UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

February 12, 2009

Mr. Ted Matley
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, California 94105

Subject: Draft Environmental Impact Statement for the Proposed Honolulu High-Capacity Transit Corridor Project, Oahu, Hawaii (CEQ #20080469)

Dear Mr. Matley:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

While EPA supports the goal of providing transportation choices to the communities of Oahu, we have some concerns related to wetlands, water quality, environmental justice, and noise impacts. EPA has rated this document EC-2, *Environmental Concerns, Insufficient Information*. Please see the attached *Rating Factors* for a description of our rating system.

We are particularly concerned that the Draft Environmental Impact Statement (DEIS) does not contain any quantitative information about the location, acreage, and potential impacts to aquatic resources, hydrology, and waters of the United States in the project area. Impacts to waters of the United States will be subject to Clean Water Act (CWA) Section 404 (b)(1) Guidelines (40 CFR 230). If it is determined that an Individual Permit is required, only the Least Environmentally Damaging Practicable Alternative (LEDPA) can be permitted pursuant to the 404 (b)(1) Guidelines. In addition, without any data regarding potential impacts to hydrologic flows and potential downstream impacts, it is difficult to determine whether significant impacts may occur and what mitigation commitments are needed. EPA recommends that a meeting be scheduled with our wetlands staff and staff of the U.S. Army Corps of Engineers Regulatory Branch to discuss CWA requirements and potential project impacts to hydrology in the area.

We are also concerned that required consultation processes, such as 1) Section 106 consultation for potential impacts to historic and archaeological resources, 2) the water quality assessment associated with the sole source aquifer, and 3) the determination of consistency with the Hawaii Coastal Zone Management Program, have not been completed. These processes should be completed prior to publication of the Final Environmental Impact Statement (FEIS) in order to determine whether or not significant impacts will result. The FEIS should document the specific consultation processes, any additional impacts identified through this coordination, and all resulting mitigation commitments.

Finally, while we believe that most of the alternatives eliminated prior to the DEIS are documented sufficiently, we have remaining questions about why light rail or bus rapid transit in an exclusive right-of-way were not considered as reasonable alternatives in the DEIS. Additional information should be included in the FEIS explaining why these technologies were not considered to be reasonable alternatives and were therefore not reviewed in the DEIS.

We appreciate the opportunity to review this DEIS and look forward to future coordination on the project. When the FEIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact Connell Dunning, Transportation Team Leader, at 415-947-4161, or Carolyn Mulvihill, the lead reviewer for this project, at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,

Connell Dunning

For Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments

cc: Wayne Y. Yoshioka, Department of Transportation Services, City and County of Honolulu
Susan Meyer, U.S. Army Corps of Engineers

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT, FEBRUARY 12, 2009

Alternatives Analysis

EPA recognizes that a significant amount of analysis of alternatives has taken place and has been documented prior to the Draft Environmental Impact Statement (DEIS). While we believe that most of the alternatives eliminated prior to the DEIS are documented sufficiently, we have remaining questions about why light rail or bus rapid transit in an exclusive right-of-way were not considered as reasonable alternatives in the DEIS. The Final Environmental Impact Statement (FEIS) should identify the specific rationale behind the elimination of these technologies from consideration.

Recommendation:

- Include additional information in the FEIS explaining why light rail or bus rapid transit in an exclusive right-of-way were not considered to be reasonable alternatives and were therefore not reviewed in the DEIS. If these technologies may have resulted in fewer environmental impacts, further justification is warranted to substantiate why those less damaging alternatives were not carried through for consideration.

It is also our understanding that modifications to the alignment described in the DEIS are being considered in order to avoid federal facilities in the current project area. These changes and the impacts associated with them should be described in the FEIS, along with the reasons for considered modifications. If significant variations from the analyzed alternatives are proposed, the Federal Transit Administration (FTA) and the Department of Transportation Services (DTS) should consider preparing a Supplemental DEIS for public review. EPA is available to discuss with FTA and DTS the appropriate level of environmental documentation needed should new information be incorporated into the document.

Recommendation:

- Include information in the FEIS about any changes to the proposed alignment and impacts associated with those changes. Consult EPA regarding the appropriate level of documentation.

We understand that the project will eventually include extensions of the proposed project on both ends of the initial segment. However, the extensions to the project were not analyzed in this DEIS. It is critical that selection of the alternative for the initial segment not preclude a reasonable range of alternatives for those future extensions. Given that the proposed project is an elevated structure, there are few remaining alternative sites where the subsequent extension projects can "link" to the project. The extensions should be viewed as reasonably foreseeable future actions and, as such, should be analyzed thoroughly in the cumulative impact analysis. Specifically, what additional

resources of concern will be affected should the proposed action be carried forward and should the proposed extensions be built?

