5 EIS Process, Content, and Exhibits

5.1 Draft and Final Environmental Impact Statements
The recent SW LRT process began with a comprehensive analysis of alternative corridors, the results of which form the basis for the Draft Environmental Impact Statement (DEIS). For the DEIS, only about 10% of the engineering design is completed, so we don’t know how much detail there will be on potential impacts on Minneapolis parks and park users.

As noted above, the federal process for the DEIS welcomes comments on the contents. MPRB’s input will be via a formal Comment Letter that will be developed from the CAC recommendations. (Individuals wishing to submit personal comments on any DEIS section may do so following the process explained at www.southwesttransitway.org.)

To protect the MPRB’s long-term interests, the Park Board focused the CAC’s work on outcomes – what’s important to protect, preserve, and support with regard to historical, cultural, visual, recreational, social, environmental, and safety issues for Minneapolis parks and park users.

When the Metropolitan Council begins preparing the Final Environmental Impact Statement (FEIS) in 2011, they are required to formally respond to the issues addressed in the MPRB’s Comment Letter, along with all other comments.

Concurrent with the FEIS will be “preliminary engineering,” at about the 30% level. This will specifically address ways to avoid, minimize, or mitigate identified impacts. By focusing the MPRB’s DEIS Comment Letter on outcomes rather than on detailed mitigation ideas, the Park Board focuses the Metropolitan Council’s design response on the long-term needs.

There will be a similar, formal, public comment period on the FEIS, and the MPRB expects to also participate in that effort.

5.2 FEIS Exhibits
To help CAC members understand the role of DEIS Comment Letters and the types of response different letters generate, we reviewed a number of examples from fairly recent projects around the country. Beginning on the next page are excerpts we found relevant to the CAC’s work. Note that the resolution of these depends on that of the original documents online – and many are quite poor. We have included source links for each of these if you wish to explore this information in more depth.

- Houston: http://www.metrosolutions.org/go/doc/1068/112145/
- Denver: http://www.rtd-fastracks.com/gl_116
- Honolulu: http://www.honolulustransit.org/library/
5.3 Bay Area Rapid Transit (BART), Warm Springs Extension (Letter 11)
This is a fairly standard, simple Comment Letter seeking clarification about flood storage capacity; note response more detailed than question. Source: http://www.bart.gov/about/projects/wsx/environmental.aspx
Response to Comment Letter 11

11-I: BART is committed to maintaining storage capacity at South Tule Pond and Lake Elizabeth. At this time, the details of the construction timing are not available; however, certain performance goals would be achieved.

As stated in Mitigation Measure H-3 on page 4.5-16 of the DEIS, BART will expand the South Tule Pond to maintain the existing flood storage capacity at that location. As stated in Mitigation Measure H-13 (a) on page 4.5-24 of the DEIS, BART will limit subway construction in the Lake Elizabeth to the dry season. If construction were to continue into the wet season, BART would secure additional flood storage capacity equal to or greater than the temporary reduction due to construction (Mitigation Measure H-13(b)) by working with ACFCD and the City of Fremont.
5.4 Bay Area Rapid Transit (BART), Warm Springs Extension (Letter 17)

This letter addresses historic areas (geology) and environmental issues; note the changes included in the response letter. Source: [http://www.bart.gov/about/projects/wsx/environmental.aspx](http://www.bart.gov/about/projects/wsx/environmental.aspx)
it correctly, because it could cause damage to our wetland restoration progress. I would like to see at least a discussion in the report on its effect on Tyson Lagoon.

3. Stivers Lagoon. Since the Second Ventilation Structure and the underground BART structure will be impermeable what will be the long term affect on the hydric soil in the area? Will this cause damage to the wetland area over time? My concern is the flow of Muskrat Creek, which was not mentioned in the report. You may note of the flood control channel north of Paseo Padre, but you did not mention (or could not find) a discussion of the effect of the perennial creek that flows through southern part of Stivers Lagoon. I personally have looked for the source of this water and have had problems identifying its source. On earlier maps I noticed there were springs in the area, but could not locate any of them. The Flood control channel just north does feed into Muskrat Creek, but during the summer this channel is dry, while muskrat has been running for probably 100 years (if not more).

Also the area around the second ventilation structure is foraging area of many of the egrets and herons that roost on Duck Island. There was no mention on that biological impact and how you could mitigate more foraging area for many of the birds in the area.

If you would like to discuss this further, I could be available. I feel that addressing these comments in the EIR will advert problems. It will also aid the many people in Fremont who are dedicated to creating areas so our flora and fauna can flourish for future generations to enjoy. Addressing these issues will also help our group continue to preserve our paleontological resources, which have not been given that status that they deserve.

Sincerely,

Joyce R. Blueford, Ph.D.
Geologist
Board President

cc: Lorraine Lerman (U.S. Department of Transportation)
    Kathy Cote (City of Fremont, Environmental Services)
    Hank Ackerman (Alameda County Public Works)
    Annabell Holland (City of Fremont, Parks and Recreation)
    Bob Wiechowski (Council, City of Fremont)
Response to Comment Letter 17

17-1: Section 4.3, “Geology” of the DEIS has been revised to address potential paleontological resources within the project area. As described in Section 4.3 of the FEIS, and shown on Figure 4.3-4 “Location of Pleistocene Vertebrate Fossil Finds Relative to BART WSX Alignment,” the proposed WSX alignment passes through the vicinity of known fossil sites, including the Bell Quarry site. The amended Geology discussion is presented in Volume 1 of the FEIS and includes the following text and mitigation measures regarding Pleistocene units within the project vicinity that were determined to have the potential to contain paleontological resources:

**Pleistocene Units**

Various systems of formal and informal nomenclature have been used for the Pleistocene units of the Fremont area, and one of the challenges in evaluating paleontological sensitivity is to establish the relationship between the various systems.

The name Irvington Gravels (Savage 1951) has been applied to a sequence of poorly consolidated, clast-supported conglomerates with minor fine-grained material (Holland and Allen 2000) that is locally exposed along the Hayward fault trend in Fremont. The Irvington Gravels are likely equivalent to Pleistocene portions of the alluvial aquifer sequence in the regionally important Niles Cone groundwater subbasin (see California Department of Water Resources 2004), implying that they or equivalent strata are extensive in the subsurface. The unit is believed to record deposition in a braided stream environment between about 1.5 and 0.15 million years ago (Albert 1999, Grayner and Lienkaemper 2002).

The Irvington Gravels have yielded a diverse vertebrate fossil assemblage that includes mammoths, musk oxen, horses, camels, ground sloths, ground squirrels, deer, dire wolves, elk, and saber-toothed cats. Of 18 different mammals identified from the deposits, 50% are extinct (Savage 1951). Savage (1951) named the assemblage the Irvington fauna and suggested that it represented one of the best examples of early Pleistocene terrestrial life in the western United States. The Irvington Gravels are the type section for the Irvingtonian Stage of the widely applied North American Land Mammal Chronology (Savage 1951, Grayner 1995).

Vertebrate fossils have been recovered from the Irvington Gravels at several sites near what is now the Irvington District in the City of Fremont (e.g., Savage 1951, Blueford and Belasky 2005). Figure 4.3-2 shows the vicinity of three sites that have yielded materials now housed at the University of California Museum of Paleontology in Berkeley. Additional fossil materials from the Irvington Gravels are on display at the Math/Science Nucleus in Fremont.

The paleontological sensitivity of the Irvington Gravels is considered high, because of the diversity and richness of the fossils recovered from the unit to date. There is an additional degree of sensitivity associated with the unit (and its fossil contents) because of its role as the stratotype for the Irvingtonian Stage, and thus as a resource of concern to paleontologists nationwide, if not worldwide. The paleontological sensitivity of other units in the project area believed to be equivalent or partially
equivalent to the Irvington Gravels is also considered high; this includes all Pleistocene materials in the project area. The Latest Pleistocene alluvial fan deposits (Qpf) as mapped by Knudsen et al. 2000 are considered especially likely to contain significant paleontological resources in the project area.

**Latest Pleistocene to Holocene Units**

Latest Pleistocene to Holocene alluvial fan deposits (Qf) as mapped by Knudsen et al. consist of moderately to poorly sorted and bedded sand, gravel, silt, and clay deposited on gently inclined fan surfaces (Knudsen et al. 2000). This unit is considered likely to contain vertebrate fossils, because California’s Pleistocene alluvium commonly contains vertebrate materials. For instance, vertebrate fossils—including mammoth, bison, ground sloth, and the horse *Equus*—have been recovered from Late Pleistocene alluvium near Las Positas College, approximately 4 miles northwest of the City of Livermore (Savage 1951, Barlock 1988). Because of its potential to contain vertebrate fossils, Knudsen et al.’s Qf unit is considered to have high sensitivity for paleontological resources.

Construction activities along portions of the proposed WSX alignment could affect potential paleontological resources in surface or subsurface soils. To reduce or eliminate these potential impacts, BART has included the following impact and mitigation measures in Section 4.3, “Geology” of the Final EIS:

**Impact G-5—Potential impacts on paleontological resources as a result of WSX construction activities.** Project construction would entail a number of ground-disturbing activities with the potential to damage or destroy paleontological resources, including significant resources, that may be present on work sites. These include site preparation; various types of earthwork, including but not limited to subway excavation; and drilling for piers/pilings.

**WSX Alternative.** All Pleistocene units in the project area are highly sensitive for paleontological resources, and there is a potential for significant impacts to these resources during construction of two segments along the alignment:

- **North of Stevenson Boulevard to the South Ventilation Structure:** Logs of exploratory borings from geotechnical investigations performed for the proposed project suggest that older (Pleistocene) alluvium will be encountered during construction of the tunnel near Stevenson Boulevard. Specifically, the section of the proposed subway alignment that descends beneath the surface approximately 250 feet (76 meters) north of Stevenson Boulevard, extending to the north ventilation structure located approximately 1,200 feet (366 meters) south of Stevenson Boulevard.

