
From: Uyeno, Ted (TRO-10)
To: Sukys, Ray (TRO-09); Ossi, Joseph (TPL)
CC: Turchie, Donna (TRO-09)
Sent: 4/8/2003 12:06:41 PM
Subject: RE: Honolulu BRT - Potential additional comments on the FEIS

Ray,

While I would say that 771.125 would apply to only Federal agencies, 771.111(e) probably makes that distinction moot since that section speaks about unresolved issues raised by states. Per those sections and 771.125(c)(2), I think the regs provide or imply that the EIS should contain a reporting of unresolved issues raised by the state. (771.125(c)(2) provides that where there are unresolved issues, HQ must sign off on the EIS.) I think this discussion could be contained in the comments and response to comments section of the EIS.

As to the state statute allowing the use of one document to satisfy NEPA and state NEPA, if your question is whether we would have any objection to using just one document, I think the answer is no. We have done it here in Washington. However, since the state requirements here in Washington are less rigid than NEPA, we just follow NEPA. Of course if there was a conflict between Hawaii law and NEPA, the document would have to follow NEPA or they would have to do two separate documents.

Ted

-----Original Message-----

From: Sukys, Ray (TRO-09)
Sent: Tuesday, April 08, 2003 1:55 PM
To: Uyeno, Ted (TRO-10); Ossi, Joseph (TPL)
Cc: Turchie, Donna (TRO-09)
Subject: Honolulu BRT - Potential additional comments on the FEIS

Hi Ted/Joe

I was planning to have DTS respond to the following issues and I wondered what your thoughts were.

Do you think we need a letter from SDOT to comply with 771.125(a)(2)? It says, "every reasonable effort shall be made to resolve interagency disagreements on actions before processing the final EIS. If significant issues remain unresolved, the final EIS shall identify those issues and the consultations and other efforts made to resolve them." Or should we just require that DTS' efforts be documented?

Also, what should be our position relative to the following state of Hawaii statute on state review processes? I have not confirmed the language in the statute but here is what was sent to me with regard to HRS 343-5 (8) (b) (2) (f). Apparently it says, whenever an action is subject to both the National Environmental Policy Act of 1969 (Public Law 91-190) and the requirements of this chapter, the office and agencies shall cooperate with federal agencies to the fullest extent possible to reduce duplication between federal and state requirements. Such cooperation, to the fullest extent possible, shall include joint environmental impact statements with concurrent public review and processing at both levels of government. Where federal law has environmental impact statement requirements in addition to but not in conflict with this chapter, the office and agencies shall cooperate in fulfilling these requirements so that one document shall comply with all applicable laws.

Thank you,

Ray