Recommendation:

- Ensure that selection of the alternative for the initial segment will not preclude a reasonable range of alternatives for future extensions. Include an analysis of potential impacts, and mitigation for those impacts, that would occur should the extensions to the project be built. Identify all reasonably foreseeable future actions associated with the placement of the proposed project as well as the impacts to resources from those future actions. Provide any mitigation for these identified cumulative effects.

Wetlands and Waters

In our January 6, 2006 and April 13, 2007 scoping comments, EPA stated that the DEIS should disclose the approximate area of waters of the United States that occur within the study area of the proposed project, including permanent and intermittent streams and wetlands. The Clean Water Act (CWA) Section 404(b)(1) Guidelines at 40 CFR Part 230.10(a) state that "... no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." While the DEIS states that "no direct impacts to wetlands are expected" (page 4-134), EPA believes that it is likely that the project will have both direct and indirect impacts to waters of the United States. FTA and DTS will have to demonstrate that potential impacts to waters of the United States have been avoided and minimized to the maximum extent practicable prior to obtaining a CWA Section 404 permit (40 CFR 230.10(a) and 230.10(d)). Our scoping comments further recommended that the following information be included in the DEIS, and we reiterate that this information should be included in the FEIS.

We also recommend that DTS meet with EPA wetlands staff and staff of the U.S. Army Corps of Engineers to discuss Section 404(b)(1) requirements. Please contact Wendy Wiltse of EPA's Honolulu office at 808-541-2752 to arrange a meeting.

Recommendations:

- Work with EPA and the Corps to acquire a jurisdictional delineation of waters of the United States and impacts to those waters in the project area.
- Demonstrate that all potential impacts to waters of the United States have been avoided and minimized. If these resources cannot be avoided, clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts.
- Quantify the benefits from measures and modifications designed to avoid and minimize impacts to water resources; for example, number of stream crossings avoided, acres of waters of the United States avoided, etc.

- Identify all protected resources with special designations and all special aquatic sites[1] and waters within state, local, and federal protected lands. Additional steps should be taken to avoid and minimize impacts to these areas.
- Identify and commit to mitigation for any unavoidable impacts. Include a timeframe for implementation of mitigation commitments along with the responsible party.

Water Quality

The DEIS states that a Water Quality Impact Assessment is underway, as required in areas that depend upon a sole source aquifer for drinking water. The results of this assessment should be included in the FEIS.

The DEIS also states that the project's consistency with the objectives and policies of the Hawaii Coastal Zone Management Program will be reviewed by the Department of Business, Economic Development & Tourism (DBEDT) Office of Planning. This review should be completed and documented in the FEIS.

While we support DTS's plan to implement permanent best management practices (BMPs) to manage stormwater runoff, we do not believe that there is sufficient information in the DEIS to document that the project will have no adverse impacts on water quality due to increased pollutants in stormwater. Additional information is needed in the FEIS to support the conclusion that there will be no adverse impacts to water quality. Where the proposed project will widen existing roads, the current stormwater detention basins and structures should be evaluated to determine if they will continue to be effective. We also recommend the use of green infrastructure as part of stormwater management. Detailed information about green infrastructure approaches is available at http://cfpub.epa.gov/npdes/greeninfrastructure/technology.cfm.

The FEIS should also include a discussion of other impacts the project may have on local hydrology, such as sediment transport, groundwater recharge, and flood attenuation, and how these impacts would be minimized or mitigated.

Recommendations:

- Include the results of the sole source aquifer water quality assessment in the FEIS and confirm that no significant impacts will result. Identify specific mitigation measures for any potential impacts.
- Include a discussion of the DBEDT Office of Planning review of the project's consistency with the Coastal Zone Management Program and confirm that the project is consistent with the program.

[1] Special aquatic sites are defined at 40 CFR 230.40 – 230.45 and include wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes.

- Consider including green infrastructure in the permanent BMPs for stormwater management and document the BMPs in the FEIS.
- Identify the project's impacts on local hydrology, such as sediment transport, groundwater recharge, and flood attenuation in the FEIS rather than waiting to analyze these impacts at a future date. Include specific mitigation commitments in the FEIS and identify how these mitigation actions will reduce impacts to surface hydrology. Include an analysis of potential hydrological impacts due to the reasonably foreseeable future extensions of the proposed project.

Noise Impacts

The DEIS, including the visual impact simulations, indicate that residents in a number of areas may experience significant noise impacts due to the proximity of the project to homes. EPA encourages DTS to consider noise abatement measures not specified in the DEIS, such as noise insulation of receptor sites.