- **Paseo Padre Parkway south to Blacow Road, and southern terminus area.** The portion of the alignment from approximately Paseo Padre Parkway south to approximately Blacow Road is located in areas mapped as Qpf (Pleistocene alluvial fan deposits) and Qf (Latest Pleistocene to Holocene alluvial fan deposits) by Knudsen et al. (2000) (see Figure 4.3-1). From Blacow Road to approximately the southern terminus, the WSX alignment would cross outcrops of Latest Pleistocene to Holocene alluvial fan deposits and Latest Holocene.
alluvial fan deposits (Figure 4.3-1), including previously studied vertebrate-bearing Pleistocene strata (Savage 1951). The southern terminus is located in Qf deposits (Knudsen et al. 2000). As discussed above, the Qf and Qf units are considered highly sensitive for paleontological resources.

Mitigation Measure G-10—Identify Pleistocene units before construction. BART will work with the project engineering design and geotechnical contractors to ensure that sites or areas where construction could impact Pleistocene units are identified before construction begins.

Mitigation Measure G-11—Provide paleontological monitoring for construction activities with potential to disturb Pleistocene units. Once construction begins, the paleontological monitor will be on site during all ground-disturbing activities in areas in which potential impacts to units of known or potential Pleistocene-age material in the surface or subsurface material could occur. BART will retain a qualified professional paleontologist to provide monitoring services during ground-disturbing site preparation and construction activities including, but not necessarily limited to, vegetation clearing, excavation, and drilling. Where Pleistocene materials are exposed at the ground surface, the paleontological monitor will conduct preliminary survey and, if significant paleontological materials are found, surface salvage before site preparation and construction begin. The goal of salvage operations will be to ensure that any paleontological materials exposed at the surface are recovered and properly prepared and curated, or protected from damage using exclusion fencing or other appropriate means. Any exclusion fencing or other protective measures will be designed by the paleontological monitor in consultation with BART, to ensure that it adequately protects significant resources without unnecessarily impeding construction activities. Once construction begins, the paleontological monitor will be on site during all ground-disturbing activities in specified areas.

Specific areas where paleontological monitoring will be required include, but are not limited to, the northern section of the WSX alignment from approximately 250 feet (76 meters) north of Stevenson Boulevard to the northern ventilation structure (CPS) approximately 1,200 feet (366 meters) south of Stevenson Boulevard for the subway section; and the southern section of the alignment from 300 feet south of Paseo Padre Parkway to Blacow Road for the at-grade portion of the alignment, and the area near the southern terminus. In addition, cutting recovery will be monitored at sites where piers, pilings, or other features require drilling into units of known or potential Pleistocene age.

Mitigation Measure G-12—Stop work if vertebrate fossils are encountered during site preparation or construction. If vertebrate fossils are discovered during construction of the BART WSX alignment, including

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10. The qualified professional paleontologist would meet all standards as required by the Society of Vertebrate Paleontology (Society of Vertebrate Paleontology Conformal Impact Mitigation Guidelines Committee 1995).
but not limited to sites with potential Pleistocene disturbance identified in Mitigation Measure G-11 above, all ground-disturbing work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment will be consistent with SVP guidelines (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee 1995), and may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection. BART will ensure that information on the nature, location, and depth of all finds is readily available to the scientific community. BART will ensure that all professional construction staff receive briefings on recognition of fossil materials to ensure that the stop work directive is appropriately implemented on sites where monitoring is not required.

No-Build Alternative. Under the No-Build Alternative, no new project-related elements would be introduced, and no potential impacts on paleontological resources in Pleistocene units would occur.

Additional impact and mitigation measures were identified for the construction of the Irvington Station as shown below:

Impact G-7—Potential impacts on paleontological resources during construction of the optional Irvington Station. The optional Irvington Station, if constructed, would also be situated in Pleistocene material, which is considered highly sensitive for paleontological resources, as discussed above.

WSX Alternative. Potential impacts on paleontological resources would include those described above for the WSX Alignment. In addition, the station and platform would be constructed within Pleistocene material.

The following mitigation measures would minimize these potential impacts:

Mitigation Measure G-10—Identify Pleistocene units before construction.

Mitigation Measure G-11—Provide paleontological monitoring for construction activities with the potential to disturb Pleistocene units.

Mitigation Measure G-12—Stop work if vertebrate fossils are encountered during site preparation or construction.

No-Build Alternative. Under the No-Build Alternative, no new project-related elements would be introduced, and no potential impacts to potential resources within Pleistocene units would occur.

Please refer to Section 4.3, “Geology” of the FEIS for further information. The first paragraph of page 6-27 of the Section 4(f)/6(f) Evaluation has been amended to include Section 4.3 “Geology” in the list of sections containing mitigation measures that reduce adverse effects on the park.

17-2: As noted on page 4.12-24 of the DEIS, Mitigation Measure CR-5 (Preserve and interpret structural ruins of Gallegos Winery and associated features) requires the integration of the
Gallegos winery ruins into the proposed Irvington Station. BART would not disturb the structural remains of the winery. An appropriate barrier would be placed so that the winery remains are protected, but also visible to the public. BART would provide interpretive signage explaining the significance of the site. The objective would be to increase local and regional public awareness of the site. Any application of redevelopment funds would be at the discretion of the City of Fremont.

17-3: The WSX Alternative would reconfigure the Tule Pond area south of Walnut Avenue. As reconfigured, the three smaller replacement ponds south of Walnut Avenue will be linked hydraulically with each other and with Tyson Lagoon (North Tule Pond) on the north side of Walnut Ave. They are intended to function in all respects just as the existing South Tule Pond does; therefore no damage to wetland restoration at Tyson Lagoon is anticipated.

17-4: The clay soils around Stivers Lagoon have naturally low permeability, which helps maintain the wetland hydrology. The presence of impermeable underground structures is not anticipated to effect the permeability of the overlying soils, and hence, the construction of the vent structures is not anticipated to alter the wetland hydrology.

Muskrat Creek is the portion of Mission Creek that flows through Stivers Lagoon. Mission Creek is discussed in Chapter 4.6 (Wetlands). Additional information on Mission Creek and the hydrology of Stivers Lagoon may be found in the 1993 Stivers Lagoon Marsh Restoration/Enhancement Plan, prepared by ESA. Although the DEIS does not address Muskrat Creek specifically, any potential effects to the creek were addressed in the discussion of Mission Creek.

17-5: If Option 2 (two ventilation structures) were implemented, the southern structure would be located in the riparian area adjacent to Mission Creek. This would contribute to the permanent loss of up to 0.2 acre of riparian habitat and the temporary disturbance of adjacent habitat, which contributes to the total 3.7 acres of affected habitat described in the DEIS. With the exception of 0.2 acre, the loss of wetland and riparian habitat will be temporary, as it would be restored or compensated provided as required by the Corps (see Mitigation Measure WL-5). The temporary loss of this habitat will not result in adverse effects to the egrets and herons, because the nearby golf course and marsh habitat around New Marsh and Lake Elizabeth provides abundant foraging habitat for these species.
5.5 Bay Area Rapid Transit (BART), Warm Springs Extension (Letter 25)

This letter is generally objecting to this light rail extension and harm to parklands and residences. Note response directs commenter back to specific sections of the DEIS, illustrating the importance of linking comments directly to DEIS content. Source: http://www.bart.gov/about/projects/WSX/environmental.aspx
Therefore, I believe other public transportation services to the Warm Spring area can be developed or enhanced, instead of extending the BART service.

Thanks for your time and consideration.

Fan

http://notes-c01.adm.bart.gov/mail/web0006.nsf/($Inbox)/8C7D506A5B901519882356FD2... 3/29/2005
Response to Comment Letter 25

25-1: As noted by the commenter, the Warm Springs area currently is accessible from the existing Fremont BART Station. However, the purpose of the WSX Alternative is not so much to improve access to Warm Springs from central Fremont, but to improve regional transit access in Warm Springs itself. By providing a BART station further south than the existing Fremont station and creating a new transit node supported by the local transit network (through AC Transit and SCVTA buses), the proposed WSX Alternative would increase transit access in the southern Alameda-northern Santa Clara County corridor.

25-2: Noise and vibration impacts of the project are discussed in Section 4.13, “Noise and Vibration” of the DEIS, and the potential impacts and proposed mitigation measures are presented on pages 4.13-21 through 4.13-29. As noted in the DEIS, BART will provide mitigation for residents who would experience severe impacts associated with the proposed project, and for residents who would experience moderate impacts with an increase of 5 dBA. (For more information, please refer to the response to comment no. 1-2.

25-3: The commenter assumes that BART will pass through the middle of Fremont Central Park. As described in Section 3.2, “WSX Project Location” and Section 4.9, “Parks and Recreation,” BART has designed the Warm Springs Extension to pass beneath Fremont Central Park and Lake Elizabeth in a tunnel in an effort to reduce potential effects to the park and city residents. The use of an underground track will substantially reduce visual and noise impacts to park users. (Please refer to the response to comment nos. 3-3 and 3-5 for a discussion of noise impacts in Fremont Central Park). In addition, BART will provide temporary park facilities during construction activities to avoid interruptions to recreational activities throughout the construction period.

25-4: Please refer to the response to comment no. 17-5.
5.6 Bay Area Rapid Transit (BART), Warm Springs Extension (Letter 10)

This letter excerpt is from the perspective of a community that actively supports the extension, but still challenges some of the DEIS contents and conclusions. See especially letter sections 4.9 on parks and recreation and 4.13 on noise and vibrations, and response excerpt sections 10-18 through 10-31.

Source: http://www.bart.gov/about/projects/wsx/environmental.aspx
CHAPTER 4: ENVIRONMENTAL ANALYSIS

Section 4.4: Hazards and Hazardous Materials

- Page 4.4-6 and Table 4.4-2: Page 4.4-6 and Table 4.4-2 identify 23 sites that need either Phase II and/or III subsurface soil and groundwater characterization. When will the additional investigations be completed and which Agency(ies) does BART intend to have review the findings to determine whether or not further investigation and/or remediation is necessary? How will any remediation measures be developed?

Section 4.5: Hydrology

- Page 4.5-14, Mitigation Measure H-1: The City of Fremont should be included along with AC/CD for any work that would encroach on structures or areas owned or operated by the City of Fremont. This work would require approval from the City.
- Page 4.5-15, Mitigation Measure H-4: This section should add language that an NPDES permit will be obtained from the Regional Water Quality Control Board (RWQCB) and permit conditions implemented in the Best Management Practices (BMP's).
- Page 4.5-16, Impact H-7: The first paragraph, last line states that the "water moves as a sheet flow across the existing railroad embankments." The project description explains that the BART rail will be on an elevated earth embankment. Please explain how this water flow will be maintained across the embankment.

