FTA Comments on the Administrative FEIS

May 20, 2010

Overview of Comments

- The chapter 2 language needs to be clearer on New Starts terminology versus NEPA terminology. See specific comment below and suggested definition language to include in the Chapter 2 to explain the differences of both. The FEIS needs to identify a NEPA preferred alternative for the alignment, maintenance facility, and how the City plans to operate (manual versus automatic) of the LRT system.
- We have detailed comments on the Section 4(f) chapter that are in a separate PDF file. In general, the constructive use analysis needs to be more developed. There are resources that we believe could be Section 4(f) properties that are not identified in the chapter. We have previously asked a question about the Keehi Lagoon Memorial and we are seeking more information on that property as a potential Section 4(f) resource. There are also concerns about terminology. Please see the specific comments in the PDF document.
- In our review of the Section 4(f) chapter, we developed some questions on the noise analysis of the proposed maintenance facility adjacent to the community college. It is not apparent that the noise analysis for the facility followed our noise guidance. We are concerned that impacts to the high school and the community college were not properly identified. These resources may also contain Section 4(f) properties that also do not appear to be evaluated.
- In our review of the noise analysis, it did not appear that the analysis of the traction power substations followed our guidance. We request more information on the analysis that was completed.
- It is unclear from our review where the proposed traction power substations would be located. We need more information on how these facilities were evaluated in the EIS (wetlands, ESA, cultural resources, Section 4(f) and so on). In July 2009, FTA provided a comment requesting that the design of traction power substations be discussed with community groups.
- We are concerned about the quality and consistency of the responses to comments both in how they relate to the FEIS and how they are consistent with one another. Although it is likely too late to change the approach now, FTA's preferred method of responding to comments is to organize the comments by issue and have responses to that issue rather than reply to each individual letter. We understand that the City is required to respond to comments this way under Hawaii law. In our review of the response to comments, there appear to be a number of holes in the responses where items mention in the comment were not addressed in the response or were unclear. Please see comments in specific letters.
- In the responses to the comments, a number of specific mitigation commitments are made. The detail of the mitigation commitments does not consistently seem to be described in the FEIS or among the letters. We would like the City to develop a mitigation table, which is more detailed than the one already provided in Chapter 4, that lists out all the mitigation commitments described in the comment letters. The table should reference where in the FEIS this mitigation

commitment is discussed and the letter that the mitigation commitment is described. FTA's practice is to require such detailed mitigation tables for records of decision. Because this project is so large and the responses to comments are so complicated, we need this mitigation table for the FEIS. The mitigation commitment table needs to be organized by impact category.

- The responses to comments should often reference back to specific sections, tables, and figures in the FEIS where the comment is addressed. In places we have seen quotations from the FEIS included in a response, but the response needs to instead or in addition cite the FEIS.
- All language, such as the third paragraph on Page ii, referencing advancing portions of the project without Federal funding should be deleted.
- Section 7 ESA process requires written documentation from USFWS in that no formal consultation is needed. FTA sent a letter requesting this documentation from USFWS but the response does not appear in the appendix of the FEIS. Also, correspondence among USFWS, the City, and FTA indicates the intention to secure a certificate for the Habitat Conservation Plan from HDOT. Why has this not been taken care of yet? There is not response from USFWS on the DEIS or in response to this letter. Also in this letter from USFWS it says that "your concerns regarding the proximity of the East Kapolei Station to the Kooloaula contingency reserved established by the HCP include risk associated with increased access to the contingency reserve, increased risk of fire, and increased risk of invasive plants. I do not see this reflected in the current version of the administrative FEIS.
- The Natural Resources technical report mentions the O'opu nakea as a Special Species of Concern by the American Fisheries Society. This section goes on to say "the U.S. Army Corps of Engineer process would require formal consultation with the USFWS and the National Marine Fishers Service and may require a Biological Assessment for the o'opu." Where is this discussed in the FEIS? I know that some fish and aquatic life discussion is in the Water section, but I am having a hard time finding this.
- Technical support documents do not appear to be consistent with the EIS text or at least they are slightly outdated. Has FTA reviewed the technical addendums to the technical reports? Has the city provided these addendums to FTA?
- Environmental consequences from operating minimal operable segments should be evaluated.
- Consultation with the National Marine Fisheries Service should be reflected in the ecosystems section. Individuals looking for a discussion on aquatic ecosystems should be directed to the water resources section.

Front Pages

Page ii, Two NOIs were published for this project.