EPA also recommends that particular attention be given to potential noise impacts and mitigation in the vicinity of Pearl Harbor and the USS Arizona Memorial.

Recommendations:

- Consider additional noise abatement measures, such as noise insulation of receptor sites, for residences and other sensitive receptors that would experience noise impacts. Provide quantitative information in the FEIS on the decrease in noise impacts from additional mitigation strategies.
- Provide additional noise mitigation in the vicinity of Pearl Harbor and the USS Arizona Memorial, if necessary to preserve the contemplative nature of the site.

Environmental Justice

EPA previously provided feedback on the environmental justice (EJ) analysis methodology proposed for this project, which was based on the Oahu Metropolitan Planning Organization's method for determining EJ areas. While we believe that the DEIS appropriately identifies EJ areas, we have concerns about the proposed relocation of residents of the Banana Patch community, which is identified in the DEIS as an EJ area of concern. We encourage DTS to choose an alternative alignment that would avoid relocation of this community. If no reasonable avoidance alternative exists, EPA recommends that extensive efforts be made to communicate and consult with the community in planning and implementing the project, and that all past and future consultation activities with this community be documented in the FEIS.

In addition, EPA recommends that additional assistance be provided to any other residents of environmental justice communities who will be relocated.

Recommendations:

- Identify an alternative alignment that would avoid the Banana Patch community and alter the proposed action to accommodate this modification.
- Document the content and outcomes of the community meeting held with the Banana Patch community, as well as any other past or planned communication with the community, in the FEIS.
- Identify and commit to specific mitigation measures to minimize the impacts of relocation on low-income and minority populations.
- Conduct interviews with all potential displacees who have special needs to ensure that issues are fully identified and a plan for assistance is prepared. Based on the results from these interviews, identify and commit to additional measures to minimize the impacts of relocation, such as providing translation services, transportation to visit potential replacement housing, and/or additional relocation specialists to work with these communities.

Section 106 Consultation

The DEIS states that Section 106 consultation is ongoing. The consultation process should be completed prior to release of the FEIS and the process and required mitigation should be documented. This is critical to the determination of whether the project will have significant impacts on historical resources.

Recommendation:

- Complete the Section 106 process and document all related mitigation commitments in the FEIS. Confirm in the FEIS that the Section 106 consultation process included analysis of potential impacts from the reasonably foreseeable future action of the proposed extension of the project. Identify what, if any, additional impacts to historical properties may occur with future extensions of the project.

Invasive Species

EPA's January 6, 2006 and April 13, 2007 scoping comments included recommendations for minimizing the spread of invasive species. The islands of Hawaii are particularly vulnerable to invasive species, and construction associated with the project has the potential to aid in the establishment of invasive plants along any newly disturbed corridors. We reiterate our recommendations below and request that they be addressed in the FEIS.

Recommendations:

- In accordance with Executive Order 13112, identify proposed methods to minimize the spread of invasive species and utilize native plant and tree species where revegetation is planned.

- Coordinate invasive species management with local agencies and organizations, such as the Oahu Invasive Species Committee: a voluntary partnership organized to prevent new invasive species infestations on the island of Oahu, to eradicate incipient invasive species, and to stop established invasive species from spreading on Oahu (http://www.hear.org/oisc/).
- Coordinate measures to reduce the potential for the spread of invasive species with other ongoing planning efforts. Additional resources related to Federal and State programs to address invasive species can be found at: http://www.invasivespeciesinfo.gov/

Visual Impacts

The DEIS indicates that there may be significant visual impacts resulting from the project. Context sensitive design can be used to mitigate these impacts.

Recommendation:

- Utilize context sensitive design, including neighborhood-based design guidelines and community input, as much as possible to mitigate the project's visual impacts.

Climate Change

Research on global climate change indicates that many coastal areas may be impacted in the future by sea level rise. The IPCC projects that global sea level will rise between 7 and 23 inches by the end of the century (2090–2099) relative to the base period (1980–1999). According to the IPCC, the average rate of sea level rise during the 21st century is very likely to exceed the 1961–2003 average rate. Storm surge levels are also expected to increase due to projected sea level rise. Combined with non-tropical storms, rising sea level extends the zone of impact from storm surge and waves farther inland, and will likely result in increasingly greater coastal erosion and damage.[2]

Recommendation:

- Include a discussion in the FEIS of the potential impacts of climate change on the proposed project and identify adaptive management strategies to protect the project area from those impacts.

---

[2] IPCC, 2007b: Summary for Policymakers. In: *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Parry, M.L., O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.