Section 4.6: Wetlands

- Section 4.6.2.2, Page 4.6-5, Seasonal Wetlands and Section 4.6.4.2, Page 4.6-10, Permanent Loss of Wetlands Habitat, No-Build Alternative, and Section 5.2.7, Page 5-23, Impact WLI-Cume-1: The DEIS states in several places that 0.7 acre of wetlands will be affected by the City's grade separation project. The existing total is broken down into 0.212 acre of impacts to wetlands under Army Corps of Engineers jurisdiction and RWQCB jurisdiction and an additional impact to a 0.39 acre isolated wetland under RWQCB jurisdiction, but not Corps jurisdiction.
- Section 4.6.4.2, Page 4.6-11, WSX Alternative: The DEIS states that 0.7 acre seasonal wetlands in the project area, located between the former SP and WP railroad tracks south of the optional Irvington station site, has been identified as vernal pool fairy shrimp habitat and is known to support a population of California tiger salamander. The seasonal wetland is 0.39 acre. This area does support CTS and will be fully mitigated by the City's grade separation project, but no fairy shrimp have been found and thus no mitigation is proposed by the City's project.

Section 4.7: Biological Resources

- Page 4.7-33: The first paragraph at the top of the page should be changed from "(slated for removal by the City of Fremont in 2005)" to "(slated for removal by the City of Fremont in 2005)"

Section 4.8: Land Use and Planning

- Page 4.8-1: The Irvington Concept Plan was adopted by the Fremont City Council on January 5, 2005. A copy of the Irvington Concept Plan will be made available to BART.
Page 3

Shari Adams
Warm Springs Group Manager
April 22, 2005

• Page 4.8-3: The second paragraph indicates that Lake Elizabeth has a swim lagoon as part of its amenities. The swim lagoon has been closed since 2001. Also, please see response to Page 4.9-2 below.

• Page 4.8-3: The fourth paragraph implies that former industrial zoned land east of Civic Center Drive and north of Stevenson Boulevard has been re-zoned to single-family residential use. The City is not aware of any land in the identified area converted from industrial to residential use since 1992.

• Figure 4.8-3: The narrow horizontal strip of land designated as ‘Undeveloped’ on this figure should be clarified. This land currently has a land use designation of ‘Industrial’.

• Page 4.8-5: The last sentence in the first paragraph should be amended to read as follows: “Along Warm Springs Boulevard, residential uses on the east side of Washington Boulevard within the Warm Springs Planning Area abut industrial uses on the west side of Warm Springs Boulevard in the adjacent Industrial Planning Area.”

• Page 4.8-11: The second to the last sentence on the page should be updated as there are references to input being provided in September of 2004 and a draft Specific Plan expected in early 2005. The Specific Plan preparation is still underway and adoption of a Specific Plan is currently anticipated in 2006.

• Page 4.8-23: The document says that the “Adoption of a specific plan for the Warm Springs Station is expected by mid-2005.” The Specific Plan preparation is still underway and adoption of a Specific Plan is currently anticipated in 2006.

Section 4.9: Parks and Recreation

• Page 4.9-2: Reference is made to the “Fremont Civic Center Complex”, and lists administrative offices, council chambers and the fire department as uses. These uses are no longer in the park and this area is not referred to as the “civic center complex” any longer. The Police Building and Jail, Tri-City Animal Shelter, and the offices of the Fremont Main Library and Alameda County Library, while sited within the larger boundaries of Central Park, are not located on park land (the General Plan designation for these uses is “Public Facility”).

• Page 4.9-2: The Teen Center, and the Executive Golf Course and Driving Range need to be added to the list of facilities which are located in the park. The Swim Lagoon has been closed since 2001, and the site will be developed with the Family Water Play Facility in the near future. Construction is expected to begin in 2006, with the facility opening to the public in May 2007. Please include this information in the document since this will be a major new recreational facility in the park.

• Page 4.9-4: To the sentence which reads “The proposed ventilation structures would occupy a negligible percentage (approximately 0.1%) of Fremont Central Park’s total area (430 acres) – add the actual acreage which this ‘negligible percentage’ represents, and change the acreage of Central Park to 433.90. Other references to Central Park’s acreage (in this and other chapters) should be changed to 433.90 as well. Please note that on page 6-13, the percentage is referred to as “9.01%.” The correct percentage should be listed in both places.
Shari Adams  
Warm Springs Group Manager  
April 22, 2005

- Figures 4.13-7b, 7c, and 7d: Why aren't the residences adjacent to stations 2375 to 2380 and 2410 to 2420 impacted by vibration? Residences adjacent to these locations are shown to be impacted and appear to be located in similar proximity to the BART tracks.

Section 4.16: Utilities and Public Service
- Page 4.16.11: Under Storm Drain, there is a typo in the 3rd sentence: "patters" should be "patterns".

CHAPTER 5: OTHER NEPA CONSIDERATIONS

Section 5.2.7, Cumulative Impacts on Wetlands
- Page 5-23, First paragraph, 7th line: The City recommends removing "typically at a 3:1 ratio." This language is speculative unless the mitigation report has approved this specific mitigation ratio. Please remove any reference to the Castellus Wetland mitigation as it is not being used for the WSX alternative project.
- Page 5-30: Please add language to Impact PR-Cume-5 that clarifies any new residential development would be required to pay impact fees which include fees for park facilities for new residences.

CHAPTER 6: DRAFT SECTION 4(F)/SECTION 6(F) EVALUATION
- Page 6-9, Section 6.4.1: This section makes reference to Gomes Elementary School being more than 2000 feet from the WSX alignment. It appears that you may have mistaken Gomes Park for Gomes Elementary School. The school and the park are adjacent to each other. However, at its closest point, the park is about 1000 feet away from the WSX alignment where the school is over 2000 feet away. These points should be clarified in the final document.
- Page 6-13, second paragraph: Amend to read "A $14,456 grant in 1973 was made for a portion of the Fremont Central Park bike and pedestrian trail. A grant in 1974 for $95,562 was made for a sports complex in Fremont Central Park, which paid for a portion of the construction."
- Page 6-13, last paragraph: See comment #3 for page 4.9-4, above, regarding correct percentage and addition of acreage which this percentage represents.
- Page 6-14: The text should be modified to clarify that the undeveloped parkland on which the access road would be located is owned by ACFCD and under a long-term lease agreement with the City. Also, it should be clarified that BART will have to secure an access easement from ACFCD for the road.
- Page 6-15, fourth paragraph: Add language to clarify that the temporary lots will provide for at least the same number of parking spaces as the current lots. It is the City's expectation that the temporary parking lots will be lit.
- Page 6-25: The City expects that BART will maintain the landscaping, irrigation and abate graffiti on and around the vent structures.
<Excerpt: Response to Comment Letter 10>

Along Warm Springs Boulevard, residential uses on the east side of Warm Springs Boulevard within the Warm Springs Planning Area abut industrial uses on the west side of Warm Springs Boulevard in the adjacent Industrial Planning Area.

10-16: On pages 4.8-11 and 4.8-12 of the DEIS, the last paragraph has been revised as follows:

A consultant team was selected for the Warm Springs BART Specific Plan and potential land use scenarios have been developed. Following a City Council workshop and meetings with stakeholders, three scenarios for the Warm Springs Station area evolved: high-intensity residential use, office/commercial use, and mixed use. Following further public input, revised land use scenarios will be developed by September 2004, with a draft Specific Plan expected in early 2005. The City anticipates adopting the Warm Springs BART Specific Plan and certifying the EIR for the plan by mid-2005. Any future development project within the specific plan area will be subject to appropriate environmental review. Therefore, any analysis of potential environmental effects would be highly speculative. The specific plan will be subject to appropriate environmental review by the city, as will any future development projects proposed for the area covered by the specific plan.

10-17: On page 4.8-23 of the DEIS, the fifth sentence of the second paragraph was replaced as follows:

Adoption of a specific plan for the Warm Springs Station area is expected by mid-2005. Preparation of the specific plan is underway.

10-18 and 10-19: The discussion on pages 4.9-2 and 4.9-3 has been revised as described below, and the same revisions have been made to Section 6.4.2, page 6-12 of the DEIS.

As documented in the 1992 EIR, Fremont Central Park serves as both a park and recreation facility as well as the home of the Fremont Civic Center complex. The park and represents nearly half of all park and recreation space in Fremont. Fremont Central Park has the following existing facilities.

- Fremont Civic Center (administrative offices, council chamber, police department, fire department).
- Fremont Animal Shelter.
- Senior citizen center.
- Community center.
- Lake Elizabeth.
- Boathouse with docks, launches, boat storage, and boat rentals.
- Fishing pier.
- Swim lagoon (7.5 acres) with changing rooms, restrooms, and a snack bar.
- Band pavilion.
- 18 tennis courts and a pro shop.
- 6 softball fields, a guard shack, support space, and a snack bar.
- 10 soccer fields and a snack bar.
- 2 basketball courts.
- Skate park.
- Teen Center
- Executive Golf Course and Driving Range
- Golf driving range and pro shop.
- More than 200 picnic tables, with four group picnic areas by reservation.
- 4 playgrounds.
- Approximately 5 miles of walking and jogging trails.
- 1.5-mile exercise course.
- Dog park.
- 50-acre nature area with a boardwalk and nature center.
- Open turf areas.
- Parking lots.
- Various park services and maintenance structures.

The 2003 Final SEIR states that proposed new facilities at Fremont Central Park include a cultural arts center and an aquatics gymnasium (Rakley pers. comm.). The construction of a new Family Water Play Facility is expected to begin in 2006, with the facility opening to the public in May 2007.

Several public facilities are located within the larger boundaries of Central Park, but are not located on parkland, such as the police building and jail, Tri-City Animal Shelter, and the offices of the Fremont Main Library and Alameda County Public Library.

**10-20:** The text on pages 4.9-1, 4.9-4, and 6-13 of the DEIS has been clarified:

- On page 4-9-4 of the DEIS, the eighth sentence of the third paragraph was revised as follows:
  
  The proposed ventilation structures would occupy approximately 24,484 square feet (0.56 acre), which is a negligible percentage (approximately 0.1% 0.13%) of Fremont Central Park’s total area (430 acres 433.90 acres).