Page ii, Address how the EIS can be published and circulated consistent with Hawaii statute 343 requirements. Specifically addresshow a joint Hawaii statute 343/FEIS can be issued prior to Governor approval required under 343. . Address the steps for approval of the Hawaii document relative to the FEIS process.

Page ii, Delete the paragraph that begins with, "Should any construction phase of this Project explicitly proceed without Federal funding, the mitigation measures contained in this document and the subsequent Record of Decision for that phase of the Project may not be enforceable by FTA." Delete any reference in the FEIS to locally funded construction of the Project.

Summary

Page S7, This section states that the project is consistent with land use objectives including views and vistas yet we know that there are identified adverse effects on protected mauka/makai view corridors. Please clarify.

Page S11, Identify maintenance facility for FEIS. This should be resolved but is listed as an unresolved issue on the Summary Sheet. An alternate site may remain. This is defined in some locations. However, it is unclear in maps and figures.

Chapter 1

Page 1-4, FTA's notice of intent in 2005 was to prepare an EIS. While the NOI does include language about the AA, we don't issue NOIs for AAs.

Chapter 2

Chapter 2, it's unclear what exactly is the LPA versus the project. The text suggests that Salt Lake alignment is still part of the LPA (2-19, last paragraph). Need to clarify better what is the LPA and what is the City Council designation of the preferred alternative, and what the term "the project" is relative to the LPA. Be careful when using NEPA and New Starts terminology. The New Starts Locally Preferred Alternative has a different meaning than the NEPA preferred alternative. The NEPA Alternatives are more specific.

Figure 2.1, With the line-up of solicitations and the award of the Kiewet contract, it is clear that the City does not intend to wait for an FFGA prior to beginning work. There is no discussion of optional approaches such as a request for a Letter of No Prejudice to advance work and mention of FTA's pre-award authority for long lead items.

Page 2-6, Please re-write the following sentence, "In addition, electrically powered trains are quieter than buses and because trains only come every few minutes rather than constantly, as buses and automobiles do, pedestrians and motorists are often unaware of their approach."

Page 2-22, Add *new* to "Although there are existing buildings within its limits, *new* objects and activities are discouraged from being added to the controlled activity area of the runway protection zone." The FAA made this point in numerous meetings. I think it would be relevant to mention that there were potentially substantial impacts associated with proposals considering moving the runway to keep the alignment in the current location. If they are not discussed here, there should at least be a reference back to the materials the FAA prepared.

Page 2-28, The FEIS should identify the corresponding year for the peak fleet requirement in the last paragraph.

Page 2-29, The FEIS indicates that the system may be "manually operated by a driver or fully automated (driverless). However, this is misleading since manual operation will only occur under unusual circumstances. Clarify by indicating that the system is being designed to operate as an automatic operator-less system which means no operators on board.

Page 2-32, Figure 2-14, The side platform with concourse configuration shows a platform level extending out to the station entrance structures on the outside of the roadway, which would be unnecessary if a set of elevators (from concourse to platform) could be placed within the footprint of the functional parts of the platforms. The placement of elevators in the station entrance buildings is less convenient than it could be, causing longer travel paths for those with disabilities. It should be noted that these issues were subjects of the VE study completed in April 2010.

Page 2-43, Identify the location of the maintenance facility. The FEIS states two alternate sites for the MSF are being considered: a 44-acre site near Leeward Community College (Navy Drum Site); and the 41-acre site in Hoopili. However, the PMP states that the MSF will be constructed on 43 acres of land at the Navy Drum site. The PMP does not mention an alternate site for the MSF.

Chapter 3

General comment chapter 3, use of City, DTS, and RTD seems to be used interchangeably in some places throughout the document, it others it appears that a distinction is being made. Review and make sure there is a clear usage and consistent usage of the designation.

Page 3-3, Is this statement correct, "As the Project complies with Federal Aviation Administration regulations and will not result in long-term adverse effects on Honolulu International Airport, no mitigation measures are planned. Is not the design refinement a mitigation measure for impacts to the airport. Also, what about the encroachment of H1 near the proposed Mauka Terminal as a mitigation.

Page 3.9 identify acronyms to VHS, VMT, VHD

Page 3-59 refers to being coordinated to the 1995 airport layout plan, clarify the airport layout plans status and the use of the updated ALP.

