
From: Spurgeon, Lawrence
To: keabad@ksbe.edu
CC: Leland Chang; Miyamoto, Faith; Hogan, Steven; Ted.Matley@dot.gov
Sent: 9/30/2009 5:40:01 PM
Subject: RE: Honolulu Rail Section 106 PA Task Force

Aloha Kehau,

I had intended to discuss this with Faith today and get back to you. The morning meeting ran quite long, but we did make it through all of the PA except Stipulation III.

Your reading is essentially correct, at this time any of the alternatives evaluated in detail in the Draft EIS could be advanced in the Final EIS. Specific to the Honolulu Project, that includes a No Build Alternative and three alignments for an elevated Fixed Guideway Alternative (Airport, Salt Lake, and the Combined Alignment). The Draft EIS alternatives did not preclude light rail technology, but they did not include its operation at-grade in a mixed-traffic (non-exclusive right of way) operation. Such mixed-traffic operation could not meet system capacity requirements and other project goals; therefore, it was eliminated from consideration prior to the Draft EIS.

At this point, selection of an alternative substantially different from the ones included in the Draft EIS would require a supplemental EIS (as well as a change in City law, as the Locally Preferred Alternative was identified by ordinance). This would effectively place project development back to the point it was at in December 2006.

I hope that this is helpful,
Lawrence

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

From: "Kehau Abad" <keabad@ksbe.edu>
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>
Sent: Wednesday, September 30, 2009 4:13 PM
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; Hinalaimoana 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

AR00126514

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 environmental consequences (Impacts) and the appropriate level of mitigation.

Even if some of the design and alignment options are categorized under AAFFFC, 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 essentially 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 legitimate 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 be 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

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.

AR00126516