- On Page 4.9-1 of the DEIS, the second sentence of the fourth paragraph was also revised to present the correct acreage as follows:
The park, located at 40000 Paseo Padre Parkway, is set on just less than 430 433.90 acres and bounded by Stevenson Boulevard, Paseo Padre Parkway, and the UP rights-of-way.

- The last two sentences on page 6-13 were revised as follows:

  The proposed ventilation structures would occupy a negligible percentage (approximately 0.01% 0.13%) of Fremont Central Park’s total area (430 433.90 acres), but would nevertheless constitute a direct use of a Section 4(f) resource.

10-21: Figure 4.9-3a is correct. The first paragraph of page 4.9-8 has been revised as follows:

  Figures 4.9-3a and 4.9-3b of the administrative DEIS illustrate how and where park facilities and activities will be maintained during construction. Discussions between BART and the City of Fremont will continue as more detailed plans are developed to finalize the location of both temporary and permanent park facilities.

10-22: The text of the Parks and Recreation section has been revised to reflect the presence of the sports storage building and maintenance building near the proposed north ventilation structure. The following text has been inserted after the first full sentence on page 4.9-5 in the Draft EIS:

  Two park buildings used for sports storage and maintenance are located approximately 50 feet south of the proposed north ventilation structure. Both structures are separated from the ventilation structure by the relocated road to the parking areas further to the south. No project-related effects on the buildings are anticipated.

10-23: On pages 4.9-10 and 6-26 of the DEIS, Mitigation Measure PR-3 has been amended to include the following bulleted item:

- BART and its contractor will coordinate with the City Parks and Recreation staff to provide as much advance notice as possible for construction scheduling and other project activities that would cause disruptions to the use of Central Park.

10-24: The fifth bullet item on pages 4.9-10 and 6-26 of the DEIS text (Mitigation Measure PR-3—Limit Construction-related disruptions to Fremont Central Park) has been revised as follows:

  Temporary walking paths around Lake Elizabeth will be created and maintained throughout the construction period. To the extent that existing park paths may be capable of accommodating bicycles, the relocated pathways will provide equivalent access. The walking paths will be well signed, and any paths closed for public safety and security will be well marked. At least one public pathway across the construction zone near Lake Elizabeth will be maintained at all times to accommodate people who walk or ride bicycles to the park from the residential areas immediately east of the railroad corridor.

10-25: As stated on page 4.13-18, noise mitigation is proposed for all areas with severe impacts and for areas that the portion of the areas that experience moderate impacts and an increase of 5dBA or more. (Please refer to the response to comment 1.2.) The mitigation specified in the Draft EIS does not supersede mitigation in the Supplemental Environmental Impact
Report (SEIR) that was prepared pursuant to the California Environmental Quality Act (CEQA). BART will implement the mitigation commitments identified in both the SEIR and the FEIS.

10-26: The residences identified with severe impacts are slightly closer to the tracks than the other residences. There is a small difference in distance, which results in a small difference in the noise levels.

10-27: Both the noise and vibration impacts at the Red Hawk complex are consistent with respect to the distance from the tracks. The buildings closest to the tracks have higher noise and vibration levels than those farther from the tracks.

10-28: Table 4.13-10 on page 4.13-23 of the DEIS states that eight residences between Paseo Padre Parkway and Washington Boulevard would be subject to vibration impacts. Initially it appeared that a moving crossover would eliminate impacts at three of the eight locations; therefore, five locations would require mitigation. However, following additional review, moving the crossover does not appear to be feasible. Table 4.13-12 has been revised to indicate that eight locations are subject to vibration mitigation.

10-29: The vibration analysis accounted for the new homes. The proposed homes are located farther from the track than the existing homes to the south, and because of this increased distance, no impact was projected. The noise impacts at this location are correct for both the existing and proposed homes.

10-30: Specific implementation of the vibration mitigation measures including details regarding the specific locations and types of mitigation will be addressed in detail during final design. Ballast mats will be installed where they would be most effective to reduce vibration impacts. At some locations where other mitigation measures prove more effective, those measures would be implemented instead of, not in addition to, ballast mats.

The second to last paragraph on page 4.13-25 of the DEIS has been revised as follows:

Table 4.13-12 indicates the areas along the WSX Alternative alignment where mitigation would be needed to reduce vibration levels. At a minimum, the installation of ballast mats would be required. However, more extensive BART will identify the most appropriate mitigation measures or a combination of measures may be required at some each locations to attain maximum reduction of reduce vibration impacts to the greatest extent practicable. In addition, moving the crossover near Station 2312 will reduce the three remaining vibration impacts not mentioned in the table.

10-31: A variety of factors can influence whether vibration impacts would occur, such as changes in grade, construction type, etc. BART performed a vibration analysis for the length of the alignment, as illustrated in Figures 4.13-7a through 4.13-7e, and identified the areas that would be impacted by vibration. Based on this analysis, the residences adjacent to stations 2375 and 2380 would not have impacts at levels that would require mitigation.

10-32: On page 4.16-11 of the DEIS, the typo in the third sentence under the heading “Storm Drain” has been corrected. The correct word is “patterns.”
5.7 Honolulu High Capacity Transit Corridor Project

This letter addresses a wide variety of issues including historic preservation, aquatics, forestry, wildlife, and state parks, resulting in some significant adjustments as explained in the response letter. Source: http://www.honolulutransit.org/library/

February 2, 2009

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawai`i 96813

Subject: Honolulu High Capacity Transit Corridor Project (City and County of Honolulu) Draft Environmental Impact Statement/Section 4(f) Evaluation

Dear Mr. Yoshioka:

Thank you for the opportunity to review the above-referenced submittal received November 2008, regarding improved transportation equity in the corridor between Kapolei and the University of Hawai`i at Manoa on the island of Oahu. After review by the Department of Land and Natural Resources (DLNR), division comments have been compiled. The following is representative of the State Historic Preservation Division, the Commission on Water Resource Management and Division of Aquatic Resources, the Division of Engineering, Land Management, the Division of Forestry and Wildlife, and State Parks.

I. Historic Preservation

The State Historic Preservation Division (SHPD) disagrees with the Federal Transit Administration (FTA) that this project will have "no adverse effect" on known and potentially unknown historic properties, potential burial sites, cultural landscapes and traditional cultural properties. The FTA’s determination has the potential to eradicate over 80 potentially eligible known sites and overlooks impacts existing viewplaces in Ewa, Chinatown and to individual properties. Additionally, the SHPD has concerns about the treatment of potential burial and archaeological sites, including cultural layers that may be found during the archaeological inventory phase. To date the State Historic Preservation Officer has not concurred the FTA’s determination.

regarding effect determinations for the proposed Transit Corridor project as part of ongoing Section 106 consultation under the National Historic Preservation Act alongside representatives from Parsons Brinkerhoff (PB), the City and County of Honolulu’s Department of Transportation Services, Historic Hawaii Foundation, and the National Trust for Historic Preservation. A total of 83 architectural resources within the area of potential effect have been determined eligible for nomination to the National Register of Historic Places. PB staff presented a finding of adverse effect for a total of seven properties: Soliman House; Aheo House; Higa Fourplex; Toikoria House; Kamani Trees (Dillingham Blvd.); Dillingham Transportation Building; and the Boulevard Salmin property. A finding of no historic properties affected or no adverse effect was presented for the remaining 75 properties located along the corridor.

SHPD Architecture Branch has expressed concern over these preliminary determinations on a number of points. First, a finding of no historic properties affected implies that no historic properties are present in the area of potential effect or that the undertaking will have no effect as defined in 36 CFR Part 800.16(i). However, it appears that FTA has only assessed the project’s direct affects and has not taken into account the indirect affects of the project on historic resources. For example, the raised guideway may impede customary viewsheds, changes to the scale and character of the setting, or transit based development around stations may have long-term impacts to the historic resource.

SHPD believes that visual effect must be given greater consideration where it concerns impacts to integrity of setting, feeling, and association. For example, the indirect effects of guideway crossings on Nuuana Stream Bridge and Hono’uli’uli Stream Bridge. Other resources that deserve additional consideration for indirect impacts per 36 CFR Part 800.5(a)(2)(v), include the ‘Aiea (Honolulu Plantation) Cemetery, Tong Fat Wood Tercentenary Buildings, Aloha Tower, OR & L Depot, Mother Waldron Park, Walker Park, Irwin Park, and the Aloha Chapel. SHPD suggested that simulations be developed to analyze the character of visual and atmospheric effects and parcel takings to this and other individual resources. Adverse effects are not confined to direct impacts to a parcel and can include cumulative and far-reaching impacts to historic resources as provoked by the Project, including proposed transit based development around transit stations.

The above should also be duly reconsidered in regards to constructive use determinations under Section 4(f) of the Department of Transportation Act. Per 23 CFR Part 774.15(a), as published in the Federal Register Vol. 73, No. 49 (March 12, 2008). “A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.” Impairments include noise level increase, obstruction or elimination of primary views, restriction of
access, vibration impacts, etc. Table 5-2 cites de minimis findings for direct use determination under Section 4(f) for the six Quonset hut grouping along Dillingham Boulevard, Chinatown historic district (see below), Hawaiian Electric, Radford High School, and Pearl Harbor National Historic Landmark (see below). These determinations are still pending.

Regarding the Chinatown historic district, listed on the National Register of Historic Places on January 17, 1973, SHPD expressed specific concerns. The district nomination records the following description:

“The boundaries of the district, as established by the Hawai‘i Historic Places Review Board, are as follows: a 50 ft. line on the ‘ewa (north) side of Nu‘uanu Stream, the makai (east) side of Beretania Street, a line 50 ft. from the building line on the Diamond Head (south) side of Nu‘uanu Avenue, and 50 ft. makai (west) of the longest pier stretching into Honolulu Harbor. The major reason for its early development and continuous history as a commercial area was due to the close proximity to Honolulu Harbor.”

Under statement of significance, the nomination reads:

“Throughout the whole of its 180 years as a trading center in the Pacific, Honolulu has always been closely identified with its harbor—the principal channel of contact with the outside world. It is, however, that portion of Honolulu immediately adjacent to the harbor at the mouth of Nu‘uanu Stream which holds the longest continuous history of native and immigrant settlement and where the story of Hawai‘i’s common folk has been most compactly unfolded (...).”