Page 3-65, The following never was adequately resolved in the DEIS and should be removed because temporary impacts are not identified: "the Project will be constructed in phases and opened as each phase is completed. As a result, there will be stations where fixed-guideway service will temporarily end while the next phase is under construction. This phased opening approach will require interim changes to bus transit service to complement the fixed guideway service. This could have a short-term effect at

station areas asbus routes are temporarily moved to connect with fixed-guideway stations. This includes additional buses traveling near certain fixed-guideway stations and associated traffic and pedestrian effects from the bus service. A plan to accommodate the use of phased openings will be developed in advance."

Comment [eaz1]: Not sure that I agree with the removal of the text.

Page 3-71, Same as 3-65, The following never was adequately resolved in the DEIS and should be removed because temporary impacts are not identified: "As discussed in Chapter 2, the Project will be constructed and opened in phases over several years. A plan to accommodate the phased openings will be developed in advance. As the stations are completed and opened, rail service will be extended and feeder bus service from surrounding neighborhoods will be implemented."

Comments on the Chapter 4

Page 4-6, Where does the document acknowledge the specific local policy that "protects" certain view corridors? Note, this statement, "The Project will block views in several areas of the corridor, including protected mauka-makai views."

Page 4-7, Section 4.10

The statement "although a 3-foot parapet wall is included in the project, there will be no vibration impacts." The walls should be mitigation for noise from the wheels. Do not believe that the walls serve as mitigation for vibration. The revision does not make sense.

Section 4.8 refers often to "protected" viewsheds, as well as other designations for the viewsheds. What is a protected viewshed and what prohibitions, if any, exist, other than a general sensitivity to impacts on the viewsheds? This should be clarified.

Page 4-39 use acronym RTD before defining it later in the paragraph

Chapter 4, acronym DPP I used before identified on 4-28.

Page 4-110, Section 11.5.2 and 11.5.4: Planting Design states "During construction the City will maintain all landscape areas to HDOT standards." The FEIS should clarify if the landscape maintenance to be performed by the City is outside the construction limits. Typically construction contractors maintain landscaping during construction.

Page 4-179, identify PE in "use PE plans"

Chapter 4, do summary of total impacts to land use include the two options for the maintenance facilities? If all summaries of impacts are based on the preferred site, this should be stated somewhere for clarity.

Page4-178, Second column first paragraph

Where is says a copy of correspondence from the SHPO dated February 4, 2008, concurring with the APE… should mention the second concurrence of the APE for the minor shift in alignment at the airport.

Page 4-179

We should provide an update on the AIS plan. The first phase has been completed.

Should mention that there has been disagreement on the AIS plan for phase IV. Should here or another place in the document mention our response or thought process on why more evaluation was not completed prior to the completion of the FEIS and Phase IV. But these studies will be included in a programmatic agreement. Need to include somewhere the response that I sent the NPS explaining why archeological investigations were not completed for phase IV.

Page 4-182

Page 4-182, Update the following to include additional information request in May and expected concurrence, "In April 2010, FTA submitted a request for SHPO concurrence of eligibility and effect for properties on Ualena Street."

First column, paragraph that starts "While only one aspect.." Remove the entire paragraph. It is confusing and unnecessary.

Traditional cultural properties, was this added in response to a comment on the DEIS? This is something that is described and negotiated in the programmatic agreement. That should be mentioned here and the process for evaluating them. The phrase "If TCPS are found to be.." should be revised to "If FTA determines that the TCPs are eligible for the NRHP…"

Page 4-183

First column. There was a lot of work and changes that occurred from the preliminary determinations in the draft EIS and this final EIS. A description of why and how things changed should be mentioned here. In the second paragraph, revise the sentence "The PA includes stipulations that.." to "The PA includes stipulations that describe the roles and responsibilities of the signatories, which are the FTA, ACHP, and the SHPD and invited signatories of the NPS and the City. "

I think it is relevant somewhere in this discussion to mention the outstanding areas of disagreement or at least mention that the OIBC has indicated that they do not plan to sign the PA.

Page 4-196, Select a maintenance facility and keep alternate in document.

Page 4-199, The FEIS should include a paragraph generally describing the construction process for a typical portion of line segment and a typical station, as well as the typical expected duration of each major phase of activity (not just discrete activities such "drilled shaft foundation can be completed in one week" as indicated on p. E-2). The affected parties along the alignment should know how long they will be impacted during construction. Neither the text nor Appendix E provides any information on this.

