sincerely,
Jesse K. Souki
Deputy Corporation Counsel
City and County of Honolulu
Tel.: (808) 768-5135

This e-mail is intended solely for the person or entity to which it is addressed and may contain **confidential and/or privileged information**. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from any computer.

From: James.Barr@dot.gov [mailto:James.Barr@dot.gov]
Sent: Tuesday, December 29, 2009 3:30 AM
To: Miyamoto, Faith; Raymond.Sukys@dot.gov
Cc: Edward.Carranza@dot.gov; Ted.Matley@dot.gov; Hamayasu, Toru; Christopher.VanWyk@dot.gov; Carl.Bausch1111@dot.gov; Renee.Marler@dot.gov
Subject: RE: FTA response to response to comments

To all:
For further clarification:
The avoidance alternative is both possible and feasible.

It would take zero-point-one (0.1) acres of Ke'ehi Lagoon Park and use approximately 100 square feet of ground in the park for the placement of support columns.

DTS does not consider the avoidance alternative prudent because of acquisitions, displacements, the need for guideway double-stacking and additional cost – approximately \$75M (2007). Under 774.17, this cost would not be considered “extraordinary” and it is unclear whether, because of their nature, the impacts due to acquisition and displacement would be considered severe after reasonable mitigation.

Jim

From: Miyamoto, Faith [mailto:fmiyamoto@honolulu.gov]

Sent: Monday, December 28, 2009 7:25 PM

To: Sukys, Raymond (FTA)

Cc: Carranza, Edward (FTA); Barr, James (FTA); Matley, Ted (FTA); Hamayasu, Toru

Subject: RE: FTA response to response to comments

Ray –

This is to correct your statement that the avoidance option for Keehi Lagoon Beach Park shown in Figure 5-5 avoids the Section 4(f) resource. This alignment that is located immediately makai of Nimitz Highway would pass over the park and use Section 4(f) park space for the placement of support columns. The Section 4(f) analysis presented in the Draft EIS showed that it is not a prudent alternative.

Faith

From: Raymond.Sukys@dot.gov [mailto:Raymond.Sukys@dot.gov]

Sent: Wednesday, December 09, 2009 8:15 AM

To: Miyamoto, Faith

Cc: Edward.Carranza@dot.gov; James.Barr@dot.gov; Ted.Matley@dot.gov; Hamayasu, Toru

Subject: RE: FTA response to response to comments

Faith, we have at least 5 major issues, 1) PA, 2) Airport RPZs, 3) 4(f), 4) signature authority and 5) response to comments. Your avoidance option for the park in figure 5-5 is a logical approach for 2 reasons. It avoids the RPZ at the airport and avoids the 4f resource. Further delay in resolving this airport issue just delays FTA's final review of the document. Ray

From: Matley, Ted (FTA)

Sent: Tuesday, December 08, 2009 11:14 AM

To: fmiyamoto@honolulu.gov

Cc: Carranza, Edward (FTA); Sukys, Raymond (FTA); Barr, James (FTA)

Subject: FTA response to response to comments

Hi Faith,

Attached are FTA responses to your response to our comments sent at the end of October/early November.

They address Chapter 4 and the 4(f) Chapter. We had previously discussed Chapter 2 and I believe that is resolved.

The only issue not addressed is the Ke'ehi Lagoon Park. We are finalizing our position on that and will communicate that to you soon. We will also be providing you soon with comments on some of your proposed public comment response letters.

We have no other comments at this time.

At this time, please use this material as guidance in the development of a revised draft FEIS which you can submit to us. That document should also include material as necessary to address the airport issue as was outlined in other FTA correspondence. We are looking to tie everything up in one more submission of a complete FEIS draft that will under go our final review.

Please contact me if you have any questions.

Ted

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.