As the intimate connection between the architectural district and the waterfront are called out as character-defining features of the National Register nomination, SHPD has significant concerns regarding a determination of no adverse effect to the district.

SHPD Architecture is in receipt of the FTA’s December 11, 2008 letter inviting consultation with the Secretary of the Interior regarding potential adverse effect to the Pearl Harbor National Historic Landmark. SHPD looks forward to continuing consultation regarding this site. We are in receipt of the Historic Hawai‘i Foundation’s (HHF) December 10, 2008 letter which raises questions regarding the adequacy of the description given in the Draft EIS to the vital significance of the National Historic Landmark.

Moreover, in reference to the above-named correspondence, please verify that the resources of the former Naval Air Station Barber’s Point and lands west of the West Loch station were omitted because they will be fully consulted on in a separate Draft EIS at a later time. As referenced by HHF, discussion of the resources associated
with former Marine Corps Air Station 'Ewa Field should parallel the import of the newly designated Valor in the Pacific National Monument.

Discussion of effect determinations and the above-named points is scheduled to continue with consulting parties. SHPD Architecture participated in a driving tour of the proposed route (Airport alternative) with PB staff and the Historic Hawai'i Foundation on January 9. We will resume discussion of draft mitigation commitments following closer concurrence on effect determinations. Regarding Table 4-5, "Acquisitions and Displacements Summary," please provide an itemized list of how many parcel acquisitions and displacements by land use impact eligible historic resources. Finally, please note that National Register criteria considerations D and G are not cited regarding methodology. Federal Transit Administration has not yet completed its review for effect determinations pending our office's response to individual eligibility determinations.

B. Archaeology: The Area of Proposed Effect (APE) was divided into 10 different sub-areas to evaluate below-ground effects. The proposed project covers the fundable twenty-mile segment of the corridor between East Kapolei and the Ala Moana Center with alternatives for both Fixed Guideway Transit Alternatives of the Salt Lake and Airport routes. The project does affect potential human burials, subsurface features and cultural deposits that have not yet previously been identified. We agree that once column locations are identified archaeological inventory work would focus on these locations and if historic properties are identified then mitigation plans should include archaeological monitoring, possible archaeological data recovery and burial treatment plans. SHPD participating in on-going 106 consultation on a Programmatic Agreement to address the above issues.

C. Culture and History: SHPD Culture and History Branch concurs that the transit project as a whole will change the character of the physical features within the corridor (36CFR 800.5). SHPD is specifically concerned about the affect view planes from traditional lookout points such as Makalilo and Pu'u Kapolei. As stated in our September 26, 2006 correspondence: "Furthermore, we were encouraged that at our meeting it was indicated that indirect impacts to landscape and setting, including view sheds makai to mauka, will be examined to determine the broader impact of the corridor itself. We believe that this macroscopic dimension will aid in accurately reflecting the comprehensive effect of the proposed project and in turn facilitate identification of appropriate mitigation." Other examples of character changing impacts would include those to landscapes such as the Banana Patch community, Sunnica Watercress Farm and Aina Plantation Cemetery. At the same time, we do recognize and appreciate that some modifications to the alignment have been made specifically to minimize adverse effect.

The Oahu Island Burial Council (OIBC), Hui Malama I Na Kapono, and Office of Hawaiian Affairs have been consulted, as stipulated in the National Historic Preservation Act, Section
106. OIBC at their January 14, 2009, meeting summarized their consultation work with HTA but seemed to be only addressing the Programmatic Agreement concerns and not the Draft EIS or relevant studies. We will defer their comments on the Draft EIS at this time.

We understand that a Memorandum of Agreement is being developed to address the concerns of the Architecture and a Programmatic Agreement is being developed to address Archaeology and Cultural History respectively. Also, please note that the Advisory Council on Historic Preservation, National Park Service, and the National Trust for Historic Preservation were not listed as consulting parties in the Draft EIS.

We have not reviewed the Honolulu High Capacity Transit Corridor Project Archaeological Resources Technical Report. In a separate transmittal shortly forthcoming, the SHPD will comment in more detail regarding the findings of the technical report. We look forward to the Archaeological Inventory Survey Plan (Phase I) which will be done by the construction phases, along with an Archaeological Inventory Survey Report(s) and an Archaeological Monitoring Plan.

If there are any questions, please contact Pua Aiu, SHPD Administrator, at 692-8015.

II. Aquatics and Water Resource Management

The proposed Honolulu High-Capacity Transit Corridor Route will cross the following streams: Honouliuli, Waikiki, Kakakah, Kalii Gorge, Waiau, Waimalu, Kalamao, Aiea, Hulawa, Moomalu, Kalihi, Kapahulu, and Nu’uanu which all empty into the Pacific Ocean along the southern coast of the island of Oahu. All these streams are perennial except for Kapakah and Kolo’i Gulch which are non-perennial. The Division of Aquatic Resources (DAR) has conducted many biological surveys in Waikiki, Waiau, Hulawa, Moomalu, Kalihi, and Nu’uanu streams and has observed native macrofauna. The estuarine, lower and middle reaches native macrofauna which may be impacted by the transit corridor include native fish species such as *Stenogobius hawaiensis*, *Eleotris sandwicensis*, *Mugil cephalus*, *Kuhlia xenura*, *Kuhlia sandwicensis*, and the native freshwater crustacean, *Macrobrachium grandinanus*. Other native macrofauna which migrate to the upper reaches would also be impacted during their migration through this corridor. Impacts on the native macrofauna and other aquatic resources can be minimized by avoiding any work in the stream channels or along banks. Impacts on the nearshore reefs and fauna would also be minimized by not disturbing the stream channels or banks and addressing heavy rainfall runoff from this project.

Additionally, the following mitigative measures should be implemented during the construction of the fixed rail transit system and associated areas to minimize the potential for erosion, siltation and pollution of the aquatic environment include:

1. Lands denuded of vegetation should be planted or covered as quickly as possible to prevent erosion;
2. Scheduling site work (particularly the excavation and grading) during periods of minimal rainfall;
3. Use to silt fences or other means to prevent sediments from entering the stream; and
4. Preventing construction materials, petroleum products, debris and landscaping products from falling, blowing or leaching into the aquatic environment.

We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area’s hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMP’s may earn credit toward LEED certification. More information on stormwater BMPs can be found at http://hawaii.gov/dbedt/eznet/initiative/lid.php.

There may be the potential for ground or surface water degradation/contamination and we recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer’s acceptance of any resulting requirements related to water quality.

A Stream Channel Alteration Permit is required by CWRM before any alteration(s) can be made to the bed and/or banks of a stream channel. The planned source of water for this project has not been identified in the Draft EIS report, therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

We recommend that the Final EIS disclose projected potable and non-potable water demands associated with the project, including indirect and cumulative effects such as the City and County’s proposed transit oriented development that will surround the rail system. We also recommend that the proposed sources to meet these demands be identified.

If there are any questions, please contact Ken Kawahara, Water Deputy, at 587-0214.

III. Engineering

DLNR, Engineering Division, has reviewed the subject document, and have no comments at this time regarding flood zone(s) traversed by proposed project alignment. However, we do have the following general comments:

1. Column construction in streams will likely trigger comments related to aquatic habitat and biological/environmental issues. Response to these issues would have to be prepared.
2. As required by the City and County of Honolulu’s Flood Plain Management Ordinance, any construction planned in a Flood Zone designated as AE (Floodway) will require a detailed floodway study and/or no risk certification.
3. A Conditional Letter of Map Revision (CLOMR) is required if there are any changes in water level (44 CFR 65.12).
4. Note that FEMA is conducting a Flood Insurance Risk Study that will update approximately 60 miles (Kaena Point to Kawaihae Point) of coastal flood hazard boundaries. Preliminary study results have been issued to the City and County of Honolulu, Department of Planning and Permitting.

Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community’s local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards.

If there are any questions, please contact Eric Hirano, Engineering Administrator, at 587-0230.

IV. Land

Among the lands owned and managed by DLNR are two parcels in East Kapolei, Ewa, Hawai‘i, located west of the proposed North-South Road alignment and mauka and makai of Farrington Highway. The two parcels are identified by Tax Map Key Numbers (1) 9-1-17:86; and 9-1-18:05 (the “DLNR Parcels”). These parcels have excellent long-term development potential, and DLNR has accordingly identified these parcels as future income producing lands to support DLNR’s operations and maintenance/management of the State’s public lands and natural and cultural resources. DLNR has also communicated its desire to the City and County of Honolulu (the “City”) to have these parcels rezoned to allow for commercial and/or other income-producing uses.

Various sections, figures, and tables in the Draft EIS provide for the fixed guideway alignment and a park-and-ride facility to be located within the DLNR Parcels, e.g., Figures 2-2, 2-3, 2-4, 2-5, 2-15, 2-38, 2-44, 4-3, Table 2-6, Appendix A. However, it is not clear whether these parcels are included among the properties identified by the City for acquisition (see Section 4.3 and Table 4-5) and whether compensation will be paid for any such acquisition.

The conveyance of any easement or other rights over the DLNR Parcels to allow such facilities, and the amount of compensation to be paid for such easement/rights, if any, requires the approval of the Board of Land and Natural Resources (BLNR). As of the date of this memorandum, BLNR has not granted any such approval, and therefore, BLNR’s approval should be added to the list of Anticipated Permits and Approvals required for the proposed project (Table 4-37). It should also be noted, however, that DLNR has had prior discussions with the City regarding use of portions of the DLNR Parcels for the proposed transit project and DLNR’s desire to rezone the DLNR parcels, and DLNR intends to continue to work with the City on these issues.
We understand that either route proposed in the Draft EIS involves some State Lands managed by other State agencies or entities. In most cases, these State Lands have been set aside to the government agency for a specific purpose, pursuant to Section 171-11, HRS. Any uses deviated from the specific purposes in the set aside require approval from the Governor and the BiNR.

The State is currently prohibited from conveying any portion of ceded lands due to a Hawai‘i Supreme Court decision dated January 31, 2008. If any proposed acquisition of property requires fee title conveyance of the ceded lands, the outcome of the appeal filed by the State to the US Supreme Court may affect the final design of the project.