Page 4-199, Construction Effects section, The FEIS is fairly silent on borrow or waste disposal. The high number of deep bores for the guideway piers will produce a high volume of waste dirt. If there is a plan for reuse or disposal of this material, it should be discussed in the FEIS. Something similar to the following could be considered for inclusion in the FEIS: "BMPs will be used in the construction of this project to minimize impacts related to borrow and waste disposal activities. The location of borrow and waste disposal sites may not be known until the project is let for construction. In general practice the contractor selects the sites based on free market economics (i.e., negotiations with property owners). Solid waste generated by clearing and grubbing, demolition, or other construction practices will be removed from the location and properly disposed. Contractors must comply with all permitting requirements for borrow locations, and follow other applicable contract specifications. Prior to their use, these sites would be assessed for impacts to resources such as archaeological and historical resources, wetlands, etc., and appropriate measures would be employed to avoid or minimize impacts, if any. Where impacts would warrant, the contractor, with City oversight, would obtain required permits. Due to the cost of required mitigation when permits are needed, contractors often select other sites that do not require permitting. Solid waste generation resulting from construction should be short-term and confined to the vicinity of the project area. In many cases, and where available, the construction contractors use existing agricultural fields near the construction sites for borrow/waste sites. They are much easier to use and have lower potential to impact protected environmental resources."

Page 4-205, In exception to the following, a noise protocol should be developed now and not later, "The noise and vibration construction mitigation

plan will be prepared to establish a protocol to monitor noise during construction and a plan to mitigate for impacts as required. The City will implement the mitigation measures defined in this Final EIS, construction plan, and HDOH noise permit requirements.

Overall the FEIS is silent on the placement and impacts of traction power substations .

Chapter 5, Section 4(f)

It would be extremely helpful for the reader for you to add a column to table 5.1 that has the page numbers of where these resources are mentioned in the chapter. They are not easy to find especially if they are discussed in multiple sections.

See 4(f) comments in PDF document.

Chapter 6

Page 6.2, Tables 6-1 and 6-2 do not match SCC Workbook dated January 6, 2010 provided by the City. SCC Workbook indicates Total Project Cost (excluding financing) of $5.057B. FEIS indicates Total Project Cost (excluding financing) of $5.115B.

Chapter 8

Page 8-6, note date when DEIS comment period was extended to, and the reason why (request from commenter's for additional time)

List of EIS Recipients:

- Federal Agencies list should include correct name for Federal Transit Administration, not "Division."

Appendices

Appendices B (Preliminary Alignment Plans and Profiles) and C (Preliminary Right-of-Way Plans) are missing substation numbers 7, 13, 14, 15, 16, 17, 18. There are also no substations shown for the MSF, which may require two substations.

Comments and Responses

- All letters should be updated to reflect a date consistent with the issuance of the FEIS.
- For all letters, remove the very last phrase "and will conclude the environmental review process for this Project."
- See attached comments on the responses to the document.
- All responses to comments should include a general reference to a new mitigation table in the FEIS at the end of Chapter 4. Every specific mitigation in a letter response should be identified in this table, organized by impact category and referencing the comment letter or section of the FEIS containing the specifics of the mitigation. This new mitigation table should be in a searchable format for ease of review and in preparation for inclusion as an attachment to the ROD.

Appendix A. PDF Page 274, the

"The Current HCP does not include all affected lands or current planned activities within the rail transit corridor. Activities and lands within the HCP area can be included by an additional Certificate of Inclusion, but activities outside the HCP area will need an amendment or new HCP." **Does the HCP need to be amended or has the City obtained a Certificate of Inclusion? The City's response to the comment was "If a HCP is needed or if the existing HCP needs to be amended, the City will implement the measures outline of the USFWS in the new or amended HCP."** Does the HCP include the mitigation measure of prior to grubbing and clearing, the area will be surveyed. Is this a mitigation measure that is included in the HCP? If not, it needs to be in the text of the FEIS and included in any mitigation tables that would be prepared for the project if FTA decides to move forward with a Record of Decision.

Follow up on the Keehi-Lagoon Memorial.

PDF Page 667, Second Paragraph, Response to Dale Evans

The response discusses the proper treatment of Native Hawaiian burials. I do not think that it is characterized properly. The City and FTA have been coordinating with the burial council and a process that outlines further coordination has been established, but it is not a process that is complete. I think it could also be appropriate to mention that the project is divided into phases and prior to construction of any one phase that the City will be conducting archeological studies to identify Native Hawaiian burials. The Programmatic Agreement has more signatories than just the SHPD and the FTA. The City should be mentioned in that list with the National Park Service.

Make sure that this is consistent throughout the comment/response document.