For future easy reference, it may be helpful if the Final EIS contains a table on the acquisition with information on ownership and current uses on the affected properties.

If there are any questions, please contact Morris Ata, Land Administrator, at 587-0456.

V. Forestry and Wildlife

According to comments submitted September 15, 2008, the Division of Forestry and Wildlife (DOFAW) stated that on Page S-1 - *Abutilon* is mentioned as “threatened,” but it is actually listed as “endangered” according to State and Federal law. DOFAW would like to provide the following for your consideration.

The existing State Department of Transportation Habitat Conservation Plan (HCP) for *Abutilon* covers only a limited geographic area related to North-South road (DOT), Kapolei Parkway, University of Hawai‘i West Oahu, DHHL right-of-entry and subdivision, and DLNR future development plans (pge 9-18). Additional DHHL lands are included under a Certificate of Inclusion registered with the Land Court. The City and County of Honolulu land ownership was identified in the original HCP (pg 9) and a Certificate of Inclusion issued for a portion of their lands. However, the current HCP does not include all affected lands or current planned activities within the rail transit corridor (see attached Table 3, Landownership of Parcels at Kapolei Properties). 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.

Mitigation activities should address increased fire management measures. Although the current HCP includes a fire management strategy, it does not take the proposed project into consideration, so it does not address fire concerns for the project under review. The project under review could create new threats to the *Abutilon* reserve, with concern of discarded cigarettes or equipment sparks for example.
The level of fire management identified in the current HCP includes:

"A fire management strategy consisting for the following measures is being implemented to ensure that the plants are not accidentally destroyed.

- Identification of fire fighting resources available near the Kapolei population;
- Provide information to fire stations to assist them in protecting A. menziesii from fire;
- Identification of water resources near the Kapolei population.

The details of the fire management strategies are described in the Final Interim Management Report for Abutilon menziesii (DLNR DOFAW 2003, Appendix G)." (p. 21).

If additional plants are discovered outside the boundaries of the lands covered under the current HCP, then the transit corridor will need a new Habitat Conservation Plan (see attached information on HCP and ITL) or an amendment to the existing HCP. Additionally, should a plant survey of the transit corridor show no endangered plants in the Kapolei-Bwa area, it does not constitute a finding of no plants present because plants can emerge following rainfall or scarification. Therefore, it is recommended that multiple surveys are done and that the biology of endangered flora and fauna be considered, especially that of the Abutilon.

The issue of invasive species is not addressed in the Honolulu High-Capacity Transit Draft EIS. The implementation of this project creates risks related to the introduction of new harmful invasive species, weeds or pests that could be brought into Oahu by importation of heavy equipment and materials sourced from sites off island, be it from other islands or continental locations. For example the red imported fire ant is a serious pest in a number of southern and coastal states including: CA, TX, NC, AR, NM, DE, and in other areas around the world. Recent economic input analysis indicated that if established in Hawaii, the estimated negative impacts to Hawaii's economy could be as high as $200 million within 20 years and it would affect our way of life and human health. Apart from the potential introductions from out-of-state import risks are the intra-state risks between islands. A number of pests are present on other islands in Hawaii but not present or are under control on Oahu, e.g. ticoonia, little fire ant and coqui frogs. Appropriate mitigation would involve implementing prevention measures, paying close attention to pests at the site of origin for incoming equipment and materials, cleaning, inspections and treatment both before shipping and after arrival on Oahu would reduce these risks significantly.

The Draft EIS describes plans for the planting of trees and other landscaping projects. Nursery plants sourced from outer islands are a known pathway for "hitchhiker pests," and should be subject to inspections and appropriate treatment. Also, the plants that are considered for planting could themselves become harmful invaders or contribute to existing problems, if not screened properly. Species under consideration for planting should be reviewed using the University of Hawaii, Weed Risk Assessment system that allows high-risk potentially harmful species to be identified, while low risk alternatives could be a more suitable species selected for this project.
The subject project Draft EIS did not address tree removal plans, or lack there of, in the rail transit corridor. If tree removal is part of the construction process, there is concern in central Honolulu in the Kapiolani Blvd. area where a population of white tern, "Hygis alba" or Manu-o-kū, is known to nest.

Further mitigation could involve implementing pre and post construction surveys to determine what plant species are present along the transit pathway and remove any potentially invasive species as a post construction mitigation action. If the prevention mitigation measures mentioned above are implemented successfully, this latter problem will likely be minor or insignificant.

If there are any questions, please contact Paul Conry, DOFAW Administrator, at 587-4182.

VI. State Parks

The subject project Draft EIS does not acknowledge the transit corridors alignment near State Parks, and the impacts it may have on those areas.

Section 5.4.1 of the Draft EIS states that the project will require direct property acquisition of several recreational areas, one of which is Keʻchi Lagoon Beach Park, resulting in a section 4(f) use. Directly adjacent to the beach park is the Hawai‘i Disabled American Veteran’s (DAV) Kečhi Lagoon Memorial that was set aside to the department and is operated and maintained by the Hawai‘i DAV. Its location may place it near the alignment for both the Airport and Salt Lake alternatives, however, there is no mention of it in the document.

We also note that Ala Bay State Recreation Area, also under our jurisdiction and a section 4(f) area, was discussed in the Draft EIS and determined to have no use based on the criteria for review of 4(f) properties. There is concern that the criteria used to make this determination is unclear.

If there are any questions, please contact Dan Quinn, State Parks Administrator, at 587-0292.

Thank you for the opportunity to submit comments.

Sincerely,

[Signature]

Lynne H. Thielen, Chairperson
Department of Land and Natural Resources

C: Mr. Ted Matley, FTA Region IX
Honorable Laura Thielen, Chairperson
Board of Land & Natural Resources
State of Hawaii
P.O. Box 821
Honolulu, Hawaii 96809

Dear Chair Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project
Comments Received on the Draft Environmental Impact Statement

The U.S. Department of Transportation Federal Transit Administration (FTA) and the City and County of Honolulu Department of Transportation Services (DTS) issued a Draft Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project. This letter is in response to substantive comments received on the Draft EIS during the comment period, which concluded on February 6, 2009. The Final EIS identifies the Airport Alternative as the Project and is the focus of this document. The selection of the Airport Alternative as the Preferred Alternative was made by the City to comply with the National Environmental Policy Act (NEPA) regulations that state that the Final EIS shall identify the Preferred Alternative (23 CFR § 771.125 (a)(1)). This selection was based on consideration of the benefits of each alternative studied in the Draft EIS, public and agency comments on the Draft EIS, and City Council action under Resolution 08-261 identifying the Airport Alternative as the Project to be the focus of the Final EIS. The selection is described in Chapter 2 of the Final EIS. The Final EIS also includes additional information and analyses, as well as minor revisions to the Project that were made to address comments received from agencies and the public on the Draft EIS. The following paragraphs address comments regarding the above-referenced submittal:

**Historic Preservation**

Preliminary effect determinations documented in the Draft EIS were refined in the Historic Effects Report: Honolulu High-Capacity Transit Corridor Project (RTD 2009d) issued by FTA on April 14, 2009. This report analyzes the project's direct, indirect, and cumulative impacts to historic properties. Consultation with the SHPO has continued since release of the Draft EIS with regard to these effect determinations. FTA has accepted adverse effect determinations on the National Historic Landmark and Chinatown Historic District as well as other historic resources. The eligibility, effect determinations, and Section 106 consultation are documented in Section 4.16, Archaeological, Cultural, and Historic Resources, of this Final EIS.
Naval Air Station Barbers Point is not included in the Project’s APE because the Kapolei Extension is not part of the current Project; no further analysis of the Kapolei Extension will be conducted at this time. If the Kapolei Extension is considered and studied in the future, potential impacts to historic resources identified in this area would be addressed at that time.

Section 4.16.3 identifies right-of-way acquisition for each of the eligible historic resources. Right-of-way acquisitions for all properties are included in Appendix C of this Final EIS.

Visual impacts to the settings of historic resources were addressed in Historic Effects Report: Honolulu High-Capacity Transit Corridor Project (April 14, 2009d). In addition, Section 4.8 of this Final EIS includes the visual impact analysis of the Project. Figures and simulations that were included in the Honolulu High-Capacity Transit Corridor Project Visual and Aesthetics Resources Technical Report (RTD 2008e) and were utilized in the preparation of the Draft EIS have been copied into the FEIS to clarify the information from previous studies. Commenters on view effects are representative of the various viewer groups that have been considered in the visual and aesthetic conditions analysis presented in the Draft EIS and this Final EIS. Inclusion of the viewer group’s responses, received during the Draft EIS comment period, resulted in refinement of the visual impact evaluation which resulted in revised ratings from moderate to significant for Views 12, 14, and 15 in the Downtown area as described in the Final EIS. The visual impact rating was refined to reflect the bulk and scale of the station as well as the other elements noted in the Draft EIS. The Draft EIS described several types of visual effects, and the refinements in this Final EIS reflect the same visual effects identified in the Draft EIS. The Draft EIS and this Final EIS concluded that changes to some views, including protected views and vistas, would be unavoidable, and the refinements confirmed this conclusion.

View planes from traditional look out points such as Puu Kapolei and Puu Makakilo were considered in the analysis of the Project as documented Honolulu High-Capacity Transit Corridor Project Visual and Aesthetics Resources Technical Report (RTD 2008e). The Draft and Final EIS acknowledge that the visual changes from the Project will likely be less obtrusive and minimal in wider vistas or regional panoramic views, such as from traditional look out points where the project elements serve as smaller components of the larger landscape. The project elements would not be dominant features in these views.

Mitigation measures to minimize visual effects of the Project and enhance the visual and aesthetic opportunities will be incorporated into the Project during final design as discussed in Section 4.8.3 of this Final EIS. Although mitigation measures will minimize many adverse visual effects by providing visual buffers and reducing visual contrasts between the Project elements and their surroundings, the Final EIS acknowledges, as concluded in the Draft EIS, that probable unavoidable adverse effects, such as view blockage, cannot be mitigated and will be significant (noted as a “High” level of visual impact in the Draft EIS) in some areas.

Chapter 5 of this Final EIS, Section 4(f) Evaluation, discusses the historic resources identified in Section 4.16 of this document. The Section 4(f) evaluation includes a discussion of the direct use, including de minimis use where the historic resources will not be adversely affected as described in 36 CFR Section 880.5 (Section 5.5.2 of this Final EIS). An evaluation
of the constructive use at the historic resources where the Section 106 process has resulted in an adverse effect and where the Project will not result in a direct use was completed. The Project will not restrict any access to historic resources, will have no adverse noise and vibration impacts (per FTA standards), and result in no ecological intrusions at these Section 4(f) resources. Therefore, only visual impacts that substantially impair the historic value were considered for the Section 4(f) historic resources. This evaluation concludes that there will be no use of Section 4(f) resources since the Project will not substantially impact the features or attributes of the historic resources that contribute to NRHP eligibility (Section 5.6.3 of this Final EIS).

There may be potential impacts to previously identified or unknown archaeological resources during construction. As described in Section 4.16.11, Archaeological, Cultural, and Historic Resources [Construction Phase Effects], in this Final EIS, prior to construction, the Project will investigate the potential for subsurface deposits within the column locations and will mitigate during construction. SHPD will be consulted throughout the process.

The Oahu Island Burial Council, Hui Malama I Na Kupuna O Hawaii Nei, and the Office of Hawaiian Affairs are included in the list of Section 106 Consulting Parties as documented in Section 4.16, in this Final EIS.

While the Project was designed to avoid and minimize effects to historic resources, this was not always possible in meeting the Project’s Purpose and Need. Therefore, a Programmatic Agreement (PA) was prepared to outline responsibilities and measures to mitigate or reduce adverse Project effects. The PA was developed during extensive consultation with Section 106 consulting parties and included mitigation measures suggested by these consulting parties when possible. The PA is included in the Appendix H of the Final EIS.

Aquatics and Water Resource Management

Section 4.14 of this Final EIS discusses the streams that will be crossed by the Project and permanent impacts to streams. Section 4.16.10 of this Final EIS discusses the temporary impacts to streams during construction. Streams affected by structural elements of the Project include Kali Kai Gulch, Waiawa Stream and Springs, Moanalua Stream, Kapalama Canal Stream, and Nuuanu Stream. On September 15, 2009, the Army Corps of Engineers stated that its substantive concerns relating to Section 404 of the Clean Waters Act had been addressed and that the scope and intensity of impacts to jurisdictional waters of the United States are now relatively minor due to the extent of avoidance and minimization of impacts on the aquatic environment resulting from project site selection and design. Of the streams listed above, Kali Kai Gulch is not under the jurisdiction of the USACE.

The analysis of aquatic biota from technical studies completed in technical studies prepared prior to the Draft EIS, and refinement as part of the “functions and values” assessment of each stream that the Project crosses, confirms the conclusion made in the Draft EIS that permanent or temporary structures placed in streams will interfere with migration by an amphidromous species through the project area as presented in Section 4.14.3 of this Final EIS.
Permanent and temporary (during construction) best management practices (BMPs) will be implemented to minimize the potential impacts to the aquatic environment as discussed in Section 4.14.3, Environmental Consequences and Mitigation [Water], in this Final EIS. Examples of Permanent BMPs include, but are not limited to bioretention areas, vegetated buffer strips, dry swales, water quality basin, and structural BMPs with oil/water separators. Section 4.18.10 Water Resources [Construction Phase Effects], in this Final EIS discusses BMP for in-water construction activities.

Mitigation regarding re-planting cleared areas to prevent erosion is discussed in Sections 4.18.8, Natural Resources [Construction Phase Effects], and 4.18.10, Water Resources [Construction Phase Effects], in this Final EIS.

Because of the construction schedule and difficulty in anticipating water events, DTS cannot entirely avoid construction during rainfall; however, BMP will be employed to minimize impacts associated with construction stormwater flow.

Section 4.18, Construction Phase Effects, in this Final EIS provide examples of BMPs that may be employed to protect the aquatic environment. BMPs will include methods to minimize possible pollution, soil erosion and turbidity caused by stormwater runoff, and construction activities near waters.

Permanent and temporary (construction-related) BMPs will be implemented for the park-and-ride lots and vehicle maintenance and storage yards to maintain on-site infiltration and prevent polluted runoff from entering streams and near shore waters. An integral part of the permanent BMPs is the inspection and maintenance plan to ensure that they operate as designed.

The Clean Water Branch of the State Department of Health has provided comment on the Draft EIS. Through the individual Section 401 Water Quality Permit, the Clean Water Branch of the State Department of Health will ensure compliance with the State's antidegradation policy (HAR, Section 11-54-1.1). Section 4.21, Anticipated Permits, Approvals and Agreements, has a list of Anticipated Permits in this Final EIS including a Stream Channel Alteration permit from the Department of Land & Natural Resources (DLNR). Commission on Water Resource Management.

Use of water during construction will include but not be limited to concrete mixing, dust management, and establishing landscape elements. It is anticipated the contractor will use non-potable water, where practicable, to construct the elevated guideway structures or utilize other construction methods to conserve water. Once the Project is operational, it is anticipated that non-potable water will also be used where practicable for landscaping and vehicle maintenance. Landscaping will use vegetation that requires minimal watering. The maintenance and storage facility will pursue Leadership in LEED Certification. This includes the use of sustainable practices and reduction of the use of resources which may include water and energy.

Permanent use of potable water is anticipated to be limited to station operations and maintenance operations restroom facilities. As discussed in Section 4.19.3 of the Final EIS, additional potable water supplies will be required to support the increase in population and
employment as well as restrooms mentioned above. The Project is not anticipated to be a major water consumer.

As described above, streams affected by structural elements of the Project are Waiawa Stream and Springs, Moanalua Stream, Kapalama Canal Stream, and Nuuanu Stream. Section 4.18.10, Water Resources [Construction Phase Effects], details the types of temporary construction phase impacts and mitigation measures. The City will obtain the required permits from Federal and State agencies as listed in Section 4.21 of this Final EIS. During the processing for these permits, any further aquatic and biological/environmental issues will be assessed and mitigation measures finalized as part of the permit process.

In Section 4.14.3 of the Final EIS, it states: As a linear feature, the guideway will cross several floodplains in Waipahu and Pearl Highlands. However, the Project will not cause significant floodplain encroachment as defined by USDOT Order 5650.2. The guideway and many stations will be elevated above the floodplain by piers; but some facilities, such as stairs, elevators, and traction power substations, will have to be built at ground level. These features could have minor effects on floodplains, depending on how and where they are placed within a floodplain see figures in this section. However, any such changes caused by the Project will be mitigated through design to comply with current floodzone regulations. There will be no notable adverse impacts on natural and beneficial floodplain values, and there will be no impact to water levels in flood zones.

As there will be no notable adverse impacts on natural and beneficial floodplain values, A Conditional Letter of Map Revision (CLOMR) will not be necessary.

information noted. We have been in contact with the City and County of Honolulu's Department of Planning and Permitting.

Comments regarding the National Flood Insurance Program and the City and County's flood ordinances are noted.

Land Use

Comments regarding DLNR's development plans for land parcels are noted. Coordination by the City's Right-of-Way staff and DLNR is continuing.

The parcels that will be acquired for the Project are presented in and Appendix C of this Final EIS. This Appendix includes tables of the property acquisition by tax number and general land use. The City will continue to coordinate with DLNR regarding the use or transfer of any DLNR lands. The City will comply with Section 171-11, HRS, regarding the use of State Lands.

Ecosystems

The table, Summary of the Project’s Effects on Threatened, Endangered, and Protected Species, in Section 4.13.3 of this Final EIS, lists Abutilon menziesii (kooloaule) as endangered.
Although the Project will have no effect on threatened, endangered, and protected species, mitigation will be implemented for the Abutilon plants, kooala. A State Incidental Take License for kooala was issued on March 18, 2005, to the HDOT. The City will secure a Certificate of Inclusion from the State for the Project. Mitigation measures have already been specified in a Habitat Conservation Plan (HCP) for the population of kooala, including the establishment of an 18-acre contingency reserve for the plants. Specific measures to protect and offset losses of the kooala have been established by the U.S. Fish and Wildlife Service (USFWS) in the existing HCP. If an HCP is needed or if the existing HCP needs to be amended, the City will implement the measures outlined in the USFWS in the new or amended HCP. This will offset impacts to the plant, and there will be no unavoidable adverse environmental effect to the kooala. Additionally, prior to clearing and grubbing near the kooala contingency reserve, the area will be surveyed. If any kooala are found, a horticulturist approved by DLNR will be given an opportunity to remove the plants and transplant them to the contingency reserve.

Fire Management Plans, including worker education, access maintenance, designated smoking areas, identification of fire fighting resources, and other requirements, are being reviewed for other projects in the area and will be incorporated into the Project.

Prior to construction in the Kapolei-Ewa area, the construction area outside the HCP will be surveyed for existing Abutilon plants. If any are found, a new HCP will be prepared or the existing HCP will be amended.

The Project contract documents describe the requirements for construction equipment or material imported to Oahu from the mainland, neighbor islands, or foreign countries, be free of dirt, vegetative matter, and animals. Construction equipment will have to be washed before being brought to the Project site. On-site workers will be trained to recognize common invasive species growing in the construction area. The use of native (indigenous and endemic) and proven adapted species is encouraged. Criteria for cleaning, inspection, and treatment of plants that are at risk of harboring pests are included in the mitigation described in Section 4.18.9 of the Final EIS.

Section 4.18.8, Natural Resources, in this Final EIS describes that prior to construction, the City will survey all the large canopy trees to be pruned to be sure no chicks that have not yet fledged are present, including the State-listed threatened species, white tern.

Section 4.13.3, Environmental Consequences and Mitigation [Ecosystems], in this Final EIS discusses tree removal and specifically addresses the white tern. White terns select the largest high canopy trees for roosting and nesting. The pruning and removal of these trees are not expected to affect the white tern population because there are numerous other large canopy trees in the urban area of Honolulu that will not be affected by the Project and that could be used by the white terns.
Section 4(f) Resources

Section 4.5 in this Final EIS identifies Federal, State, local, and publicly-owned parks adjacent to the Project. This section also lists the Hawaii Disabled American Veteran’s Memorial as a government facility adjacent to the Project.

Section 5.5.1, Park and Recreational Resources, of the Final EIS presents the Section 4(f) evaluation of Keahi Lagoon Beach Park. Coordination with the City Department of Parks and Recreation will continue during final design and construction. Project design was intended to avoid impacts to the Hawaii Disabled American Veteran’s Memorial, and the Project impact at Keahi Lagoon Park does not affect the Memorial.

Section 5.5.1, Park and Recreational Resources, of the Final EIS presents a constructive use analysis in accordance with 23 CFR 774.15. Alea Bay State Recreation Area was evaluated in the same Section. The analysis presented in the Final EIS concluded, “...the elevated guideway would be located mauka of the park, within the median of the adjacent highway and as a result, will not obstruct makai views. There will be no noise or vibration impacts from the Project...and features will not be substantially impaired, the Project will not result in a constructive use of the resource.”

The FTA and DTS appreciate your interest in the Project. The Final EIS, a copy of which is included in the enclosed DVD, has been issued in conjunction with the distribution of this letter. Acceptance of the Final EIS by the Governor of the State of Hawaii and issuance of the Record of Decision under NEPA are the next anticipated actions.

Very truly yours,

WAYNE Y. YOSHIOKA
Director

Enclosure
5.8 Honolulu High Capacity Transit Corridor Project

This letter from the National Park Service addresses a variety of impacts including visuals and noise, and the response indicates that as a result the project completed additional technical work and made some adjustments. Source: http://www.honolulutransit.org/library.

United States Department of the Interior
NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 400
Oakland, California 94607

A3615 (PWR-PA)

JAN 06 2009

Leslie Rogers
Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers:

Thank you for your recent letter notifying the Department of the Interior, National Park Service (NPS) of the City and County of Honolulu’s Department of Transportation Services (DTS) consultation for a proposed 23-mile elevated guideway transit system on Oahu and your invitation to participate in this consultation per 36 C.F.R. § 800.10(e). The National Park Service accepts the invitation and looks forward to working with you and your staff.

Your letter also seeks our determination about prospects for a de minimis finding for the impact of the Honolulu High-Capacity Transit Corridor Project on the Pearl Harbor National Historical Landmark District (NHL). The NPS supports the concept of a transit system with a primary or alternate route that includes a station with convenient access to the USS Arizona Memorial (included with the recently designated World War II Valor in the Pacific National Monument) and will participate in the planning process as applicable. However, the proposed de minimis finding needs premature and the NPS cannot, at this time, concur with a de minimis finding due to the reasons described below. NPS will participate in the ongoing consultation process and will provide our determination once an assessment of effect for the Pearl Harbor NHL District, the Bowfin NHL, and the Valor in the Pacific National Monument have been completed and once we have conferred with the State Historic Preservation Office. The NPS also will provide formal comments on the Draft Environmental Impact Statement (DEIS) by the February 6 deadline.

Proposed Transit System Construction within the Pearl Harbor NHL. The boundary of the NHL proceeds along the Pearl Harbor side of Kamehameha Highway from Aloha Stadium to the opposite side of Radford Drive. Three station entrances (stops) to the transit system are proposed within that distance: Aloha Stadium Station, Arizona Memorial Station, and Pearl Harbor Naval Base Station. The DEIS only discusses impacts associated with the Pearl Harbor Naval Base Station (Table 4-32, Historic Properties within Project’s Area of Potential Effect). The DEIS should analyze the potential impacts of the other two proposed station entrances within the Pearl Harbor National Historic Landmark before a de minimis
finding can be considered. For example, there would be a major impact at the proposed USS Arizona Memorial Station proposed to be located on an existing NPS parking lot. There is currently not enough parking at the site, so losing this parking space would have a major effect on NPS operations and visitation.

Visual Impact. A 30-40 foot tall elevated guideway transit system along Kanehameha Highway could cause significant negative impacts to the Pearl Harbor NHL view shed. The NPS recommends that a viewshed analysis be completed for the proposed route before a de minimus finding can be considered.

Potential Impacts to Soundscape. The DEIS is not clear about the existing acoustic environment and what impacts to the soundscape of the Pearl Harbor NHL the proposed guideway rail system would generate. A soundscape analysis should be completed to determine impacts to the Pearl Harbor and USS Bowfin NHL’s and the USS Arizona Memorial before a de minimus finding can be considered.

Potential Vibration Effects. The DEIS states that vibration levels should not exceed 65 VdB, which is below the 72 VdB allowed by the FTA around residential buildings. Analysis should be included for potential vibration effects on historic structures before a de minimus finding can be considered.

WWII Valor in the Pacific National Monument. The DEIS does not analyze the potential impact to the newly designated monument.

At this time, the NPS does not concur with a de minimus finding in regards to impacts of the Honolulu High-Capacity Transit Corridor Project on the Pearl Harbor NHL. The National Park Service looks forward to working with the conferees to develop the measures necessary to eliminate or mitigate adverse effects of the proposed transit project on the significant historic resources of the Pearl Harbor NHL District, the USS Bowfin NHL, and the WWII Valor in the Pacific National Monument.

Sincerely,

[Signature]

Jonathan B. Jarvis
Regional Director, Pacific West Region
Mr. Jonathan B. Jarvis, Regional Director  
National Park Service, Pacific West Region  
U.S. Department of the Interior  
1111 Jackson Street, Suite 700  
Oakland, California 94607-4807

Dear Mr. Jarvis:

Subject: Honolulu High-Capacity Transit Corridor Project  
Comments Received on the Draft Environmental Impact Statement

The U.S. Department of Transportation Federal Transit Administration (FTA) and the City and County of Honolulu Department of Transportation Services (DTS) issued a Draft Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project. This letter is in response to substantive comments received on the Draft EIS during the comment period, which concluded on February 6, 2009. The Final EIS identifies the Airport Alternative as the Project and is the focus of this document. The selection of the Airport Alternative as the Preferred Alternative was made by the City to comply with the National Environmental Policy Act (NEPA) regulations that state that the Final EIS shall identify the Preferred Alternative (23 CFR § 771.125 (a)(1)). This selection was based on consideration of the benefits of each alternative studied in the Draft EIS, public and agency comments on the Draft EIS, and City Council action under Resolution 08-251 identifying the Airport Alternative as the Project to be the focus of the Final EIS. The selection is described in Chapter 2 of the Final EIS. The Final EIS also includes additional information and analyses, as well as minor revisions to the Project that were made to address comments received from agencies and the public on the Draft EIS. The following paragraphs address your comments regarding the above-referenced submittal:

Based on concerns raised by Section 106 consulting parties, including the National Park Service, preliminary effect determinations described in the Honolulu High-Capacity Transit Corridor Historic Resources Technical Report (RTD 2008a) and the Draft EIS were reconsidered. An effects evaluation for all eligible resources was completed and the results are documented in the Honolulu High-Capacity Transit Corridor Historic Effects Report (RTD 2009d). This report was provided to the National Park Service for consultation under Section 106 of the National Historic Preservation Act (as amended). The State Historic Preservation Division (SHPD) has concurred with the 22 adverse effect determinations and recommended that an additional 11 resources were adversely affected. FTA accepted these
additional adverse effect determinations. The determinations of effect and the SHPD's concurrence are presented in Section 4.16 in this Final EIS.

The U.S. Naval Base Pearl Harbor National Historic Landmark (NHL) district and the CINCPACFLT Headquarters were determined to be in the Area of Potential Effects (APE) and identified as such in the Honolulu High-Capacity Transit Corridor Historic Resources Technical Report (RTD 2008c). Potential Project impacts to the Pearl Harbor NHL and historic properties associated with it and the CINCPACFLT Headquarters were reevaluated and addressed in the Honolulu High-Capacity Transit Corridor Historic Effects Report (RTD 2009d). This portion of the report is preceded by a special section explaining the methodology used to evaluate these resources. Although the Historic Effects Report concluded that there was no adverse effect to these NHLs, the SHPD did not concur and FTA agreed to accept the SHPD's recommendation. Ossipoff's Aloha Chapel was also determined to be adversely affected by the Project. The NHLs USS Arizona, USS Utah, and USS Bowfin are not within the APE and, therefore, are not part of the Historic Effects Report.

The City refined the Project design to avoid and minimize impacts to the NHL and, therefore, there are no direct impacts from the Project and there is no need for the NPS to concur on de minimis impacts within the NHL. Chapter 5 of the Final EIS includes the Section 4(f) evaluation.

Impacts resulting from the Arizona Memorial Station were not reevaluated in the Historic Effects Report since this station was part of the Airport & Salt Lake Alternative in the Draft EIS. This station is not part of the Project as defined in this Final EIS and, therefore, will not cause any effects to resources.

Based on the National Park Service's comment, additional viewing analysis was conducted for the Project. Section 4.8, Visual and Aesthetic Conditions, in this Final EIS includes this viewing analysis with two visual simulations that demonstrate that the Project would have a low visual effect on the Pearl Harbor National Historic Landmark and the portion of the World War II Valor in the Pacific National Monument that is contained within Pearl Harbor's boundaries.

Based on the National Park Service's comment, additional noise analysis was completed to determine the impacts of the Project on the Pearl Harbor National Historic Landmark acoustic environment. After consultation with the National Park Service regarding sampling locations, noise measurements and analyses were completed at three additional locations. Using FTA guidelines, no noise impacts were found (see Section 4.10.3 for figure identifying the noise measurement locations and results (Aloha Stadium to Kailhi), in the Final EIS). Vibration effects from the Project were determined using the detailed vibration assessment information and procedures contained in the FTA's Transil Noise and Vibration Impact Assessment (FTA 2008a). FTA reference data on ground transmission of vibration energy were used to estimate vibration levels. Based on this analysis, there is no long-term vibration impact to historic resources. Vibration impacts and mitigation are discussed in Section 4.18.5 of the Final EIS and in the Programmatic Agreement for the Project (Appendix H of the Final EIS).
The FTA and DTS appreciate your interest in the Project. The Final EIS, a copy of which is included in the enclosed DVD, has been issued in conjunction with the distribution of this letter. Acceptance of the Final EIS by the Governor of the State of Hawaii and issuance of the Record of Decision under NEPA are the next anticipated actions.

Very truly yours,

WAYNE Y. YOSHIOKA
Director

Enclosure